

# **Regulation for Penal Institutions and Treatment of Inmates**

(Order of the Ministry of Justice No. 57 of May 23, 2006)

Pursuant to the provisions of the Act on Penal Institutions and Treatment of Inmates (Act No. 50 of 2005), and to enforce the act, the Regulation for Enforcement of the Act on Penal Institutions and Treatment of Sentenced Inmates is to be prescribed as set out below.

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## **Chapter I General Provisions**

(Purpose)

Article 1 This regulation provides for the particulars mandated by the provisions of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (Act No. 50 of 2005, hereinafter referred to as the "Act") and other necessary particulars concerning enforcement of the Act, regarding penal institutions and the treatment of inmates.

(Name of the Penal Institution Visiting Committee)

Article 2 The name of the Penal Institution Visiting Committee (hereinafter referred to as a "Committee") is to be the combination of the name of the penal institution in which the Committee is established followed by the term "Visiting Committee".

(Chairperson)

Article 3 (1) The Committee is to have a chairperson who is elected from among the Committee members.

(2) The chairperson is to preside over the processes of the Committee.

(3) The member who is designated by the chairperson in advance is to act as a proxy in handling the chairperson's duties in the event that the chairperson becomes unable to attend to them.

(The Committee Proceedings)

Article 4 (1) The Committee meetings are to be convened by the chairperson.

(2) The Committee may not convene a meeting or make any resolution without the presence of more than half of all Committee members.

(3) Beyond what is provided for in the preceding two paragraphs, necessary particulars on the Committee proceedings are determined by the Committee.

(General Processes of the Committee)

Article 5 The general processes of the Committee are handled by the general processes section of the general processes division of the penal institution.

(The Provision of Information to the Committee)

Article 6 (1) The warden of the penal institution is to submit papers at the first Committee meeting in each fiscal year, which provide information necessary for the Committee to understand the state of administration of that penal institution with regard to the following penal institution particulars:

(i) outline of the premises and its buildings;

(ii) maximum capacity of the facility and trends in the number of its inmates;

(iii) details on the staff member quota and its level of sufficiency;

(iv) the status regarding whether or not penal institution tours are permitted;

(v) the status regarding the lending and supplying of articles pursuant to the provisions of Article 40 of the Act as well as whether or not the use or consumption of self-supplied articles is permitted pursuant to the provisions of Article 41 of the Act;

(vi) the status of the provisions of hygiene and medical care to inmates;

(vii) the status of religious ceremonies and teachings conducted by religious leaders;

(viii) the status of prohibition and restriction of access to self-supplied books,

- etc. (meaning books, magazines, newspapers, and other documents and drawings (except for letters); the same applies hereinafter);
- (ix) the status of measures taken for the maintenance of discipline and order in the penal institution;
  - (x) the status of the cooperation of nongovernmental volunteers, relevant administrative organs, or others regarding the treatment of sentenced persons;
  - (xi) the status of the pursuance of correctional treatment, etc. (meaning the correctional treatment and the guidance pursuant to the provisions of paragraph (1) of Article 85 of the Act; the same applies hereinafter);
  - (xii) the status of the permission, prohibition, suppression, or restrictions of visits, correspondence, and the communications prescribed in paragraph (1) of Article 146 of the Act;
  - (xiii) the status of the imposition of disciplinary punishment;
  - (xiv) the status of application for examination, application for review, reports pursuant to the provisions of paragraph (1) of Article 163 or paragraph (1) of Article 165 of the Act and filings of complaints, and the result of such processing; and
  - (xv) the status of application for permission for parole and provisional release.
- (2) In the following cases, the warden of the penal institution is to submit documents at a Committee meeting providing information necessary to understand the status of the penal institution:
- (i) when the status of administration of the penal institution has considerably changed;
  - (ii) when the Committee requested explanation about the status of administration of the penal institution; or
  - (iii) when the penal institution has taken certain measures in to response to opinions presented by the Committee.

(Reflection of Opinions of the Committee)

Article 6-2 The warden of the penal institution is to, insofar as possible, is to endeavor to take necessary measures to reflect the opinions of the Committee into the administration of that penal institution.

(Designation of Prison Officers)

Article 7 Prison officers are designated from among the following:

- (i) the warden of the penal institution; and
- (ii) staff members of the penal institution (except for the warden of the penal institution) to whom the Public Security Service (I) Salary Schedule in Appended Table No.4 (a) of the Regular Service Remuneration Act (Act No. 95 of 1950) applies.

(Rank of Prison Officers)

Article 8 The ranks of prison officers are Correctional Superintendent Supervisors, Correctional Superintendents, Vice-correctional Superintendents, Captains, Assistant Captains, Senior Prison Officers, and Junior Prison Officers.

## **Chapter II Commencement of Commitment**

(Means of Notification upon Commencing Commitment)

Article 9 (1) When notification is made pursuant to the provisions of Article 33 of the Act, the outline of the particulars set forth in item (vi) and items (viii) through (xi) of paragraph (1) of Article 33 of the Act is to be explained verbally by a staff member of the penal institution.

(2) The documents prescribed in paragraph (2) of Article 33 of the Act are to be made available in an inmate's room (meaning a room the warden of the penal institution assigns as those used by inmates mainly for the purpose of rest and sleep; the same applies hereinafter).

(3) If there is any change in the notified content after notification was made pursuant to the provisions of Article 33 of the Act, the warden of the penal institution must give notification of the relevant changed content to the inmates in writing every time such change occurs. In such a case, the provisions of the preceding two paragraphs apply mutatis mutandis.

(Examination for Physical Identification)

Article 10 The examination pursuant to the provisions of the paragraph (1) of Article 34 of the Act is to be implemented by carrying out the following:

- (i) photographing the inmate's face;
- (ii) identifying any distinguishing physical features;
- (iii) collecting fingerprints; and
- (iv) collecting image data of the veins of the inmate's hands electronically (i.e. in electronic form, magnetic form, or any other form that is impossible to perceive through the human senses alone) for use on a computer.

## **Chapter III Modes of Treatment**

(Cases Specified by Order of the Ministry of Justice as Set Forth in Paragraph (1) of Article 35 of the Act)

Article 11 Cases specified by Order of the Ministry of Justice as set forth in paragraph (1) of Article 35 of the Act are as follows:

- (i) cases of exercise, bathing, or visits;

- (ii) cases of medical examination or medical treatment;
- (iii) Beyond the cases set forth in the preceding two items, cases where it is difficult to carry out treatment in an inmate's room.

#### **Chapter IV Schedule of Daily Activities**

(Schedule of Daily Activities)

Article 12 (1) The schedule set forth in the paragraph (1) of Article 38 of the Act is to be determined in accordance with the following standards with regard to the schedules prescribed in the following items. Beyond the schedule of roll calling for the purpose of confirming the physical presence of an inmate in their room is to also be determined:

- (i) with regard to the schedule of meals, breakfast is set at a time between 6:30 a.m. and 8:30 a.m., lunch is set at a time between 11:00 a.m. and 1:00 p.m., and dinner is set at a time between 4:00 p.m. and 7:00 p.m.;
  - (ii) with regard to the schedule of sleep, at least eight consecutive hours are provided, which are set for a period of time between 9:00 p.m. and 8:00 a.m. of the following day;
  - (iii) with regard to the schedule of exercise, exercise is set for a period of time between 7:00 a.m. and 5:00 p.m.; provided, however, that if the opportunity to exercise is provided in an inmate's room, the time for exercise may be set for a period of time between 7:00 a.m. and 7:00 p.m.; and
  - (iv) the schedule of bathing is set for a period of time between 7:00 a.m. and 9:00 p.m.
- (2) The schedule set forth in the paragraph (2) of Article 38 of the Act is to be determined in accordance with the following standards:
- (i) the schedule of correctional treatment, etc. is set for a period of time between 7:00 a.m. and 7:00 p.m., and if the time for correctional treatment etc. exceeds 6 hours, at least 20 minutes rest are provided during that treatment;
  - (ii) with regard to the schedule set aside for leisure (hereinafter referred to as "leisure time"), at least 2 hours of leisure time are provided for on any day in which correctional treatment, etc. is undertaken.
- (3) If it is necessary due to the nature of work, delivery dates for products produced through manufacturing work, or any other reasonable circumstances in which a sentenced person is involved, the schedule set forth in the items of Article 38 of the Act may be set without following with the standards listed in items of the preceding two paragraphs.

(Leisure Activity Assistance)

Article 13 (1) Assistance pursuant to the provisions of paragraph (2) of Article

39 of the Act is to be provided, beyond the measures prescribed in the following paragraph, through the planning of activities which can be participated in by multiple inmates such as sporting events, and through the lending of books, etc., exercise equipment, goods for recreation, and other goods available at the penal facility, and through other measures which are necessary and appropriate in order for inmates to carry out activities during leisure time, etc. (for sentenced persons, "leisure time, etc." means the period of time set aside for leisure; and for other inmates, it means any period of time which is not those for meals, sleeping, and other routine activities; the same applies hereinafter).

- (2) With regard to the expenses required for educational activities undertaken by a sentenced person during leisure time, if the warden of the penal institution deems it appropriate in the light of the content of that activity, then all or part of the relevant expenses is borne by the national treasury.

### **Chapter V Lending, Supplying, and Self-Supplying of Articles**

(Lending of Room Decorations)

Article 14 (1) Room decorations are to be lent to inmates as privilege measures pursuant to the provisions of Article 89 of the Act (hereinafter referred to as "privilege measures"), and may be lent to inmates on other occasions only if this is deemed specifically appropriate in terms of treatment of the inmate.

- (2) Sweets and favorite articles are to be provided to inmates as privilege measures and may be provided only for special events as part of the treatment of a sentenced person and on national holidays prescribed in the Act on National Holidays (Act No.178 of 1948), January 2nd, and January 3rd.

- (3) Beyond what is provided for in the preceding two paragraphs, categories of articles lent or provided to an inmate pursuant to paragraph (2) of Article 40 of the Act and standards for the lending or provisions of the relevant articles are determined by the Minister of Justice.

(Use and Consumption of Self-Supplied Articles by a Sentenced Person)

Article 15 (1) With regard to the articles listed in the items under paragraph (1) of Article 41 of the Act (except the articles listed in the items under paragraph (1) of Article 42 of the Act; hereinafter the same applies in this Article and the following Article), a sentenced person may be permitted to use or consume self-supplied articles pursuant to the provisions of the Article 41 of the Act within the limit of necessary amount.

- (2) With regard to the articles set forth in item (i) of paragraph (1) of Article 41 of the Act, a sentenced person is to be permitted to use self-supplied underwear (limited to those which that fall under categories determined by the Minister of

Justice) and socks, and is to be permitted to use self-supplied nightwear as privilege measures, and other self-supplied articles may be permitted for use only if such use is determined to be appropriate when the sentenced person is escorted or assigned to outside work with commute travels (meaning work pursuant to the provisions of paragraph (1) of Article 96 of the Act; the same applies hereinafter).

