

Offender Rehabilitation Act

(Act No. 88 of June 15, 2007)

Table of Contents

Chapter I General Provisions

Section 1 Purpose (Article 1 to Article 3)

Section 2 National Offender Rehabilitation Commission (Article 4 to Article 15)

Section 3 Regional Parole Boards (Article 16 to Article 28)

Section 4 Probation Offices (Article 29 and Article 30)

Section 5 Probation Officers and Volunteer Probation Officers (Article 31 and Article 32)

Chapter II Parole

Section 1 Parole and Provisional Release (Article 33 to Article 40)

Section 2 Release on Parole from Juvenile Training Schools (Article 41 and Article 42)

Section 3 Termination of Execution of Indeterminate Sentences of Inmates (Article 43 to Article 45)

Section 4 Release of Inmates (Article 46 and Article 47)

Chapter III Probation

Section 1 General Rules (Article 48 to Article 65)

Section 1-2 Special Provisions Concerning Probationers and Parolees with Dependence on Controlled Substances (Article 65-2 to Article 65-4)

Section 2 Juveniles on Probation (Article 66 to Article 70)

Section 3 Parolees from Juvenile Training Schools (Article 71 to Article 74)

Section 4 Parolees (Article 75 to Article 78)

Section 5 Persons on Probation with Suspension of Execution of the Sentence (Article 78-2 to Article 81)

Chapter IV Adjustment of Living Conditions (Article 82 to Article 84)

Chapter V Urgent Aftercare for Discharged Offenders

Section 1 Urgent Aftercare for Discharged Offenders (Article 85 to Article 87)

Section 2 Measures for Persons under Stay of Execution of the Sentence (Article 88)

Chapter VI Recommendation for Pardon (Article 89 and Article 90)

Chapter VII Requests for Administrative Review

Section 1 Exclusion from Application of the Administrative Procedure Act (Article 91)

Section 2 Requests for Administrative Review (Article 92 to Article 96-2)

Chapter VIII Miscellaneous Provisions (Article 97 to Article 99)

Supplementary Provisions

Chapter I General Provisions

Section 1 Purpose

(Purpose)

Article 1 The purpose of this Act is to provide proper treatment to persons that have committed crimes and juvenile delinquents, to prevent them from re-offending or stop their delinquencies and assist them to become self-reliant as sound members of society and improve and rehabilitate themselves, and to ensure the proper operation of pardons and promote crime prevention activities, etc., thereby protecting society and enhancing the welfare of individuals and the public.

(Responsibilities of the National Government)

Article 2 (1) The national government must promote activities which contribute to the realization of the purpose under the preceding Article and which are voluntarily carried out by organizations or individuals in the private sector, coordinate and cooperate with those persons and endeavor to deepen the understanding of citizens and obtain their cooperation for the rehabilitation of offenders.

(2) Considering that the activities set forth in the preceding paragraph contribute to improving the safety of local communities and the welfare of residents, local governments may provide necessary cooperation for those activities.

(3) The citizens must endeavor to contribute, according to their position and ability, to achieving the purposes under the preceding Article.

(Standards for Operation)

Article 3 Measures taken pursuant to the provisions of this Act for persons that have committed crimes and for juvenile delinquents are to be taken in the most adequate way and to the extent necessary and appropriate for the improvement and rehabilitation of those persons by fully taking into consideration their character, age, personal history, mental and physical conditions, family environment, friendships and other factors.

Section 2 National Offender Rehabilitation Commission

(Establishment and Competence)

Article 4 (1) The National Offender Rehabilitation Commission (hereinafter referred to as the "commission") is to be established in the Ministry of Justice.

(2) The commission has the following competences:

- (i) recommending the granting of a special pardon, commutation of the sentence rendered to a specific person, exemption from execution of the sentence or restoration of rights with respect to a specific person;
- (ii) making an examination of and an administrative determination on a decision made by a regional parole board as provided for by this Act and the Administrative Complaint Review Act (Act No. 68 of 2014);
- (iii) beyond what is set forth in the preceding two items, dealing with the matters placed under its authority pursuant to this Act and other Acts.

(Organization of the Commission)

Article 5 The commission is composed of a chairman and four members.

(Appointment of the Chairman and Members of the Commission)

Article 6 (1) The chairperson and members of the commission are appointed by the Minister of Justice, with the consent of both Houses of the Diet, from among persons that have great knowledge.

(2) If the term of office of the chairperson or a member expires or a position becomes vacant, and the consent of both Houses of the Diet cannot be obtained due to the closing of the Diet or the dissolution of the House of Representatives, the Minister of Justice may appoint the chairperson or a member notwithstanding the provisions of the preceding paragraph.

(3) In the case referred to in the preceding paragraph, a post facto consent of both Houses of the Diet must be obtained in the first session of the Diet after the appointment. In this case, if a post facto consent by both Houses cannot be obtained, the Minister of Justice must dismiss that chairperson or member.

(4) With regard to the appointment of the chairperson or members, three or more persons among them must not be members of the same political party.

(Term of Office of the Chairperson and Members)

Article 7 The term of office of the chairman and members of the commission is three years; provided, however, that the term of office of the chairperson or a member appointed to fill a vacancy is the remaining term of office of the predecessor.

(Duties of the Chairperson and Members)

Article 8 (1) Two of the members of the commission are to be part-time members.

(2) The chairperson and members must not assume the position of officer of any political parties or other political organizations or actively participate in political activities during their term of office.

(3) The chairperson and full-time members must not engage in other gainful

occupation, engage in commercial businesses or carry out any other business for monetary gain during their term of office, except if permitted by the Minister of Justice.

- (4) The salary of the chairperson and members is to be specified separately by an Act.

(Dismissal of the Chairperson and Members)

Article 9 (1) If the chairperson or a member of the commission has received an order for commencement of bankruptcy proceedings or has been sentenced to imprisonment without work or a heavier punishment, the Minister of Justice must dismiss the chairperson or the member.

- (2) If the Minister of Justice finds that the chairperson or a member is incapable of executing the duties due to a mental or physical disorder or has committed a violation of obligations in the course of the duties or engaged in conduct unbecoming of the chairperson or of a member of the commission, the Minister may dismiss the chairperson or the member after obtaining the consent of both Houses of the Diet.

- (3) If three or more persons among the chairperson and members have come to belong to the same political party, the Minister of Justice is to obtain the consent of both Houses of the Diet and dismiss the chairperson or members so that the number of persons that belong to the same political party becomes two.

- (4) The provisions of the preceding paragraph do not have any impact on the position of the chairperson or a member whose party affiliation has not changed.

(Chairperson)

Article 10 (1) The chairperson presides over the affairs of the commission and represents the commission.

- (2) If the chairperson is incapacitated, a full-time member performs the duties of the chairperson in the order specified by the chairperson in advance.

(Meetings)

Article 11 (1) Meetings of the commission are to be convened by the chairperson.

- (2) The commission may not open a meeting or pass any resolutions unless the chairperson and the majority of the members are present.
- (3) Decisions of the commission are effected by a majority of those present and, in the case of a tie, the chairperson breaks the tie.
- (4) Research carried out by the commission under its authority, or proceedings for the examination under Article 4, paragraph (2), item (ii) may be carried out by the chairperson or one member based on an appointment of the commission.
- (5) With regard to the application of paragraph (2) in case the chairperson is

incapacitated, a full-time member that performs the duties of the chairperson pursuant to the provisions of paragraph (2) of the preceding Article is deemed to be the chairperson.

(Hearings)

- Article 12 (1) If the commission finds it necessary during the course of the research of matters under its jurisdiction, the commission may summon and hear from concerned persons, as provided for by Ministry of Justice Order.
- (2) If a person that is summoned again pursuant to the preceding paragraph for failing to comply with the summons under the same paragraph, fails to comply with the summons without justifiable grounds, the person is punished by a civil fine of not more than 100,000 yen.
- (3) Travel expenses, a daily allowance and accommodation charges are paid to a person that has complied with the summons under paragraph (1), as provided for by Cabinet Order; provided, however, that this does not apply to a person that refuses to make a statement without justifiable grounds.

(Request for Submission of Records)

Article 13 If the commission finds it necessary during the course of the research of matters within under its jurisdiction, the commission may request the court, the public prosecutor, the warden of the penal institution, the superintendent of the juvenile training school, the superintendent of the women's guidance home, the regional parole board and the director of the probation office to submit records, documents, written opinions and written reports.

(Request for Cooperation)

Article 14 The commission may request public agencies, schools, hospitals, organizations relating to public health and welfare and other persons to provide necessary cooperation for the purpose of performing the functions under its jurisdiction.

(Delegation to Cabinet Order)

Article 15 Beyond what is prescribed in Article 4 to Article 11, other matters necessary for the organization of the commission are prescribed by Cabinet Order.

Section 3 Regional Parole Boards

(Competences)

Article 16 A regional parole board (hereinafter referred to as a "regional board") has the following competences:

- (i) granting parole or revoking that disposition as the government agency under Article 28 of the Penal Code (Act No. 45 of 1907);
- (ii) granting provisional release as the government agency under Article 30 of the Penal Code;
- (iii) granting release on parole or discharge from a juvenile training school;
- (iv) applying for a decision to return and commit to a juvenile training school a person that was released on parole from a juvenile training school;
- (v) making a disposition through which it is deemed that a sentence rendered pursuant to the provisions of Article 52, paragraphs (1) or (2) of the Juvenile Act (Act No. 168 of 1948) (hereinafter referred to as an "indeterminate sentence") has been executed and terminated;
- (vi) suspending probation provisionally or revoking that disposition as the government agency under Article 25-2, paragraph (2), and Article 27-3, paragraph (2) of the Penal Code (including when the same paragraph is applied mutatis mutandis pursuant to Article 4, paragraph (2) of the Act on Suspension of Execution of Part of the Sentence Rendered to a Person Who Has Committed a Drug-related Crime (Act No. 50 of 2013));
- (vii) granting release on parole from a women's guidance home or revoking that disposition;
- (viii) supervising the work of a probation office;
- (ix) beyond what is set forth in the preceding items, dealing with the matters placed under its authority pursuant to this Act or other Acts.

(Organization of a Regional Board)

Article 17 A regional board is to consist of more than three persons up to a number specified by Cabinet Order.

(Term of Office of the Board Members)

Article 18 The term of office of the board members is three years.

(Chairperson)

Article 19 (1) A regional board is to have a chairperson. The chairperson is appointed by the Minister of Justice from among the board members.

(2) The chairperson presides over the affairs of and represents the regional board.

(3) In case the chairperson is incapacitated, a member performs the duties of the chairperson in the order specified by the chairperson in advance.

(Secretariat)

Article 20 (1) The regional board is to have a secretariat.

(2) The internal organization of the secretariat is to be prescribed by Ministry of Justice Order.

