

# Penal Code

(Act No. 45 of April 24, 1907)

## Part I GENERAL PROVISIONS

### Chapter I Scope of Application

(Crimes Committed within Japan)

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

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

(Crimes Committed outside Japan)

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

(i) deleted;

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

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

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

(v) the crimes prescribed under Article 154 (Counterfeiting of Imperial or State Documents), 155 (Counterfeiting of Official Documents), 157 (False Entries in the Original of Notarized Deeds) and 158 (Uttering Counterfeit Official Documents), and the crime concerning an electronic or magnetic record which should be created by a public office or a public employee in Article 161-2 (Unauthorized Creation of Electronic or Magnetic Records);

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

(vii) the crimes prescribed under Articles 163-2 through 163-5 (Unauthorized Creation of Payment Cards with an Electronic or Magnetic Record; Possession of Payment Cards with an Unauthorized Electronic or Magnetic Record; Preparation for Unauthorized Creation of Payment Cards with an Electronic or Magnetic Record; Attempts);

(viii) the crimes prescribed under Articles 164 through 166 (Counterfeiting or Unauthorized Use of the Imperial Seal; Counterfeiting or Unauthorized Use of Official Seals; Counterfeiting or Unauthorized Use of Official Marks) as well as any attempts to commit the crimes prescribed under paragraph (2) of

Article 164, paragraph (2) of Article 165, and paragraph (2) of Article 166.

(Crimes Committed by Japanese Nationals outside Japan)

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

- (i) the crimes prescribed under Article 108 (Arson of Inhabited Buildings) and paragraph (1) of Article 109 (Arson of Uninhabited Buildings), and other crimes which are dealt with in the same manner as the preceding crimes provided therein, as well as any attempt to commit the crimes mentioned above;
- (ii) the crime prescribed under Article 119 (Damage to Inhabited Buildings by Flood);
- (iii) the crimes prescribed under Articles 159 through 161 (Counterfeiting of Private Documents; Falsifying of Medical Certificates; Utterance of Counterfeit Private Documents) and the crime regarding electronic or magnetic records in Article 161-2 except those which fall within item (v) of the preceding Article;
- (iv) the crimes prescribed under Article 167 (Counterfeiting or Unauthorized Use of Private Seals) and any attempt to commit the crimes prescribed under paragraph (2) of that Article;
- (v) the crimes prescribed under Articles 176 through 181 (Indecency through Compulsion; Forcible Sexual Intercourse; Constructive Indecency through Compulsion and Constructive Forcible Sexual Intercourse; Indecency by a Person Having Custody of a Person under 18; Sexual Intercourse by a Person Having Custody of a Person under 18; Attempts; Indecency through Compulsion Causing Death or Injury) and 184 (Bigamy);
- (vi) the crime prescribed under Article 198 (Active Bribery);
- (vii) the crime prescribed under Article 199 (Homicide) and attempt thereof;
- (viii) the crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
- (ix) the crimes prescribed under Articles 214 through 216 (Abortion through Professional Conduct; Causing Death or Injury thereof; Abortion without Consent; Abortion without Consent Causing Death or Injury);
- (x) the crime prescribed under Article 218 (Abandonment by a Person Responsible for Protection) and the crime prescribed under Article 219 (Abandonment Causing Death or Injury) in connection with the crime prescribed under Article 218;
- (xi) the crimes prescribed under Articles 220 (Unlawful Capture; Unlawful Confinement) and 221 (Unlawful Capture or Unlawful Confinement Causing Death or Injury);
- (xii) the crimes prescribed under Articles 224 through 228 (Kidnapping of

- Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Human Trafficking; Transporting Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);
- (xiii) the crime prescribed under Article 230 (Defamation);
  - (xiv) the crimes prescribed under Articles 235 through 236 (Theft; Taking Unlawful Possession of Real Estate; Robbery), Articles 238 through 240 (Constructive Robbery; Drug-Facilitated Robbery; Robbery Causing Death or Injury), paragraphs (1) and (3) of Article 241 (Robbery or Forcible Sexual Intercourse; Causing Death Thereby), and Article 243 (Attempts);
  - (xv) the crimes prescribed under Articles 246 through 250 (Fraud; Computer Fraud; Breach of Duty of Loyalty; Constructive Fraud; Extortion; Attempts);
  - (xvi) the crime prescribed under Article 253 (Embezzlement in the Pursuit of Social Activities);
  - (xvii) the crimes prescribed under paragraph (2) of Article 256 (Acceptance of Stolen Property).

(Crimes Committed by Non-Japanese Nationals outside Japan)

Article 3-2 This Code applies to any non-Japanese national who commits one of the following crimes against a Japanese national outside the territory of Japan:

- (i) the crimes prescribed under Articles 176 through 181 (Indecency through Compulsion; Forcible Sexual Intercourse; Constructive Indecency through Compulsion and Constructive Forcible Sexual Intercourse; Indecency by a Person Having Custody of a Person under 18; Sexual Intercourse by Person Having Custody of Person under 18; Attempts; Indecency through Compulsion Causing Death or Injury);
- (ii) the crime prescribed under Articles 199 (Homicide) and attempt thereof;
- (iii) the crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
- (iv) the crimes prescribed under Articles 220 (Unlawful Capture and Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);
- (v) the crimes prescribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Human Trafficking; Transporting Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);
- (vi) the crimes prescribed under Articles 236 (Robbery), 238 through 240 (Constructive Robbery; Drug-Facilitated Robbery; Robbery Causing Death or Injury), and paragraphs (1) and (3) of Article 241 (Robbery or Forcible Sexual

Intercourse; Causing Death Thereby), as well as attempts of these crimes (excluding the crime prescribed in paragraph (1) of Article 241).

(Crimes Committed by Public Employees outside Japan)

Article 4 This Code applies to any public employees of Japan who commits one of the following crimes outside the territory of Japan:

- (i) the crime prescribed under Article 101 (Assistance in Escape by a Guard) as well as an attempt thereof;
- (ii) the crime prescribed under Article 156 (Making of False Official Documents);
- (iii) the crimes prescribed under Article 193 (Abuse of Authority by Public Employees), paragraph (2) of Article 195 (Assault and Cruelty by Specialized Public Employees) and Articles 197 through 197-4 (Acceptance of Bribes; Acceptance on a Request; Acceptance in Advance; Passing of Bribes to a Third Party; Aggravated Acceptance of Bribes; Acceptance after Resignation of Office; Acceptance for Exertion of Influence), and the crime prescribed under Article 196 (Abuse of Authority Causing Death or Injury by Specialized Public Employees) related to the crime prescribed in paragraph (2) of Article 195.

(Crimes Committed outside Japan Governed by a Treaty)

Article 4-2 Beyond what is provided for in the provisions of Article 2 through the preceding Article, this Code also applies to anyone who commits those crimes outside the territory of Japan prescribed under Part II which are governed by a treaty even if committed outside the territory of Japan.

(Effect of Foreign Judgments)

Article 5 Even when a final and binding decision has been rendered by a foreign judiciary against the criminal act of a person, it does not preclude further punishment in Japan with regard to the same act; provided, however, that when the person has already served either the entire or part of the punishment abroad, the execution of the punishment is mitigated or remitted.

(Change in Punishments)

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

(Definitions)

Article 7 (1) The term "public employee" as used in this Code means a national or local government official, a member of an assembly or committee, or other employees engaged in the performance of public duties in accordance with laws

and regulations.

- (2) The term "public office" as used in this Code means an office where public employees perform their duties.

Article 7-2 The term "electronic or magnetic record" as used in this Code means any record which is produced by electronic, magnetic or any other means unrecognizable by natural perceptive functions and is used for data-processing by a computer.

(Application of General Provisions)

Article 8 The general provisions of this Part also apply to crimes for which punishments are provided by other laws and regulations, except when special provisions are provided in such laws and regulations.

## **Chapter II Punishments**

(Categories of Punishments)

Article 9 The principal punishments are categorized as the death penalty, imprisonment, imprisonment without work, fine, penal detention and petty fine, with confiscation as a supplementary punishment.

(Severity of Punishments)

Article 10 (1) The order of severity of the principal punishments are as according to the order in which they are provided for in the preceding Article; provided, however, that imprisonment without work for life is severer than imprisonment for a definite term, and imprisonment without work for a definite term is severer than imprisonment for a definite term when the maximum term prescribed for the former exceeds the term by twice as much as that prescribed for the latter.

(2) Between punishments of the same type, the punishment prescribed with a higher maximum term or amount is severer; and when the maximum terms or amounts are equal, the punishment prescribed with the higher minimum term or amount is severer.

(3) Between death penalties or punishments of the same type which have equal maximum and minimum terms or amounts, the order of severity is determined in light of the circumstances of the crimes.

(Death Penalty)

Article 11 (1) The death penalty is executed by hanging at a penal institution.

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

(Imprisonment)

Article 12 (1) Imprisonment is either for life or with a definite term, and the definite term of imprisonment is not less than one month but not more than 20 years.

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

(Imprisonment without Work)

Article 13 (1) Imprisonment without work is either for life or for a definite term, and a definite term of imprisonment without work is not less than one month but not more than 20 years.

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

(Limit of Aggravation and Mitigation)

Article 14 (1) If the death penalty, or imprisonment or imprisonment without work for life is reduced to imprisonment or imprisonment without work for a definite term, its maximum term is 30 years.

(2) If imprisonment or imprisonment without work for a definite term is aggravated, the term may be extended to 30 years, and if it is reduced, the term may be reduced to less than one month.

(Fine)

Article 15 A fine is not less than 10,000 yen; provided, however, that if it is reduced, the amount may be reduced to less than 10,000 yen.

(Penal Detention)

Article 16 Penal detention consists of confinement in a penal institution for not less than 1 day but less than 30 days.

(Petty Fine)

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

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

Article 18 (1) A person who defaults in payment of a fine in full is detained in a workhouse for a term of not less than one day but not more than two years.

(2) A person who defaults in payment of a petty fine in full is detained in a workhouse for a term of not less than one day but not more than 30 days.

(3) When fines are imposed cumulatively or when a fine and a petty fine are imposed cumulatively, the term of detention may not exceed three years. When petty fines are imposed cumulatively, the term of detention may not exceed 60

days.

- (4) When rendering a sentence of a fine or petty fine the court is to simultaneously determine and render a term of detention in the case of a default in the full payment thereof.
- (5) Without the consent of the sentenced person, confinement for default of a fine may not be executed within 30 days from the time when the decision has become final and binding, and confinement for default of a petty fine may not be executed within 10 days from the time when the decision has become final and binding.
- (6) When a person sentenced to a fine or petty fine has made a payment of part of the fine, the term of detention is calculated by dividing the amount of the unpaid payments by the amount corresponding to the ratio of one day of detention (a remainder less than one day is deemed as one whole day) reduced by a period of days in proportion to the amount of payments made for the fine or petty fine imposed.

#### (Confiscation)

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

- (i) an object which is used as a key component of a criminal act;
  - (ii) an object used or intended for use in the commission of a criminal act;
  - (iii) an object produced or acquired by means of a criminal act or an object acquired as reward for a criminal act;
  - (iv) an object received in exchange for the object set forth in the preceding item.
- (2) An object set forth in the preceding paragraph may only be confiscated if it does not belong to a person other than the criminal; provided, however, that it may be confiscated if a person other than the criminal acquires the object after the crime with knowledge of the applicability of the preceding items.

#### (Collection of Equivalent Value)

Article 19-2 When the whole or part of the object prescribed in items (iii) and (iv) of paragraph (1) of the preceding Article cannot be confiscated, a sum of money equivalent thereto may be collected.