- (3) With regard to the articles set forth in item (ii) and item (iv) of paragraph (1) of Article 41 of the Act, among the articles that fall under categories determined by the Minister of Justice, a sentenced person is to be permitted to consume self-supplied articles as privilege measures and a sentenced person may be permitted to consume self-supplied articles if the sentenced person is assigned to outside work with commute travels, or the sentenced person is permitted to take a day of leave or furlough pursuant to the provisions of paragraph (1) of Article 106 of the Act, or it is determined by the Minister of Justice, and only if it is deemed appropriate.
- (4) With regard to the articles set forth in item (iii) of paragraph (1) of Article 41 of the Act, among the articles that fall under categories determined by the Minister of Justice, a sentenced person is to be permitted to use self-supplied articles as privilege measures, and a sentenced person may use self-supplied articles only if it is deemed appropriate in terms of treatment of the sentenced person.
- (5) With regard to the goods set forth in item (v) of paragraph (1) of Article 41 of the Act, a sentenced person is to be permitted to use self-supplied sandals, cushions, and articles used for the purpose of recreational activity during leisure time (limited to the articles that fall under categories determined by the Minister of Justice) as privilege measures, and a sentenced person may use self-supplied articles listed in the following items (limited to the articles that fall under categories determined by the Minister of Justice):
  - (i) towels, soap, shampoo, face care products, hair care products, shoes, and other daily necessities;
  - (ii) articles that are used for intellectual and educational pursuits during leisure time, etc. such as stationery; and
  - (iii) gloves, masks, and other articles (except clothing) worn on the body that are required to be used in light of the state of health of the sentenced person and other circumstances.
- (6) A sentenced person is not to be permitted to use or consume self-supplied articles that are set forth in the items under paragraph (1) of Article 41 of the Act if such use or consumption may cause hindrance to either maintaining discipline and order or the management and administration of the penal institution, or if such use or consumption becomes prohibited according to the provisions of Section 12, Chapter II, PART II of the Act. The same applies to

cases where it is not appropriate to permit a sentenced person to use or consume the relevant articles in light of that individual's status as sentenced person.

(7) Beyond what is provided for in each of the preceding paragraphs, the standards for permitting a sentenced person to use or consume a self-supplied article pursuant to the provisions of paragraph (1) of Article 41 of the Act are determined by the Minister of Justice.

(Use and Consumption of Self-Supplied Articles by an Inmate other than a Sentenced Person)

Article 16 (1) With regard to the articles listed in the items under paragraph (1) of Article 41 of the Act and bedding, an inmate other than a sentenced person is to be permitted to use or consume self-supplied articles to the extent necessary pursuant to the provisions of this Article.

(2) With regard to the articles listed in item (iii) of paragraph (1) of Article 41 of the Act, an inmate other than a sentenced person is to be permitted to use self-supplied articles that fall under the categories determined by the Minister of Justice.

(3) With regard to the articles listed in item (iv) of paragraph (1) of Article 41 of the Act, an inmate other than a sentenced person is to be permitted to use self-supplied articles except cigarettes.

(4) With regard to the articles listed in item (v) of paragraph (1) of Article 41 of the Act (limited to the articles that fall under the categories determined by the Minister of Justice), an inmate other than a sentenced person is to be permitted to use or consume the following self-supplied articles:

(i) towels, soap, shampoo, face care products, hair care products, sandals, cushions, hangers, and other daily necessities;

(ii) articles that are used for intellectual, educational, and recreational pursuits during the leisure time, etc. such as stationery and equipment for play; and

(iii) gloves, masks, and other articles (except clothing) worn on the body that are required to be used in light of the state of health of the inmates other than a sentenced person and other circumstances.

(Articles Specified by Order of the Ministry of Justice as Set Forth in Item (v) of Paragraph (1) of Article 42 of the Act)

Article 17 The articles specified by Order of the Ministry of Justice as set forth in item (v) of paragraph (1) of Article 42 of the Act are such articles as set out in the following items:

(i) stamps and seals; and

(ii) wigs (may be used only when an inmate takes a day of leave or a furlough

pursuant to the provisions of paragraph (1) of Article 106 of the Act or appears on trial, or the warden of the penal institution deems that permission of the use of wig is appropriate.)

## **Chapter VI Handling of Cash and Other Articles**

(Submission of Application Form for Delivery of Articles)

- Article 18 (1) The warden of the penal institution may request a person who intends to deliver cash or articles to an inmate to submit an application form describing the following particulars, or may ask for the following particulars:
- (i) name, date of birth, address, telephone number, and occupation;
  - (ii) name of the inmate who is the recipient of the cash or articles and their relationship to that inmate; and
  - (iii) amount of cash or the name and quantity of the articles to be delivered.
- (2) The warden of the penal institution may request the person prescribed in the preceding paragraph to submit or present the document or other article which proves the particulars listed in items (i) and (ii) of the preceding paragraph.

(Method of Retention of Self-Retained Articles)

- Article 19 (1) The inmate's self-retained article prescribed in paragraph (1) of Article 48 of the Act (hereinafter referred to as "self-retained article" in this Article and the following Article) is to be retained on a shelf, in a container or in other retention space inside or outside the inmate's room.
- (2) If an inmate is ordered to retain the inmate's self-Retained article in a retention space outside the inmate's room, the inmate must be provided the opportunity to put in or take out the inmate's self-retained article from the space at least once per day; provided, however, that this does not apply if it is difficult to provide such opportunity for the inmate to access the retention space outside the building in which the inmate's room is located on days such as those set out under the following items in light of the appropriate management and administration of the penal institution:
- (i) Sundays;
  - (ii) Saturdays, national holidays prescribed in the Act on National Holidays, January 2nd, January 3rd, and from December 29th to December 31st inclusive; and
  - (iii) three consecutive days except the days listed in the preceding two paragraphs, which are in the period from July to September as determined by the Minister of Justice;
  - (iv) the days (4 days maximum per month) determined by the warden of the penal institution as days that are spent exclusively on correctional treatment etc. other than work (except work on consecutive days (meaning the work

which needs to be performed on consecutive days such as cooking, serving meals, and work related to animal husbandry); the same applies hereinafter)

(Articles Specified by Order of the Ministry of Justice as Set Forth in Paragraph (2) of Article 48 of the Act)

Article 20 The articles specified by Order of the Ministry of Justice as those which are excluded from self-retained articles and articles retained for inmates set forth in paragraph (2) of Article 48 of the Act are those as set out under the following items:

- (i) records or documents regarding cases pending before a court in which the inmate is a party or a copy of the relevant records or documents; and
- (ii) eyeglasses and other corrective instruments.

(Restrictions on the Delivery and Purchase of Articles)

Article 21 Restrictions on the delivery of cash or articles to an inmate by outside suppliers, and on the purchase of self-supplied articles, etc. by an inmate pursuant to the provisions of Article 51 of the Act may be implemented through the following restrictions:

- (i) restrictions on particulars as set out under sub-item (a) or (b) below:
  - (a) dates and timeframes in which a request for the delivery of cash or articles to inmates by outside suppliers and a claim for the purchase of self-supplied articles, etc. by inmates is submitted;
  - (b) quantity of articles delivered to one inmate within a certain period of time by one outside supplier (by type of article) and quantity of self-supplied articles, etc. purchased by an inmate within a certain period of time (by type of article);
- (ii) the articles which an outside supplier intends to deliver to an inmate or an inmate intends to purchase as self-supplied articles, etc. may be restricted to those purchased from the business entity designated by the warden of the penal institution for the type of articles designated by the warden of the penal institution.

(Bereaved family and Other Persons Specified by Order of the Ministry of Justice as Set Forth in Paragraph (1) of Article 55 of the Act)

Article 22 The bereaved family and other persons specified by Order of the Ministry of Justice as set forth in the paragraph (1) of Article 55 of the Act are persons such as those set out under the following items:

- (i) person designated by the inmate (only one person);
- (ii) inmate's spouse (including a person who has not yet registered their marriage to the inmate but has a relationship similar to a de facto marital relationship therewith; the same applies hereinafter), child, father, mother,

grandchild, grandfather, grandmother, brother, and sister; and  
(iii) ambassador, minister, consul, or official in charge of a consular mission of a foreign country of which the inmate is a national.

(Delivery of Property Left by a Deceased Inmate)

Article 23 Property left by a deceased inmate (meaning cash and articles left at the penal institution; the same applies hereinafter) is to be delivered to the person who first claims delivery of that property from among the persons listed in the items of the preceding Article; provided, however, that, if a notification is given pursuant to the provisions of Article 176 of the Act to a person holding a higher rank in the order of priority as a bereaved family member pursuant to the items of paragraph (1) of Article 92 of the Act (excluding cases where that person expresses the intention not to claim the delivery of that property) and the person of the higher rank claims delivery of the property within a reasonable period of time, the property is delivered to that person.

## **Chapter VII Hygiene and Medical Care**

(Days Specified by Order of the Ministry of Justice as Set forth in Article 57 of the Act)

Article 24 (1) The days specified by Order of the Ministry of Justice as set forth in Article 57 of the Act are the days which are set out under the following items:

(i) the days listed from items (ii) through (iv) of paragraph (2) of Article 19; and  
(ii) the days on which a sporting event is held as part of correctional treatment.

(2) An inmate is to be provided with at least 30 minutes of time, and the longest amount of time possible per day, for the opportunity to exercise.

(Frequency of Bathing)

Article 25 (1) An inmate is provided with the opportunity to take a bath promptly after the commencement of the inmate's commitment to a penal institution, and after that, at a frequency of twice a week or more (an inmate undertaking disciplinary confinement (i.e. the punishment prescribed in item (vi) of paragraph (1) of Article 151 of the Act; the same applies hereinafter) is given an opportunity to take a bath at a frequency of once a week or more).

(2) Staff members who are to be present when a female inmate bathes must also be female.

(Frequency of Haircuts and Shaving for a Sentenced Person)

Article 26 (1) A male sentenced person is to be allowed the opportunity to have a haircut promptly after the commencement of the execution of sentence, and

after that, at a frequency of about once a month in general.

- (2) A male sentenced person is to be allowed the opportunity to shave his facial hair promptly after the commencement of the execution of sentence, and after that, at a frequency of twice a week or more (for an inmate serving a disciplinary confinement, at a frequency of once a week or more).
- (3) A female sentenced person is to be allowed the opportunity to shave her face and have a haircut on an as-needed basis.
- (4) Notwithstanding the provisions of the preceding three paragraphs, if a sentenced person does not want haircut or to shave and this is deemed reasonable in consideration of the religion of the sentenced person, culture and customs of the country of which the sentenced person is a national, time of release, and other circumstances, the sentenced person is allowed not to have a haircut or to shave.
- (5) The standards for hairstyles when a sentenced person is to have a haircut are determined by the Minister of Justice.

(Frequency of Haircuts and Shaving of an Inmate other than a Sentenced Person)

- Article 27 (1) A male inmate other than a sentenced person is generally permitted to have a haircut once every two months or more frequently.
- (2) A female inmate other than a sentenced person is generally permitted to have a haircut once every three months or more frequently.
  - (3) A male inmate other than a sentenced person is to be permitted to shave his facial hair at twice a week or more frequently (for an inmate undertaking disciplinary confinement, once a week or more frequently).
  - (4) A female inmate other than a sentenced person is permitted to shave her face at the once a month or more frequently.
  - (5) The standards for hairstyles (except for self-supplied haircuts) when an inmate other than a sentence person has a haircut are determined by the Minister of Justice.

(Standards for the Method of Haircuts and Shaving)

Article 28 Standards for the method of haircuts and shaving of facial hair when inmates have a haircut and when they shave are determined by the Minister of Justice.