(Board Meetings)

- Article 21 (1) The functions under the jurisdiction of a regional board is to be administered by a resolution of a meeting composed of all the board members except in case the authority of the board is exercised by a council composed of three board members pursuant to the provisions of Article 23, paragraph (1) or other cases specified by laws and regulations.
- (2) The meeting set forth in the preceding paragraph is to be convened by the chairperson.
- (3) A regional board may not open a meeting under paragraph (1) or pass any resolution unless the majority of the board members are present.
- (4) Decisions of the meeting under paragraph (1) are effected by a majority of those present and, in the case of a tie, the chairman breaks the tie; provided, however, that if the number of persons present is two in a regional board composed of less than five members, decisions are effected by consensus.

(Application, Mutatis Mutandis of the Provisions Concerning Request for the Submission of Records)

Article 22 The provisions of Article 13 apply mutatis mutandis to the research by a meeting under paragraph (1) of the preceding Article. In this case, the term "the regional parole board and the director of the probation office" in Article 13 is deemed to be replaced with "and the director of the probation office".

(Council)

- Article 23 (1) A regional board exercises its authority by a council composed of three board members with regard to the following matters:
- (i) disposition to be made by a decision pursuant to the provisions of this Act or other Acts;
 - (ii) judgment on the commencement of proceedings pursuant to the provisions of Article 35, paragraph (1) (including when applied mutatis mutandis pursuant to Article 42 of this Act, and Article 25, paragraph (4) of the Anti-Prostitution Act (Act No. 118 of 1956));
 - (iii) judgment on the recommencement of proceedings pursuant to the provisions of Article 39, paragraph (4) (including when applied mutatis mutandis pursuant to Article 42 of this Act, and Article 25, paragraph (4) of the Anti-Prostitution Act);
 - (iv) application under the provisions of Article 71.
- (2) Decisions of the council set forth in the preceding paragraph are effected by a majority of its members.
- (3) The council set forth in paragraph (1) may have its members or probation

officers carry out research conducted under its authority.

(Proceedings by the Council)

Article 24 The council set forth in paragraph (1) of the preceding Article must hold proceedings to judge whether or not to make a disposition set forth in item (i) of the same paragraph or an application set forth in item (iv) of the same paragraph.

(Research during the Course of Proceedings)

Article 25 (1) If the council set forth in Article 23, paragraph (1) finds it necessary during the course of the proceedings under the preceding Article, the council may carry out research by interviewing a person that is the subject of the proceedings (hereinafter referred to as "person subject to proceedings"), questioning concerned persons or using other methods.

(2) If the person conducting the research set forth in the preceding paragraph carries out the research at a place other than the relevant office, the person must carry an identification card and produce it upon requested by concerned persons.

(3) The provisions of Article 12 and Article 13 apply mutatis mutandis to the research under paragraph (1). In this case, the term "the regional parole board and the director of the probation office" in the same Article is deemed to be replaced with "and the director of the probation office".

(4) The council may not have probation officers carry out summons and hearings under Article 12, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph, notwithstanding the provisions of Article 23, paragraph (3).

(Written Decision)

Article 26 A decision of the council under Article 23, paragraph (1) must be made by preparing a written decision.

(Notification of the Decision)

Article 27 (1) A decision under the preceding Article becomes effective by notifying it to the person that is the subject of the decision.

(2) The notification of a decision set forth in the preceding paragraph is to be made by rendering the decision, or by sending a certified copy of the written decision by means considered to be appropriate, to the person that is the subject of the decision: provided, however, that, in urgent cases, the means specified by Ministry of Justice Order may be used.

(3) If a person that is the subject of the decision under paragraph (1) is committed in a penal institution or detained in a workhouse, or is committed in

a juvenile training school or a women's guidance home, and a certified copy of the written decision has been sent to the warden of the penal institution (or, in case the person is detained in a workhouse, the penal institution to which that workhouse is attached), the superintendent of the juvenile training school or the superintendent of the women's guidance home, it is deemed that the certified copy of the written decision has been sent to the person that is the subject of the decision.

- (4) If a certified copy of a written decision has been sent to a residence where a person that is the subject of the decision under paragraph (1) is to live pursuant to the provisions of Article 50, paragraph (1), item (iv) (including when applied mutatis mutandis pursuant to Article 26, paragraph (2) of the Anti-Prostitution Act) (if a specific place to stay is specified pursuant to the provisions of Article 51, paragraph (2), item (v) (including when applied mutatis mutandis pursuant to Article 26, paragraph (2) of the same Act), that specific place) by registered mail or by entrustment to correspondence delivery services prescribed in Article 2, paragraph (2) of the Act Concerning the Delivery of Correspondence by Vendors in the Private Sector (Act No. 99 of 2002) that are provided by a general correspondence delivery vendor as prescribed in paragraph (6) of the same Article or by a specified correspondence delivery vendor as prescribed in paragraph (9) of the same Article and are specified by the Minister of Justice as being similar to registered mail, the certified copy of the written decision is deemed to have been sent to the person that is the subject of the decision on the day on which five days have passed from the day of sending.

(Application, Mutatis Mutandis of the Provisions Concerning Request for Cooperation)

Article 28 The provisions of Article 14 apply mutatis mutandis to regional boards.

Section 4 Probation Offices

(Competences)

Article 29 A probation office has the following competences:

- (i) conducting probation as provided for by this Act and the Anti-Prostitution Act;
- (ii) for the purpose of ensuring crime prevention, enlightening the public, making efforts for improvement of the social environment and promoting activities of the local residents;
- (iii) beyond what is set forth in the preceding two items, dealing with the matters that are placed under its authority pursuant to this Act or other

laws and regulations.

(Request for Cooperation)

Article 30 The director of a probation office may request public agencies, schools, hospitals, organizations relating to public health and welfare and other persons to provide necessary assistance and cooperation for the purpose of performing the functions under its jurisdiction.

Section 5 Probation Officers and Volunteer Probation Officers

(Probation Officers)

Article 31 (1) Probation officers are to be deployed in the secretariat of a regional board and a probation office.

(2) Based on medicine, psychology, pedagogy, sociology and other expert knowledge relating to offender rehabilitation, a probation officer is to engage in the supervision, research, adjustment of living conditions and other work relating to the rehabilitation of persons that have committed crimes and juvenile delinquents, and the prevention of crime.

(Volunteer Probation Officers)

Article 32 A volunteer probation officer supplements the work not covered sufficiently by probation officers, under instructions and supervision by the relevant regional board or the director of the probation office, as provided for by the Hogoshi Act (Volunteer Probation Officers Act) (Act No. 204 of 1950), and performs functions under the jurisdiction of the regional board or the probation office, respectively.

Chapter II Parole

Section 1 Parole and Provisional Release

(Notification of Passage of the Statutory Period)

Article 33 When the period specified in Article 28 of the Penal Code or in Article 58, paragraph (1) of the Juvenile Act has passed with respect to a person committed for the execution of the sentence of imprisonment with or without work, the warden of the penal institution or the superintendent of the juvenile training school must notify the relevant regional board of that fact.

(Proposals for Parole and Provisional Release)

Article 34 (1) If the warden of a penal institution or the superintendent of a juvenile training school finds that the period set forth in the preceding Article has passed with respect to a person committed for the execution of the sentence

of imprisonment with or without work and that the person falls under the standards prescribed by Ministry of Justice Order, the warden or the superintendent must recommend the granting of parole for that person to the relevant regional board.

- (2) If the warden of a penal institution finds that a person that is committed for the execution of the sentence of penal detention or that is detained in a workhouse, falls under the standards prescribed by Ministry of Justice Order, the warden must recommend the granting of provisional release for that person to the relevant regional board.

(Commencement of Proceedings without the Recommendation)

Article 35 (1) Even in the case where a recommendation set forth in the preceding Article has not been made, if a regional board finds it necessary, the board may commence proceedings as to whether or not to grant parole or provisional release.

- (2) If a regional board commences proceedings pursuant to the provisions of the preceding paragraph, it must hear the opinions in advance of the warden of the penal institution (or, if the person is detained in a workhouse, the penal institution to which that workhouse is attached) or the superintendent of the juvenile training school where the person that is to be the subject of the proceedings is committed.

Article 36 (1) If a regional board finds it necessary for judging whether or not to commence proceedings pursuant to the provisions of paragraph (1) of the preceding Article, the board may carry out research by interviewing the person that is to be the subject of the proceedings, questioning concerned persons or using other methods.

- (2) If a regional board carries out the research set forth in the preceding paragraph, it may collect useful information from the staff of the penal institution (or, if the person is detained in a workhouse, the penal institution to which that workhouse is attached) or the juvenile training school where the person that is to be the subject of the examination is committed and may ask these persons to attend the interview or provide other types of cooperation.
- (3) The provisions of Article 13 and Article 25, paragraph (2) apply mutatis mutandis to the research under paragraph (1). In this case, the term "the regional parole board and the director of the probation office" in Article 13 is deemed to be replaced with "and the director of the probation office".

(Interviews by Board Members in Parole Proceedings)

Article 37 (1) In proceedings as to whether or not to grant parole, a regional board must have its constituting board members interview the person subject

to proceedings; provided, however, that this does not apply if it is found difficult to interview the person due to a severe illness or injury or a case prescribed by Ministry of Justice Order where an interview is found unnecessary.

- (2) If a regional board finds it necessary in proceedings as to whether or not to grant parole, the board may ask the director of the relevant probation office to make adjustments to the living conditions pursuant to the provisions of Article 82, paragraph (1), with respect to the person subject to proceedings, by specifying concrete matters.
- (3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the research during the course of proceedings as to whether or not to grant parole.

(Hearing of Victims' Opinions in Parole Proceedings)

Article 38 (1) If a regional board carries out proceedings as to whether or not to grant parole, and the victims, etc. (meaning persons that have suffered damage as a result of the crimes which are the grounds for the punishment rendered to the person subject to proceedings (hereinafter referred to as "victims" in this paragraph) or their statutory agents, or in the case where victims have died or suffer severe mental or physical disorders, their spouse, lineal relatives or siblings; the same applies in the following paragraph) have filed a request, wishing to express their opinions regarding the parole of the person subject to proceedings and their sentiment on damage caused by the crimes (hereinafter referred to as "opinions, etc." in this Article), the board is to hear their opinions, etc., as provided for by Ministry of Justice Order; provided, however, that this does not apply if the board finds it inappropriate, in light of the nature of the case, the circumstances of the parole proceedings and other related circumstances.

- (2) A regional board may commission clerical work concerning the acceptance of requests from the victims, etc. set forth in the preceding paragraph and any work for facilitating the hearing of opinions, etc. set forth in the same paragraph to the directors of the probation offices which have jurisdiction over the residences of the victims, etc.

(Disposition to Grant Parole and Provisional Release)

Article 39 (1) A disposition to grant parole pursuant to the provisions of Article 28 of the Penal Code and a disposition to grant provisional release pursuant to the provisions of Article 30 of the same Code are to be made by decision of a regional board.

- (2) If a regional board makes a disposition to grant parole or provisional release, it must specify the day on which the release is to be implemented.