#### (Restrictions on Confiscation)

Article 20 Confiscation cannot be imposed to crimes punishable only by penal detention or a petty fine, except when specifically provided for; provided, however, that this does not apply to the object set forth in item (i) of paragraph (1) of Article 19.

#### (Inclusion of Term of Pre-Sentencing Detention into Sentence)

Article 21 The days spent in pre-sentencing detention may be included in whole

or in part into the sentence imposed.

### **Chapter III Calculation of the Period of Time**

(Calculation of the Period of Time)

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

(Calculation of the Term of Imprisonment)

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

(2) The days when the criminal is not actually confined is not to be included into the term of punishment, even if they are after the sentence has become final and binding.

(First Day and Last Day of Imprisonment)

Article 24 (1) The first day of imprisonment is calculated as one whole day regardless of the number of hours actually imprisoned. The same applies to the first day of the period of prescription.

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

### **Chapter IV Suspended Execution of Sentence**

(Suspended Execution of the Entire Sentence)

Article 25 (1) When any one of the following persons has been sentenced to imprisonment or imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen, the execution of the entire sentence may be suspended in light of circumstances for a period of not less than 1 year but not more than 5 years from the day on which the sentence becomes final and binding.

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

(ii) a person who, although previously sentenced to imprisonment without work or greater punishment, has not subsequently been sentenced to imprisonment without work or greater punishment within 5 years from the day on which execution of the former punishment was completed or remitted.

(2) When a person, who has been sentenced to imprisonment without work or a heavier punishment and has been granted suspension of execution of the entire sentence, is sentenced subsequently to imprisonment or imprisonment without work for not more than 1 year and there are circumstances especially favorable



to the person, the person may be granted suspension of execution of the sentence as with the persons prescribed in the preceding paragraph; provided, however, that the same does not apply to a person who has been placed under probation pursuant to the provision of paragraph (1) of the following Article and commits a crime again within the term of such probation.

(Probation During Suspended Execution of the Entire Sentence)

Article 25-2 (1) In cases prescribed in paragraph (1) of the preceding Article, the subject person may be placed under probation during the period of suspended execution of the sentence; and in cases prescribed in paragraph (2) of that Article, that person is placed under probation through the period of suspended execution of the sentence.

(2) Probation placed pursuant to the provisions of the preceding paragraph may be provisionally cancelled by a disposition of a government agency.

(3) When probation is provisionally cancelled pursuant to the provisions of the preceding paragraph, the person, for the purpose of the provisions of the proviso of paragraph (2) of the preceding Article and of item (ii) of Article 26-2, is deemed not to be under probation until the provisional cancellation is revoked.

(Mandatory Revocation of Suspended Execution of the Entire Sentence)

Article 26 Suspended execution of the entire sentence must be revoked in the following cases; provided, however, that item (iii) does not apply when the subject person is a person set forth in item (ii) of paragraph (1) of Article 25 or falls under item (iii) of the following Article:

(i) when a further crime is committed within the term of suspension and imprisonment without work or a greater punishment is imposed for the crime, and the subject person is not granted suspension of execution of such sentence in whole;

(ii) when the person who was granted suspension is sentenced to imprisonment without work or a greater punishment for a crime committed before such grant, and is not granted suspension of execution of such sentence in whole.

(iii) when it is discovered that, before a person was granted a suspended execution of sentence for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime before such grant.

(Discretionary Revocation of Suspended Execution of the Sentence in Whole)

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

(i) when a further crime is committed within the term of suspension and a fine

- is imposed for the crime;
- (ii) when a person placed under probation in accordance with the provisions of paragraph (1) of Article 25-2 fails to observe any of the conditions of the probation and the circumstances related to such failure are serious;
  - (iii) when it is discovered that, before a person was granted suspension for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime and granted suspension of execution of such sentence in whole.

(Revocation of Concurrent Suspended Execution of the Sentence in Case of a Revocation of Suspended Execution of the Entire Sentence)

Article 26-3 When a suspended execution of the sentence to imprisonment without work or a greater punishment in whole is revoked pursuant to the provisions of the preceding two Articles, the concurrent suspended execution of another sentence to imprisonment without work or a greater punishment must also be revoked.

(Effect of Elapsing of Period of Suspended Execution of the Entire Sentence)

Article 27 When the entire period of suspended execution of the sentence in whole progresses without rescission, the sentence ceases to be effective.

(Suspended Execution of Part of a Sentence)

Article 27-2 (1) When any one of the following persons has been sentenced to imprisonment or imprisonment without work for not more than 3 years, the execution of the sentence in part may be suspended for a period of not less than 1 year but not more than 5 years if it is found that such suspension is necessary and reasonable to prevent the person from committing another crime, in consideration of the severity of the circumstances of the crime, circumstances of the criminal and other relevant circumstances:

- (i) a person not previously sentenced to imprisonment without work or a greater punishment;
  - (ii) a person who, although previously sentenced to imprisonment without work or a greater punishment, has been granted suspension of execution of the entire sentence;
  - (iii) a person who, although previously sentenced to imprisonment without work or a greater punishment, has not subsequently been sentenced to imprisonment without work or a greater punishment within 5 years from the day on which execution of the former punishment was completed or remitted.
- (2) With regard to a punishment for which the suspension of execution in part was granted pursuant to the provisions of the preceding paragraph, the period of such suspension is calculated from the day on which the execution of the

portion of the term for which the suspension of execution was not granted is completed, or the day on which the subject person becomes no longer subject to the execution of such sentence.

- (3) Notwithstanding the provision of the preceding paragraph, if the person has another sentence to imprisonment or imprisonment without work to be executed at the time when the portion of the term for which the suspension of execution was not granted is completed or the person becomes no longer subject to the execution of such sentence, the period of suspension granted pursuant to the provisions of paragraph (1) is calculated from the day on which the execution of the imprisonment or imprisonment without work to be executed is completed or the day on which the person becomes no longer subject to the execution of such sentence.

(Probation During the Partial Suspended Execution of the Sentence)

Article 27-3 (1) In cases prescribed in paragraph (1) of the preceding Article, the subject person may be placed under probation during the period of suspended execution of the sentence.

- (2) The probation placed pursuant to the provision of the preceding paragraph may be provisionally cancelled by a disposition of a government agency.
- (3) When the probation is provisionally cancelled pursuant to the provision of the preceding paragraph, the person, for the purpose of the provisions of item (ii) of Article 27-5, is not deemed to be under probation until the provisional cancellation is revoked.

(Mandatory Revocation of Suspended Execution of Part of the Sentence)

Article 27-4 Suspended execution of part of the sentence is revoked in the following cases; provided, however, that item (iii) does not apply when the subject person is a person set forth in item (iii) of paragraph (1) of Article 27-2:

- (i) when a further crime is committed after the suspended execution of the sentence is granted and imprisonment without work or a greater punishment is imposed for the crime;
- (ii) when the person who was granted a suspended sentenced to imprisonment without work or a greater punishment for a crime committed before such grant;
- (iii) when it is discovered that, before a person was granted suspension for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime and no suspension of execution was granted for the entire sentence.

(Discretionary Revocation of Suspended Execution of Part of a Sentence)

Article 27-5 Suspended execution of part of the sentence may be revoked in the

following cases:

- (i) when a further crime is committed after the suspended execution is granted and a fine is imposed for the crime;
- (ii) when a person placed under probation pursuant to the provision of paragraph (1) of Article 27-3 fails to observe any of the conditions of the probation.

(Revocation of Concurrent Suspended Executions of Sentences in Case of Revocation of Suspended Execution of Part of a Sentence)

Article 27-6 When a suspension of execution of the sentence in part is revoked pursuant to the provisions of the preceding two Articles, the concurrent suspension of execution of another sentence to imprisonment without work or a greater punishment is also revoked.

(Effect of an Elapsed Period of a Suspended Execution of Part of a Sentence)

Article 27-7 When a period of suspended execution of the sentence in part elapses without rescission, the imprisonment or imprisonment without work is mitigated to the imprisonment or imprisonment without work with the term of imprisonment equal to the portion of the term for which the suspension of execution was not granted. In this case, the subject person is deemed to have served the punishment and completed the execution on the day the execution of such portion of the term is completed or the person becomes no longer subject to the execution of such sentence.

## **Chapter V Parole**

(Parole)

Article 28 When a person sentenced to imprisonment or imprisonment without work evinces signs of substantial reformation, the person may be paroled by a disposition of a government agency after that person has served one-third of the definite term sentenced or 10 years in the case of a life imprisonment.

(Revocation of Parole)

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

- (i) when a further crime is committed within the period of parole and a fine or greater punishment is imposed for the crime;
- (ii) when a fine or greater punishment is imposed for a crime committed before the parole;
- (iii) when a fine or greater punishment is imposed for another crime before the parole is implemented;
- (iv) when the person fails to observe any of the conditions of the parole.

- (2) When a person is granted a suspended execution of the sentence in part and receives a disposition of parole for the crime, and such suspended execution is revoked during such parole, such disposition ceases to be effective.
- (3) When a parole is revoked, or a disposition of parole ceases to be effective pursuant to the provision of the preceding paragraph, the number of days during the parole is not to be included into the term of imprisonment.

(Provisional Release)

- Article 30 (1) A person under penal detention may be provisionally released by a disposition of a government agency at any time when circumstances so warrant.
- (2) The same applies to a person under detention owing to payment default of a fine or petty fine.

## **Chapter VI Prescription and Extinction of Punishment**

(Prescription of Sentence)

- Article 31 Prescription is to have the effect of remitting the sentence (excluding the death penalty) of a person who has been sentenced to punishment.

(Period of Prescription)

- Article 32 Prescription takes effect when a punishment has not been executed within any of the following terms after a sentence has become final and binding:

- (i) thirty years for life imprisonment or imprisonment without work;
- (ii) twenty years for imprisonment or imprisonment without work for a definite term of 10 years or more;
- (iii) ten years for imprisonment or imprisonment without work for a definite term of 3 years or more but less than 10 years;
- (iv) five years for imprisonment or imprisonment without work for a definite term of less than 3 years;
- (v) three years for a fine;
- (vi) one year for a penal detention, a petty fine and confiscation.

(Suspension of Prescription)

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

(Renewal of Prescription)

- Article 34 (1) The period of prescription of imprisonment, imprisonment without work or penal detention is interrupted when the sentenced person is in custody for the purpose of execution of the punishment.

(2) The period of prescription of a fine, petty fine or confiscation is interrupted when an act of execution takes place.

(Extinction of Punishment)

Article 34-2 (1) When ten years have passed since a person completed the imprisonment without work or a greater punishment or the person had such punishment remitted without another sentence of a fine or a greater punishment being imposed, the sentence ceases to have effect. The same applies when five years have passed since a person completed a sentence equal to or less than a punishment or had the execution of such punishment remitted without another sentence to a fine or a greater punishment being imposed.

(2) In the case of a person who was sentenced to a remitted punishment without being further sentenced to a fine or a greater punishment during a period of two years since such sentence became final and binding, the sentence ceases to have effect.

**Chapter VII Actions not Constituting Crimes and Reduction or Remission of Punishment**

(Justifiable Acts)

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

(Self-Defense)

Article 36 (1) An act a person was compelled to take to protect the rights of oneself or any other person against imminent and unlawful infringement is not punishable.

(2) An act exceeding the limits of self-defense may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

(Necessity)

Article 37 (1) An act a person was compelled to take to avert a present danger to the life, body, liberty or property of oneself or any other person is not punishable only when the harm produced by such act does not exceed the harm to be averted; provided, however, that an act causing excessive harm may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

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

(Intent)

Article 38 (1) An act performed without the intent to commit a crime is not punishable; provided, however, that the same does not apply unless otherwise specially provided for by law.