(Particulars Regarding Medical Examinations)

Article 29 (1) The medical examination pursuant to the provisions of the first part of paragraph (1) of Article 61 of the Act is to provide for the following particulars; provided, however, that the medical examination of item (i), (iii) (except for body weight), and items (v) through (xi) may be omitted if the doctor

deems them unnecessary according to the standards determined by the Minister of Justice:

- (i) examination of personal medical history, life history, the medical history of family members;
  - (ii) examination of subjective and objective symptoms;
  - (iii) Measurement of height, body weight, eyesight, hearing ability;
  - (iv) measurement of blood pressure;
  - (v) measurement of urinary glucose and protein levels;
  - (vi) thoracic radiography check;
  - (vii) examination of hemoglobin content and the numbers of red blood cells;
  - (viii) examination of serum glutamic oxaloacetic transaminase (GOT), glutamic pyruvic transaminase (GPT), and gamma-glutamyl transpeptidase (Gamma-GTP);
  - (ix) examination of total cholesterol levels in blood serum, high-density lipoprotein cholesterol (HDL cholesterol), and triglyceride levels in blood serum;
  - (x) blood glucose test; and
  - (xi) electrocardiogram examination.
- (2) The medical examination pursuant to the provisions of the latter part in paragraph (1) of Article 61 of the Act is to be performed, beyond the examination provided for in item (ii) of the preceding paragraph, as deemed necessary by the doctor.

(Rules to be observed for the Appointed Doctor)

Article 30 If an inmate is permitted to receive medical treatment pursuant to the provisions of paragraph (1) of Article 63 of the Act (including treatment for nutritional support; the same applies hereinafter), the warden of the penal institution is to give specific instruction regarding the following particulars to the doctor or dentist who is going to perform the medical treatment prescribed in the same paragraph:

- (i) the doctor or dentist must not enter any areas except for the place of medical treatment without just cause;
- (ii) the doctor or dentist must not use any instrument, material, medicine, or any other articles for medical treatment except for the ones designated by the warden of the penal institution;
- (iii) the doctor or dentist must not deliver to or accept from an inmate any cash or articles;
- (iv) the doctor or dentist must not have any conversation with an inmate which obviously deviates from that which is required for medical treatment; and
- (v) Beyond what is set forth in the preceding items, particulars that are required for maintaining discipline and order of the penal institution.

(Measures Specified by Order of the Ministry of Justice as Set Forth in Article 64 of the Act)

Article 31 The measures specified by Order of the Ministry of Justice as set forth in Article 64 of the Act are such measures which are set out under the following items:

- (i) disinfection or disposal of, or other measures to prevent growth or spread of pathogens in any foods, drinks, clothing, or other articles which were contaminated by or may have been contaminated by pathogens of an infectious disease;
- (ii) prohibition of work; and
- (iii) prohibition of bathing or haircuts.

(Self-Supplied Non-Prescription Medicine)

Article 32 (1) At the penal institution designated by the Minister of Justice, the warden of the penal institution is to permit an inmate to retain self-supplied non-prescription medicine for the inmate's personal use within the limit necessary, as long as that medicine is non-prescription medicine prescribed in item (i) of Article 25 of the Act on Securing Quality, Efficacy and Safety of Products including Pharmaceuticals and Medical Devices (Act No. 145 of 1960)(which is limited to those determined by the Minister of Justice), there is a possibility that the use of the medicine is required in the light of physical condition of the inmate, and there is little possibility that the use of the medicine will cause harm to the health of the inmate, except where there is a risk of causing a hindrance to either the maintenance of discipline and order or the management and administration of the penal institution.

(2) The non-prescription medicine retained by an inmate pursuant to the preceding paragraph is to be retained on a shelf, in a container, or in other retention space inside or outside the inmate's room, designated by the warden of the penal institution, as long as the retention location does not unreasonably prevent the use of that medicine when required.

## **Chapter VIII Access to Books**

(Charging of Expenses for Translation)

Article 33 Expenses for translations prescribed in paragraph (2) of Article 70 of the Act may be charged to the inmate if it is considered to be reasonable to do so in light of the purpose of access to the book, etc. or the inmate's ability to pay; provided, however, that this does not apply where the inmate falls under any of the following items except in extraordinary circumstances:

- (i) an inmate does not have the ability to understand Japanese through

- reading; or
- (ii) an inmate can only access books, etc. written in Braille.

(Restrictions on Newspapers)

Article 34 (1) Restrictions on newspapers that may be acquired by an inmate pursuant to the provisions of Article 71 of the Act may be implemented by limiting the number to one or more newspapers selected by an inmate from the two or more newspapers designated by the warden of the penal institution which are classed as daily newspapers that report general information about current events. The same applies to daily newspapers other than those which report general information about current events.

(2) Restrictions on acquisition procedures for newspapers that may be acquired by an inmate pursuant to the provisions of Article 71 of the Act may be performed by limiting them to subscription of a daily newspaper for at least one month from the business entity designated by the warden of the penal institution.

## **Chapter IX Maintaining of Discipline and Order**

(Cases Specified by Order of the Ministry of Justice as Set forth in Paragraph (1) of Article 76 of the Act)

Article 35 Cases specified by Order of the Ministry of Justice as set forth in paragraph (1) of Article 76 of the Act are the cases listed in the items of Article 11 of the Act.

(Guarding Equipment)

Article 36 The guarding equipment required for the measures prescribed in paragraph (1) or paragraph (2) of Article 77 of the Act is to be such equipment as set out under the following items:

- (i) batons;
- (ii) long batons;
- (iii) sasumata;
- (iv) shields;
- (v) tear-gas grenades, tear gas canisters and dye markers, and their launching devices; and
- (vi) tear-gas spray.

(Method of Use of Arresting Ropes and Handcuffs)

Article 37 (1) The handcuffs which may be used for escorting an inmate are the Class 1 handcuffs prescribed in Appended Table 1 except where there is a risk that the inmate may carry out any act provided for in the items of paragraph

(1) of Article 78 of the Act.

(2) When arresting ropes are used on an inmate, careful attention must be paid so that inmate's blood flow is not seriously restricted.

(Forms of Arresting Ropes, Handcuffs, and Restraint Suit)

Article 38 The forms of arresting ropes, handcuffs, and restraint suit are those provided for in Appended Table 1.

(Standards for the Structure of and Facilities in Protection Room)

Article 39 The standards for the structure and facilities of the protection room are those set out under the following items:

- (i) the room must have a structure and facilities which were designed so that the person who is confined in the protection room cannot easily suffer physical damage;
- (ii) the room must have a structure and facilities which are not easily damaged or defaced;
- (iii) the room must have a structure and facilities which have effective soundproofing;
- (iv) the room must have a structure and facilities which do not prevent observation of inside the room; and
- (v) the room must have a structure and facilities allowing for appropriate ventilation, natural lighting, lighting, heat insulation, damp proofing, and drainage.

(Cases Specified by Order of the Ministry of Justice as Set Forth in Paragraph (1) of Article 80 of the Act)

Article 40 Cases specified by Order of the Ministry of Justice as set forth in paragraph (1) of Article 80 of the Act are cases such as those set out under the following items:

- (i) when the warden of the penal institution ordered the carrying of small arms and light weapons when an inmate is likely to fall under any of the cases set out under the items of paragraph (2) of Article 80 of the Act, or any person other than an inmate is likely to fall under any of the cases set out under the items of paragraph (3) of Article 80 of the Act;
- (ii) when there is no time to wait for an order of the warden of the penal institution regarding the carrying of small arms and light weapons, in the cases prescribed in the preceding item,; or
- (iii) when prison officer conducts drills of using small arms and light weapons, their checks, maintenance, or transportation, in accordance with an order of the warden of the penal institution.

(Report on the Use of Arresting Ropes)

Article 41 In the following cases, a prison officer must promptly report on the matter to the warden of the penal institution:

- (i) when arresting ropes or handcuffs were used where there was a risk that an inmate may have performed any act provided for in the items of paragraph (1) of Article 78 of the Act;
- (ii) when small arms and light weapons were carried in the cases listed in item (ii) of the preceding Article; or
- (iii) when arms were used.

(Compensation for Inmates who Die during Engagement in Emergency Work)

Article 42 The provisions of Articles 61 through 63 apply mutatis mutandis to the compensation paid pursuant to the provisions of Article 100 of the Act as applied mutatis mutandis pursuant to item (ii) of Article 82 of the Act in cases of death, injury, or illness of an inmate incurred by engaging in emergency work pursuant to the provisions of paragraph (1) of Article 82 of the Act.

## **Chapter X Implementation of Correctional Treatment**

(Establishment of Treatment Guideline)

- Article 43 (1) Treatment guideline (meaning the treatment guideline prescribed in paragraph (2) of Article 84 of the Act, hereinafter the same applies in this Article) is to be determined before the completion of the guidance prescribed in item (i) of paragraph (1) of Article 85 of the Act (hereinafter referred to as the "guidance at commencement").
- (2) The warden of the penal institution is to change the treatment guideline if it is deemed necessary considering the progress of correctional treatment or other circumstances.
  - (3) Beyond what is provided for in the preceding two paragraphs, any particulars required for establishment and revision of treatment guideline are determined by the Minister of Justice.

(Period Specified by Order of the Ministry of Justice as Set Forth in item (i), Paragraph (1) of Article 85 of the Act)

- Article 44 (1) The period specified by Order of the Ministry of Justice as set forth in item (i) of paragraph (1) of Article 85 of the Act is two weeks.
- (2) If a sentenced person is transferred to another penal institution after the commencement of execution of sentence, if the guidance at the commencement of execution of sentence is not provided at the original institution, the period for which the sentenced person is committed to the original penal institution are not included in the period provided for in the preceding paragraph.

(3) Notwithstanding the provisions of the preceding two paragraphs, the warden of the penal institution may extend or shorten the period during which the guidance at the commencement of execution of sentence is provided, if the warden finds it necessary to do so in consideration of the progress of the guidance at the commencement of execution of sentence, age of the sentenced person, the term of imprisonment to be served, history of previous commitment to penal institutions, and other circumstances.

(Period Specified by Order of the Ministry of Justice as Set Forth in Item (ii) of Paragraph (1) of Article 85 of the Act)

Article 45 (1) The period specified by Order of the Ministry of Justice as set forth in item (ii) of paragraph (1) of Article 85 of the Act is two weeks.

(2) Notwithstanding the provisions of the preceding paragraph, the warden of the penal institution may extend or shorten the period during which the guidance prescribed in item (ii) of paragraph (1) of Article 85 of the Act is provided, if the warden finds it necessary to do so in consideration of the length of the period for which the sentenced person was committed to the penal institution or other circumstances.

(Day on which Correctional Treatment is Conducted)

Article 46 (1) The days on which the guidance pursuant to the provisions of paragraph (1) of Article 85, Articles 103 or Article 104 of the Act (hereinafter referred to as "correctional guidance") is provided are to exclude the following days:

(i) the days listed in items (i) through (iii) of paragraph (2) of Article 19; and  
(ii) the days specified by the warden of the penal institution which are within one week from the date on which the sentenced person was notified of the death of that sentenced person's spouse or blood relatives within the second degree of kinship, if that sentenced person wishes to have a period of mourning.

(2) Days without work (except for work on consecutive days; the same applies in the following paragraph) are as listed in the items of the preceding paragraph and item (iv) of paragraph (2) of Article 19.