- (3) If a regional board makes a disposition to grant parole, it is to specify the residence in which the person for whom the parole is granted is to reside based on the results of the adjustment of residence pursuant to the provisions of Article 82, paragraph (1), except if a specific place to stay is specified pursuant to the provisions of Article 51, paragraph (2), item (v) or any special circumstances exist.
- (4) If a regional board has rendered a decision under paragraph (1), and it finds that the person for whom the decision was rendered has committed any act prejudicial to the discipline and order of the relevant penal institution, or that substantial changes have occurred in the planned residence after release, employment or other changes in the living conditions, or that other special circumstances have occurred making the release inappropriate, prior to the release, the board must resume proceedings as to whether or not to grant the parole or provisional release. In this case, the relevant decision ceases to be effective.
- (5) The provisions of Article 36 apply mutatis mutandis to the judgment on resumption of the proceedings pursuant to the provisions of the preceding paragraph.

(Probation during Parole)

Article 40 A person for whom parole has been granted is to be on probation during the period of the parole.

Section 2 Release on Parole from Juvenile Training Schools

(Disposition to Permit Release on Parole)

Article 41 If a regional board finds that a person committed in a juvenile training school for the execution of protective measures has reached the highest stage of treatment prescribed in Article 16 of the Juvenile Training Schools Act (Act No. 58 of 2014)," and finds it appropriate to provisionally release the person for the improvement and rehabilitation or otherwise finds it especially necessary to provisionally release the person for the improvement and rehabilitation, the board permits release on parole, by its decision.

(Application, Mutatis Mutandis)

Article 42 The provisions of Article 35 to Article 38, Article 39, paragraph (2) to paragraph (5), and Article 40 apply mutatis mutandis to release on parole from a juvenile training school. In this case, the term "the preceding Article" in Article 35, paragraph (1) is deemed to be replaced with "Article 135 of the Juvenile Training Schools Act)" and the terms "punishment" and "crimes" in Article 38, paragraph (1) are deemed to be replaced with "protective measures"

and "crimes or acts violating criminal laws and regulations", respectively.

Section 3 Termination of Execution of Indeterminate Sentences of Inmates

(Proposal for Termination of Execution of Indeterminate Sentences for Persons Committed in Penal Institutions)

Article 43 If the warden of a penal institution or the superintendent of a juvenile training school finds that, with respect to a person committed for the execution of an indeterminate sentence, the short term of the sentence has terminated and finds it appropriate to terminate execution of the sentence, the warden or the superintendent must submit a proposal to the relevant regional board to the effect that it should be deemed that execution of the sentence has been completed with respect to that person.

(Disposition to Terminate Execution of Indeterminate Sentences for Persons Committed in Penal Institutions)

Article 44 (1) If a regional board finds it appropriate to terminate execution of the sentence when a proposal under the preceding Article has been submitted for a person as prescribed in the same Article, the board must make a disposition through which it is deemed that the execution of the sentence has been completed with respect to that person, by its decision.

(2) If a regional board renders the decision set forth in the preceding paragraph, it must promptly notify the warden of the penal institution or the superintendent of the juvenile training school in which the person that is the subject of the decision is committed of that fact in writing and deliver a certificate to the effect that it has rendered the decision to the person to whom the decision was rendered.

(3) The term of the sentence for the person who is the subject of the decision under paragraph (1) terminates on the day when the notification set forth in the preceding paragraph reaches the relevant penal institution or the juvenile training school.

(Application, Mutatis Mutandis)

Article 45 The provisions of Article 37 apply mutatis mutandis to proceedings as to whether or not to render a decision under paragraph (1) of the preceding Article.

Section 4 Release of Inmates

(Disposition to Permit Release for Persons Committed in Juvenile Training

Schools)

Article 46 (1) If a proposal of the superintendent of a juvenile training school has been submitted with respect to a person committed in the juvenile training school for the execution of protective measures, and the relevant regional board finds that the release of the person is appropriate (or, with respect to a person that is 23 years of age or older and has been committed in a juvenile training school, if the board finds that the circumstances specified in Article 139, paragraph (1) of the Juvenile Training Schools Act no longer exist or otherwise finds that the release is appropriate), the board must permit the release, by its decision.

(2) If a regional board renders the decision set forth in the preceding paragraph, it must deliver a certificate to the effect that it has rendered the decision to the person to whom the decision was rendered.

(Application, Mutatis Mutandis)

Article 47 The provisions of Article 37 apply mutatis mutandis to proceedings as to whether or not to render a decision under paragraph (1) of the preceding Article.

Chapter III Probation

Section 1 General Rules

(Probationers and Parolees)

Article 48 The implementation of probation for any of the following persons (hereinafter referred to as a "probationer or parolee") is to be governed by the provisions of this Chapter:

- (i) a person under protective measures specified in Article 24, paragraph (1), item (i) of the Juvenile Act (hereinafter referred to as a "juvenile on probation");
- (ii) a person for whom release on parole from the relevant juvenile training school is permitted and that is on probation pursuant to the provisions of Article 40 as applied mutatis mutandis pursuant to Article 42 (hereinafter referred to as a "parolee from juvenile training school");
- (iii) a person for whom parole is granted and that is on probation pursuant to the provisions of Article 40 (hereinafter referred to as a "parolee from penal institution");
- (iv) a person on probation pursuant to the provisions of Article 25-2, paragraph (1), or Article 27-3, paragraph (1) of the Penal Code, or Article 4, paragraph (1) of the Act on Suspension of Execution of Part of the Sentence Rendered to a Person Who Has Committed a Drug-related Crime (hereinafter referred to as a "person on probation with suspension of execution of the sentence").

(Implementation Method for Probation)

Article 49 (1) Probation is to be implemented for the purpose of ensuring the improvement and rehabilitation of a probationer or parolee by providing instructions and supervision as prescribed in Article 57 and Article 65-3, paragraph (1), and guidance and assistance as prescribed in Article 58.

(2) Probation for a juvenile on probation or a parolee from juvenile training school is to be implemented in consideration of the purpose of the protective measure and with the aim of promoting sound nurturing of the relevant person.

(General Conditions)

Article 50 (1) A probationer or parolee must comply with the following conditions (hereinafter referred to as "general conditions"):

- (i) maintaining a sound attitude towards life to avoid re-offending or to eliminate delinquency;
- (ii) observing the following conditions and receiving instructions and supervision of probation officers and volunteer probation officers sincerely:
 - (a) when summoned or visited by a probation officer or volunteer probation officer, responding to the summons or visit and undergoing an interview;
 - (b) when requested by a probation officer or volunteer probation officer to clarify facts that show the actual conditions of life, such as the situation of work or attendance at school, the situation of income or expenditure, the family environment, associates and other factors, which the officer needs to ascertain in order to provide instructions and supervision, responding to the request, declaring those facts or presenting materials relating to those facts;
- (iii) when put on probation, choosing a residence promptly and notifying the director of the probation office with jurisdiction over the place of that residence (except if the residence is specified pursuant to the provisions of Article 39, paragraph (3) (including when applied mutatis mutandis pursuant to Article 42; the same applies in the following item), or Article 78-2, paragraph (1), or a specific place to stay is specified pursuant to the provisions of paragraph (2), item (v) of the following Article);
- (iv) residing in the residence that has been notified as set forth in the preceding item (if the residence is specified pursuant to the provisions of Article 39, paragraph (3), or Article 78-2, paragraph (1), that residence, and if a change of residence is permitted as set forth in the following item, the residence pertaining to the permission) (except if a specific place to stay is specified pursuant to the provisions of paragraph (2), item (v) of the following Article);
- (v) when changing the residence or traveling for seven days or more, obtaining

permission from the director of the relevant probation office in advance.

- (2) If a person that has been rendered a sentence to be placed on probation pursuant to the provisions of Article 27-3, paragraph (1) of the Penal Code, or Article 4, paragraph (1) of the Act on Suspension of Execution of Part of the Sentence Rendered to a Person Who Has Committed a Drug-related Crime (hereinafter referred to as a "offender on probation with suspension of execution of part of the sentence") is placed on probation under these provisions, following probation during parole, with respect to the residence where the person is supposed to reside at the time of the termination of the probation during parole and regarding which the person has notified the director of the probation office as set forth in item (iii) of the preceding paragraph (if the residence is specified pursuant to the provisions of Article 39, paragraph (3), that residence, and if a change of residence is permitted as set forth in item (v) of the preceding paragraph, the residence pertaining to the permission), the person is deemed to have notified the director of the probation office as set forth in item (iii) of the preceding paragraph, except if the residence is specified pursuant to the provisions of Article 78-2, paragraph (1) or if a specific place to stay is specified pursuant to the provisions of paragraph (2), item (v) of the following Article.

(Special Conditions)

- Article 51 (1) If, beyond general conditions, special conditions to be complied with have been established (hereinafter referred to as "special conditions"), a probationer or parolee must comply with those special conditions.
- (2) Special conditions are to be established as prescribed in Article 52, except for the case prescribed in the following Article, in concrete terms with respect to the following matters, within the scope found especially necessary for the improvement and rehabilitation of the relevant probationer or parolee, in light of the possibility that a violation of the special conditions may result in the disposition prescribed in Article 72, paragraph (1), and in Article 26-2, Article 27-5, and Article 29, paragraph (1) of the Penal Code, as well as in Article 26-4, paragraph (1) of the Juvenile Act:
- (i) prohibition of specific acts that are likely to lead to crimes or delinquency such as association with persons of a criminal nature, wandering around disreputable places, reckless expenditures for pleasure, excessive alcohol consumption or others;
 - (ii) the need to perform or continue to perform specific acts that are found necessary to maintain a sound attitude towards life free from the possibility of re-offending or delinquency, such as engaging in work, going to school or others;
 - (iii) the need to notify the relevant probation officers or volunteer probation

officers in advance, except in case of emergency, of specific matters relating to the lifestyle or status that are considered especially important for the officers to ascertain in advance for the purpose of providing instructions and supervision, such as travel for less than seven days, separation from service, changes in civil status or others;

- (iv) the need to receive the treatment specified by the Minister of Justice as treatment of a systematic procedure to reform specific criminal tendencies based on medicine, psychology, pedagogy, sociology and other expert knowledge;
- (v) the need to stay in a facility designated by the Minister of Justice, a residence of a person that is to care for the probationer or parolee or other specific place that is found appropriate for the improvement and rehabilitation and is offered as a place to stay, for a prescribed period, and receive instructions and supervision;
- (vi) the need to engage in social activities that contribute to promotion of interests of local communities, which would help cultivate consciousness as a sound member of society and enhance normative consciousness, for a prescribed period;
- (vii) other matters especially necessary for the purpose of providing instructions and supervision.

