

保護司法

Hogoshi Act (Volunteer Probation Officers Act)

(昭和二十五年五月二十五日法律第二百四号)

(Act No. 204 of May 25, 1950)

(保護司の使命)

(Mission of Hogoshi (Volunteer Probation Officers))

第一条 保護司は、社会奉仕の精神をもつて、犯罪をした者及び非行のある少年の改善更生を助けるとともに、犯罪の予防のため世論の啓発に努め、もつて地域社会の浄化をはかり、個人及び公共の福祉に寄与することを、その使命とする。

Article 1 In the spirit of volunteer social service, the mission of all hogoshi (volunteer probation officers) are to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.

(設置区域及び定数)

(Designated Districts and Set Numbers of Hogoshi (Volunteer Probation Officers))

第二条 保護司は、法務大臣が都道府県の区域を分けて定める区域（以下「保護区」という。）に置くものとする。

Article 2 (1) Hogoshi (volunteer probation officers) are appointed in accordance with prefectural districts (hereinafter referred to as "probation districts") designated by the Minister of Justice.

2 保護司の定数は、全国を通じて、五万二千五百人をこえないものとする。

(2) The total number of hogoshi (volunteer probation officers) does not exceed 52,500 throughout the country.

3 保護区ごとの保護司の定数は、法務大臣がその土地の人口、経済、犯罪の状況その他の事情を考慮して定める。

(3) The set number of hogoshi (volunteer probation officers) in each probation district is determined by the Minister of Justice in consideration of the population, economy, the status of crimes, and other factors of the locality.

4 第一項及び前項に規定する法務大臣の権限は、地方更生保護委員会に委任することができる。

(4) The authority of the Minister of Justice as prescribed in paragraph (1) and the preceding paragraph may be entrusted to the regional parole board.

(推薦及び委嘱)

(Recommendation and Delegation)

第三条 保護司は、左の各号に掲げるすべての条件を具備する者のうちから、法務大臣が、委嘱する。

Article 3 (1) Hogoshi (volunteer probation officers) are delegated by the Minister of Justice from among persons who have all of the qualifications in the following items:

一 人格及び行動について、社会的信望を有すること。

(i) the person is highly evaluated in terms of character and conduct in the community;

二 職務の遂行に必要な熱意及び時間的余裕を有すること。

(ii) the person is enthusiastic and has enough time available to accomplish the necessary duties;

三 生活が安定していること。

(iii) the person is financially stable; and

四 健康で活動力を有すること。

(iv) the person is healthy and active.

2 法務大臣は、前項の委嘱を、地方更生保護委員会の委員長に委任することができる。

(2) The Minister of Justice may entrust the power for delegation set forth in the preceding paragraph to the chairperson of the regional parole board.

3 前二項の委嘱は、保護観察所の長が推薦した者のうちから行うものとする。

(3) Delegations as set forth in the preceding two paragraphs are made from among the persons recommended by the director of the probation office.

4 保護観察所の長は、前項の推薦をしようとするときは、あらかじめ、保護司選考会の意見を聴かなければならない。

(4) The director of the probation office must, when recommending the persons set forth in the preceding paragraph, hear the opinions of the Volunteer Probation Officers' Screening Commission in advance.

(欠格条項)

(Disqualification)

第四条 次の各号のいずれかに該当する者は、保護司になることができない。

Article 4 Any person who falls under any of the following items must not be qualified as a hogoshi (volunteer probation officer):

一 成年被後見人又は被保佐人

(i) an adult ward or a person under curatorship;

二 禁錮以上の刑に処せられた者

(ii) a person who has been sentenced to imprisonment without work or a heavier punishment; or

三 日本国憲法の施行の日以後において、日本国憲法又はその下に成立した政府を暴力で破壊することを主張する政党その他の団体を結成し、又はこれに加入した者

(iii) On or after the day of enforcement of the Constitution of Japan, a person who has formed or become a member of a political party or any other

organization which advocates the overthrow by force of the Constitution of Japan or the government existing under the Constitution.

(保護司選考会)

(Volunteer Probation Officers' Screening Commissions)

第五条 保護観察所に、保護司選考会を置く。

Article 5 (1) Volunteer Probation Officers' Screening Commissions are established at the probation offices.