(3) Notwithstanding the provisions of the preceding two paragraphs, days listed in item (i) of paragraph (1) of this Article and item (iv) of paragraph (2) of Article 19 may be determined as the day on which correctional guidance or work is performed, if this is necessary due to availability of the places for correctional guidance, delivery date of products produced in manufacturing work, or any other circumstances. In this case, if that work is performed for 6 hours or more on that day, with regard to the sentenced person who is assigned to that work, as far as possible, a certain day within one month, other than the

days prescribed by the preceding paragraph, is to be determined as a day without work.

- (4) With regard to a sentenced person who is assigned to work on consecutive days, days without work are to be determined by taking into consideration the number of days prescribed by paragraph (2) of this Article and the hours of work per day.

(Hours in which Correctional Treatment are Conducted)

Article 47 (1) The number of hours of correctional guidance and of work is not to exceed 8 hours per day in total.

- (2) Notwithstanding the provisions of the preceding paragraph, the hours of correctional guidance and work may be determined as exceeding the hours limited by the preceding paragraph but within 12 hours in total per day, if this is necessary due to the availability of places for correctional guidance, delivery date for products produced by manufacturing work, or any other circumstances.

(Alleviation of Restrictions)

Article 48 (1) Restrictions on the life and activities of a sentenced person for the purpose of maintaining discipline and order in the penal institution are to be alleviated seriatim by designating Class 1, 2, 3, or 4 (hereinafter referred to as the "class of restrictions") for the sentenced person who has completed the guidance at commencement, by changing the class of said sentenced person's restriction, and by conducting the treatment in accordance with the relevant sentenced person's class of restriction pursuant to the following Article.

- (2) The warden of the penal institution, promptly after the completion of guidance at the commencement of execution of sentence, is to estimate the prospects of achieving the purpose prescribed in Article 30 of the Act, and determine the class of restrictions according to the relevant prospects.
- (3) The warden of the penal institution, on a regular and on an as-needed basis, is to evaluate the prospects as prescribed in the preceding paragraph, and is to change the class of restrictions designated for a sentenced person according to that evaluation if it is deemed appropriate to do so.

(Designation of a Room)

Article 49 (1) The room allocated to a sentenced person for whom Class 1 is designated as the class of restrictions is to be one which does not have all or part of the facilities or measures normally required to secure detention.

- (2) The room allocated to a sentenced person for whom Class 2 or 3 is designated as the class of restrictions may be the one prescribed in the preceding paragraph, only if this is deemed appropriate where there is no risk of causing hindrance to maintaining discipline and order in the penal institution.

- (3) The correctional treatment, etc. for a sentenced person for whom Class 1 or 2 is designated as the class of restrictions is to mainly be conducted at an appropriate location outside the building in which that sentenced person's room is located, and may be conducted at an appropriate location outside the penal institution pursuant to the provisions of Article 87 of the Act if this is deemed appropriate in terms of that sentenced person's treatment.
- (4) The correctional treatment, etc. for a sentenced person for whom Class 3 is designated as the class of restrictions is to be provided within the penal institution and mainly at an appropriate location outside the building in which that sentenced person's room is located.
- (5) The correctional treatment, etc. for a sentenced person for whom Class 4 is designated as the class of restrictions is to be provided within the penal institution and, within the building in which that sentenced person's room is located, except for in specific cases.
- (6) The search pursuant to the provisions of paragraph (1) of Article 75 of the Act, the attendance and the audio or video recording during visits pursuant to the provisions of the main clause of Article 112 of the Act, and other measures to maintain discipline and order of the penal institution may be performed in accordance with the standards for the frequency and manner of performance of the relevant activities as determined by the warden of the penal institution based on the class of restrictions except when it is deemed necessary to perform the relevant activities due to individual and specific reasons.

(Points to Note with Regard to Class 4 Restrictions)

Article 49-2 The warden of the penal institution is to encourage a sentenced person to whom Class 4 restriction is currently designated (except for those isolated from other inmates pursuant to the provisions of the Act) to behave so that that sentenced person's class of restriction will be upgraded, and endeavor to provide opportunities for group treatment to that sentenced person wherever possible.

(Treatment at Open-type Institution)

Article 50 Treatment at open-type institution pursuant to the provisions of paragraph (2) of Article 88 of the Act may be provided to a sentenced person for whom Class 1 is designated as the class of restrictions.

(Procedures for the Determination of the Class of Restriction)

Article 51 Beyond what is provided for in the preceding four Articles, the procedures for designation and change of the designation of a class of restrictions and any particulars necessary for the alleviation of restrictions on the life and activities of a sentenced person for the purpose of maintaining

discipline and order in the penal institution are determined by the Minister of Justice.

(Treatment Specified by Order of the Ministry of Justice as Set Forth in Item (iv) of Article 89 of the Act)

Article 52 Treatment specified by Order of the Ministry of Justice as set forth in item (iv) of Article 89 of the Act is to be that set out under the following items:

- (i) to determine the number of letters a sentenced person may claim to send;
- (ii) to give a sentenced person permission to watch television or videos and to participate in an activities planned by the warden of the penal institution during leisure time, etc. or other treatment determined by the warden of the penal institution.

(Privilege Measures)

Article 53 Privilege measures are to be conferred by conducting treatment of a sentenced person according to the class of privilege determined based on the assessment of the attitude toward the punishment as set out below:

- (i) classes of privilege are to consist of Category 1, 2, 3, 4, and 5;
- (ii) the warden of the penal institution is to, with regard to a sentenced person for whom a sentence has been executed at the penal institution in a continuous manner since or from before the first day of a period starting in April and ending in September, or a period starting in October and ending in March in the following year (hereinafter referred to as the "assessment period") or a sentenced person for whom a class of privilege was designated as of the last day of the assessment period (applicable to the persons for which the sentence has been executed for one month or longer during the assessment period), designate a class of privilege in accordance with the assessment of the sentenced person's attitudes toward the punishment within 10 days after the expiry of that assessment period;
- (iii) if the sentenced person prescribed in the preceding item received a reward pursuant to the provisions of Article 149 of the Act after the end of the assessment period, the warden of the penal institution, if deemed necessary, may evaluate the behavior which became the reason for the reward and other circumstances beyond that sentenced person's attitude toward the punishment within the assessment period, and may determine the class of privilege or upgrade the class of privilege accordingly;
- (iv) if the sentenced person prescribed in the item (ii) of this Article committed a disciplinary offense (meaning an act based on which disciplinary punishments are to be imposed; the same applies hereinafter) after the end of the assessment period, the warden of the penal institution, if deemed necessary, may evaluate the nature, gravity, and motive behind the

- disciplinary offense, attitude after the disciplinary offense, and other circumstances beyond that sentenced person's attitude toward the punishment within the assessment period, and may determine the class of privilege or downgrade the class of privilege accordingly;
- (v) If a class of privilege is determined or changed according to the provisions of the preceding two items, when a class of privilege is determined for the assessment period where the date on which a reward is given to the sentenced person or the sentenced person committed the disciplinary offense belongs, the sentenced person's attitude toward the punishment is to be assessed by assuming that the reward was not given or the disciplinary offense was not committed in that assessment period; provided, however, that this does not apply to cases where a class of privilege was determined or changed in accordance with the provisions of item (iii) of this Article and this is deemed appropriate;
- (vi) with regard to a sentenced person who has been detained for execution of punishment in the penal institution continuously until the first day of the month following the month where the day on which 6 months have elapsed from the day on which the execution of the punishment started at the penal institution (if execution of the rest of the punishment started at the penal institution, the date on which that rest of the punishment started) belongs and has not been granted a class of privilege, except for the cases where a class of privilege must be determined in accordance with item (ii) of this Article, the warden of the penal institution, on that first day, is to designate Category 5 as the class of privilege if disciplinary punishment has been imposed on the sentenced person, Category 4 privilege if disciplinary punishment has not been imposed on the sentenced person but the sentenced person's attitudes toward the punishment can be shown as having been bad in accordance with reasons determined by the Minister of Justice, and Category 3 privilege if none of the above applies to this sentenced person;
- (vii) the warden of the penal institution, if disciplinary punishment is imposed on a sentenced person who has been granted a Category 3 or 4 class of privilege in accordance with the provisions of the preceding item, is to change the class of privilege designated for that sentenced person to Category 5;
- (viii) in the following cases, the designation of a class of privilege is to cease to be effective:
- (a) the next time that the warden of the penal institution designates a class of privilege, or changes the designated class of privilege;
  - (b) the sentenced person was released from the penal institution;
- (ix) a sentenced person for whom a Category 1, 2, 3, or 4 class of privilege is designated is to receive treatment prescribed by the following Article within

the limits of the provisions of the Act and this regulation.

(Contents of Treatment)

- Article 54 (1) A sentenced person for whom a Category 1 class of privilege is designated is to receive the following treatment:
- (i) the lending of room decorations and other articles used in daily life in the penal institution or the supply of sweets and favorite articles at least once per month, pursuant to the provisions of paragraph (2) of Article 40 of the Act;
  - (ii) permission to use self-supplied nightwear, room decorations, sandals, cushions, and articles for recreational activities during leisure time, pursuant to the provisions of paragraph (1) of Article 41 of the Act;
  - (iii) permission to consume self-supplied foods and drinks at least once per month and sweets and favorite articles at least twice per month, pursuant to the provisions of paragraph (1) of Article 41 of the Act;
  - (iv) extension of the maximum duration of visits to approximately twice as long as that of visits permitted for sentenced persons except for sentenced persons for whom a Category 1 class of privilege is designated;
  - (v) permission for at least 7 visits per month;
  - (vi) permission to claim to send at least 10 letters per month; and
  - (vii) treatment determined by the warden of the penal institution as that for whom a Category 1 class of privilege is designated.
- (2) A sentenced person for whom a Category 2 class of privilege is designated is to receive the following treatment:
- (i) permission to use self-supplied room decorations, sandals, and cushions, pursuant to the provisions of paragraph (1) of Article 41 of the Act;
  - (ii) permission to consume self-supplied sweets and favorite articles at least twice per month, pursuant to the provisions of paragraph (1) of Article 41 of the Act;
  - (iii) permission for at least 5 visits per month;
  - (iv) permission to claim to send at least 7 letters per month; and
  - (v) treatment determined by the warden of the penal institution as that for sentenced persons for whom a Category 2 class of privilege is designated.
- (3) A sentenced person for whom a Category 3 class of privilege is designated is to receive the following treatment:
- (i) permission to use self-supplied room decorations, sandals, and cushions pursuant to the provisions of paragraph (1) of Article 41 of the Act;
  - (ii) permission to consume self-supplied sweets and favorite articles at least once per month, pursuant to the provisions of paragraph (1) of Article 41 of the Act;
  - (iii) permission for at least 3 visits per month;

- (iv) permission to claim to send at least 5 letters per month; and
  - (v) treatment determined by the warden of the penal institution as that for sentenced persons for whom a Category 3 class of privilege is designated.
- (4) A sentenced person for whom a Category 4 class of privilege is designated is to receive the following treatment:
- (i) permission to claim to send at least 5 letters per month; and
  - (ii) treatment determined by the warden of the penal institution as that for sentenced persons for whom a Category 4 class of privilege is designated.

(Procedures for the Designation of Class of Privilege)

Article 55 Beyond what is provided for in the preceding three Articles, the procedures for designation and change of the designation of a class of privilege and any particulars necessary for privilege measures are determined by the Minister of Justice.