(Special Provisions of Special Conditions)

Article 51-2 (1) With respect to a person that has been rendered a sentence to be placed on probation pursuant to the provisions of Article 4, paragraph (1) of the Act on Suspension of Execution of Part of the Sentence Rendered to a Person Who Has Committed a Drug-related Crime, as prescribed in paragraph (4) of the following Article, the need to receive the treatment prescribed in paragraph (2), item (iv) of the preceding Article for the purpose of reforming the specific criminal tendency to repeat the use of controlled substances, etc. (meaning the controlled substances, etc. prescribed in Article 2, paragraph (1) of the same Act; the same applies hereinafter) must be established as special conditions for probation during the suspended term; provided, however, that this does not apply if the treatment is not found especially necessary for the improvement and rehabilitation of the person in light of the possibility that a violation of these special conditions may result in the disposition prescribed in Article 27-5 of the Penal Code.

(2) Except for the case set forth in paragraph (4), with regard to the application of the provisions of Article 53, paragraph (4) when special conditions for probation during the suspended term that have been established under the preceding paragraph are revoked before the commencement of the suspended term under Article 27-2 of the Penal Code, the term "necessary" in Article 53,

paragraph (4) is deemed to be replaced with "especially necessary".

- (3) The provisions of paragraph (1) apply mutatis mutandis when special conditions for probation during parole are specified with respect to the person prescribed in the same paragraph by the time of release as prescribed in paragraphs (2) and (3) of the following Article. In this case, the term "Article 27-5" in the proviso of paragraph (1) is deemed to be replaced with "Article 29, paragraph (1)".
- (4) If a decision to grant parole is rendered to the person prescribed in paragraph (1), special conditions for probation during parole under the preceding paragraph and special conditions for probation during the suspended term under paragraph (1) are to be established by the time of release.
- (5) In the case referred to in the preceding paragraph, with regard to the application of the provisions of Article 53, paragraph (2) when special conditions for probation during parole that have been established under paragraph (1) as applied mutatis mutandis pursuant to paragraph (3) are revoked by the time of release, the term "necessary" in Article 53, paragraph (2) is deemed to be replaced with "especially necessary", and with regard to the application of the provisions of Article 53, paragraph (4) when special conditions for probation during the suspended term that have been established under paragraph (1) are revoked by the time of release, the term "necessary before the commencement of the suspended term under Article 27-2 of the Penal Code" in Article 53, paragraph (4) is deemed to be replaced with "especially necessary by the time of release".

(Establishment and Changes of Special Conditions)

- Article 52 (1) The director of a probation office may establish special conditions for a juvenile on probation by hearing, and on the basis of, the opinions of the family court that has rendered protective measures under Article 24, paragraph (1), item (i) of the Juvenile Act, as provided for by Ministry of Justice Order. The same applies when the director intends to change them.
- (2) A regional board may specify special conditions for a parolee from juvenile training school or a parolee from penal institution on the basis of a proposal submitted by the director of the relevant probation office, by its decision, as provided for by Ministry of Justice Order. The same applies when the board intends to change them on the basis of a proposal submitted by the director of the probation office.
 - (3) In the case referred to in the preceding paragraph, if a regional board intends to specify or change special conditions by the time of release by a decision to grant parole from the penal institution or parole from the juvenile training school, the submission of a proposal by the director of the probation office is not necessary.

- (4) With respect to an offender on probation with suspension of execution of part of the sentence, a regional board may establish or change special conditions (limited to special conditions for probation during the suspended term; hereinafter the same applies in this paragraph and paragraph (4) of the following Article), by its decision, before the commencement of the suspended term under Article 27-2 of the Penal Code, as provided for by Ministry of Justice Order. In this case, if the board intends to establish or change special conditions for an offender on probation with suspension of execution of part of the sentence that is on parole, it must be on the basis of a proposal submitted by the director of the relevant probation office.
- (5) At the time of commencing probation, with respect to an offender on probation with suspension of execution of the sentence that is placed on probation under Article 25-2, paragraph (1) of the Penal Code, the director of the relevant probation office may establish special conditions by hearing, and on the basis of, the opinions of the court that has rendered a sentence to place the offender on probation pursuant to the provisions of the same paragraph, as provided for by Ministry of Justice Order.
- (6) Beyond what is set forth in the preceding paragraph, the director of a probation office may establish or change special conditions for an offender on probation with suspension of execution of the sentence by presenting the contents of the special conditions that the director intends to establish or change, and necessary materials, and hearing the opinions of the district court, family court or summary court having jurisdiction over the place where the probation office is located, as provided for by Ministry of Justice Order; provided, however, that this does not apply to the special conditions for which the relevant court has expressed its opinion to the effect that they are not appropriate.

(Revocation of Special Conditions)

- Article 53 (1) If the director of a probation office finds that special conditions specified for a juvenile on probation or an offender on probation with suspension of execution of the sentence (excluding special conditions that are to be complied with for a specified period and for which that period has ended, and other special conditions that are to be complied with, by their nature, until a certain fact arises and for which that fact has arisen; hereinafter the same applies in this Article) are no longer necessary, the director is to revoke them as provided for by Ministry of Justice Order.
- (2) If a regional board finds that special conditions established for a parolee from juvenile training school or a parolee from penal institution are no longer necessary on the basis of a proposal submitted by the director of the relevant probation office, the board is to revoke them, by its decision, as provided for by

Ministry of Justice Order.

- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis when special conditions are revoked pursuant to the provisions of the preceding paragraph.
- (4) If a regional board finds that special conditions established for an offender on probation with suspension of execution of part of the sentence are no longer necessary before the commencement of the suspended term under Article 27-2 of the Penal Code, the board is to revoke them, by its decision, as provided for by Ministry of Justice Order. In this case, if the board revokes special conditions established for an offender on probation with suspension of execution of part of the sentence that is on parole, it must be on the basis of a proposal submitted by the director of the relevant probation office.

(Notice of General Conditions)

- Article 54 (1) If protective measures under Article 24, paragraph (1), item (i) of the Juvenile Act have been rendered, or if a sentence to place the person on probation has been rendered pursuant to the provisions of Article 25-2, paragraph (1) of the Penal Code, the director of the relevant probation office must deliver a document describing the contents of the general conditions to that juvenile on probation or person on probation with suspension of execution of the sentence, as provided for by Ministry of Justice Order.
- (2) If the warden of a penal institution or the superintendent of a juvenile training school releases a person that is committed for the execution of the sentence of imprisonment with or without work by a decision under Article 39, paragraph (1), releases a person on probation with suspension of execution of part of the sentence on the grounds that the execution of the remaining part of the sentence for which execution was not suspended has been completed or the person has become no longer subject to execution of that part of the sentence (if the execution of the relevant part of the sentence has been completed or the person has become no longer subject to execution thereof, but the person is still subject to another sentence of imprisonment with or without work, on the grounds that the execution of that other sentence has been completed or the person has become no longer subject to execution thereof; the same applies in paragraph (2) of the following Article), or releases a person that is committed for the execution of protective measures by a decision under Article 41, the warden or the superintendent must deliver a document describing the contents of the general conditions to that person, as provided for by Ministry of Justice Order.

(Notice of Special Conditions)

- Article 55 (1) If special conditions have been established or changed for a

probationer or parolee, the director of the relevant probation office must deliver a document describing the contents of the special conditions to the probationer or parolee, as provided for by Ministry of Justice Order; provided, however, that this does not apply to the case prescribed in the following paragraph.

- (2) If special conditions have been established for a person that is committed for the execution of the sentence of imprisonment with or without work (if the person is an offender on probation with suspension of execution of part of the sentence, including special conditions for probation during the suspended term) by the time of release by a decision under Article 39, paragraph (1), if special conditions have been specified for an offender on probation with suspension of execution of part of the sentence by the time of release on the grounds that the execution of the remaining part of the sentence for which execution was not suspended has been completed or the person has become no longer subject to execution of that part of the sentence, or if special conditions have been established for a person that is committed for the execution of protective measures by the time of release by a decision under Article 41, the warden of the relevant penal institution or the superintendent of the relevant juvenile training school must deliver a document describing the contents of the special conditions (if they have been changed by the time of release, those after the change) to the relevant person at the time of release, as provided for by Ministry of Justice Order; provided, however, that this does not apply when the special conditions have been revoked by the time of release.

(Life and Conduct Guidelines)

- Article 56 (1) If the director of a probation office finds it necessary for appropriately providing instructions and supervision during probation for a probationer or parolee, the director may establish guidelines for life and conduct that contribute to the improvement and rehabilitation of the probationer or parolee (hereinafter referred to as "life and conduct guidelines"), as provided for by Ministry of Justice Order.
- (2) If the director of a probation office has established life and conduct guidelines pursuant to the provisions of the preceding paragraph, the director must deliver a document describing the contents of the life and conduct guidelines to the relevant probationer or parolee, as provided for by Ministry of Justice Order.
- (3) If life and conduct guidelines have been established pursuant to the provisions of paragraph (1), the relevant probationer or parolee must endeavor to live and conduct in accordance with the guidelines.

(Method of Instructions and Supervision)

Article 57 (1) Instructions and supervision during probation are to be provided in the following manner:

- (i) maintaining contact with the probationer or parolee through interviews or other suitable methods to understand their behavior;
 - (ii) providing necessary instructions or taking other measures to ensure that the probationer or parolee lives and conducts in compliance with the relevant general conditions and special conditions (hereinafter referred to as "conditions") and in accordance with the life and conduct guidelines;
 - (iii) implementing professional treatment to reform specific criminal tendencies.
- (2) If the director of a probation office finds it especially necessary for appropriately providing instructions and supervision set forth in the preceding paragraph, the director may offer accommodation suited for providing instructions and supervision to the relevant probationer or parolee.

(Method of Guidance and Assistance)

Article 58 Guidance and assistance during probation are to be provided in the following manner in order to enable the relevant probationer or parolee to live an independent life based on the responsibility to be self-reliant:

- (i) assisting the probationer or parolee in obtaining a suitable residence or other accommodation, and in living in and returning to that accommodation;
- (ii) assisting the probationer or parolee in receiving medical care and medical treatment;
- (iii) giving vocational guidance to and assisting the probationer or parolee in obtaining employment;
- (iv) assisting the probationer or parolee in obtaining means for cultural education and training;
- (v) improving and adjusting the living conditions;
- (vi) teaching the probationer or parolee the life skills necessary to adapt to social life;
- (vii) beyond what is set forth in the preceding items, giving advice or taking measures as necessary so that the probationer or parolee can live a sound social life.

(Measures for Parents and Guardians)

Article 59 If the director of a probation office finds it necessary, the director may give guidance or advice to, or take other appropriate measures for parents and guardians (meaning the parents and guardians prescribed in Article 2, paragraph (2) of the Juvenile Act) of a juvenile on probation (limited to the juvenile prescribed in paragraph (1) of the same Article that is a juvenile on probation or a parolee from juvenile training school) for the purpose of having them become aware of their responsibility regarding the care of and contribute

to the improvement and rehabilitation of that juvenile.

(Jurisdiction of Probation)

Article 60 The probation office having jurisdiction over the place of residence (current place or last known place of residence or location, if the residence does not exist or is unknown) of the relevant probationer or parolee takes charge of the probation.