(2) When a person who commits a crime was not aware of the fact that the crime constituted a greater crime, the person is not be punished for the greater crime.

(3) A person lacking knowledge of law does not mean a lack of intention to commit a crime; provided, however, the punishment may be reduced in light of the circumstances.

(Insanity and Diminished Capacity)

Article 39 (1) Actions due to insanity is not subject to punishment.

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

Article 40 Deleted.

(Punishable Age)

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

(Self-Denunciation)

Article 42 (1) The punishment of a person who committed a crime and self-denounces themselves before being discovered as a suspect by an investigative authority may be reduced.

(2) The preceding paragraph also applies with respect to a crime which cannot be prosecuted without a criminal complaint, and to a person who surrendered themselves to a person who has a right to make the criminal complaint.

## **Chapter VIII Attempts**

(Reduction or Exculpation of Punishments for Attempts)

Article 43 The punishment of a person who commences a crime without completing it may be reduced; provided, however, that voluntary abandonment of commission of the crime, leads to the punishment being reduced or the offender being exculpated.

(Attempts)

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

## **Chapter IX Consolidated Punishments**

(Consolidated Punishments)

Article 45 Two or more crimes which have been committed but for which no judgment has yet become final and binding are to constitute crimes for consolidated punishments. When a judgment imposing imprisonment without work or a greater punishment becomes final and binding for a crime, only that crime and other crimes committed before such judgment became final and binding constitute crimes for a consolidated punishment.

(Restriction on Cumulative Imposition of Punishments)

Article 46 (1) When a death penalty is rendered for one of the crimes for consolidated punishments, no other punishments except confiscation may be imposed.

(2) When a punishment of life imprisonment or imprisonment without work is to be rendered for one of the crimes for consolidated punishment, no other punishment except a fine, petty fine and confiscation may be imposed.

(Aggravation of Punishment)

Article 47 When the crimes for consolidated punishment include two or more crimes punishable by imprisonment or imprisonment without work for a definite term, the maximum term of the punishment to be imposed for such crimes is the term obtained by adding half of the maximum term prescribed for the crime of the severest punishment, but not exceeding the total of the maximum terms of the punishments prescribed for each of the crimes.

(Cumulative Imposition of Fines)

Article 48 (1) A fine and other punishments are imposed cumulatively, except in the case prescribed in paragraph (1) of Article 46.

(2) The maximum amount of a fine to be imposed for a crime for consolidated punishment is not to exceed the total of the maximum amount of the fine prescribed for each crime.

(Addition of Confiscation)

Article 49 (1) With respect to the crimes for consolidated punishment, even when confiscation is not imposed for the crime of the severest punishment, confiscation may be imposed for the other crimes if there are grounds to do so.

(2) Two or more confiscations are imposed cumulatively.

(Managing Uncharged Offences)

Article 50 When the punishment for one of the crimes for consolidated punishment has become final and binding, a punishment is rendered to the other crimes.



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

Article 51 (1) When two or more punishments have been rendered in regard to the crimes for consolidated punishment, the punishments are executed cumulatively; provided, however, that when the death penalty is to be executed, no other punishment except confiscation is executed, and when imprisonment or imprisonment without work for life is to be executed, no other punishment except a fine, petty fine and confiscation is executed.

(2) When two or more punishments of imprisonment or imprisonment without work for a definite term are executed in accordance with the preceding paragraph, the maximum term to be executed may not exceed the term obtained by adding half of the maximum term prescribed for the crime of the greatest punishment.

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

Article 52 When a person who has been sentenced for crimes for consolidated punishment is granted general amnesty for any of such crimes, the punishment to be executed for the other crimes is redetermined.

(Cumulative Imposition of Penal Detention or Petty Fines)

Article 53 (1) Penal detention or a petty fine is imposed cumulatively with other punishments; provided, however, that the same does not apply in the cases prescribed for in Article 46.

(2) Two or more penal detentions or petty fines are imposed cumulatively.

(An Act Constituting for more than one Crime)

Article 54 (1) When a single act constitutes two or more separate crimes, or when an act as the means or results of a crime constitutes another crime, the most severe punishment prescribed for such crimes is imposed.

(2) The provision of paragraph (2) of Article 49 applies in the case prescribed for in the preceding paragraph.

Article 55 Deleted.

## **Chapter X Repeated Convictions**

(Recidivist Offenses)

Article 56 (1) If a person sentenced to imprisonment, reoffends within five years from the day on which the authorities have finished executing that sentence or the person was granted a discharge from its execution, and the person is sentenced to a definite term of imprisonment, this crime constitutes a

recidivist offense.

- (2) The preceding paragraph also applies if a person sentenced to the death penalty for a crime for which imprisonment is prescribed as an alternative punishment commits a crime again within five years from the day on which the person was granted a discharge from the execution of that sentence or, from the day on which the authorities have finished executing the reduced sentence imposed after the death penalty was reduced to imprisonment, and the person is to be sentenced to a definite term of imprisonment.
- (3) If a person has been sentenced to consolidated punishment for crimes in which one of the crimes was punishable by imprisonment, but was not sentenced to imprisonment because the crime that was punishable by imprisonment was not the severest, the person is deemed to have been sentenced to imprisonment as regards to the application of provisions related to a recidivist offense.

(Increased Weight of Recidivist Offenses)

Article 57 The maximum term of punishment for a recidivist offense is to be less than twice the maximum term of imprisonment prescribed for the crime in question.

Article 58 Deleted.

(Third or Further Repeated Offenses)

Article 59 A person to be sentenced for a third or further offense is dealt with as with the recidivist offense.

## **Chapter XI Complicity**

(Co-Principals)

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

(Inducement)

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

(2) The same applies to a person who was involved in inducing the inducer.

(Accessoryship)

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

(2) A person who induced an accessory is dealt with in sentencing as an accessory.

(Reduced Punishment for Accessories)

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

(Exception of Punishment for Inducement and Accessoryship)

Article 64 A person who induces or aids a crime subject only to penal detention or a petty fine is not punished for a crime except as otherwise specially provided.

(Complicity and Status)

Article 65 (1) When a person collaborates in a criminal act in which the status of the criminal establishes the criminal's punishability, the person is an accomplice even without such status.

(2) When the severity of a punishment varies depending upon whether or not a criminal has a certain status, a normal punishment is imposed on a person without such status.

## **Chapter XII Reduction of Punishment in Light of Extenuating Circumstances**

(Reduction of Punishment in Light of Extenuating Circumstances)

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

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

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

## **Chapter XIII Rules for Aggravation and Reduction**

(Rules for Statutory Reduction)

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

(i) when the death penalty is to be reduced, it is reduced to imprisonment or imprisonment without work either for life or for a definite term of not less than 10 years;

(ii) when imprisonment or imprisonment without work for life is to be reduced, it is reduced to imprisonment or imprisonment without work for a definite term of not less than 7 years;

(iii) when imprisonment or imprisonment without work for a definite term is to

- be reduced, its maximum and minimum term of punishment is reduced by one half;
- (iv) when a fine is to be reduced, its maximum and minimum amount is reduced by one half;
  - (v) when a penal detention is to be reduced, the maximum term is reduced by one half;
  - (vi) when a petty fine is to be reduced, the maximum amount is reduced by one half.

(Statutory Reduction and Choice of Several Punishments)

Article 69 When a statutory reduction of punishment is to be made in a case where two or more types of punishments are prescribed in the applicable provision, it is made after the types of punishments to be imposed have been determined.

(Rounding down Fractions)

Article 70 When a fraction of less than one day remains as a result of reduction of the imprisonment or imprisonment without work, or penal detention, such fraction is rounded down.

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

Article 71 The rules prescribed in Article 68 and the preceding Article also apply when a reduction is to be made in light of extenuating circumstances.

(Order of Aggravation and Reduction)

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

- (i) an aggravation for a recidivist offense;
- (ii) a statutory reduction;
- (iii) an aggravation for consolidated punishment;
- (iv) a reduction in light of extenuating circumstances.

**Part II CRIMES**

**Chapter I Deleted**

Article 73, 74, 75 and 76 Deleted

**Chapter II Crimes Related to Insurrection**

(Insurrection)

Article 77 (1) A person who participates in a riot for the purpose of overthrowing

the government, usurping the territorial sovereignty of the State, or otherwise subverting constitutional order, thereby committing the crime of insurrection is sentenced according to the following distinctions:

- (i) the ringleader is punished by death penalty or life imprisonment without work;
  - (ii) the person who participates in a plot or directs a mob is punished by imprisonment without work either for life or for a definite term of not less than 3 years; a person who performs other leading functions is punished by imprisonment without work for not less than 1 year but not more than 10 years;
  - (iii) the person who merely follows others or otherwise merely joins in the riot is punished by imprisonment without work for not more than 3 years.
- (2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished; provided, however, that the same does not apply to a person provided for in item (iii) of the same paragraph.

(Preparations; Plots)

Article 78 A person who prepares for or plots an insurrection is punished by imprisonment without work for not less than 1 year but not more than 10 years.

(Aiding or Abetting an Insurrection)

Article 79 A person who aids the commission of any of the crimes prescribed under the preceding two Articles by the supply of arms, funds or food, or by any other act, is punished by imprisonment without work for not more than 7 years.

(Self-Denunciation)

Article 80 A person who, after committing any of the crimes prescribed under the preceding two Articles, self-denounces themselves before participating in the riot, is exculpated.

### **Chapter III Crimes Related to Foreign Aggression**

(Instigation of Foreign Aggression)

Article 81 A person who conspires with a foreign state and thereby causes the state to exercise armed force against Japan is punished by the death penalty.

(Assistance to the Enemy)

Article 82 When a foreign state takes military action against Japan, a person who sides with the foreign state by providing military service to such state, or otherwise gives military advantage to such state, is sentenced to the death

penalty or imprisonment either for life or for a definite term of not less than 2 years.

Article 83, 84, 85 and 86 Deleted.

(Attempts)

Article 87 Any attempt to commit the crimes prescribed under Articles 81 and 82 is punished.

(Preparations; Plots)

Article 88 A person who prepares for or plots any of the crimes prescribed under Articles 81 and 82 is punished by imprisonment for not less than 1 year but not more than 10 years.

Article 89 Deleted.

#### **Chapter IV Crimes Concerning Diplomatic Relations**

Article 90 and 91 Deleted.

(Damage to a Foreign National Flag)

Article 92 (1) A person who damages, removes or defiles the national flag or other national emblem of a foreign state for the purpose of insulting the foreign state is punished by imprisonment for not more than 2 years or a fine of not more than 200,000 yen.

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

(Preparations or Plots for Private War)

Article 93 A person who prepares or plots to wage war privately upon a foreign state is punished by imprisonment without work for not less than 3 months but not more than 5 years; provided, however, that the person who self-denounces is exculpated.

(Violations of Neutrality Orders)

Article 94 A person who violates an order of neutrality in a war between foreign states is punished by imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen.

#### **Chapter V Crimes of Obstructing the Performance of Public Duty**

(Obstructing or Compelling Performance of Public Duty)

Article 95 (1) A person who assaults or uses intimidation against a public employee in the performance of public duty is punished by imprisonment or imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen.

(2) The same applies to a person who assaults or uses intimidation against a public employee in order to cause the employee to make a certain disposition or not as an employee or to cause the employee to resign.