(The Work of Persons Sentenced to Imprisonment without Work)

- Article 56 (1) Persons sentenced to imprisonment without work or persons sentenced to misdemeanor imprisonment without work may be permitted to engage in the work prescribed in Article 93 of the Act except when that work may cause hindrance to the management and administration of the penal institution; provided, however, that this does not apply if the sentenced person has ever neglected that work without just cause.
- (2) If the person who is permitted to engage in the work pursuant to the provisions of Article 93 of the Act wishes to stop engaging in that work, that person must make a request for this at least two weeks in advance.

(The Cases Specified by Order of the Ministry of Justice as Set Forth in Paragraph (1) of Article 96 of the Act)

- Article 57 Cases specified by Order of the Ministry of Justice as set forth in paragraph (1) of Article 96 of the Act are those as set out under the following items:
- (i) being placed in an open-type institution pursuant to the provisions of paragraph (2) of Article 88 of the Act;
  - (ii) Class 1 or 2 is designated as the class of restrictions;
  - (iii) a decision permitting a parole has been made.

(Carrying or Wearing of a Location Awareness Device)

Article 57-2 The warden of the penal institution, when a sentenced person is assigned to outside work with commute travels and if all the circumstances set out in the following items apply, may permit that outside work with commute travels on condition that the sentenced person who is assigned to outside work

with commute travels carries or wears a location awareness device (meaning a small and lightweight device with which the position of the carrier or wearer can be identified; the same applies hereinafter in this Article and Article 65-2):

- (i) it is deemed that certain measures must be taken to catch, at any time, where the sentenced person is located during outside work with commute travels; or
- (ii) carrying or wearing a location awareness device does not hinder the purpose of outside work with commute travels.

(Arrangements with Outside Business Operator)

Article 58 (1) Arrangements with the outside business operator pursuant to the provisions of paragraph (3) of Article 96 of the Act are to be made regarding the items set out below:

- (i) duration of outside work with commute travels;
  - (ii) type and content of work and working hours performed by the sentenced person;
  - (iii) measures necessary for ensuring the health and safety of the sentenced person;
  - (iv) means of guidance and supervision of the sentenced person by the outside business operator; and
  - (v) Beyond what is provided for in each of the preceding items, necessary particulars for the performance of outside work with commute travels.
- (2) The arrangement made pursuant to the preceding paragraph is to be executed in writing.

(Addition to the Calculated Amount of the Incentive Remuneration)

Article 59 (1) The addition pursuant to the provisions of the main clause of paragraph (2) of Article 98 of the Act is to be made by the 15th of each month.

- (2) When the addition prescribed by the preceding paragraph is made, the warden of the penal institution is to notify the sentenced person of the added amount without delay.
- (3) The warden of the penal institution is to notify the sentenced person of the amount added pursuant to the provisions of proviso of paragraph (2) of Article 98 when that sentenced person is released from the penal institution.

(Payment of Incentive Remuneration before Release)

Article 60 The amount paid pursuant to the provisions of paragraph (4) of Article 98 of the Act must not exceed half of the calculated amount of incentive remuneration at the time of payment; provided, however, that this does not apply to cases where payment of the excess amount is deemed appropriate specifically in light of the purpose of use of that amount.

(Payment of the Amount Equivalent to the Incentive Remuneration)

Article 61 (1) The provisions of Article 23 applies mutatis mutandis to the payment of the amount equivalent to the incentive remuneration or compensation for death pursuant to the provisions of Article 99 or paragraph (1) of Article 100 of the Act.

(2) Payment of compensation for a disability pursuant to the provisions of paragraph (2) of Article 100 of the Act is to be made after the inmate's recovery without delay and the payment of special compensation pursuant to the provisions of paragraph (4) of Article 100 of the Act is to be made upon the inmate's release.

(Standards for the Calculation of Compensation for Death and Compensation for Disability)

Article 62 (1) The amount of compensation for death and compensation for a disability paid pursuant to the provisions of paragraph (1) or (2) of Article 100 of the Act is based on the amounts calculated as prescribed by this Article.

(2) The amount which is the basis for calculation of compensation for death and compensation for disability (hereinafter referred to as the "basic daily amount for payment" in this Article) is 3,920 yen.

(3) The amount of compensation for death is 1,060 times the basic daily amount for payment.

(4) The amount of compensation for disability is calculated by multiplying the basic daily amount for payment by the multiple set forth in Appended Table 2 according to the grades of disability as set forth in same table.

(5) If a sentenced person suffers from two or more disabilities stipulated in the grades of disability as set forth in Appended Table 2, the grade is determined in accordance with the grade of the most serious of the relevant disabilities.

(6) The grade which is most beneficial to the sentenced person is to be adopted in any of the cases as set out under the following items:

(i) if a sentenced person suffers from two or more disabilities categorized as Grade 13 or above, one grade above the one prescribed pursuant to the provisions of preceding paragraph;

(ii) if a sentenced person suffers from two or more disabilities categorized as Grade 8 or above, two grades above the one prescribed pursuant to the provisions of preceding paragraph; or

(iii) if a sentenced person suffers from two or more disabilities categorized as Grade 5 or above, three grades above the one prescribed pursuant to the provisions of the preceding paragraph.

(7) The amount of compensation for disabilities pursuant to the provisions of item (i) of the preceding paragraph must not exceed the total amount of

compensation for disabilities which may be paid in accordance with the grades corresponding to each of the relevant disabilities.

- (8) A disability which is not equal to but equivalent to the disability of each grade as set forth in Appended Table 2 is determined as the disability of that grade as set forth in the Appended Table 2.
- (9) In the event that a pre-existing disability is exacerbated due to an injury or illness which is prescribed as a basis for payment of disability compensation under the Act, the amount of compensation is to be calculated by subtracting the disability compensation prior to the exacerbating injury or illness from the disability compensation after that exacerbation in accordance with the grade of disability.

(Amount of Special Compensation)

Article 63 The amount to be paid as special compensation pursuant to the provisions of paragraph (4) of Article 100 of the Act is to be calculated in accordance with to the provisions of paragraph (2) and paragraphs (4) through (9) of the preceding Article when an inmate is expected to remain physically disabled after their recovery; provided, however, that if a sentenced person has suffered an injury or illness by intention or gross negligence, that special compensation may not be paid in full or in part.

(Circumstances Specified by Order of the Ministry of Justice as Set Forth in Item (iii) of paragraph (2) of Article 103 of the Act)

Article 64 The circumstances specified by Order of the Ministry of Justice as set forth in item (iii) of paragraph (2) of Article 103 of the Act are those set out under the following items:

- (i) the person who is serving a sentence for harming life or limb does not show much remorse toward the victim, the victim's relatives, and other people concerned;
- (ii) the person has cognitive bias or lack of self-control which may result in a crime prescribed by Articles 176 through 181, Article 225 (only the parts related to crimes with the purpose of committing an indecent act; the same applies hereinafter in this item), paragraph (3) of Article 226-2 (only the parts related to crimes with the purpose of committing an indecent act; the same applies hereinafter in this item), paragraph (3) of Article 227 (only parts related to the crimes with the purpose of committing an indecent act; the same applies hereinafter in this item), Article 228 (only parts related to Article 225, paragraph (3) of Article 226-2, and paragraph (3) of Article 227 of the Penal Code (Act No. 45 of 1907)), paragraph (1) or (3) of Article 241, and Article 243 (only parts related to paragraph (3) of Article 241 of the Penal Code) of the Penal Code;

(iii) the person who committed the crime prescribed by Article 208-2 or paragraph (2) of Article 211 of the Penal Code or Articles 116 through 117-2 (only the parts related to items (i) and (iii)), Article 117-2-2 (only the parts related to items (i), (iii) and (vii)), Article 117-3, Article 117-5 (only the parts related to items (i)), paragraph (1) of Article 118 (only the parts related to items (i), (ii), (vii), and (viii)), paragraph (2) or Article 118, or paragraph (1) of Article 119 (only the parts related to items (i) through (ii)-2, items (iii)-2, (iv), (v) (only the parts related to the act of driving a motor vehicle), (vii), (ix) through (x), (xii)-2, (xii)-3, and (xv)) of the Road Traffic Act (Act No. 105 of 1960) does not sufficiently understand the importance of traffic safety; and (iv) the person does not have the mindset or behavior required to establish personal relationships as needed in the workplace.

(The Cases Specified by Order of the Ministry of Justice as Set Forth in Paragraph (1) of Article 106 of the Act)

Article 65 Cases specified by Order of the Ministry of Justice as set forth in paragraph (1) of Article 106 of the Act are those set out under the following items:

- (i) being placed in an open-type institution pursuant to the provisions of paragraph (2) of Article 88 of the Act;
- (ii) Class 1 is designated as the class of restrictions; and
- (iii) a decision permitting parole has been made.

(Carrying or Wearing of a Location Awareness Device)

Article 65-2 The warden of the penal institution, when a sentenced person is permitted to have day leave or a furlough pursuant to the provisions of paragraph (1) of Article 106 of the Act, and if all the circumstances set out in the following items apply, may permit that day leave or furlough on the condition that the sentenced person who is taking that day leave or furlough (hereinafter referred to as "day leave, etc." in this Article) carries or wears a location awareness device.

- (i) it is deemed that certain measures must be taken to catch, at any time, where the sentenced person is located during day leave, etc.; and
- (ii) carrying or wearing the location awareness device does not hinder the purpose of day leave, etc.

## **Chapter XI Contact with the Outside World**

(Reports on Visitors)

Article 66 (1) The warden of the penal institution may request sentenced persons and inmates sentenced to death to submit the particulars set out under

the following items regarding persons who are expected to request to visit that sentenced person or inmate sentenced to death:

- (i) name, date of birth, address and occupation;
- (ii) relationship with the sentenced person or the inmate sentenced to death;
- (iii) expected purpose of the visit; and
- (iv) other particulars the warden of the penal institution finds necessary.

(2) In the case prescribed in the preceding paragraph, the warden of the penal institution may request the sentenced person or the inmate sentenced to death to submit or present documents or other materials which prove the particulars set out in the items of the preceding paragraph if this is deemed necessary.

(Submission an Application Form for a Visit)

Article 67 (1) The warden of the penal institution may request a person who requests to visit an inmate to submit an application form stating such particulars as set out under the following items (this only applies to item (i) and item (ii) in the case of a visit to an inmate other than a sentenced person or inmate sentenced to death; the same applies in the following paragraph):

- (i) name, date of birth, address and occupation;
- (ii) name of the inmate and the visitor's relationship with them; and
- (iii) purpose of the visit.

(2) In the case prescribed in the preceding paragraph, the warden of the penal institution may request the person requesting to visit an inmate to submit or present documents or other materials which prove the particulars set out in the items of the preceding paragraph if this is deemed necessary.

(Visitor Confirmation)

Article 68 The warden of a penal institution may upon receiving a request to visit an inmate, ask the inmate about the name of the person who made that request and their relationship with the inmate.

(Restriction on the Number of Visitors)

Article 69 If the number of persons visiting an inmate is restricted pursuant to the provisions of paragraph (1) of Article 114 of the Act (including cases where it is applied mutatis mutandis pursuant to paragraph (5) of Article 118 of the Act (including cases where it is applied mutatis mutandis pursuant to Article 123 of the Act), Article 119, Article 122, and Article 125 of the Act; the same applies in Articles 72 and 73), the number of persons who are permitted to visit the inmate must not be less than three.