(Executor of Probation)

Article 61 (1) Instructions and supervision and guidance and assistance during probation are to be provided by probation officers or volunteer probation officers in consideration of the characteristics of the relevant probationer or parolee, contents of the measures to be taken and other circumstances.

(2) The guidance and assistance set forth in the preceding paragraph may be provided through commission to a person conducting offender rehabilitation services or other suitable person pursuant to the provisions of the Offender Rehabilitation Services Act (Act No. 86 of 1995), if it is considered effective and appropriate for ensuring the improvement and rehabilitation of the relevant probationer or parolee.

(Urgent Aid)

Article 62 (1) If it is likely that the improvement and rehabilitation of a probationer or parolee may be hampered for not obtaining necessary means to live a sound social life such as proper medical care, meals, a residence or other necessities, the director of the relevant probation office must provide assistance so that the probationer or parolee is able to receive necessary urgent aid within the scope of the relevant purposes from organizations relating to public health and welfare and other organizations.

(2) If necessary urgent aid cannot be obtained through the assistance pursuant to the provisions of the preceding paragraph, the director of the relevant probation office is to provide aid within the scope of the budget.

(3) The aid set forth in the preceding paragraph may be provided through commission to a person conducting offender rehabilitation services or other suitable person pursuant to the provisions of the Offender Rehabilitation Services Act.

(4) If the director of a probation office takes measures pursuant to the provisions of paragraph (1) or (2), the director must pay due consideration so that the awareness of the relevant probationer or parolee regarding the responsibility to be self-reliant is not hampered.

(Summons and Physical Escort)

- Article 63 (1) If a regional board or the director of a probation office finds it necessary for performing the duty, the board or the director may summon a probationer or a parolee.
- (2) If the director of a probation office finds that a probationer or parolee falls under either of the following items, the director may physically escort the probationer or parolee by a warrant of arrest issued by a judge in advance:
- (i) if the probationer or parolee fails to live in a residence specified in Article 50, paragraph (1), item (iv) (or, in case a specific place to stay has been specified pursuant to the provisions of Article 51, paragraph (2), item (v), if the probationer or parolee fails to stay in that place) without justifiable grounds;
 - (ii) if there exist sufficient grounds to suspect that the probationer or parolee has not abided by the conditions and has not obeyed or is likely not to obey the summons under the preceding paragraph without justifiable grounds.
- (3) If a regional board finds that a parolee from juvenile training school or a parolee from penal institution falls under either of the items of the preceding paragraph, the board may physically escort the parolee from juvenile training school or the parolee from penal institution by a warrant of arrest issued by a judge in advance.
- (4) A warrant of arrest under paragraph (2) is to be issued based on a request of the director of a probation office, and a warrant of arrest under the preceding paragraph is to be issued based on a request of a regional board, by a judge of the district court, family court or summary court having jurisdiction over the location of the probation office or the regional board.
- (5) A warrant of arrest under paragraph (2) or (3) may be issued by one assistant judge alone.
- (6) A warrant of arrest under paragraph (2) or (3) is to be executed by a probation officer; provided, however, that if it is difficult to have a probation officer execute it, its execution may be commissioned to a police official.
- (7) The provisions of Article 64, the first sentence of paragraph (1) and paragraph (3) of Article 73, Article 74, the main clause of paragraph (1) and paragraph (3) (limited to the part relating to physical escort) of Article 76 of the Code of Criminal Procedure (Act No. 131 of 1948) apply mutatis mutandis to a warrant of arrest under paragraph (2) or (3) and physical escort of probationers or parolees pursuant to the provisions of these paragraphs. In this case, the terms "the crime, a summary of the charged facts" in Article 64, paragraph (1) of the same Code, "a summary of the charged facts" in Article 73, paragraph (3) of the same Code, and "a summary of the charged facts, that they has the right to appoint counsel, and that, when they is unable to appoint counsel him/herself because of indigence or other reasons, they is entitled to request the court to appoint counsel instead" in the main clause of paragraph

(1) of Article 76 of the same Code are deemed to be replaced with "the reason for the physical escort"; the term "the presiding judge or the commissioned judge" in Article 64, paragraph (1) of the same Code is deemed to be replaced with "the judge"; the term "penal institution" in Article 74 of the same Code is deemed to be replaced with "penal institution or juvenile classification home"; and the term "a judge of a collegiate panel or a court clerk" in Article 76, paragraph (3) of the same Code is deemed to be replaced with "a board member or a probation officer in the case of physical escort by a regional parole board, or a probation officer in the case of physical escort by the director of a probation office".

(8) A person physically escorted by a warrant of arrest under paragraph (2) or (3) must be released within twenty-four hours after the person was physically escorted to the relevant place; provided, however, that this does not apply when the person is detained pursuant to the provisions of Article 73, paragraph (1), Article 76, paragraph (1), or Article 80, paragraph (1) within twenty-four hours.

(9) A summons pursuant to the provisions of paragraph (1), a judgment pertaining to physical escort pursuant to the provisions of paragraph (3) and a judgment pertaining to release pursuant to the provisions of the main clause of the preceding paragraph to be issued or made by a regional board are to be decided by a council composed of three board members (or, after the commencement of proceedings as to whether or not to make an application pursuant to the provisions of Article 71, or whether or not to render a decision pursuant to the provisions of Article 75, paragraph (1), or a decision pursuant to the provisions of Article 81, paragraph (5), the council taking charge of the proceedings); provided, however, that, in cases requiring urgency, a judgment of a regional board pertaining to release pursuant to the provisions of the main clause of the preceding paragraph may be made by one board member that is designated by the regional board in advance.

(10) The provisions of Article 13, Article 23, paragraph (3), and Article 25, paragraphs (1) and (2) apply mutatis mutandis to the research by the council or board members for measures prescribed in the preceding paragraph, and the provisions of Article 23, paragraph (2) apply mutatis mutandis to decisions of the council set forth in the preceding paragraph, respectively. In this case, the term "the regional parole board and the director of the probation office" in Article 13 is deemed to be replaced with "and the director of the probation office".

(Research for Probation)

Article 64 (1) If the director of a probation office finds it necessary in the research for probation, the director may ask questions of concerned persons

and request them to submit materials.

- (2) Questions and requests for submission of materials pursuant to the provisions of the preceding paragraph are to be made by a probation officer or volunteer probation officer.
- (3) The provisions of Article 25, paragraph (2) apply mutatis mutandis to the questions and requests for submission of materials pursuant to the provisions of paragraph (1).

(Communication of Victims' Sentiments to Probationers)

Article 65 (1) If victims, etc. (meaning persons that have suffered damage as a result of the crimes or acts violating criminal laws and regulations, which are the grounds for the punishment or protective measures rendered to the relevant probationer or parolee (hereinafter referred to as "victims" in this paragraph), or their statutory agents, or if the victims have died or suffer severe mental or physical disorders, their spouse, lineal relatives or siblings; the same applies in this Article) have filed a request, wishing to communicate their sentiments concerning damage, their current situation, and their opinions toward the life or behavior of the probationer or parolee (hereinafter referred to as 'feelings, etc. '), the director of the relevant probation office is to hear those feelings, etc. and communicate them to the probationer or parolee; provided, however, that this does not apply when the director finds that the communication may hinder the improvement and rehabilitation of the probationer or parolee or that it is not appropriate in light of the nature of the case pertaining to the damage, implementation status of probation and other circumstances.

- (2) The director of a probation office may, commission clerical work concerning the acceptance of requests and hearing of feelings, etc. under the preceding paragraph to the directors of other probation offices which have jurisdiction over the residences of the victims, etc. In this case, if the director of the relevant probation office has decided not to communicate the feelings, etc. pursuant to the provisions of the proviso of the same paragraph, the director must hear opinions of those other directors in advance.

Section 1-2 Special Provisions Concerning Probationers and Parolees with Dependence on Controlled Substances

(Implementation Method for Probation)

Article 65-2 Probation for a probationer or parolee with dependence on controlled substances, etc. must be implemented with the aim of ensuring the improvement and rehabilitation and, in light of the importance of reducing the dependence on controlled substances, etc., while securing close collaboration

with hospitals providing medical care or assistance contributing to those purposes, organizations relating to public health and welfare and other persons.

(Method of Instructions and Supervision)

Article 65-3 (1) Instructions and supervision during the probation for a probationer or parolee with dependence on controlled substances, etc. are to be provided in the following manner, beyond the manner set forth in Article 57, paragraph (1):

- (i) providing necessary instructions or taking other measures to ensure that the probationer or parolee receives medical care contributing to reducing the dependence on controlled substances, etc.;
 - (ii) providing necessary instructions or taking other measures to ensure that the probationer or parolee receives professional assistance for reducing the dependence on controlled substances, etc. that is provided by organizations relating to public health and welfare or other appropriate persons and conforms to the standards specified by the Minister of Justice.
- (2) If the director of a probation office intends to take the measures prescribed in the preceding paragraph, the director must confirm that receiving the medical care or assistance prescribed in the same paragraph is not against the intent of the relevant probationer or parolee, in advance, and consult with the person that provides the medical care or assistance with regard to the provision thereof.
- (3) If the director of a probation office has taken the measures prescribed in paragraph (1), the director must ascertain the status of the medical care or assistance prescribed in the same paragraph and consult with the person that provides the medical care or assistance as necessary.
- (4) If the measures prescribed in paragraph (1), item (ii) have been taken for a probationer or parolee for whom the need to receive the treatment prescribed in Article 51, paragraph (2), item (iv) for the purpose of reforming a specific criminal tendency to repeat the use of controlled substances, etc. is established as part of the special conditions, the relevant treatment may be implemented while deeming that the probationer or parolee has received part of it in accordance with the contents of the assistance prescribed in paragraph (1), item (ii) that the probationer or parolee has received.

Article 65-4 With respect to a probationer or parolee with dependence on controlled substances, etc., the director of the relevant probation office is to take necessary measures so that instructions and supervision during probation are provided based on a proper understanding of the mental and physical conditions of the probationer or parolee by requesting the relevant hospitals, organizations relating to public health and welfare or other persons to provide

necessary information such as the medical conditions and therapeutic situation of the probationer or parolee pursuant to the provisions of Article 30.

Section 2 Juveniles on Probation

(Period of Protective Measures under Article 24, Paragraph (1), Item (i) of the Juvenile Act)

Article 66 The period of probation for a juvenile on probation is to be until the juvenile on probation reaches 20 years of age (or for two years, if that period is shorter than two years); provided, however, that if the period of probation is specified pursuant to the provisions of Article 68, paragraph (3), the period of probation is the period thus specified.

(Warnings and Applications for Decisions under Article 26-4, Paragraph (1) of the Juvenile Act)

Article 67 (1) If the director of a probation office finds that a juvenile on probation has failed to comply with the conditions, the director may issue warnings to the juvenile on probation to comply with the conditions.
(2) If the director of a probation office finds that a juvenile on probation that received the warnings set forth in the preceding paragraph has still failed to comply with the conditions and that the degree of the failure is serious, the director may apply for a decision under Article 26-4, paragraph (1) of the Juvenile Act.