(Destruction of Seals)

Article 96 A person who damages a seal or a mark of attachment which has been affixed by a public employee or by any other means impairs the seal or an order or disposition regarding the mark of attachment is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

(Damage of Subject Property for Obstruction of Compulsory Execution)

Article 96-2 A person who engages in any of the following acts for the purpose of obstructing compulsory execution is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both; the same applies to a person who became aware of the circumstances, and became the other party to the transfer or the creation of rights prescribed in item (iii):

- (i) concealing, damaging, or faking a transfer of the property for which compulsory execution has been carried out or is to be carried out, or falsifying the burden of debts;
- (ii) altering the existing status of the property for which compulsory execution has been carried out or is to be carried out, thereby reducing its value, or increasing the expenses for compulsory execution;
- (iii) making a transfer of, or creating rights on, the property for which execution of a monetary claim is to be carried out, under disadvantageous conditions such as without compensation.

(Obstruction of Acts of Compulsory Execution)

Article 96-3 (1) A person who, by the use of fraudulent means or force, enters the real estate and obstructs confirmation by the possessor and other acts of compulsory execution is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

(2) The same applies to a person who commits an assault or intimidation against a person eligible to file a petition for compulsory execution or an agent thereof, for the purpose of having the eligible person refrain from filing the petition or having that person withdraw the petition.

(Obstruction of Sale Related to Compulsory Execution)

Article 96-4 A person who, by the use of fraudulent means or force, commits an act which impairs the fairness of a sale which has been made or is to be made through compulsory execution, is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

(Aggravated Destruction of Seals)

Article 96-5 A person who, for the purpose of obtaining or having another person obtain reward, commits any of the crimes prescribed in Article 96 through the preceding Article in connection with debts of another person is punished by imprisonment for not more than 5 years or a fine of not more than 5,000,000 yen, or both.

(Obstruction of Auctions Related to Public Contracts)

Article 96-6 (1) A person who, by the use of fraudulent means or force, commits an act which impairs the fairness of a public auction or bid held for concluding a contract, is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

(2) The same applies to a person who colludes for the purpose of preventing a fair determination of price or acquiring a wrongful gain.

## **Chapter VI Crimes of Escape**

(Escape)

Article 97 When a sentenced or unsentenced person confined on a judge's order escapes, imprisonment for not more than 1 year is imposed.

(Aggravated Escape)

Article 98 When a person who is provided for in the preceding Article or held under a subpoena escapes either by damaging the facilities or instruments of restraint for confinement, by committing an act of assault or intimidation, or in conspiracy with two or more persons, imprisonment for not less than 3 months but not more than 5 years is imposed.

(Removal of Detainees)

Article 99 A person who removes a detained or confined person in accordance with the laws and regulations from authorities is punished by imprisonment for not less than 3 months but not more than 5 years.

(Assistance in Escape)

Article 100 (1) A person who provides the confined person with tools or



instruments or performs any act which would facilitate the confined person's escape for the purpose of facilitating an escape of a person detained or confined in accordance with laws and regulations is punished by imprisonment for not more than 3 years.

(2) A person who assaults or uses intimidation for the purposes prescribed in the preceding paragraph is punished by imprisonment for not less than 3 months but not more than 5 years.

(Guards Assisting in Escape)

Article 101 When a person, guarding or escorting another detained or confined person in accordance with laws and regulations aids the detainee's escape, imprisonment for not less than 1 year but not more than 10 years is imposed.

(Attempts)

Article 102 An attempt to commit the crimes prescribed under this Chapter is punished.

## **Chapter VII Crimes of Harboring Criminals and Suppressing Evidence**

(Harboring of Criminals)

Article 103 A person who harbors or enables the escape of another person who has either committed a crime punishable with a fine or a severer punishment or has escaped from confinement, is punished by imprisonment for not more than 3 years or a fine of not more than 300,000 yen.

(Suppression of Evidence)

Article 104 A person who spoils, damages, counterfeits or alters evidence relating to a criminal case of another person, or who uses counterfeit or altered evidence, is punished by imprisonment for not more than 3 years or a fine of not more than 300,000 yen.

(Special Provision for Crimes by Relatives)

Article 105 When a crime prescribed under the preceding two Articles is committed for the benefit of the criminal or fugitive by a relative of such person, the relative may be exempted.

(Intimidation of Witnesses)

Article 105-2 A person in relation to their own criminal case or the criminal case of another person, forcibly demands without just cause a meeting with, or uses intimidation against any person who is considered to have knowledge necessary for the investigation or trial of the criminal case, or a relative of that

person, is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.

### **Chapter VIII Crimes of Disturbance**

(Disturbance)

Article 106 A person who assembles in a crowd and assaults or uses intimidation thereby committing the crime of disturbance is sentenced according to the following distinctions:

- (i) the ringleader is punished by imprisonment or imprisonment without work for not less than 1 year but not more than 10 years;
- (ii) the person who directs others or initiates in stirring up others is punished by imprisonment with or without work for not less than 6 months but not more than 7 years;
- (iii) a person who merely follows others is punished by a fine of not more than 100,000 yen.

(Failure to Disperse)

Article 107 When a crowd assembles for the purpose of assaulting or using intimidation and refuses to disperse after being ordered three times or more to disperse by a public employee with authority, the ringleader is punished by imprisonment or imprisonment without work for not more than 3 years and the others by a fine of not more than 100,000 yen.

### **Chapter IX Crimes of Arson and Fire Caused through Negligence**

(Arson of Inhabited Buildings)

Article 108 A person who sets fire to and burns a building, train, tram, vessel or mine which is being used as a dwelling or for which a person is actually present is punished by the death penalty or imprisonment for life or for a definite term of not less than 5 years.

(Arson of Uninhabited Buildings)

Article 109 (1) A person who sets fire to and burns a building, vessel, or mine not being used as dwelling or in which persons are not actually present is punished by imprisonment for a definite term of not less than 2 years.  
(2) When the object prescribed in the preceding paragraph belongs to the offender, imprisonment for not less than 6 months but not more than 7 years is imposed; provided, however, that if there is no resulting danger to the public, such act is not punishable.

(Setting Fire to Objects Other than Structures)

Article 110 (1) A person who sets fire to and burns any object not provided for in the preceding two Articles and thereby endangers the public is punished by imprisonment for not less than 1 year but not more than 10 years.

(2) When the object prescribed for in the preceding paragraph belongs to the offender, imprisonment for not more than 1 year or a fine of not more than 100,000 yen is imposed.

(Spread of Fire to Structures)

Article 111 (1) As a result of commission of the crime prescribed under paragraph (2) of Article 109 or paragraph (2) of the preceding Article, if a fire spreads to and burns any object provided in Article 108 or paragraph (1) of Article 109, imprisonment for not less than 3 months but not more than 10 years is imposed.

(2) As a result of commission of the crime prescribed under paragraph (2) of the preceding Article, if a fire spreads to and burns any object prescribed in paragraph (1) of that Article, imprisonment for not more than 3 years is imposed.

(Attempts)

Article 112 Any attempt to commit the crimes prescribed under Article 108 and paragraph (1) of Article 109 is punished.

(Preparations)

Article 113 A person with the intention of committing a crime prescribed under Article 108 or paragraph (1) of Article 109, is punished by imprisonment for not more than 2 years; provided, however, that the person may be exempted in light of circumstances.

(Obstruction to Fire Fighting)

Article 114 In the event of a fire, a person who obstructs fire-fighting by concealing or damaging a fire-fighting equipment or by any other means, is punished by imprisonment for not less than 1 year but not more than 10 years.

(Special Provision for Offender's Own Objects related to Attachment)

Article 115 Even when the object prescribed in paragraph (1) of Article 109 or paragraph (1) of Article 110 belongs to an offender, the offender is dealt with as an offender who has burned another person's object when the object is subject to attachment, encumbrance, lease or insurance.

(Fire Caused through Negligence)

Article 116 (1) A person who causes a fire through negligence and thereby burns the object provided for in Article 108 or the object provided for in Article 109 which belongs to another person is punished by a fine of not more than 500,000 yen.

(2) The same applies to a person who causes a fire through negligence and thereby burns any of the person's own objects provided for in Article 109 or any object provided for in Article 110 and thereby endangers the public.

(Detonating of Explosives)

Article 117 (1) A person who damages the object prescribed in Article 108 or the object prescribed in Article 109 which belongs to another person by detonating gunpowder, a steam-boiler or other explosive objects is dealt with in the same manner as in the case of committing arson. The same also applies to a person who damages the object prescribed in Article 109 which belongs to the person or the object prescribed in Article 110 and thereby endangers the public.

(2) When an act provided for in the preceding paragraph is caused through negligence, it is dealt with in the same manner as in the case of fire caused through negligence.

(Fire Caused due to Negligence in the Pursuit of Social Activities)

Article 117-2 When an act prescribed in Article 116 or in paragraph (1) of the preceding Article is committed as a result of a failure to exercise necessary care in the pursuit of social activities or due to gross negligence, imprisonment without work for not more than 3 years or a fine of not more than 1,500,000 yen is imposed.

(Gas Leaks Causing Death or Injury)

Article 118 (1) A person who causes gas, electricity, or steam to leak or flow out or to be cut off and thereby endangers the life, body or property of another person is punished by imprisonment for not more than 3 years or a fine of not more than 100,000 yen.

(2) A person who causes gas, electricity or steam to leak or flow out or to be cut off and thereby causes the death or injury of another person is sentenced to the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

## **Chapter X Crimes Related to Floods and Water Management**

(Damage to Inhabited Buildings by Flood)

Article 119 A person who causes a flood to damage a building, train, tram, or a mine that is being used as a dwelling or in which a person is actually present is

punished by the death penalty or imprisonment for life or for a definite term of not less than 3 years.

(Damage to Other Objects by Flood)

Article 120 (1) A person who causes a flood to damage any object not provided in the preceding Article and thereby endangers the public is punished by imprisonment for not less than 1 year but not more than 10 years.

(2) When the object damaged by a flood belongs to the offender, the provision of the preceding paragraph applies only when the object is subject to attachment, encumbrance, lease or insurance.

(Obstructing Flood Prevention Measures)

Article 121 In the event of a flood, a person who obstructs flood prevention by concealing or damaging flood prevention equipment or by any other means, is punished by imprisonment for not less than one year but not more than 10 years.

(Flood Damage Caused due to Negligence)

Article 122 A person who causes a flood due to negligence either to damage an object provided for in Article 119 or to damage an object provided for in Article 120 and thereby endangers the public, is punished by a fine of not more than 200,000 yen.

(Obstruction to Water Management)

Article 123 A person who causes an embankment to collapse, destroys a water gate or commits any other acts to obstruct water management or to cause a flood is punished by imprisonment or imprisonment without work for not more than 2 years or a fine of not more than 200,000 yen.

## **Chapter XI Crimes of Obstruction of Traffic**

(Obstruction of Traffic Thereby Causing Death or Injury)

Article 124 (1) A person who obstructs the flow of traffic by damaging, or blocking a road, waterway or bridge is punished by imprisonment for not more than 2 years or a fine of not more than 200,000 yen.

(2) A person who commits a crime prescribed under the preceding paragraph, and thereby causes the death or injury to another person is dealt with by the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

(Traffic Hazards)

Article 125 (1) A person who creates a traffic hazard for a train or tram by damaging a railway track or railway sign, or by any other means, is punished by imprisonment for a definite term of not less than two years.

(2) The same applies to a person who creates a traffic hazard for a vessel by damaging a lighthouse or a buoy, or by any other means.

(Overturning of Trains Causing Death)

Article 126 (1) A person who overturns or destroys a train or a tram in which a person is actually present is punished by imprisonment for life or for a definite term of not less than 3 years.

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

(3) A person who committed a crime prescribed under the preceding two paragraphs, causing the death of another person is punished by the death penalty or life imprisonment.

(Endangering Traffic by Overturning a Train)

Article 127 (1) A person who commits a crime prescribed under Article 125 and thereby overturns or destroys a train or a tram or capsizes, sinks or destroys a vessel is dealt with in the same manner as prescribed for in the preceding Article.