(Restrictions on the Visiting Site)

Article 70 (1) The place for visiting an inmate is to be determined by the warden

of the penal institution.

(2) The visiting site is a room which has partitions to act as a divider between the inmate and visitors (hereinafter referred to as a "partitioned room"); provided, however, that this does not apply in cases such as those set out under the following items (in cases of visits to an inmate other than a sentenced person (except for persons having the status of a prisoner awaiting the decision), limited only to the cases provided for in item (i)) where there is no risk of causing hindrance to maintaining discipline and order in the penal institution:

- (i) the inmate is confined to a medical ward or cases determined by the Minister of Justice; or
- (ii) the inmate is visited by their relatives or there is a reason for deeming that meeting the visitor at a place other than in a partitioned room is appropriate.

#### (Restrictions on Dates of Visits)

Article 71 (1) The warden of the penal institution is to determine, according to each inmate's respective status, the dates on which visits (except for a visit by the inmate's defense counsel or a person who is going to be the inmate's defense counsel pursuant to paragraph (1) of Article 39 of the Code of Criminal Procedure (Act No. 131 of 1948) (hereinafter referred to as the "defense counsel, etc.)) are permitted at the penal institution (hereinafter referred to as the "visiting day" in this Article and the following Article).

(2) The number of days permitted as visiting days per month must not be less than the number of days calculated by subtracting the number of days provided for in items (i) and (ii) of paragraph (2) of Article 19 from the number of days in the month.

(3) Inmates are to be informed of the number of visiting days of each month by one month before the first day of the month to which the relevant visiting days belong, which is to be announced in a public notice by posting it at places which can be easily seen by people in the penal institution, or by any other means from one month before the first day of the month to which the visiting days belong.

#### (Restrictions on the Time Slot of Visits)

Article 72 If the time slot of a visit to an inmate is restricted pursuant to the provisions of paragraph (1) of Article 114 of the Act, the time slot must not be shorter than 6 hours a day (if the days provided for by items (i) and (ii) of paragraph (2) of Article 19 are determined as Visiting Days, the time slot must not be shorter than 4 hours a day).

#### (Restrictions on the Duration of Visits)

Article 73 If the duration of a visit to an inmate is restricted pursuant to the provisions of paragraph (1) of Article 114 of the Act, the duration must not be shorter than 30 minutes; provided, however, that if there are compelling reasons in light of the circumstances in which the request for a visit is submitted, the number of rooms specified as visiting sites, or other reasons, the duration may be limited to shorter than 30 minutes but not shorter than 5 minutes.

(Restrictions on the Number of Visits)

Article 74 Restriction on the number of visits to an inmate who is a defendant or a suspect except for those who have the status of a prisoner awaiting the decision pursuant to the provisions of paragraph (1) of Article 114 of the Act (including cases where it is applied mutatis mutandis pursuant to Article 122 and Article 125 of the Act) may be made to the number of visits by a person other than the defense counsel, etc. of the inmate.

(Posting of the Rules to be Observed with by Visitors)

Article 75 The warden of the penal institution is to post the particulars that must be observed by an inmate's visitors (except for an inmate's defense counsel, etc.), clearly describing the particulars set out under the following items, at the places which can be easily seen by the people in the penal institution:

- (i) visitors must not commit any of the acts set out under sub-item (a) or (b) of item (i) of paragraph (1) of Article 113 of the Act (including cases where these are applied mutatis mutandis pursuant to Articles 117, 119, 122, 123, and 125 of the Act); and
- (ii) visitors must not say anything set out under sub items (a) through (c) of item (ii) of paragraph (1) Article 113 of the Act (including cases where these are applied mutatis mutandis pursuant to Articles 117, 119, 122, 123, and 125 of the Act), sub-item (d) of that item (including cases where this is applied mutatis mutandis pursuant to Articles 117, 119, and 123 of the Act) and sub-item (e) of the that item (including cases where this is applied mutatis mutandis pursuant to Articles 119, 122, and 123 of the Act).

(Report on the Other Parties of Personal Correspondence)

Article 76 (1) The warden of the penal institution may request sentenced persons and inmates sentenced to death to submit the particulars set out under the following items regarding persons to or from whom they expect to send letters to or receive letters from that sentenced person or inmate sentenced to death:

- (i) name, date of birth, address and occupation;

- (ii) relationship with the sentenced person or the inmate sentenced to death;
  - (iii) expected purpose of the letters to be sent or received; and
  - (iv) other particulars the warden of the penal institution finds necessary.
- (2) The provisions of paragraph (2) of Article 66 applies mutatis mutandis to cases where reporting is requested pursuant to the preceding paragraph.

(Restrictions on the Manner of Preparing Letters)

Article 77 (1) The subject of restrictions on the manner of preparing letters to be sent by an inmate pursuant to the provisions of paragraph (1) of Article 130 of the Act (including cases where they are applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144 of the Act; the same applies to Articles 78 through 80) is to be those that are set out under the following items (the particulars set out in item (ii) does not apply to letters sent to a defense counsel, etc.):

- (i) the standards for paper and envelopes used for letters and the type of stationery used in preparing letters;
  - (ii) the number of sheets of paper used for one letter; and
  - (iii) the number of characters written on one piece of paper and other writing restrictions required to aid the smooth inspection of letters.
- (2) If any restriction is imposed on the number of sheets of paper used in letters sent by an inmate, the number of sheets of paper must not be less than 5.
- (3) If any restriction is imposed on the number of characters per piece of paper used in letters sent by an inmate, that number of characters must not be less than 400.

(Restrictions on Dates and Timeframes for Requesting to Send Letters)

Article 78 The warden of the penal institution, even when imposing restrictions on the date and the timeframe in which an inmate may request to send letters pursuant to the provisions of paragraph (1) of Article 130 of the Act, must accept a request to send a letter if there is an urgent necessity to send that letter.

(Restrictions on the Number of Letters Requested to be Sent)

Article 79 The restrictions on the number of letters an inmate may request to send pursuant to the provisions of paragraph (1) of Article 130 of the Act are to be imposed on letters other than those set out under the following items:

- (i) letters submitted to the Committee;
- (ii) letters application for examination, application for review, making reports pursuant to the provisions of paragraph (1) of Article 163 or paragraph (1) of Article 165 of the Act, or filing of complaints; and
- (iii) letters issued by an inmate who is a defendant, or a suspect who does not

have the status of a prisoner awaiting the decision to their Defense Counsel, etc.

(Restrictions on the Procedures for the Sending or Receiving of Letters)

- Article 80 (1) The restrictions on procedures for inmates sending letters pursuant to the provisions of paragraph (1) of Article 130 of the Act may be imposed by limiting them to the methods set out under the following items:
- (i) by postal mail (except for special mail prescribed by Article 44 of the Postal Act (Act No. 165 of 1947) (except for express mail and New Year's greetings mail)); or
  - (ii) by telegram (only limited to cases where there is an urgent need, or when sending a letter to an inmate's defense council, etc.).
- (2) The restrictions on procedures for inmates receiving letters pursuant to the provisions of paragraph (1) of Article 130 of the Act may be imposed by limiting them to the methods set out under the following items:
- (i) by the postal mail or correspondence delivery prescribed in paragraph (2) of Article 2 of the Act on Letter Service by Private Business Operators (Act No. 99 of 2002) performed by a general correspondence delivery operator prescribed in paragraph (6) of Article 2 of the same Act or a specified letter delivery operator prescribed in paragraph (9) of Article 2 of the same Act; or
  - (ii) by telegram.

(Handling of Letters Addressed to Multiple Inmates)

- Article 81 (1) Letters addressed to multiple inmates and which are permitted to be received by inmates are to be delivered to one of the addressees.
- (2) If the letter which are permitted to be received by inmates, and whose content is written on any article other than paper, to which any device which produces sound is attached, or which constitutes anything other than a letter, is not delivered to the inmate pursuant to the provisions paragraph (1) of Article 47 of the Act, except for cases where the person is prohibited to receive that letter or delivery of the letter is suspended pursuant to the provisions of Article 128 (including cases where it is applied mutatis mutandis pursuant to Article 138 of the Act), Article 129 (including cases where it is applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144 of the Act; the same applies hereinafter in this Article) and paragraph (3) of Article 148 of the Act, the inmate is to be made to know of the content (except for the parts that should be removed or erased pursuant to the provisions of Article 129 of the Act) of the letter through presentation of the article or by some other method.

(Delivery of Prohibited Letters of Deceased Persons)

Article 82 The provisions of Article 23 is applied mutatis mutandis pursuant to

all or a part, or copies of letters retained pursuant to the provisions of paragraph (1) or (2) of Article 132 of the Act (including cases where they are applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144 of the Act) (except for those which were determined not to be delivered pursuant to the provisions of paragraph (5) of Article 132 of the Act (including cases where they are applied mutatis mutandis pursuant to Articles 136, 138, 141, 142, and 144 of the Act); hereinafter referred to as "prohibited letters, etc." in paragraph (1) of Article 92 and Article 98).

(Cases Specified by Order of the Ministry of Justice as Set Forth in Paragraph (1) of Article 146 of the Act)

Article 83 The Cases specified by Order of the Ministry of Justice as set forth in Paragraph (1) of Article 146 of the Act are those set out under the following items:

- (i) being placed in an open-type institution pursuant to the provisions of paragraph (2) of Article 88 of the Act;
- (ii) Class 1 or Class 2 is designated as the class of restrictions;
- (iii) being given the guidance specified in item (ii) of paragraph (1) of Article 85 of the Act;
- (iv) it is deemed particularly necessary from a humanitarian perspective to perform correspondence prescribed by paragraph (1) of Article 146 of the Act with a relative who has a reason of visiting the inmate would be extremely difficult.

(Charging of Translation Expenses)

Article 84 The expenses of interpretation or translation prescribed by the latter part in paragraph (1) or the latter part in paragraph (2) of Article 148 of the Act may be charged to the inmate only when there are special circumstances that charging to the inmate is deemed appropriate in light of the purpose of visits, etc. (meaning visits or correspondence pursuant to the provisions of paragraph (1) of Article 146 of the Act; the same applies hereinafter in this Article) or the purpose of sending or receiving letters and the inmate's ability to pay, except for the cases set out under the following items:

- (i) when the inmate is visited by the ambassador, minister, consul, or other person who performs consulate activities of the foreign country of which the inmate is a national, or sends letters to or receives letters from that person;  
or
- (ii) when the inmate is unable to pay the expenses in such situations as set out under the following sub-items:
  - (a) the inmate is visited by persons set out under the following sub-items:
    1. a person who is a relative of the inmate;

2. a person whose visit is necessary in order to carry out business of personally, legally, or occupationally important concern of the inmate, such as reconciliation of marital relations, pursuance of a lawsuit, or maintaining of a business;
  3. with regard to a sentenced person, a person whose visit is deemed instrumental to the reformation and rehabilitation of the sentenced person, such as a person pertaining to the rehabilitation service to and guardianship of the sentenced person or a person who has the intention to employ the sentenced person after release; or
  4. with regard to an inmate sentenced to death, a person whose visit is deemed instrumental to help that inmate maintain peace of mind;
- (b) when the inmate sends or receives letters set out under the following sub-items;
1. A letter sent to or received from a person who is a relative of the inmate;
  2. a letter sent or received in order to carry out a business pertaining to personally, legally, or occupationally important concern of the inmate, such as reconciliation of marital relations, pursuance of a lawsuit, or maintenance of a business; or
  3. with regard to a sentenced person, a letter sent to or received from a person pertaining to the rehabilitation service for and guardianship of the sentenced person or a person who has the intention to employ the sentenced person after release and other letter sending or receiving which is deemed instrumental to the reformation and rehabilitation of the sentenced person; or
  4. with regard to an inmate sentenced to death, the sending of receiving of letters which are deemed instrumental to help that inmate maintain peace of mind.