(Notification to the Family Court)

Article 68 (1) If the director of a probation office finds that a juvenile on probation has any of the circumstances set forth in Article 3, paragraph (1), item (iii) of the Juvenile Act, the director may notify the family court of such circumstances.
(2) If a notification pursuant to the provisions of the preceding paragraph has been made, and the relevant juvenile on probation pertaining to the notification is 20 years of age or older, the juvenile is to be deemed as a juvenile under Article 2, paragraph (1) of the Juvenile Act, and the provisions of Chapter II of the same Act apply.
(3) If the family court renders protective measures under Article 24, paragraph (1), item (i) or (iii) of the Juvenile Act to a juvenile on probation that is deemed to be a juvenile under Article 2, paragraph (1) of the same Act pursuant to the provisions of the preceding paragraph, the court must specify the period of probation or the period to continue committing the juvenile in a juvenile training school within a period before the juvenile reaches 23 years of age, concurrently with the decision of protective measures.

(Early Discharge from Probation)

Article 69 If the director of a probation office finds that it is no longer necessary to continue probation for a juvenile on probation, the director is to discontinue the probation.

(Temporary Discharge from Probation)

Article 70 (1) If the director of a probation office finds that it will contribute to the improvement and rehabilitation of the relevant juvenile on probation, the director may temporarily suspend the probation for a fixed period.

(2) With respect to a juvenile on probation for whom probation is temporarily suspended pursuant to the provisions of the preceding paragraph, the provisions of Article 49, Article 51, Articles 52 to 59, Article 61, Article 62, Articles 65 to 65-4, Article 67 and Article 68 do not apply.

(3) With regard to the application of the provisions of Article 50, paragraph (1) and Article 63 to a juvenile on probation for whom probation is temporarily suspended pursuant to the provisions of paragraph (1), the term "hereinafter referred to as "general conditions" in Article 50, paragraph (1) is deemed to be replaced with "excluding the conditions set forth in item (ii), (b) and item (iii)", and the term "observing the following conditions and receiving instructions and supervision of probation officers and volunteer probation officers sincerely" in item (ii) of the same paragraph is deemed to be replaced with "observing the following conditions", and the term "change the residence or travel for seven days or more" in item (v) of the same paragraph is deemed to be replaced with "change the residence", and the term "the conditions" in Article 63, paragraph (2), item (ii) is deemed to be replaced with "the conditions set forth in Article 50, paragraph (1) as applied pursuant to Article 70, paragraph (3) following the deemed replacement of terms".

(4) If a disposition pursuant to the provisions of paragraph (1) is made, the special conditions established for the juvenile on probation to whom the disposition was made are deemed to have been revoked concurrently with the disposition.

(5) If the director of a probation office finds it necessary to commence the probation once again for the juvenile on probation for whom the probation is temporarily suspended pursuant to the provisions of paragraph (1), the director must revoke the disposition pursuant to the provisions of the same paragraph.

(6) In the case referred to in the preceding paragraph, the director of a probation office may not issue warnings pursuant to the provisions of Article 67, paragraph (1) nor apply for a decision pursuant to the provisions of paragraph (2) of the same Article by reason of the failure of the relevant juvenile on

probation to comply with the conditions set forth in Article 50, paragraph (1) as applied pursuant to paragraph (3) following the deemed replacement of terms, during the period when the probation is being temporarily suspended pursuant to the provisions of paragraph (1).

Section 3 Parolees from Juvenile Training Schools

(Application for Returning Parolees to Juvenile Training Schools)

Article 71 If a regional board finds that a parolee from juvenile training school has failed to comply with the conditions, the board may apply to the family court that had referred that parolee to a juvenile training school for a decision to return that parolee to a juvenile training school and commit the same parolee therein, based on a proposal submitted by the director of the relevant probation office; provided, however, that, with respect to a parolee from juvenile training school that has reached 23 years of age, the application may only be made if the board finds that the circumstances specified in Article 139, paragraph (1) of the Juvenile Training Schools Act exist.

(Decision for Returning Parolees to Juvenile Training Schools)

Article 72 (1) If the family court that receives an application under the preceding Article finds that it is appropriate for the parolee from juvenile training school pertaining to the application, the court may render a decision to return that parolee to a juvenile training school and commit the same parolee therein.

(2) If the family court finds it necessary to continue committing a parolee from juvenile training school that is under 23 years of age after the parolee reaches 20 years of age, upon rendering a decision set forth in the preceding paragraph, the court may specify the period during which the parolee is to be committed in a juvenile training school within a period before the parolee reaches 23 years of age, concurrently with the decision. If the parolee has already reached 20 years of age, the family court must specify the period during which the parolee is to be committed in a juvenile training school within a period before the parolee reaches 23 years of age, concurrently with the decision.

(3) If the family court renders a decision under paragraph (1) for a parolee from juvenile training school that has reached 23 years of age, the court must specify the period during which the parolee is to be committed in a juvenile training school within a period before the parolee reaches 26 years of age, concurrently with the decision.

(4) If the family court holds proceedings for a case pertaining to a decision under paragraph (1), it must hear the opinions of persons with knowledge of medicine, psychology, pedagogy, sociology and other expert knowledge and of the director

of the relevant probation office.

- (5) Beyond what is prescribed in the preceding three paragraphs, the procedures for a case pertaining to a decision under paragraph (1) are to be governed by the same rules as procedures for a case pertaining to protective measures for juveniles, unless contrary to the nature thereof.

(Detention)

- Article 73 (1) If a proposal under Article 71 is submitted for a parolee from juvenile training school that has been physically escorted by a warrant of arrest under Article 63, paragraph (2) or (3) and the relevant regional board commences proceedings as to whether or not to make an application pursuant to the provisions of Article 71, the board may detain the parolee from juvenile training school in a penal institution or juvenile classification home.
- (2) The period of detention pursuant to the provisions of the preceding paragraph is to be within ten days from the day on which a parolee from juvenile training school was physically escorted to the relevant place; provided, however, that if a regional board finds that detention is no longer necessary, the board must release the parolee immediately even during that period.
- (3) If an application pursuant to the provisions of Article 71 has been made for a parolee from juvenile training school that is detained pursuant to the provisions of paragraph (1), the relevant regional board may continue to detain the parolee, notwithstanding the provisions of the preceding paragraph, until a notice of decision pertaining to the application is given from the family court or until measures for protection under Article 17, paragraph (1), item (ii) of the Juvenile Act are taken; provided, however, that the period of detention may not exceed twenty days in total.
- (4) Judgment on detention pursuant to the provisions of paragraph (1) and release pursuant to the provisions of the proviso of paragraph (2) is to be made by a council composed of three board members (or, after the commencement of proceedings as to whether or not to make an application pursuant to the provisions of Article 71, the council taking charge of the proceedings); provided, however, that, in cases requiring urgency, judgment may be made by one board member that is designated by the regional board in advance.
- (5) The provisions of Article 13, Article 23, paragraph (3), and Article 25, paragraphs (1) and (2) apply mutatis mutandis to the research by the council or board members for measures prescribed in the preceding paragraph, and the provisions of Article 23, paragraph (2) apply mutatis mutandis to decisions by the council set forth in the preceding paragraph, respectively. In this case, the term "the regional parole board and the director of the probation office" in Article 13 is deemed to be replaced with "and the director of the probation office".

(6) No request for administrative review may be filed against the detention pursuant to the provision of paragraph (1).

(Disposition to Permit Discharge for Parolees from Juvenile Training School)

Article 74 (1) If a proposal of the director of a probation office has been submitted with respect to a parolee from juvenile training school, and a regional board finds that it is no longer necessary to continue the probation (or, with respect to a parolee from juvenile training school that is 23 years of age or older, that the circumstances specified in Article 139, paragraph (1) of the Juvenile Training Schools Act no longer exist or it is no longer necessary to continue the probation), the board must permit discharge, by its decision.

(2) The provisions of Article 46, paragraph (2) apply mutatis mutandis to a decision set forth in the preceding paragraph.

Section 4 Parolees

(Revocation of Parole)

Article 75 (1) Revocation of parole pursuant to the provisions of Article 29, paragraph (1) of the Penal Code is to be made by the regional board with jurisdiction over the location of the probation office which is in charge of probation for the relevant parolee, by its decision.

(2) A decision set forth in the preceding paragraph by reason of the parolee falling under Article 29, paragraph (1), item (iv) of the Penal Code must be made on the basis of a proposal submitted by the director of the relevant probation office.

(3) The provisions of Articles 484 to 489 of the Code of Criminal Procedure apply to the commitment of a person for whom the parole is revoked.

(Detention)

Article 76 (1) If a parolee physically escorted by a warrant of arrest under Article 63, paragraph (2) or (3) falls under Article 29, paragraph (1), items (i) to (iii) of the Penal Code, and the relevant regional board finds it necessary to commence proceedings as to whether or not to render a decision under paragraph (1) of the preceding Article, or the board commences the proceedings based on a proposal under paragraph (2) of the same Article, the board may detain the parolee in a penal institution or juvenile classification home.

(2) If a parolee is detained pursuant to the provisions of the preceding paragraph, and the parole of that parolee is revoked, the number of days in detention is to be included in the term of the sentence, notwithstanding the provisions of Article 29, paragraph (3) of the Penal Code.

(3) The provisions of Article 73, paragraph (2) and paragraphs (4) to (6) apply

mutatis mutandis to the detention pursuant to the provisions of paragraph (1). In this case, the term "an application pursuant to the provisions of Article 71" in paragraph (4) of the same Article is deemed to be replaced with "a decision under Article 75, paragraph (1)".

(Suspension of Probation)

- Article 77 (1) If a regional board finds, based on a proposal submitted by the director of the relevant probation office, that the probation can no longer be implemented as the whereabouts of the parolee is unknown, the board may suspend the probation, by its decision.
- (2) If the whereabouts of a parolee for whom probation is suspended pursuant to the provisions of the preceding paragraph becomes known, the regional board with jurisdiction over the location of the whereabouts must cancel the suspension immediately, by its decision.
- (3) In cases requiring urgency, a decision set forth in the preceding paragraph may be made by one board member, notwithstanding the provisions of Article 23, paragraph (1).
- (4) If a parolee for whom probation is suspended pursuant to the provisions of paragraph (1) is physically escorted by a warrant of arrest under Article 63, paragraph (2) or (3), it is deemed that a decision under paragraph (2) has been rendered.
- (5) The term of the sentence of a parolee is to be suspended by a decision under paragraph (1) and commences from the time when a decision under paragraph (2) is rendered.
- (6) A regional board may not revoke parole by reason of the parolee failing to comply with the conditions during the period when the probation is being suspended pursuant to the provisions of paragraph (1).
- (7) If it has become clear that suspension of probation has no grounds after a regional board makes a decision under paragraph (1), the board must revoke the decision under the same paragraph, by its decision.
- (8) The provisions of paragraph (5) do not apply to the computation of the term of the sentence of a parolee in case a decision under paragraph (1) has been revoked pursuant to the provisions of the preceding paragraph.