(Attempts)

Article 128 Any attempt to commit the crimes prescribed under paragraph (1) of Articles 124, Article 125 and paragraphs (1) and (2) of Article 126 is punished.

(Traffic Hazards due to Negligence)

Article 129 (1) A person who, due to negligence, creates a traffic hazard for the passage of a train, tram or vessel, or overturns or destroys a train or tram, or capsizes, sinks or destroys a vessel is punished by a fine of not more than 300,000 yen.

(2) When a person commits the crime prescribed under the preceding paragraph through professional conduct, imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen is imposed.

## **Chapter XII Crimes of Breaking into a Residence**

(Breaking into a Residence)

Article 130 A person who, without just cause, breaks into a residence of another person or into the premises, building or vessel guarded by another person, or who refuses to leave such a place upon demand is punished by imprisonment

for not more than 3 years or a fine of not more than 100,000 yen.

Article 131 Deleted.

(Attempts)

Article 132 Any attempt to commit the crimes prescribed under Article 130 is punished.

### **Chapter XIII Crimes of Violating Confidentiality**

(Unlawful Opening of Letters)

Article 133 A person who opens a sealed letter without just cause is punished by imprisonment for not more than 1 year or a fine of not more than 200,000 yen.

(Unlawful Disclosure of Confidential Information)

Article 134 (1) When a physician, pharmacist, pharmaceuticals distributor, midwife, attorney, defense counsel, notary public or any other person formerly engaged in such profession, without just cause, discloses another person's confidential information which has come to be known in the course of such profession, imprisonment for not more than 6 months or a fine of not more than 100,000 yen is imposed.

(2) The same applies when a person who is or was engaged in a religious occupation, without just cause, discloses another person's confidential information which has come to be known in the course of such religious activities.

(Offense Subject to Complaint)

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

### **Chapter XIV Crimes Related to Smoking Opium**

(Importing Opium for Smoking)

Article 136 A person who imports, manufactures or sells opium for smoking or possesses it for the purpose of sale is punished by imprisonment for not less than 6 months but not more than 7 years.

(Importing Implements for Smoking Opium)

Article 137 A person who imports, manufactures or sells an implement for smoking opium, or possesses it for the purpose of sale is punished by imprisonment for not less than 3 months but not more than 5 years.

(Importing Opium by Custom Officials for Smoking)

Article 138 When a customs official imports or permits the import of opium for smoking or an implement for smoking opium, imprisonment for not less than 1 year but not more than 10 years is imposed.

(Smoking and Providing Places for Smoking Opium)

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

(2) A person who for the purpose of making profit provides a building or room for smoking opium is punished by imprisonment for not less than 6 months but not more than 7 years.

(Possession of Opium for Smoking)

Article 140 A person who possesses opium for smoking or an implement for smoking opium is punished by imprisonment for not more than 1 year.

(Attempts)

Article 141 Any attempt to commit the crimes prescribed under this Chapter are punished.

## **Chapter XV Crimes Related to Drinking Water**

(Pollution of Drinking Water)

Article 142 A person who pollutes water which is intended for human consumption, rendering the water undrinkable is punished by imprisonment for not more than 6 months or a fine of not more than 100,000 yen.

(Pollution of Water Supplies)

Article 143 A person who pollutes the water intended for drinking supplied to the public by a water supply system, or who pollutes the source thereof, rendering the water undrinkable, is punished by imprisonment for not less than 6 months but not more than 7 years.

(Pollution of Drinking Water with Poisonous Materials)

Article 144 A person who pollutes drinking water with poisonous materials or any other substance harming human health is punished by imprisonment for not more than 3 years.

(Pollution of Drinking Water Causing Death or Injury)

Article 145 A person who commits a crime prescribed under the preceding three



Articles and thereby causes the death or injury of another person is dealt with by the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

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

Article 146 A person who pollutes water which is supplied to the public for drinking purposes or a water supply system with poisonous materials or any other substance harming human health, is punished by imprisonment for a definite term of not less than 2 years. If it thereby causes the death of another person, the offender is punished by the death penalty or imprisonment for life or for a definite term of not less than 5 years.

(Damage or Obstruction of a Water Supply System)

Article 147 A person who damages or obstructs a water supply system is punished by imprisonment for not less than 1 year but not more than 10 years.

## **Chapter XVI Crimes of Counterfeiting of Currency**

(Counterfeiting of Currency or Uttering of Counterfeit Currency)

Article 148 (1) A person who counterfeits or alters a current coin, bank note or bill for the purpose of uttering is punished by imprisonment for life or for a definite term of not less than 3 years.

(2) The same applies to a person who utters, or delivers or imports for the purpose of uttering, a counterfeited or altered coin, bank note or bill.

(Counterfeiting of Foreign Currency or Uttering of Foreign Currency)

Article 149 (1) A person who counterfeits or alters a foreign coin, bank note or bill which is used in transaction in Japan for the purpose of uttering is punished by imprisonment for a definite term of not less than 2 years.

(2) The same applies to a person who utters, or delivers or imports for the purpose of uttering, a counterfeit or altered foreign coin, bank note or bill.

(Acquisition of Counterfeit Currency)

Article 150 A person, who acquires a counterfeit or altered coin, bank note or bill for the purpose of uttering, is punished by imprisonment for not more than 3 years.

(Attempts)

Article 151 Any attempt to commit the crimes prescribed under the preceding three Articles is punished.

(Uttering of Counterfeit Currency with Knowledge after Acquisition)

Article 152 After acquiring a coin, bank note or bill, a person who utters or passes it to another person for the purpose of uttering thereof, with the knowledge that it is counterfeit or altered, is punished by a fine or petty fine of not more than three times the face value thereof; provided, however, that the petty fine is not less than 2,000 yen.

(Preparations of Implements for Currency Counterfeited)

Article 153 A person who prepares implements or materials for the purpose of counterfeiting or altering a coin, bank note or bill is punished by imprisonment for not less than 3 months but not more than 5 years.

## **Chapter XVII Crimes of Counterfeiting of Documents**

(Counterfeit of Imperial or State Documents)

Article 154 (1) For the purpose of uttering, a person who counterfeits an Imperial Rescript or other official imperial document with the Imperial Seal, State Seal or Imperial Signature, or counterfeits an Imperial Rescript or other official imperial document with a counterfeit Imperial Seal, State Seal or Imperial Signature, is punished by imprisonment for life or for a definite term of not less than three years.

(2) The same applies to a person who alters an Imperial Rescript or other official imperial document bearing the Imperial Seal, the State Seal or the Imperial Signature.

(Counterfeiting of Official Documents)

Article 155 (1) For the purpose of uttering, a person who counterfeits using the seal or signature of a public office or a public employee, a document or drawing to be prepared by a public office or a public employee, or counterfeits, using a counterfeited seal or signature of such public office or public employee, a document or drawing to be prepared by a public office or a public employee, is punished by imprisonment for not less than 1 year but not more than 10 years.

(2) The same applies to a person who alters a document or drawing bearing the seal or signature of a public office or a public employee.

(3) Beyond what are provided for in the preceding two paragraphs, a person who counterfeits a document or drawing to be made by a public office or a public employee or who alters a document or drawing which has been prepared by a public office or a public employee is punished by imprisonment for not more than 3 years or a fine of not more than 200,000 yen.

(Making of False Official Documents)

Article 156 In connection with their official duty, if a public employee makes a false official document or drawing, or alters an official document or drawing, for the purpose of uttering, is dealt with in the same manner as prescribed in the preceding two Articles, depending on whether or not the document bears a seal or signature.

(False Entries in the Original of Notarized Deeds)

- Article 157 (1) A person, who makes a false statement before a public employee and thereby causes the employee to make a false entry in the registry, family register book or the original of notarized deeds relating to other rights or duties, or creates a false record on the electronic or magnetic record to be used as the original of a notarized deed relating to rights or duties, is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.
- (2) A person, who makes a false statement before a public employee and thereby causes the employee to make a false entry in a license, permit or passport, is punished by imprisonment for not more than 1 year or a fine of not more than 200,000 yen.
- (3) Any attempt to commit the crimes prescribed under the preceding two paragraphs is punished.

(Uttering Counterfeit Official Documents)

- Article 158 (1) A person, who utters a document or drawing prescribed for in the preceding four Articles or provides the electronic or magnetic record prescribed in paragraph (1) of the preceding Article for use as the original of a notarized deed, is punished by the same penalty as a person who counterfeits or alters a document or drawing, makes a false document or drawing, or causes a false entry or record to be made.
- (2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

(Counterfeiting Private Documents)

- Article 159 (1) A person who, for the purpose of uttering, counterfeits, with the use of a seal or signature of another person, a document or drawing relating to rights, duties or certification of facts or counterfeits a document or drawing relating to rights, duties or certification of facts with the use of a counterfeit seal or signature of another person, is punished by imprisonment for not less than 3 months but not more than 5 years.
- (2) The same applies to a person who alters a document or drawing bearing the seal or signature of another person and relating to rights, duties or certification of facts.
- (3) Beyond what are provided for in the preceding two paragraphs, a person who

counterfeits or alters a document or drawing relating to rights, duties or certification of facts is punished by imprisonment for not more than 1 year or a fine of not more than 100,000 yen.

(Falsifying Medical Certificates)

Article 160 When a physician makes a false entry in a medical certificate, an autopsy report or a death certificate to be submitted to a public office, imprisonment without work for not more than 3 years or a fine of not more than 300,000 yen is imposed.

(Uttering Counterfeit Private Documents)

Article 161 (1) A person who utters a document or drawing prescribed in the preceding two Articles is punished by the same penalty as a person who counterfeits or alters a document or drawing or makes a false entry.  
(2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

(Unauthorized Creation of Electronic or Magnetic Records)

Article 161-2 (1) With the intent to bring about error in the processing of matters of another person, a person who unlawfully creates an electronic or magnetic record without due authorization which is for use in such improper processing and is related to rights, duties or certification of facts, is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.  
(2) When the crime prescribed under the preceding paragraph is committed in relation to an electronic or magnetic record to be created by a public office or a public employee, the offender is punished by imprisonment for not more than 10 years or a fine of not more than 1,000,000 yen is imposed.  
(3) A person who, with the intent prescribed in paragraph (1), puts an electronic or magnetic record created without due authorization and related to rights, duties or certification of facts into use for the processing of matters of another person is punished by the same penalty as the person who created such an electronic or magnetic record.  
(4) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

## **Chapter XVIII Crimes of Counterfeiting of Securities**

(Counterfeiting of Securities)

Article 162 (1) For the purpose of uttering, a person who counterfeits or alters a public bond, securities of a government agency, share certificate of a

corporation or other securities is punished by imprisonment for not less than 3 months but not more than 10 years.

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

(Uttering Counterfeit Securities)

Article 163 (1) A person who utters a counterfeit or altered security or security in which a false entry has been made, or who, for the purpose of uttering, delivers to another person or imports such security, is punished by imprisonment for not less than 3 months but not more than 10 years.

- (2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

### **Chapter XVIII-2 Crimes Related to Electronic or Magnetic Records of Payment Cards**

(Unauthorized Creation of Electronic or Magnetic Records of Payment Cards)

Article 163-2 (1) For the purpose of bringing about an error in the processing of the financial affairs of another person, a person who creates without due authorization an electronic or magnetic record which is intended for the use in such processing error encoded in a credit card or other cards for the payment of charges for goods or services, is punished by imprisonment for not more than 10 years or a fine of not more than 1,000,000 yen. The same applies to a person who creates without due authorization an electronic or magnetic record which is encoded in a card for withdrawal of money.