2 保護司選考会は、委員十三人（東京地方裁判所の管轄区域を管轄する保護観察所に置かれる保護司選考会にあつては、十五人）以内をもつて組織し、うち一人を会長とする。

(2) A Volunteer Probation Officers' Screening Commission is composed of a maximum of 13 members (a maximum of 15 in the case of the Volunteer Probation Officers' Screening Commission established at the probation office corresponding to the territorial jurisdiction of the Tokyo District Court) and one member is the chairperson.

3 保護司選考会の委員には、給与を支給しない。

(3) No salary is given to any member of the Volunteer Probation Officers' Screening Commission.

4 この法律で定めるもののほか、保護司選考会の組織、所掌事務、委員及び事務処理の手続については、法務省令で定める。

(4) In addition to what is provided for in this Act, the organization, jurisdictional affairs, members, and administrative procedures of the Volunteer Probation Officers' Screening Commission are provided by Order of the Ministry of Justice.

第六条 削除

Article 6 Deleted

(任期)

(Term of Office)

第七条 保護司の任期は、二年とする。但し、再任を妨げない。

Article 7 A hogoshi's (volunteer probation officer's) term of office is two years; provided, however, that this does not preclude them from being re-appointed.

(職務の執行区域)

(Area wherein the Officer Performs Their Duties)

第八条 保護司は、その置かれた保護区の区域内において、職務を行うものとする。但し、地方更生保護委員会又は保護観察所の長から特に命ぜられたときは、この限りでない。

Article 8 The hogoshi (volunteer probation officer) is to perform their duties

within the probation district wherein they have been posted; provided, however, that this does not apply when that hogoshi (volunteer probation officer) is otherwise ordered by the regional parole board or the director of the probation office.

(職務の遂行)

(Fulfillment of Duties)

第八条の二 保護司は、地方更生保護委員会又は保護観察所の長から指定を受けて当該地方更生保護委員会又は保護観察所の所掌に属する事務に従事するほか、保護観察所の長の承認を得た保護司会の計画の定めるところに従い、次に掲げる事務であつて当該保護観察所の所掌に属するものに従事するものとする。

Article 8-2 Upon being designated by the regional parole board or the director of the probation office, a hogoshi (volunteer probation officer) is to perform the duties pertaining to the jurisdiction of the regional parole board or the probation office concerned, as well as performing the following duties pertaining to the jurisdiction of the relevant probation office, in accordance with the items prescribed in the plans of the Volunteer Probation Officers' Association for which the relevant director of the probation office has given their approval:

一 犯罪をした者及び非行のある少年の改善更生を助け又は犯罪の予防を図るための啓発及び宣伝の活動

(i) enlightenment and publicity in order to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves or in order to promote crime prevention;

二 犯罪をした者及び非行のある少年の改善更生を助け又は犯罪の予防を図るための民間団体の活動への協力

(ii) cooperation in the activities of private organizations in order to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves or in order to promote crime prevention;

三 犯罪の予防に寄与する地方公共団体の施策への協力

(iii) cooperation in the measures of local governments which contribute to crime prevention; and

四 その他犯罪をした者及び非行のある少年の改善更生を助け又は犯罪の予防を図ることに資する活動で法務省令で定めるもの

(iv) any other activities which contribute to assisting persons who have committed crimes and juvenile delinquents improve and rehabilitate themselves or that promote crime prevention as prescribed by Order of the Ministry of Justice.

(服務)

(Service Principles)

第九条 保護司は、その使命を自覚し、常に人格識見の向上とその職務を行うために必要な知識及び技術の修得に努め、積極的態度をもってその職務を遂行しなければならない。

Article 9 (1) Hogoshi (volunteer probation officers) must be conscious of their mission, make efforts to develop a noteworthy character and broad vision and acquire the knowledge and techniques necessary for performance of their duties, while carrying out their duties with a positive attitude.

2 保護司は、その職務を行うに当つて知り得た関係者の身上に関する秘密を尊重し、その名誉保持に努めなければならない。

(2) Hogoshi (volunteer probation officers) must respect the confidentiality of the relevant parties relating to the personal affairs which they have come to know in the course of their duties, and must strive to maintain the good name of their position.

第十条 削除

Article 10 Deleted

(費用の支給)

(Payment of Expenses)

第十一条 保護司には、給与を支給しない。

Article 11 (1) No salary is paid to hogoshi (volunteer probation officers).

2 保護司は、法務省令の定めるところにより、予算の範囲内において、その職務を行うために要する費用の全部又は一部の支給を受けることができる。

(2) Hogoshi (volunteer probation officers) may, pursuant to the provisions of Order of the Ministry of Justice and within the limits of the budget, be reimbursed for the expenses needed for the performance of their duties, in whole or in part.