(Termination of Execution of Indeterminate Sentences of Parolees)

- Article 78 (1) With respect to a person that is rendered an indeterminate sentence and for whom parole is permitted and the short term of the sentence has terminated prior to or during the parole, if a regional board finds it appropriate to terminate execution of the sentence, based on a proposal submitted by the director of the relevant probation office, the board must make a disposition through which it is deemed that execution of the sentence has

been completed with respect to that person, by its decision, notwithstanding the provisions of Article 59, paragraph (2) of the Juvenile Act.

- (2) The provisions of Article 46, paragraph (2) apply mutatis mutandis to a decision set forth in the preceding paragraph.

Section 5 Offenders on Probation

(Specification of Residence)

Article 78-2 (1) With respect to a person on probation with suspension of execution of part of the sentence, a regional board may specify a residence to be resided in by the person, by its decision, based on the results of the adjustment of residence pursuant to the provisions of Article 82, paragraph (1), before the commencement of the suspended term under Article 27-2 of the Penal Code, as provided for by Ministry of Justice Order.

- (2) If a regional board has rendered a decision set forth in the preceding paragraph but finds the occurrence of any circumstances that make it inappropriate for the person that has received the decision to reside in the residence specified by that decision before the commencement of the suspended term under Article 27-2 of the Penal Code, the board is to revoke the specification of the residence, by its decision, as provided for by Ministry of Justice Order.

- (3) The provisions of Article 36, paragraph (2) apply mutatis mutandis to the research during the course of proceedings concerning a decision set forth in the preceding two paragraphs, and the provisions of Article 37, paragraph (2) apply mutatis mutandis to those proceedings, respectively.

(Proposal to the Public Prosecutor)

Article 79 With respect to a person on probation with suspension of execution of the sentence, if the director of the relevant probation office finds that the suspension of execution of the sentence should be revoked pursuant to the provisions of Article 26-2, item (ii), or Article 27-5, item (ii) of the Penal Code, the director must submit a proposal prescribed in Article 349, paragraph (2) of the Code of Criminal Procedure, in writing, to a public prosecutor of the public prosecutors office that corresponds to the district court, family court or summary court specified in paragraph (1) of the same Article.

(Detention)

Article 80 (1) With respect to a person on probation with suspension of execution of the sentence that has been physically escorted by a warrant of arrest under Article 63, paragraph (2), if the director of the relevant probation office finds it necessary to commence proceedings as to whether or not to submit a proposal

under the preceding Article, the director may detain the person on probation with suspension of execution of the sentence in a penal institution or juvenile classification home.

- (2) The period of detention pursuant to the provisions of the preceding paragraph is to be within ten days from the day on which the person on probation with suspension of execution of the sentence was physically escorted to the relevant place; provided, however, that if it becomes no longer necessary to submit a proposal under the preceding Article, or if it becomes obvious that the public prosecutor does not intend to make a demand under Article 349, paragraph (1) of the Code of Criminal Procedure or otherwise the detention becomes no longer necessary, the person on probation with suspension of execution of the sentence must be released immediately even during that period.
- (3) If a demand under Article 349, paragraph (1) of the Code of Criminal Procedure has been made for a person on probation with suspension of execution of the sentence that is detained pursuant to the provisions of paragraph (1), the director of the relevant probation office may continue to detain the person, notwithstanding the provisions of the preceding paragraph, until a notification of a decision under Article 349-2, paragraph (1) of the same Code is delivered; provided, however, that the period of detention may not exceed twenty days in total.
- (4) If a demand for an oral argument pursuant to the provisions of Article 349-2, paragraph (2) of the Code of Criminal Procedure is made, the court may extend the period set forth in the proviso of the preceding paragraph for only ten days, by its decision. In this case, a notification of the decision is governed by the same rules as notification of a decision in the same Code.
- (5) If a decision specified in paragraph (3) is to revoke the suspension of execution of the sentence of a person on probation with suspension of execution of the sentence, the director of the relevant probation office may continue to detain the person, notwithstanding the provisions of the same paragraph, until the decision becomes final and binding.
- (6) If a person on probation with suspension of execution of the sentence is detained pursuant to the provisions of paragraph (1), and the suspension of execution of the sentence of the person has been revoked, the number of days in detention is to be included in the term of the sentence.
- (7) The provisions of Article 73, paragraph (6) apply *mutatis mutandis* to the detention pursuant to the provisions of paragraph (1).

(Provisional Discharge from Probation)

Article 81 (1) A disposition to provisionally suspend probation pursuant to the provisions of Article 25-2, paragraph (2) or Article 27-3, paragraph (2) of the Penal Code (including when the same paragraph is applied *mutatis mutandis*

pursuant to Article 4, paragraph (2) of the Act on Suspension of Execution of Part of the Sentence Rendered to a Person Who Has Committed a Drug-related Crime; hereinafter the same applies in this Article) is to be made by a regional board, by its decision, based on a proposal submitted by the director of a probation office.

- (2) With respect to a person on probation with suspension of execution of the sentence for whom the probation is provisionally suspended pursuant to the provisions of Article 25-2, paragraph (2) or Article 27-3, paragraph (2) of the Penal Code, the provisions of Article 49, Articles 51 to 58, Article 61, Article 62, Articles 65 to 65-4, Article 79 and the preceding Article do not apply.
- (3) With regard to the application of the provisions of Article 50 and Article 63 for a person on probation with suspension of execution of the sentence for whom the probation is provisionally lifted pursuant to the provisions of Article 25-2, paragraph (2) or Article 27-3, paragraph (2) of the Penal Code, the term "hereinafter referred to as "general conditions"" in Article 50, paragraph (1) is deemed to be replaced with "excluding the conditions set forth in item (ii), (b) and item (iii)", and the term "observing the following conditions and receiving instructions and supervision of probation officers and volunteer probation officers sincerely" in item (ii) of the same paragraph is deemed to be replaced with "observing the following conditions", and the term "change the residence or travel for seven days or more" in item (v) of the same paragraph is deemed to be replaced with "change the residence", and the term "the conditions" in Article 63, paragraph (2), item (ii) is deemed to be replaced with "the conditions set forth in Article 50, paragraph (1) as applied pursuant to Article 81, paragraph (3) following the deemed replacement of terms".
- (4) If a disposition pursuant to the provisions of paragraph (1) is made, the special conditions established for the person on probation with suspension of execution of the sentence to whom the disposition was made are deemed to have been revoked concurrently with the disposition.
- (5) If a proposal of the director of a probation office has been submitted with respect to a person on probation with suspension of execution of the sentence for whom the probation is provisionally lifted pursuant to the provisions of Article 25-2, paragraph (2) or Article 27-3, paragraph (2) of the Penal Code, and the relevant regional board finds it necessary to commence the probation once again in consideration of the behavior of the person, the board must revoke the disposition pursuant to the provisions of these paragraphs, by its decision.

Chapter IV Adjustment of Living Conditions

(Adjustment of Living Conditions for Inmates)

- Article 82 (1) With respect to a person committed in a penal institution for execution of the sentence or a person committed in a juvenile training school for execution of the sentence or protective measures (hereinafter collectively referred to an "inmate" in this Article), if the director of the relevant probation office finds it necessary for the inmate's smooth reintegration into society, the director is to adjust the living conditions such as the residence and place of work after release or other matters by visiting family members of the person or other concerned persons to request their cooperation or by other methods.
- (2) A regional board is to provide the director of the relevant probation office with necessary instructions and advice concerning the matters on residence, place of work or other aspects of living conditions to be adjusted, and if the coordination under the provisions of the preceding paragraph is made by multiple probation offices, a regional board is to ensure liaison and coordination among those probation offices, so that the coordination under the same paragraph is made effectively and appropriately.
- (3) If a regional board finds it necessary for taking measures set forth in the preceding paragraph, the board may carry out research by interviewing an inmate, questioning concerned persons or using other methods.
- (4) The provisions of Article 25, paragraph (2) and Article 36, paragraph (2) apply mutatis mutandis to the research under the preceding paragraph.

(Adjustment of Living Conditions Prior to Suspension of Execution of the Sentence with Probation Becoming Final and Binding)

Article 83 With respect to a person that has been rendered a sentence to be placed on probation pursuant to the provisions of Article 25-2, paragraph (1) of the Penal Code and whose sentence has not yet become final and binding, if the director of the relevant probation office finds it necessary for commencing the probation smoothly, the director may adjust, upon obtaining consent of the person, the living conditions of that person such as the residence and the place of work or other matters by the method prescribed in paragraph (1) of the preceding Article.

(Application, Mutatis Mutandis)

Article 84 The provisions of Article 61, paragraph (1) apply mutatis mutandis to the measures pursuant to the provisions of Article 82, paragraph (1) and the preceding Article.

Chapter V Urgent Aftercare for Discharged Offenders
Section 1 Urgent Aftercare for Discharged Offenders

(Urgent Aftercare for Discharged Offenders)

Article 85 (1) The term "urgent aftercare for discharged offenders" as used in this Section means assisting the following persons to become sound members of society willing to comply with laws and protecting their prompt improvement and rehabilitation, if it is found that a person, after release from physical restraint imposed through criminal procedures or protective measures, is not able to receive assistance from relatives or protection measures such as medical care, lodgings, employment from organizations relating to public health and welfare or other organizations, or is not be able to improve and rehabilitate themselves only with such assistance or protection, by way of providing them with or lending them money or goods, offering them accommodation, aiding them to return and live in that accommodation, to receive medical care or medical treatment, to obtain employment or receive cultural education and training, giving them vocational guidance, and teaching them life skills necessary to adapt themselves, thereby aiming to improve and adjust their living conditions:

- (i) a person for whom execution of the sentence of imprisonment with or without work, or of penal detention has been completed;
 - (ii) a person that has been exempted from execution of the sentence of imprisonment with or without work, or of penal detention;
 - (iii) a person that has been granted suspension of execution of the whole of the sentence of imprisonment with or without work but that sentence has not become final and binding;
 - (iv) beyond the person set forth in the preceding item, a person that has been granted suspension of execution of the whole of the sentence of imprisonment with or without work but has not been placed on probation;
 - (v) a person that has been granted suspension of execution of part of the sentence of imprisonment with or without work but has not been placed on probation during the suspended term and for whom the execution of the remaining part of the sentence for which execution was not suspended has been completed;
 - (vi) a person that has been subject to a disposition not to institute prosecution as prosecution is found unnecessary;
 - (vii) a person that has been sentenced to a fine or petty fine;
 - (viii) a person that has been discharged or provisionally released from a workhouse;
 - (ix) a person that has been discharged or released on parole from a juvenile training school (excluding a person that is placed on probation).
- (2) Urgent aftercare for discharged offenders is to be provided on the responsibility of the national government to the extent necessary for the improvement and rehabilitation of the relevant person.
- (3) Urgent aftercare for discharged offenders is to be provided by the director of

the relevant probation office or by commission to a person conducting offender rehabilitation services or other suitable person pursuant to the provisions of the Offender Rehabilitation Services Act.