- (2) For the purpose prescribed in the preceding paragraph, a person who puts an unlawfully created electronic or magnetic record prescribed in the same paragraph into use for processing of the financial affairs of another person, is dealt with in the same way prescribed in the same paragraph.

- (3) A person who, for the purpose prescribed in paragraph (1), transfers, lends or imports a card encoded with an unlawful electronic or magnetic record prescribed in the same paragraph, is dealt with in the same way prescribed in the same paragraph.

(Possession of Payment Cards with Unauthorized Electronic or Magnetic Records)

Article 163-3 A person who, for the purpose prescribed in paragraph (1) of the preceding Article, possesses the card prescribed in paragraph (3) of the same Article, is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.

(Preparation for Unauthorized Creation of Electronic or Magnetic Records of Payment Cards)

Article 163-4 (1) For the purpose of use in the commission of a criminal act prescribed in paragraph (1) of Article 163-2, a person who obtains information for the electronic or magnetic record prescribed in the same paragraph, is punished by imprisonment for not more than 3 years or a fine of not more than 500,000 yen. The same applies to a person who, knowing the purpose of the obtainer, provides the information.

(2) For the purpose prescribed for in the preceding paragraph, a person who stores the illegally obtained information of an electronic or magnetic record prescribed in paragraph (1) of Article 163-2, is dealt with in the same way prescribed in the preceding paragraph.

(3) For the purpose prescribed for in paragraph (1), a person who prepares instruments or materials, is dealt with in the same way prescribed in the same paragraph.

(Attempts)

Article 163-5 Any attempt to commit the crimes prescribed under Article 163-2 and paragraph (1) of the preceding Article is punished.

## **Chapter XIX Crimes of Counterfeiting of Seals**

(Counterfeiting or Unauthorized Use of the Imperial Seal)

Article 164 (1) For the purpose of uttering, a person who counterfeits the Imperial Seal, State Seal or Imperial Signature, is punished by imprisonment for a definite term of not less than 2 years.

(2) The same applies to a person who without due authorization, uses the Imperial Seal, State Seal or Imperial Signature, or who uses a counterfeit Imperial Seal, State Seal or Imperial Signature.

(Counterfeiting or Unauthorized Use of Official Seals)

Article 165 (1) For the purpose of unauthorized use, a person who counterfeits the seal or signature of a public office or public employee is punished by imprisonment for not less than 3 months but not more than 5 years.

(2) The same applies to a person who, without due authorization uses the seal or signature of a public office or public employee, or who uses a counterfeit seal or signature of a public office or public employee.

(Counterfeiting or Unauthorized Use of Official Marks)

Article 166 (1) For the purpose of unauthorized use, a person who counterfeits the mark of a public office is punished by imprisonment for not more than 3

years.

- (2) The same applies to a person who uses without due authorization the mark of a public office or who uses a counterfeit mark of a public office.

(Counterfeiting or Unauthorized Use of Private Seals)

Article 167 (1) For the purpose of unauthorized use, a person who counterfeits the seal or signature of another person is punished by imprisonment for not more than 3 years.

- (2) The same applies to a person who without due authorization, uses the seal or signature of another person or who uses a counterfeit seal or signature of another person.

(Attempts)

Article 168 Any attempt to commit the crimes prescribed under paragraph (2) of Article 164, paragraph (2) of Article 165, paragraph (2) of Article 166 and paragraph (2) of the preceding Article is punished.

### **Chapter XIX-2 Crimes Related to Electronic or Magnetic Records Containing Unauthorized Commands**

(Making of Electronic or Magnetic Records Containing Unauthorized  
Commands)

Article 168-2 (1) A person who, without legitimate grounds, creates or provides any of the following records including electronic or magnetic records for the purpose of using them for executing commands on another person's computer is punished by imprisonment for not more than 3 years or a fine of not more than 500,000 yen:

- (i) electronic or magnetic records that give unauthorized commands to prevent a computer from performing functions in line with the user's intention or have it perform functions against the user's intention;
- (ii) beyond what is set forth in the preceding item, records including electronic or magnetic records in which unauthorized commands referred to in the same item are described.
- (2) The same applies to a person who, without legitimate grounds, uses electronic or magnetic records set forth in item (i) of the preceding paragraph for the execution of commands on another person's computer.
- (3) Any attempt to commit the crime referred to in the preceding paragraph is punished.

(Acquisition of Electronic or Magnetic Records Containing Unauthorized  
Commands)

Article 168-3 A person who, without legitimate grounds, acquires or stores records including electronic or magnetic records set forth in the items of paragraph (1) of the preceding Article for the purpose referred to in the same paragraph is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.

## **Chapter XX Crimes of Perjury**

(Perjury)

Article 169 When a witness who has sworn in accordance with law gives false testimony, imprisonment for not less than 3 months but not more than 10 years is imposed.

(Exemption of a Sentence Due to Confession)

Article 170 When a person who has committed the crime prescribed under the preceding Article confesses before a judgment becomes final and binding or before a disciplinary action is taken in the case in which the person testified, such confession may lead to the punishment being reduced or may exempt the offender from the punishment.

(False Expert Opinion or Interpreting)

Article 171 An expert witness or interpreter who has sworn in accordance with laws and gives a false expert opinion or makes a false interpretation or translation is to be dealt with in the same manner as prescribed for in the preceding two Articles.

## **Chapter XXI Crimes of False Accusations**

(False Accusations)

Article 172 A person who submits a false accusation, charge or other statements for the purpose of having a criminal punishment or disciplinary action imposed upon another person is punished by imprisonment for not less than 3 months but not more than 10 years.

(Reduction of Punishment due to Confessions)

Article 173 When a person who has committed the crime prescribed under the preceding Article confesses before a judgment becomes final and binding or before a disciplinary action is taken, such confession may lead to the punishment being reduced or may exempt the offender from the punishment.

## **Chapter XXII Crimes of Obscenity, Forcible Sexual Intercourse, and**



## Bigamy

### (Public Indecency)

Article 174 A person who commits an indecent act in public is punished by imprisonment for not more than 6 months, a fine of not more than 300,000 yen, penal detention or a petty fine.

### (Distribution of Obscene Objects)

Article 175 (1) A person who distributes or displays in public obscene objects such as documents, drawings or recording media contained in electronic or magnetic records is punished by imprisonment for not more than 2 years, a fine of not more than 2,500,000 yen or a petty fine, or both imprisonment and a fine. The same applies to a person who distributes obscene records including electronic or magnetic records through the transmission of telecommunications.

(2) The same applies to a person who possesses the objects referred to in the preceding paragraph or stores electronic or magnetic records referred to in the same paragraph for the purpose of distributing them for a fee.

### (Indecency through Compulsion)

Article 176 A person who forcibly commits an indecent act through assault or intimidation upon another person of not less than thirteen years of age is punished by imprisonment for not less than 6 months but not more than 10 years. The same applies to a person who commits an indecent act upon another person under thirteen years of age.

### (Forcible Sexual Intercourse)

Article 177 A person who, through assault or intimidation forcibly engages in vaginal intercourse, anal intercourse or oral intercourse (hereinafter referred to as "sexual intercourse") with another person of not less than thirteen years of age is guilty of the crime of forcible sexual intercourse, and is punished by imprisonment for a definite term of not less than 5 years. The same applies to a person who engages in sexual intercourse against another person under thirteen years of age.

### (Constructive Indecency through Compulsion; Constructive Forcible Sexual Intercourse)

Article 178 (1) A person who engages in an indecent act upon another person by taking advantage of their unconscious state or inability to resist, or by causing the person to lose consciousness or have the inability to resist, is punished in the same manner as prescribed for in Article 176.

(2) A person who engages in sexual intercourse with another person by taking

advantage of their unconscious state or inability to resist, or by causing the person to lose consciousness or have the inability to resist, is punished in the same manner as prescribed in the preceding Article.

(Indecency by a Person Having Custody of a Person under 18; Sexual Intercourse by a Person Having Custody of a Person under 18)

Article 179 (1) A person who commits an indecent act upon another person under eighteen years of age by taking advantage of the influence arising from the fact of having custody of that person is punished in the same manner as prescribed in Article 176.

(2) A person who engages in sexual intercourse, etc. with another person under eighteen years of age by taking advantage of the influence arising from the fact of having custody of that person is punished in the same manner as prescribed in Article 177.

(Attempts)

Article 180 Any attempt to commit the crimes prescribed in Articles 176 through the preceding Article is punished.

(Indecency through Compulsion Causing Death or Injury)

Article 181 (1) A person who commits a crime prescribed under Article 176, paragraph (1) of Article 178, paragraph (1) of Article 179, or any attempt to commit the crimes mentioned above, and thereby causes the death or injury of another person is punished by imprisonment for life or for a definite term of not less than 3 years.

(2) A person who commits a crime prescribed under Article 177, paragraph (2) of Article 178, paragraph (2) of Article 179, or any attempt to commit the crimes mentioned above, and thereby causes the death or injury of another person is punished by imprisonment for life or for a definite term of not less than 6 years.

(Inducement to Illicit Intercourse)

Article 182 A person who, for the purpose of profit, induces a female who does not do so habitually to engage in sexual intercourse, is punished by imprisonment for not more than 3 years or a fine of not more than 300,000 yen.

Article 183 Deleted.

(Bigamy)

Article 184 When a married person enters into another marriage, imprisonment for not more than 2 years is imposed. The same applies to the other party who enters into such marriage.

## **Chapter XXIII Crimes Related to Gambling and Lotteries**

### **(Gambling)**

Article 185 A person who gambles is punished by a fine of not more than 500,000 yen or a petty fine; provided, however, that the same does not apply to a person who gambles occasionally provided for recreational amusement.

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

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

(2) A person who, for the purpose of profit, runs a place for gambling or organizes a group of habitual gamblers is punished by imprisonment for not less than 3 months but not more than 5 years.

### **(Sale of Lotteries)**

Article 187 (1) A person who sells a lottery ticket is punished by imprisonment for not more than 2 years or a fine of not more than 1,500,000 yen.

(2) A person who acts as an intermediary in the sale of a lottery ticket is punished by imprisonment for not more than 1 year or a fine of not more than 1,000,000 yen.

(3) Beyond what are provided for in the preceding two paragraphs, a person who delivers or receives a lottery ticket is punished by a fine of not more than 200,000 yen or a petty fine.

## **Chapter XXIV Crimes Related to Places of Worship and Graves**

### **(Desecrating Places of Worship; Interference with Religious Service)**

Article 188 (1) A person who openly desecrates a shrine, temple, cemetery or any other place of worship is punished by imprisonment or imprisonment without work for not more than 6 months or a fine of not more than 100,000 yen.

(2) A person who interferes with a sermon, worship or a funeral service is punished by imprisonment or imprisonment without work for not more than 1 year or a fine of not more than 100,000 yen.

### **(Excavation of Graves)**

Article 189 A person who excavates a grave is punished by imprisonment for not more than 2 years.

### **(Destruction of Corpses)**

Article 190 A person who damages, abandons or unlawfully possesses a corpse,

the ashes or hair of a dead person, or an object placed in a coffin is punished by imprisonment for not more than 3 years.

(Excavation of Graves and Damaging Corpses)

Article 191 A person who commits the crime prescribed under Article 189 and damages, abandons or unlawfully possesses a corpse, the ashes or hairs of a dead person, or an object placed in a coffin is punished by imprisonment for not less than 3 months but not more than 5 years.

(Secret Burial of Persons Dying from an Unnatural Death)

Article 192 A person who, without a postmortem examination, buries a person who died an unnatural death is punished by a fine of not more than 100,000 yen or a petty fine.