## **Chapter XII Rewards and Disciplinary Punishments**

### (Rewards)

Article 85 The rewards pursuant to the provisions of Article 149 of the Act are to be granted as under the following items:

- (i) words of praise;
- (ii) reward certificate;
- (iii) reward money not exceeding 10,000 yen;
- (iv) reward articles equivalent to 10,000 yen or less.

### (Method of Disciplinary Confinement)

Article 86 (1) The room of a sentenced person who is serving disciplinary confinement is a single room; provided, however, that this does not apply to

cases where the warden of the penal institution deems that there is no risk of causing hindrance to the execution of disciplinary confinement.

(2) The warden of the penal institution may impose, within the limit necessary for the purpose of the confinement, restrictions on the life and activities of an inmate serving disciplinary confinement beyond what is provided for in the Act.

(Granting of Opportunities to Exercise)

Article 87 An inmate serving disciplinary confinement must be granted the opportunity to exercise at least once per week.

(Isolation of Sentenced Persons Suspected of Having Committed a Disciplinary Offense)

Article 88 The isolation pursuant to the provisions of paragraph (4) of Article 154 of the Act is to be performed only once, even if the sentenced person is suspected to have committed two or more disciplinary offenses; provided, however, that this does not apply to cases where it is difficult to conduct inquiry into the particulars concerning the multiple disciplinary offenses at the same time.

(Cases Specified by Order of the Ministry of Justice as Set Forth in Paragraph (4) of Article 154 of the Act)

Article 89 Cases specified by Order of the Ministry of Justice as set forth in paragraph (4) of Article 154 of the Act are those set out under the following items:

- (i) cases listed in paragraphs (1) and (2) of Article 11;
- (ii) cases where inquiry is conducted into the disciplinary offense; or
- (iii) Beyond the cases provided for in the preceding two paragraphs, cases where it is difficult to conduct necessary treatment in the sentenced person's room.

(Means of Explanation)

Article 90 Explanation pursuant to the provisions of Article 155 of the Act is to be provided verbally in front of a staff member who is to listen to the explanation; provided, however, that instead of appearing in front of a staff member and providing an explanation verbally, an inmate may submit papers in which an explanation is provided, or may provide an explanation through having a staff member assist the inmate in recording that explanation.

## **Chapter XIII Release and Death**

(Reporting on the Reason for Suspending Execution of Punishment)

Article 91 If it is deemed that there is a reason for judging that execution of the punishment of a sentenced person must be suspended, the warden of the penal institution is to report this to the public prosecutor.

(Notification of Death)

Article 92 (1) Notification pursuant to the provisions of Article 176 of the Act is to be given to a person who holds the highest rank according to the order as prescribed below; provided, however, that if there is any property to be delivered, money equivalent to the incentive remuneration or compensation for death to be paid, or prohibited letters, etc., and the person who received that notification expressed their intention not to apply for delivery or payment of the relevant articles or money, the notification is to be also given, according to the order below, to a person who holds the highest rank among the persons who hold the same or lower rank than that person:

- (i) the person listed in item (i) of Article 22;
- (ii) spouse;
- (iii) child;
- (iv) father or mother;
- (v) grandchild;
- (vi) grandfather or grandmother;
- (vii) brother or sister; and
- (viii) the person listed in item (iii) of Article 22.

(2) If an inmate with foreign nationality dies, the warden of the penal institution must inform the person listed in item (iii) of Article 22 about the death, even if notification pursuant to the provisions of Article 176 of the Act is not necessary according to the preceding paragraph.

(Postmortem Examination)

Article 93 (1) If where an inmate dies, the warden of the penal institution is to carry out a postmortem examination of the corpse.

(2) If it is deemed as a result of the postmortem examination provided for in the preceding paragraph that the inmate has died an unnatural death or it is suspected that the inmate has died an unnatural death, the warden of the penal institution must report this to the public prosecutor and the judicial police officer who is the police official.

(Burial of Corpses)

Article 94 (1) When the warden of the penal institution buries a corpse of an inmate, the corpse is to be buried in a grave in the graveyard managed or used by the warden of the penal institution.

(2) When the warden of the penal institution cremates a corpse of an inmate,

residual bones are to be buried or stored in a grave or charnel house in the graveyard managed or used by the warden of the penal institution.

## **Chapter XIV Workhouses and Court-Ordered Confinement Houses**

(Application Mutatis Mutandis to Workhouses)

Article 95 The provisions of Article 6 and Article 6-2 apply mutatis mutandis to the administration of workhouses and a court-ordered confinement houses attached to the penal institution.

(Workhouse Detainees)

Article 96 The provisions concerning persons sentenced to imprisonment with required labor in this regulation apply mutatis mutandis to persons detained in the workhouse to the extent that the provisions are not inconsistent with the nature thereof.

(Court-Ordered Confinement House Detainees)

Article 97 (1) The provisions concerning miscellaneous inmates provided for in this regulation (except Chapter I, Articles 16, and Chapter XI) are applied to persons detained in the court-ordered confinement houses (hereinafter referred to as a "court-ordered confinement house detainee").

(2) The provisions of Article 15 and Article 16 are applied mutatis mutandis to the use or consumption of self-supplied articles of court-ordered confinement house detainees. In this case, the phrase "articles listed in the items under paragraph (1) of Article 41 of the Act (except the articles listed in the items under paragraph (1) of Article 42 of the Act; hereinafter the same applies in this Article and the following Article)" in paragraph (1) of Article 15 is deemed to be replaced with "articles listed in the items under paragraph (1) of Article 41 of the Act (except clothing, daily necessities, stationery, and the articles listed in the items of paragraph (1) of Article 42 of the Act; hereinafter the same applies in this Article)" ; the phrase "paragraph (1) of Article 41 of the Act" in paragraph (7) of the same Article is deemed to be replaced with "paragraph (1) of Article 41 of the Act applied mutatis mutandis pursuant to paragraph (2) of Article 289 of the Act"; and the phrase "articles listed in the items of paragraph (1) of Article 41 of the Act and bedding" in paragraph (1) of Article 16 is deemed to be replaced with "clothing, daily necessities, and stationery (except the articles listed in the items of paragraph (1) of Article 42 of the Act; hereinafter the same applies in this Article)".

(3) The provisions concerning sentenced persons (except those having the status of a prisoner awaiting the decision) prescribed in Chapter XI apply mutatis mutandis to the visits and correspondence of court-ordered confinement house

detainees (except those prescribed in the following paragraph) to the extent that the provisions are not inconsistent with the nature thereof.

(4) The provisions concerning sentenced persons with the status of a prisoner awaiting the decision prescribed in Chapter XI apply mutatis mutandis to the visits and correspondence of court-ordered confinement house detainees (limited to those upon which the judicial decision of court-ordered confinement was executed in the course of being under detention pursuant to the provisions of the Code of Criminal Procedure) to the extent that the provisions are not inconsistent with the nature thereof.

(5) The provisions of the preceding three paragraphs, notwithstanding the provisions of Article 16 and Chapter XI, apply mutatis mutandis to persons detained in a penal institution for the execution of court-ordered confinement pursuant to the provisions of paragraph (2) of Article 287.

### Chapter XV Miscellaneous Provisions

Article 98 The provisions of Article 22 and 23, and paragraph (1) of Article 92 apply mutatis mutandis to the property, incentive remuneration, or prohibited letters, etc. left by a deceased sentenced person who was extradited to the authorities of the requesting country specified by item (ii) of Article 1 of the Act on International Assistance in Investigation and Other Related Matters (Act No. 69 of 1980) pursuant to the provisions of paragraph (4) of the Article 20 of the same Act.

### Supplementary Provisions

Extract

Appended Table 1 (Re: Article 38)

Type		Structure	Material
Arresting Ropes	Class 1	The diameter of a the rope is approximately 6 mm and the length is approximately 3 m or longer but no longer than 15 m.	The rope is made of synthetic fiber.
		One end of the rope is looped back at approximately 12 cm from the end and fixed at this point, so that a loop-like part is created.	Flexible yet solid steel wire rope is used as the core part of the rope.
	Class 2	The diameter of a rope is approximately 3 mm and the length is approximately 6 m.	The rope is made of synthetic fiber.

		One end of the rope is looped back at approximately 4.5 cm from the end and fixed at this point, so that a loop-like part is created.	
Handcuffs	Class 1	Two bracelets which can be opened and closed are connected by a chain.	Iron or any material which is as strong as or stronger than iron is used.
		Each bracelet can be closed by a ratchet and can be locked.	
		The form of Class 1 handcuffs is shown in Chart 1.	
	Class 2	Two bracelets which can be opened and closed are joined by a connecting plate.	Fabric made of synthetic fiber is attached to the surface of the bracelets and the connecting plate, and a felt pad is attached to the inside of the bracelets.
		The connecting plate is in a trapezoidal shape, having dimensions approximately 80 mm in height, 15 to 160 mm for upper base, and 80 to 210 mm for lower base.	
Each bracelet must have one locking device respectively.		Iron or any material which is as strong as or stronger than iron is used for the interlining of the connecting plate.	
The form of Class 2 handcuffs is shown in Chart 2.		Iron or any material which is as strong as or stronger than iron is used for the locking device of bracelets.	
Restraint Suit	Two rectangular-shaped nets having dimensions 110 to 170 cm long and 45 to 105 cm wide are joined with zippers attached at both sides.	The nets, shoulder belts foot belts, and arm belts are made of synthetic fiber.	
	There is a A foot belt that can be attached to and detached from the net at the front side and two arm belts and two handles are attached at the net at the back side.	Iron or any material which is as strong as or stronger than iron is used for the shoulder belts.	
	There are also two shoulder belts, one of the ends of which is fixed to the net at the front side and the other is fixed to the net at the back side.		
	A locking device must be attached to each of the shoulder belts.		