- (4) Urgent aftercare for discharged offenders is to be provided within a period not exceeding six months after the relevant person is released from physical restraint imposed through criminal procedures or protective measures and only if the provision thereof is not against the intent of the person; provided, however, that if it is found especially necessary for protecting the improvement and rehabilitation of the person, urgent aftercare may be provided for up to an additional six months.
- (5) When providing urgent aftercare for discharged offenders, mediation must be ensured so that the relevant person may receive necessary protection from organizations relating to public health and welfare or other organizations, and efforts must be made to enhance the efficiency of urgent aftercare for discharged offenders to shorten the period and save costs.
- (6) If mediation for employment is found necessary in connection with urgent aftercare for discharged offenders, the relevant public employment security office is to make efforts, upon obtaining cooperation of the persons that engage in urgent aftercare for discharged offenders, to arrange employment suited to the capability of the person subject to urgent aftercare for discharged offenders pursuant to the provisions of the Employment Security Act (Act No. 141 of 1947).

(Commencement of Urgent Aftercare for Discharged Offenders)

- Article 86 (1) Urgent aftercare for discharged offenders is to be provided only if the director of the relevant probation office finds it necessary on the basis of a petition submitted by any of the persons set forth in the items of paragraph (1) of the preceding Article.
- (2) If the public prosecutor, the warden of a penal institution or the superintendent of a juvenile training school releases any of the persons set forth in the items of paragraph (1) of the preceding Article from physical restraint imposed through criminal procedures or protective measures and finds it necessary, the public prosecutor, the warden or the superintendent must instruct the relevant person on the system of and the procedures for a petition for urgent aftercare of discharged offenders prescribed in this Section.
 - (3) When judging whether or not it is necessary to provide urgent aftercare for discharged offenders, the director of a probation office must hear the opinions of the public prosecutor that is involved in the criminal procedures of the person that has made a petition, or of the warden of the penal institution (or, if the person is detained in a workhouse, the penal institution to which that workhouse is attached) or the superintendent of the juvenile training school in

which the person is committed; provided, however, that this does not apply to a person that has come to fall under paragraph (1), item (i) of the preceding Article as a result of expiration of the period of parole or a person that has come to fall under item (ix) of the same paragraph as a result of the termination of release on parole.

(Payment of Costs)

Article 87 (1) The national government pays the costs incurred through the commission pursuant to the provisions of Article 85, paragraph (3) in accordance with the standards that the Minister of Justice specifies upon consultation with the Minister of Finance.

(2) The commission prescribed in the preceding paragraph must be performed within the scope in which the amount paid by the national government pursuant to the provisions of the same paragraph does not exceed the amount of the budget.

Section 2 Measures for Persons for whom Execution of the Sentence is Stayed

Article 88 If a demand has been made by the public prosecutor with respect to a person for whom execution of the sentence is stayed pursuant to the provisions of Article 480 or Article 482 of the Code of Criminal Procedure, the director of the relevant probation office may provide instructions and supervision, guidance and assistance and urgent aid that the director finds appropriate, or may take measures to assist that person pursuant to the same rules as the provisions of Article 57, paragraph (1) (excluding items (ii) and (iii)), Article 58, Article 61 and Article 62.

Chapter VI Recommendation for Pardon

(Recommendation for Pardon)

Article 89 A recommendation by the commission prescribed in Article 12 of the Pardon Act (Act No. 20 of 1947) is to be made to the Minister of Justice.

(Research for Recommendation)

Article 90 (1) If the commission makes a recommendation under the preceding Article, it must carry out necessary research in advance in respect of the character or behavior of the person subject to the recommendation, the likelihood of the person committing illegal acts, social perception of the person and other matters.

(2) If the commission makes a recommendation for a special pardon,

commutation of the sentence or exemption from execution of the sentence with respect to a person committed in a penal institution or juvenile training school or detained in a workhouse, the commission must consider whether or not the person is suited to being released without threatening the safety and order of society.

Chapter VII Request for Administrative Review

Section 1 Exclusion from Application of the Administrative Procedure Act

Article 91 The provisions of Chapters II to IV-2 of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to dispositions and administrative guidance pursuant to the provisions of this Act.

Section 2 Request for Administrative Review

(Request for Administrative Review)

Article 92 A person that is dissatisfied with a disposition made by a regional board, by its decision, pursuant to the provisions of this Act may file a request for administrative review with the commission.

(Submission of Written Requests for Administrative Review)

Article 93 (1) A request for administrative review by a person committed in a penal institution, a person detained in a workhouse or a person committed in a juvenile training school may be made by submitting a written request for administrative review to the warden of the relevant penal institution (or, if the person is detained in a workhouse, the penal institution to which that workhouse is attached; hereinafter the same applies in this Article) or the superintendent of the relevant juvenile training school.

(2) If the warden of a penal institution or the superintendent of a juvenile training school receives the submission of a written request for administrative review pursuant to the provisions of the preceding paragraph, the warden or the superintendent must send the written request for administrative review to the commission and the relevant regional board immediately.

(3) With regard to calculation of the period for filing a request for administrative review pursuant to the provisions of Article 18 of the Administrative Complaint Review Act in the case referred to in paragraph (1), the request for administrative review is deemed to have been filed at the time when the written request for administrative review was submitted to the warden of the relevant penal institution or the superintendent of the relevant juvenile training school.

(Stay of Execution)

Article 94 With regard to the application of the provisions of Article 25, paragraph (3) of the Administrative Complaint Review Act concerning request for administrative review to the commission, the term "after hearing opinions of the administrative agency reaching the disposition" in the main clause of the same paragraph is deemed to be replaced with "or ex officio", and the term "the effect of the disposition, execution of the disposition, or continuation of procedure" in the proviso of the same paragraph is deemed to be replaced with "execution of the disposition".

(Period for Determination)

Article 95 The commission must render a determination within sixty days from the day on which a request for administrative review is filed (when having ordered the correction of a defect pursuant to the provisions of Article 23 of the Administrative Complaint Review Act, from the day on which the defect is corrected).

(Relation between Requests for Administrative Review and Lawsuits)

Article 96 An action for revocation of a disposition rendered by a regional board, by its decision, pursuant to the provisions of this Act, may not be instituted unless a determination on a request for administrative review on that disposition has been rendered.

(Special Provisions of the Administrative Complaint Review Act)

Article 96-2 (1) With regard to the application of the provisions of the Administrative Complaint Review Act to submitted documents prescribed in Article 38, paragraph (1) of the same Act or a written allegation or other materials prescribed in Article 78, paragraph (1) of the same Act pertaining to a request for administrative review of a disposition under this Act or inaction thereof, which includes a statement or a record of the retained personal information prescribed in Article 2, paragraph (5) of the Act on the Protection of Personal Information Held by Administrative Organs (Act No. 58 of 2003) to which the provisions of Chapter IV of the same Act are not applied under Article 45, paragraph (1) of the same Act; in the first sentence of Article 38, paragraph (1) of the Administrative Complaint Review Act, the phrase ", or to deliver copies of these documents or a document containing the matters recorded in the electronic or magnetic record" is to be deleted; in the second sentence of the same paragraph and the second sentence of Article 78, paragraph (1) of the same Act, the term "the inspection or delivery" is deemed to be replaced with "the inspection"; in Article 38, paragraph (2) and Article 78,

paragraph (2) of the same Act, the phrase "intending to permit the inspection pursuant to the provisions of the preceding paragraph or deliver the relevant documents pursuant to the provisions of the relevant paragraph" is deemed to be replaced with "intending to permit the inspection pursuant to the provisions of the preceding paragraph" and the phrase "to be inspected or delivered" is deemed to be replaced with "to be inspected"; and in the first sentence of paragraph (1) of the same Article, the phrase ", or to deliver copies of the written allegation or other materials, or a document containing the matters recorded in the electronic or magnetic record" is to be deleted; and the provisions of Article 38, paragraphs (4) and (5) and Article 78, paragraphs (4) and (5) of the same Act do not apply.

(2) With regard to a request for administrative review of a disposition by the director of a probation office under Article 52, paragraph (1), (5) or (6), the provisions of Chapter II, Section 4 of the Administrative Complaint Review Act do not apply.

Chapter VIII Miscellaneous Provisions

(Preservation of Records)

Article 97 (1) The commission must preserve records of recommendations it has made for a special pardon, commutation of the sentence with respect to a specific person, exemption from execution of the sentence and restoration of rights with respect to a specific person, and a regional board must preserve records of proceedings and decisions pertaining to dispositions that are to be made by its decision pursuant to the provisions of this Act, respectively, as provided for by Cabinet Order.

(2) If there is a person making a request to inspect the records set forth in the preceding paragraph, the commission and the relevant regional board must make those records available for inspection to the person; provided, however, that they may refuse the inspection if it could impede the improvement or rehabilitation of the person subject to any of the recommendations or the proceedings under the same paragraph or could harm the fame or peaceful existence of concerned persons.

(Collection of Costs)

Article 98 (1) The director of a probation office must collect the costs required for the commission pursuant to the provisions of Article 61, paragraph (2) (including cases deemed to be governed by these provisions pursuant to the provisions of Article 88) and for urgent aid pursuant to the provisions of Article 62, paragraph (2) (including cases deemed to be governed by these provisions pursuant to the provisions of Article 88) and the costs under Article 87,

paragraph (1) from a person that has received measures requiring those costs or persons under obligation to support that person; provided, however, that this does not apply if the director of the relevant probation office finds that these persons are unable to pay the costs.

- (2) The collection of costs pursuant to the provisions of the preceding paragraph may be commissioned to the municipality (including a special ward; the same applies hereinafter) of the place of residence, or the place where assets are located, of the person from whom the costs are to be collected.
- (3) If the national government has commissioned the collection of the costs to a municipality pursuant to the provisions of the preceding paragraph, it must deliver an amount equivalent to four-one hundreds (4/100) of the collected amount to the municipality.
- (4) Affairs that are deemed to be dealt with by a municipality pursuant to the provisions of paragraph (2) are to be the Type I statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

(Delegation to Ministerial Order)

Article 99 Beyond what is provided for in this Act, Ministry of Justice Order prescribes other matters necessary for the enforcement of this Act.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions set forth in the following items come into effect as of the day respectively specified therein:

- (i) the provisions of Article 16, Article 19, Article 20 and Article 24 of the Supplementary Provisions: the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation;
- (ii) the provisions of Article 59, Article 67, and Article 70, paragraph (6), and Article 11, paragraph (2) of, Article 14, and Article 28 of the Supplementary Provisions: the day of enforcement of this Act, or the day of enforcement of the Act Partially Amending the Juvenile Act (Act No. 68 of 2007; referred to as the "Act Partially Amending the Juvenile Act, etc." in Article 11 of the Supplementary Provisions), whichever is later.