## **Chapter XXV Crimes of Corruption**

(Abuse of Authority by Public Employees)

Article 193 When a public employee abuses their authority and causes another person to perform an act which the person has no obligation to perform, or obstructs another person from exercising their right, imprisonment or imprisonment without work for not more than 2 years is imposed.

(Abuse of Authority by Specialized Public Employees)

Article 194 When a person performing or assisting in judicial, prosecutorial or police duties, abuses their authority and unlawfully captures or confines another, imprisonment or imprisonment without work for not less than 6 months but not more than 10 years is imposed.

(Assault and Cruelty by Specialized Public Employees)

Article 195 (1) When a person performing or assisting in judicial, prosecutorial or police duties commits, in the performance of their duties, an act of assault or physical or mental cruelty upon the accused, suspect or any other person, imprisonment or imprisonment without work for not more than 7 years is imposed.

(2) The same applies when a person who is guarding or escorting another person detained or confined in accordance with laws and regulations commits an act of assault or physical or mental cruelty upon the person.

(Abuse of Authority Causing Death or Injury by Specialized Public Employees)

Article 196 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another person is dealt with

by the punishment for the crimes of injury or the punishment prescribed in the preceding two Articles, whichever is severer.

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

Article 197 (1) A public employee who accepts, solicits or promises to accept a bribe in connection with their duties is punished by imprisonment for not more than 5 years; and when the employee agrees to perform an act in response to a request, imprisonment for not more than 7 years is imposed.

(2) When a person to be appointed a public employee accepts, solicits or promises to accept a bribe in connection with a duty to be assumed with agreement to perform an act in response to a request, the person is punished by imprisonment for not more than 5 years in the event of appointment.

(Passing of Bribes to a Third Party)

Article 197-2 When a public employee, agreeing to perform an act in response to a request, is involved in a bribe in connection with the employee's duty to be given to a third party or solicits or promises such bribe to be given to a third party, imprisonment for not more than 5 years is imposed.

(Aggravated Acceptance of Bribe; Its Acceptance after Resignation of Office)

Article 197-3 (1) When a public employee commits a crime prescribed under the preceding two Articles and consequently acts illegally or refrains from acting in the exercise of their duty, imprisonment for a definite term of not less than 1 year is imposed.

(2) The same applies when a public employee accepts, solicits or promises to accept a bribe, or is involved in a bribe to be given to a third party or solicits or promises a bribe to be given to a third party, in connection with having acted illegally or having refrained from acting in the exercise of the employee's duty.

(3) When a person who resigned from the position of a public employee accepts, solicits or promises to accept a bribe in connection with having acted illegally or having refrained from acting in the exercise of their duty with agreement thereof in response to a request, the person is punished by imprisonment for not more than 5 years.

(Influence Peddling)

Article 197-4 A public employee who accepts, solicits or promises to accept a bribe as consideration for the influence which the employee exerted or is to exert, in response to a request, upon another public employee so as to cause the other to act illegally or refrain from acting in the exercise of official duty is punished by imprisonment for not more than 5 years.

(Confiscation and Collection of a Sum of Equivalent Value)

Article 197-5 A bribe accepted by an offender or by a third party with knowledge is confiscated. When the whole or a part of the bribe cannot be confiscated, an equivalent sum of money is collected.

(Active Bribery)

Article 198 A person who gives, offers or promises to give a bribe provided for in Articles 197 through 197-4 is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen.

## **Chapter XXVI Crimes of Homicide**

(Homicide)

Article 199 A person who kills another person is punished by the death penalty or imprisonment for life or for a definite term of not less than 5 years.

Article 200 Deleted.

(Preparation)

Article 201 A person who prepares for the commission of a crime prescribed under Article 199 is punished by imprisonment for not more than 2 years; provided, however, that the person may be exculpated in light of circumstances.

(Participation in Assisted Suicide; Consensual Homicide)

Article 202 A person who induces or aids another person to commit suicide, or kills another person at the other's request or with other's consent, is punished by imprisonment or imprisonment without work for not less than 6 months but not more than 7 years.

(Attempts)

Article 203 Any attempt to commit the crimes prescribed under Article 199 and the preceding Article is punished.

## **Chapter XXVII Criminal Injury**

(Injury)

Article 204 A person who causes another person to suffer injury is punished by imprisonment for not more than 15 years or a fine of not more than 500,000 yen.

(Injury Causing Death)

Article 205 A person who causes another person to suffer injury resulting in death is punished by imprisonment for a definite term of not less than 3 years.

(Inciting Injury)

Article 206 A person who incites the offender in the commission of a crime at the scene of a crime prescribed under the preceding two Articles, even if the person does not directly cause another person to suffer injury, the person is punished by imprisonment for not more than 1 year, a fine of not more than 100,000 yen or a petty fine.

(Special Provision for Injury Caused by Multiple Attackers)

Article 207 When two or more persons assault another person causing injury and it is impossible to know the relative extent of the injury caused by each individual offender or which offender caused the injury, the offenders are dealt with as co-principals even though they did not act in concert.

(Assault)

Article 208 When a person assaults another person without injuring the other person, the person is punished by imprisonment for not more than 2 years, a fine of not more than 300,000 yen, penal detention or a petty fine.

(Unlawful Assembly with Weapons)

Article 208-2 (1) When two or more persons assemble for the purpose of jointly harming the life, body or property of another person, any participant of the assembly who has prepared weapons or knows that weapons have been prepared, is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.

(2) In the case referred to in the preceding paragraph, a person who having prepared weapons or knowing that weapons have been prepared, causes others to assemble, is punished by imprisonment for not more than 3 years.

## **Chapter XXVIII Crimes Causing Injury due to Negligence**

(Causing Injury due to Negligence)

Article 209 (1) A person who injures another person due to negligence is punished by a fine of not more than 300,000 yen or a petty fine.

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

(Causing Death due to Negligence)

Article 210 A person who causes the death of another person due to negligence is punished by a fine of not more than 500,000 yen.

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

Article 211 A person who fails to exercise due care required in the pursuit of social activities and thereby causes the death or injury of another person is punished by imprisonment or imprisonment without work for not more than 5 years or a fine of not more than 1,000,000 yen. The same applies to a person who due to gross negligence, causes the death or injury of another person.

### **Chapter XXIX Criminal Abortion**

(Abortion)

Article 212 When a pregnant woman causes her own abortion by using drugs or any other means, imprisonment for not more than 1 year is imposed.

(Abortion with Consent; Causing Death or Injury)

Article 213 At the request of a woman or with her consent, a person who causes her abortion, is punished by imprisonment for not more than 2 years. If the person thereby causes the death or injury of the woman, the person is punished by imprisonment for not less than 3 months but not more than 5 years.

(Abortion through Professional Conduct; Causing Death or Injury)

Article 214 When a physician, midwife, pharmacist or pharmaceuticals distributor, at the request of a woman or with her consent, causes her abortion, imprisonment for not less than 3 months but not more than 5 years is imposed. If such person thereby causes the death or injury of the woman, imprisonment for not less than 6 months but not more than 7 years is imposed.

(Abortion without Consent)

Article 215 (1) A person who, without the request or consent of the woman, causes her abortion, is punished by imprisonment for not less than 6 months but not more than 7 years.

(2) Any attempt to commit the crime prescribed under the preceding paragraph is punished.

(Abortion without Consent Causing Death or Injury)

Article 216 A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of the woman is dealt with by the punishment prescribed for either the crimes of injury or the preceding Article, whichever is greater.



## **Chapter XXX Crimes of Abandonment**

(Abandonment)

Article 217 A person who abandons another person of old age, a child, a person with a disability or illness in need of support is punished by imprisonment for not more than 1 year.

(Abandonment by a Person Responsible for Their Care)

Article 218 When a person who is responsible for the care of a person of old age, a child, a person with a disability or illness, abandons or fails to provide the necessary care to such person, the person is punished by imprisonment for not less than 3 months but not more than 5 years.

(Abandonment Causing Death or Injury)

Article 219 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another person, is dealt with by the punishment for either the crimes of injury or the punishment prescribed in the preceding Articles, whichever is severer.

## **Chapter XXXI Crimes of Unlawful Capture and Confinement**

(Unlawful Capture and Confinement)

Article 220 A person who unlawfully captures or confines another person is punished by imprisonment for not less than 3 months but not more than 7 years.

(Unlawful Capture or Confinement Causing Death or Injury)

Article 221 A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of another person, is dealt with by the punishment for either the crimes of injury or the punishment prescribed in the preceding Article, whichever is severer.

## **Chapter XXXII Crimes of Intimidation**

(Intimidation)

Article 222 (1) A person who intimidates another person using a threat to harm the life, body, freedom, reputation or the person's property is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.  
(2) The same applies to a person who intimidates another person using a threat to harm the life, body, freedom, reputation or property of one's relatives.

(Compulsion)

Article 223 (1) A person who intimidates another person using threat to harm the life, body, freedom, reputation or property of another person or by assault, causing the other person to perform an act which the person had no obligation to perform, or hinders the other person from exercising their own rights, is punished by imprisonment for not more than 3 years.

(2) The same applies to a person who intimidates another person, using threat to harm the life, body, freedom, reputation or property of the relatives of the other person, causing the person to perform an act which the person has no obligation to perform, or hinders the person from exercising their rights.

(3) Any attempt to commit the crimes prescribed under the preceding two paragraphs is punished.

### **Chapter XXXIII Crimes of Kidnapping and Human Trafficking**

(Kidnapping of Minors)

Article 224 A person who kidnaps a minor using force or through enticement is punished by imprisonment for not less than 3 months but not more than 7 years.

(Kidnapping for Profit)

Article 225 A person who kidnaps another person through the use of force or enticement for the purpose of profit, indecency, marriage or threat to the life or body is punished by imprisonment for not less than 1 year but not more than 10 years.

(Kidnapping for Ransom)

Article 225-2 (1) A person who kidnaps another person through the use of force or enticement, for the purpose of causing the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to grant any property, taking advantage of such situation, is punished by imprisonment for life or for a definite term of not less than 3 years.

(2) The same applies to a person, who having kidnapped another person through the use of force or enticement, causes or demands the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to grant any property, taking advantage of such situation.

(Kidnapping for Transportation out of a Country)

Article 226 A person who kidnaps another person through the use of force or enticement for the purpose of transporting another person from one country to

another country is punished by imprisonment for a definite term of not less than 2 years.

(Human Trafficking)

Article 226-2 (1) A person who buys another person is punished by imprisonment for not less than 3 months but not more than 5 years.

(2) A person who buys a minor is punished by imprisonment for not less than 3 months but not more than 7 years.

(3) A person who buys another person for the purpose of profit, indecency, marriage or threat to the life or body, is punished by imprisonment for not less than 1 year but not more than 10 years.

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

(5) A person who sells or buys another person for the purpose of transporting them from one country to another country is punished by imprisonment for not less than 2 years.

(Transporting Kidnapped Persons out of a Country)

Article 226-3 A person who transports a kidnapped person through the use of force or enticement or another person who has been bought or sold, from one country to another country, is punished by imprisonment for not less than 2 years.

(Delivery of Kidnapped Persons)

Article 227 (1) For the purpose of aiding another person who has committed any of the crimes prescribed under Articles 224, 225 or the preceding three Articles, a person who delivers, receives, transports or hides a person who has been kidnapped through the use of force or enticement or has been bought or sold, is punished by imprisonment for not less than 3 months but not more than 5 years.

(2) For the purpose of aiding another person who has committed the crime prescribed under paragraph (1) of Article 225-2, a person who delivers, receives, transports or hides a person who has been kidnapped is punished by imprisonment for not less than 1 year but not more than 10 years.