	The form of restraint suits is shown in Chart 3.
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Appended Table 2 (Re: Article 62)

Grade	Multiple	Degree of disability
Grade 1	1,340	(1) Those who are blind in both eyes (2) Those that have lost mastication and speech functionality (3) Those who are left with serious impairment in functionality of the nervous system or severe psychological damage and require continuous nursing care (4) Those who are left with serious impairment in functionality of the thorax and abdominal organs and require continuous nursing care (5) Those who have lost both upper limbs at a point above the elbow joint (6) Those who have completely lost functionality of both upper limbs (7) Those who have lost both lower limbs at a point above the knee joint (8) Those who have completely lost functionality of both lower limbs
Grade 2	1,190	(1) Those who are blind in one eye and whose vision has decreased to 0.02 or less in the other eye (2) Those whose vision in both eyes has decreased to 0.02 or less (3) Those who are left with serious impairment in functionality of the nervous system or severe psychological damage and require occasional nursing care (4) Those who are left with serious impairment in functionality of the thorax and abdominal organs and require occasional nursing care (5) Those who have lost both upper limbs at a point above the wrist joint (6) Those who have lost both lower limbs at a point above the ankle joint
Grade 3	1,050	(1) Those who are blind in one eye and whose vision has decreased to 0.06 or less in the other eye (2) Those that have lost mastication or speech functionality (3) Those who are left with serious impairment in functionality of the nervous system or severe psychological damage and will be unable to engage in labor for the rest of their lives (4) Those who are left with serious impairment in functionality of the thorax and abdominal organs and will be unable to engage in labor for the rest of their lives (5) Those who have lost the five digits of both hands

Grade 4	920	<p>(1) Those whose vision in both eyes has decreased to 0.06 or less</p> <p>(2) Those who are left with serious impairment in mastication and speech functionality</p> <p>(3) Those who have completely lost hearing in both ears</p> <p>(4) Those who have lost one upper limb at a point above the elbow joint</p> <p>(5) Those who have lost one lower limb at a point above the knee joint</p> <p>(6) Those who have lost the use of all five digits of both hands</p> <p>(7) Those who have lost both feet above the Lisfranc's joint</p>
Grade 5	790	<p>(1) Those who are blind in one eye and whose vision has decreased to 0.1 or less in the other eye</p> <p>(2) Those who are left with serious impairment in functionality of the nervous system or severe psychological damage and cannot engage in any labor, excluding particularly light labor</p> <p>(3) Those who are left with serious impairment in functionality of the thorax and abdominal organs and will be unable to engage in any labor, excluding particularly light labor</p> <p>(4) Those who have lost one upper limb at a point above the wrist joint</p> <p>(5) Those who have lost one lower limb at a point above the ankle joint</p> <p>(6) Those who have completely lost the use of one upper limb</p> <p>(7) Those who have completely lost the use of one lower limb</p> <p>(8) Those who have lost all toes of both feet</p>
Grade 6	67	<p>(1) Those whose vision in both eyes has decreased to 0.1 or less</p> <p>(2) Those who are left with serious impairment mastication or speech functionality</p> <p>(3) Those whose hearing in both ears has decreased to the extent that they cannot hear a loud voice unless it is next to their ears</p> <p>(4) Those who have completely lost hearing in one ear and whose hearing in the other ear has decreased to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more with that ear</p> <p>(5) Those who are left with a serious deformity or mobility impairment in the spinal column</p> <p>(6) Those who have lost the use of two of the three major joints in one upper limb</p> <p>(7) Those who have lost the use of two of the three major joints in one lower limb</p> <p>(8) Those who have lost five digits of one hand or four digits of one hand including the thumb</p>

Grade 7	560	<p>(1) Those who are blind in one eye and whose vision has decreased to 0.6 or less in the other eye</p> <p>(2) Those whose hearing in both ears has decreased to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more</p> <p>(3) Those who have completely lost the hearing in one ear and whose hearing in the other ear has decreased to the extent that they cannot hear an ordinary voice at a distance of 1 m or more with that ear</p> <p>(4) Those who are left with impairment in nervous system functionality or severe psychological damage and cannot engage in any labor, excluding light labor</p> <p>(5) Those who are left with impairment in the functions of the thorax and abdominal organs and cannot engage in any labor, excluding light labor</p> <p>(6) Those who have lost the thumb and two fingers of one hand or four digits, excluding the thumb, of one hand</p> <p>(7) Those who have lost the use of five digits of one hand or four digits of one hand including the thumb</p> <p>(8) Those who have lost one foot above the Lisfranc's joint</p> <p>(9) Those who are left with an artificial joint in one upper limb and seriously impaired mobility</p> <p>(10) Those who are left with an artificial joint in one lower limb and seriously impaired mobility</p> <p>(11) Those who have lost the use of all toes of both feet</p> <p>(12) Those who are left with extreme deformities in their physical appearance</p> <p>(13) Those who have lost both testicles</p>
Grade 8	450	<p>(1) Those who are blind in one eye or whose vision has decreased to 0.02 or less in one eye</p> <p>(2) Those who are left with impaired mobility of the spinal column</p> <p>(3) Those who have lost the thumb and one finger of one hand or three digits, excluding the thumb, of one hand</p> <p>(4) Those who have lost the use of the thumb and two fingers of one hand or four digits, excluding the thumb, of one hand</p> <p>(5) Those who have had one lower limb shortened by 5 cm or more</p> <p>(6) Those who have lost the use of one of the three major joints in one upper limb</p> <p>(7) Those who have lost the use of one of the three major joints in one lower limb</p> <p>(8) Those who are left with an artificial joint in one upper limb</p> <p>(9) Those who are left with an artificial joint in one lower limb</p> <p>(10) Those who have lost all toes of one foot</p>

Grade 9	350	<p>(1) Those whose vision in both eyes has decreased to 0.6 or less</p> <p>(2) Those whose vision in one eye has decreased to 0.06 or less</p> <p>(3) Those who are left with hemianopsia, contraction of the field of vision or distortion of the field of vision in both eyes</p> <p>(4) Those who are left with serious damage to both eyelids</p> <p>(5) Those who have lost their noses and are left with serious impairment in functionality of the nose</p> <p>(6) Those who are left with impairment in mastication and speech functionality</p> <p>(7) Those whose hearing in both ears has decreased to the extent that they have difficulty in hearing an ordinary voice at a distance of one meter or more</p> <p>(8) Those whose hearing in one ear has decreased to the extent that they cannot hear a loud voice with that ear unless it is next to that ear and whose hearing in the other ear has decreased to the extent that they have difficulty in hearing an ordinary voice at a distance of 1 m or more with that ear</p> <p>(9) Those who have completely lost hearing in one ear</p> <p>(10) Those who are left with impairment in nervous system functionality or serious psychological damage and for whom the labor in which they can engage is limited to a considerable extent</p> <p>(11) Those who are left with impairment in thorax and abdominal organs functionality and for whom the labor in which they can engage is limited to a considerable extent</p> <p>(12) Those who have lost the thumb of one hand or two digits, excluding the thumb, of one hand</p> <p>(13) Those who have lost the use of two digits of one hand including the thumb, or three digits, excluding the thumbs, of one hand</p> <p>(14) Those who have lost two toes or more of one foot including the large toe</p> <p>(15) Those who have lost the use of all toes of one foot</p> <p>(16) Those who are left with serious damage to the genitals</p> <p>(17) Those who are left with extreme deformities in their physical appearance</p>
Grade 10	270	<p>(1) Those whose vision in one eye has decreased to 0.1 or less</p> <p>(2) Those who are left with diplopia in their frontal vision</p> <p>(3) Those who are left with impairment in mastication and speech functionality</p> <p>(4) Those who have fourteen teeth or more added with dental prostheses</p> <p>(5) Those whose hearing in both ears has decreased to the extent that they have difficulty in hearing an ordinary voice at a distance of one meter or more</p>

		<p>(6) Those whose hearing in one ear has decreased to the extent that they cannot hear a loud voice with that ear unless it is next to that ear</p> <p>(7) Those who have lost the use of the thumb of one hand or twodigits, excluding the thumb, of one hand</p> <p>(8) Those who have had one lower limb shortened by 3 cm or more</p> <p>(9) Those who have lost the use of the large toe or the other four toes of one foot</p> <p>(10) Those who are left with serious impairment in functionality of one of the three major joints of one upper limb</p> <p>(11) Those who are left with serious impairment in functionality of one of the three major joints of one lower limb</p>
Grade 11	200	<p>(1) Those who are left with serious impairment in the adjustment functionality or mobility of both eyes</p> <p>(2) Those who are left with serious impairment of mobility of both eyelids</p> <p>(3) Those who are left with serious damage to one eyelid</p> <p>(4) Those who have ten teeth or more added with dental prostheses</p> <p>(5) Those whose hearing in both ears has decreased to the extent that they cannot hear a low voice at a distance of 1m or more</p> <p>(6) Those whose hearing in one ear has decreased to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more with that ear</p> <p>(7) Those who are left with a deformity in the spinal column</p> <p>(8) Those who have lost the index, third or fourth finger of one hand</p> <p>(9) Those who have lost the use of two toes or more of one foot including the large toe</p> <p>(10) Those who are left with impairment in thorax and abdominal organ functionality and for whom performance of labor is limited to a considerable extent</p>
Grade 12	140	<p>(1) Those who are left with serious impairment in the adjustment functionality or mobility of one eye</p> <p>(2) Those who are left with serious impairment of the mobility of one eyelid</p> <p>(3) Those who have seven teeth or more added with dental prostheses</p> <p>(4) Those who have lost the major part of the auricle of one ear</p> <p>(5) Those who are left with serious deformity in the collarbone, the breastbone, the ribs, the shoulder blade or the pelvis</p> <p>(6) Those who are left with impairment in functionality of one of the three major joints of one upper limb</p>

		<p>(7) Those who are left with impairment in the functionality of one of the three major joints of one lower limb</p> <p>(8) Those who are left with a deformity in long bones</p> <p>(9) Those who have lost the little finger of one hand</p> <p>(10) Those who have lost the use of the index, third or fourth finger of one hand</p> <p>(11) Those who have lost the second toe of one foot, those who have lost two toes including the second toe, or those who have lost the three toes other than the large and second toes</p> <p>(12) Those who have lost use of the large toe or the other four toes of one foot</p> <p>(13) Those who are left with obstinately localized nervous symptoms</p> <p>(14) Those who are left with deformities in their physical appearance</p>
Grade 13	90	<p>(1) Those whose vision in one eye has decreased to 0.6 or less</p> <p>(2) Those who are left with diplopia in their vision other than frontal vision</p> <p>(3) Those who are left with hemianopsia, contraction of the field of vision or distortion of the field of vision in one eye</p> <p>(4) Those who are left with damage to parts of both eyelids or permanent loss of the eyelashes of both right and left eyes</p> <p>(5) Those who have five teeth or more added with dental prostheses</p> <p>(6) Those who are left with damage to the thorax and abdominal organs</p> <p>(7) Those who have lost the use of the little finger of one hand</p> <p>(8) Those who have lost a part of the bones of the thumb of one hand</p> <p>(9) Those who have had one lower limb shortened by 1 cm or more</p> <p>(10) Those who have lost one or two toes of one foot other than the large and second toes</p> <p>(11) Those who have lost the use of the second toe of one foot, those who have lost the use of two toes including the second toe, or those who have lost the use of the three toes other than the large and second toes</p>
Grade 14	50	<p>(1) Those who are left with damage to a part of one eyelid or permanent loss of the eyelashes of both right and left eyes</p> <p>(2) Those who have three teeth or more added with dental prostheses</p> <p>(3) Those whose hearing in one ear has decreased to the extent that they cannot hear a low voice at a distance of 1 m or more with that ear</p>

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|  | <ul style="list-style-type: none"><li>(4) Those who are left with deformed scars the size of one's palm on the exposed side of the upper limbs</li><li>(5) Those who are left with deformed scars of the size of one's palm on the exposed side of the lower limbs</li><li>(6) Those who have lost part of the bones of the digits excluding the thumb, of one hand</li><li>(7) Those who have become unable to extend and contract any digit beyond its last joint excluding the thumb, of one hand</li><li>(8) Those who have lost the use of one or two toes of one foot other than the large and second toes</li><li>(9) Those who are left with localized neurological symptoms</li></ul> |
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