(3) For the purpose of profit, indecency or threat to the life or body, a person who delivers, receives, transports or hides another person who has been kidnapped or sold, is punished by imprisonment for not less than 6 months but not more than 7 years.

(4) For the purpose prescribed under paragraph (1) of Article 225-2, a person who receives another person who has been kidnapped is punished by imprisonment for a definite term of not less than 2 years. The same applies to a person, who has received a kidnapped person and causes or demands such person's relative

or any other person who would be concerned about the safety of the kidnapped person to deliver any property, taking advantage of such situation.

(Attempts)

Article 228 Any attempt to commit the crimes prescribed under Articles 224, 225, paragraph (1) of Article 225-2, Articles 226 through 226-3 and paragraphs (1) through (3) and the first sentence of paragraph (4) of the preceding Article is punished.

(Reduction of Punishment in the Case of Release)

Article 228-2 If a person who has committed the crime prescribed under Article 225-2 or paragraph (2) or (4) of Article 227 releases the kidnapped person in a safe location before being prosecuted, the punishment is reduced.

(Preparation for Kidnapping for Ransom)

Article 228-3 A person who prepares for commission of the crime prescribed under paragraph (1) of Article 225-2 is punished by imprisonment for not more than 2 years; provided, however, that the punishment of the person who self-denounces before the person commences the crime is reduced or exculpated.

(Offense Subject to Complaint)

Article 229 The crime prescribed under Article 224, the crime prescribed under paragraph (1) of Article 227 which is committed for the purpose of aiding the person who has committed the crime prescribed under Article 224, and the attempts to commit these crimes, are prosecuted only upon criminal complaint.

## **Chapter XXXIV Crimes against Reputation**

(Defamation)

Article 230 (1) A person who defames another person by making allegations in public, regardless of whether such facts are true or false, is punished by imprisonment or imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen.

(2) A person who defames a dead person is not punished unless such defamation is based on a false facts.

(Special Provision for Matters Concerning Public Interest)

Article 230-2 (1) When an act prescribed under paragraph (1) of the preceding Article is found to relate to matters of public interest and to have been conducted solely for the benefit of the public, the truth or falsity of the alleged facts are to be examined, and punishment is not imposed if they are proven to

be true.

(2) In application of the preceding paragraph, matters concerning the criminal act of a person who has not been prosecuted is deemed to be matters of public interest.

(3) When the act prescribed under paragraph (1) of the preceding Article is made with regard to matters concerning a public employee or a candidate for election, punishment is not imposed if an inquiry into the truth or falsity of the alleged facts are made and they are proven to be true.

(Insults)

Article 231 A person who insults another person in public, irrespective of whether the accusation alleges facts or not, the person is punished by penal detention or a petty fine.

(Offense Subject to Complaint)

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

(2) If the person who is to make a complaint is the Emperor, Empress, Grand Empress Dowager, Empress Dowager or Imperial Heir, the Prime Minister is to file a complaint on their behalf, and when such person is the Sovereign or President of a foreign state, a representative of the State is to make a complaint on their behalf.

## **Chapter XXXV Crimes against Credibility and Business**

(Damage to Credibility; Obstruction of Business)

Article 233 A person who damages the credibility or obstructs the business of another person by spreading false rumors or by the use of fraudulent means is punished by imprisonment for not more than 3 years or a fine of not more than 500,000 yen.

(Forcible Obstruction of Business)

Article 234 A person who obstructs the business of another person by force is dealt with in the same manner as prescribed under the preceding Article.

(Obstruction of Business by Damaging a Computer)

Article 234-2 (1) A person who obstructs the business of another person by interfering with the operation of a computer utilized for the business of the other or by causing such computer to operate counter to the purpose of such utilization by damaging such computer or any electronic or magnetic record used by such computer, by inputting false data or giving unauthorized

commands or by any other means, is punished by imprisonment for not more than 5 years or a fine of not more than 1,000,000 yen.

(2) Any attempt to commit the crime prescribed under the preceding paragraph is punished.

## **Chapter XXXVI Crimes of Theft and Robbery**

(Theft)

Article 235 A person who steals the property of another person commits the crime of theft and is punished by imprisonment for not more than 10 years or a fine of not more than 500,000 yen.

(Usurpation of Real Estate)

Article 235-2 A person who usurps the real estate of another person is punished by imprisonment for not more than 10 years.

(Robbery)

Article 236 (1) A person who robs the property of another person through the use of assault or intimidation is guilty of the crime of robbery and is punished by imprisonment for a definite term of not less than 5 years.

(2) The same applies to a person who illegally obtains or causes another person to illegally obtain a profit by the means prescribed under the preceding paragraph.

(Preparation for Robbery)

Article 237 A person who, with the intention of committing the crime of robbery prepared for the robbery, is punished by imprisonment for not more than 2 years.

(Constructive Robbery)

Article 238 When a person who has committed the crime of theft uses assault or intimidation in order to retain the stolen property, evade arrest or destroy evidence, the person is dealt with in the same manner as with robbery.

(Drug-Facilitated Robbery)

Article 239 A person who steals the property of another person by causing the other person to become unconscious is dealt with in the same manner as with robbery.

(Robbery Causing Death or Injury)

Article 240 When a person who has committed the crime of robbery which causes

another person to suffer injury at the scene of the robbery, the person is punished by imprisonment for life or for a definite term of not less than 6 years, and in the case of causing death, the death penalty or imprisonment for life is imposed.

(Robbery; Forcible Sexual Intercourse; Causing Death Thereby)

Article 241 (1) If a person who commits the crime of robbery or an attempt thereof also commits the crime of forcible sexual intercourse (excluding the crime prescribed under paragraph (2) of Article 179; hereinafter the same applies in this paragraph) or an attempt thereof, or a person who commits the crime of forcible sexual intercourse or an attempt thereof also commits the crime of robbery or an attempt thereof, that person is punished by imprisonment for life or for a definite term of not less than 7 years.

(2) In the case referred to in the preceding paragraph, if the crimes that were committed were attempted crimes, the punishment may be reduced, except when the person thereby causes the death or injury of another person; provided, however, that the voluntary abandonment of commission of either crime leads to the punishment being reduced or the offender being exempted.

(3) A person who, by commission of an act that constitutes the crime referred to in paragraph (1), causes the death of another person, is punished by the death penalty or life imprisonment.

(Offender's Own Property)

Article 242 With regard to the crimes prescribed under this Chapter, the offender's own property is deemed to be the property of another person when it is in the possession of another person or under the guard of another person in compliance with an order issued by a public office.

(Attempts)

Article 243 Any attempt to commit the crimes prescribed under Articles 235 through 236, and 238 through 240, and paragraph (3) of Article 241 is punished.

(Special Provision for Theft Committed against Relatives)

Article 244 (1) A person who commits the crime prescribed under Article 235 or 235-2 or attempts thereof against a spouse, lineal blood relative or relative living together, is exculpated.

(2) A person who commits the crime prescribed under the preceding paragraph against a relative other than those provided in the paragraph, is not prosecuted without a complaint.

(3) The preceding two paragraphs do not apply to accomplices who are not

relatives.

(Electricity)

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

### **Chapter XXXVII Crimes of Fraud and Extortion**

(Fraud)

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

(2) The same applies to a person who illegally obtains or causes another person to illegally obtain a profit by the means prescribed under the preceding paragraph.

(Computer Fraud)

Article 246-2 Beyond what are provided for in the provisions of the preceding Article, a person who illegally obtains or causes another person to illegally obtain a profit by creating a false electronic or magnetic record relating to acquisition, loss or alteration of property rights by inputting false data or giving unauthorized commands to a computer utilized for the business processes of another person, or by putting a false electronic or magnetic record relating to acquisition, loss or alteration of property rights into use for the business processes of another person, is punished by imprisonment for not more than 10 years.

(Breach of Trust)

Article 247 When a person who is in charge of the affairs of another person, for the benefit of their own interest or the interest of a third party, or inflicting damage on another person, commits an act in breach of legal duty and causes the financial loss to another person, imprisonment for not more than 5 years or a fine of not more than 500,000 yen is imposed.

(Constructive Fraud)

Article 248 A person who, by taking advantage of the inexperience in judgement of a minor or the intellectual disability of a person, causes them to deliver their property, or obtains or makes a third person to obtain an illegal profit, is punished by imprisonment for not more than 10 years.

(Extortion)

Article 249 (1) A person who extorts another person to deliver property is



punished by imprisonment for not more than 10 years.

(2) The same applies to a person who illegally obtains or causes another person to illegally obtain a profit by the means prescribed under the preceding paragraph.

(Attempts)

Article 250 Any attempt to commit the crimes prescribed under this Chapter is punished.

(Application, Mutatis Mutandis)

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

### **Chapter XXXVIII Crimes of Embezzlement**

(Embezzlement)

Article 252 (1) A person who embezzles property in their possession which belongs to another person, is punished by imprisonment for not more than 5 years.

(2) The same applies to a person who embezzles their own property when the person has been ordered by a public office to hold the property in custody.

(Embezzlement in the Pursuit of Social Activities)

Article 253 A person who embezzles property which belongs to another person in the pursuit of social activities, is punished by imprisonment for not more than 10 years.

(Embezzlement of Lost Property)

Article 254 A person, who embezzles lost property, drift property or any other property which belongs to another person and is in no one's possession, is punished by imprisonment for not more than 1 year, a fine of not more than 100,000 yen or a petty fine.

(Application, Mutatis Mutandis)

Article 255 The provisions of Article 244 apply mutatis mutandis to the crimes prescribed under this Chapter.

### **Chapter XXXIX Crimes Related to Stolen Property**

(Acceptance of Stolen Property)

Article 256 (1) A person who accepts free of charge stolen property or any other

property obtained through an act equivalent to an offense against property is punished by imprisonment for not more than 3 years.

- (2) A person who transports, retains or receives with compensation or arranges disposal for compensation, property provided for in the preceding paragraph is punished by imprisonment for not more than 10 years and a fine of not more than 500,000 yen.

(Special Provision Concerning Crimes against Relatives)

Article 257 (1) A person who commits a crime prescribed under the preceding Article against a spouse, lineal blood relatives or relatives living together, or the spouse of such relatives, is exculpated.

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

## **Chapter XL Crimes of Destruction and Concealment**

(Damaging Documents for Government Use)

Article 258 A person who damages a document or an electronic or magnetic record in use by a public office is punished by imprisonment for not less than 3 months but not more than 7 years.

(Damaging Documents for Private Use)

Article 259 A person who damages a document or electronic or magnetic record of another person that concerns rights or duties is punished by imprisonment for not more than 5 years.

(Damage to Buildings; Causing Death or Injury)

Article 260 A person who damages a building or vessel of another person is punished by imprisonment for not more than 5 years. If such person thereby causes the death or injury of another person, the person is dealt with by the punishment for the crimes of injury or the punishment prescribed in the preceding paragraph, whichever is severer.

(Damage to Property)

Article 261 A person who damages or injures property beyond what are prescribed under the preceding three Articles is punished by imprisonment for not more than 3 years, a fine of not more than 300,000 yen or a petty fine.

(Damage to the Offender's Property)

Article 262 Even when the property prescribed for in the preceding three Articles belongs to the offender, the offender is dealt with as an offender who has damaged another person's property when the property has been attached,

encumbered or leased.

(Damaging of Boundaries)

Article 262-2 A person who damages, moves or removes a boundary mark or otherwise makes a boundary unrecognizable is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.

(Concealment of Letters)

Article 263 A person who conceals a letter of another person is punished by imprisonment or imprisonment for not more than 6 months, a fine of not more than 100,000 yen or a petty fine.

(Offense Subject to Complaint)

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