(解嘱)

(Discharge)

第十二条 法務大臣は、保護司が第四条各号の一に該当するに至つたときは、これを解嘱しなければならない。

Article 12 (1) When a hogoshi (volunteer probation officer) has come to fall under any one of the items of Article 4, the Minister of Justice must discharge the hogoshi (volunteer probation officer).

2 法務大臣は、保護司が次の各号のいずれかに該当するに至つたときは、保護観察所の長の申出に基づいて、これを解嘱することができる。

(2) When a hogoshi (volunteer probation officer) has come to fall under any of the following items, the Minister of Justice may discharge the hogoshi (volunteer probation officer) at the request of the director of the probation office:

一 第三条第一項各号に掲げる条件のいずれかを欠くに至つたとき。

- (i) where they no longer fulfill any of the requirements for the qualifications given in the items of paragraph (1) of Article 3;
二 職務上の義務に違反し、又はその職務を怠つたとき。
 - (ii) where they have violated an obligation in the course of their duties or they have neglected their official duties; or
三 保護司たるにふさわしくない非行があつたとき。
 - (iii) where they have committed an act unbecoming of a hogoshi (volunteer probation officer).
- 3 保護観察所の長は、前項の申出をしようとするときは、あらかじめ、保護司選考会の意見を聴かなければならない。
- (3) The director of the probation office must, when making the request pursuant to the provisions set force in the preceding paragraph, hear the opinions of the Volunteer Probation Officers' Screening Commission in advance.
- 4 第一項又は第二項の規定による解嘱は、当該保護司に解嘱の理由が説明され、かつ、弁明の機会が与えられた後でなければ行うことができない。ただし、第四条第一号又は第二号に該当するに至つたことを理由とする解嘱については、この限りでない。
- (4) A discharge as set forth in paragraph (1) or paragraph (2) may not be carried out unless the hogoshi (volunteer probation officer) concerned has been informed of the reason and has been given an opportunity for explanation; provided, however, that this does not apply when the discharge is because they have come to fall under item (i) or (ii) of Article 4.

(保護司会)

(Volunteer Probation Officers' Association)

第十三条 保護司は、その置かれた保護区ごとに保護司会を組織する。

Article 13 (1) The hogoshi (volunteer probation officers) establish a Volunteer Probation Officers' Association for each probation district.

2 保護司会は、次に掲げる事務を行うことを任務とする。

(2) The duties of the Volunteer Probation Officers' Association are to conduct the following affairs:

一 第八条の二に規定する計画の策定その他保護司の職務に関する連絡及び調整

(i) formulation of plans as prescribed in Article 8-2 and liaison and coordination concerning the duties of hogoshi (volunteer probation officers);

二 保護司の職務に関し必要な資料及び情報の収集

(ii) collection of necessary materials and information concerning the duties of hogoshi (volunteer probation officers);

三 保護司の職務に関する研究及び意見の発表

(iii) study and announcement of opinions concerning the duties of hogoshi (volunteer probation officers); and

四 その他保護司の職務の円滑かつ効果的な遂行を図るために必要な事項で法務省令で定めるもの

(iv) any other matters deemed necessary for the smooth and effective performance of hogoshi's (volunteer probation officers') duties, as provided by Order of the Ministry of Justice.

(保護司会連合会)

(Federation of Volunteer Probation Officers' Associations)

第十四条 保護司会は、都道府県ごとに保護司会連合会を組織する。ただし、北海道にあつては、法務大臣が定める区域ごとに組織するものとする。

Article 14 (1) The Volunteer Probation Officers' Associations establish a Federation of Volunteer Probation Officers' Associations for every prefecture; provided, however, that in Hokkaido, a Federation of the Volunteer Probation Officers' Associations is established for every region as designated by the Minister of Justice.

2 保護司会連合会は、次に掲げる事務を行うことを任務とする。

(2) The duties of the Federation of Volunteer Probation Officers' Associations are to conduct the following affairs:

一 保護司会の任務に関する連絡及び調整

(i) liaison and coordination concerning the duties of Volunteer Probation Officers' Associations;

二 保護司の職務に関し必要な資料及び情報の収集

(ii) collection of necessary materials and information concerning the duties of hogoshi (volunteer probation officers);

三 保護司の職務に関する研究及び意見の発表

(iii) study and announcement of opinions concerning the duties of hogoshi (volunteer probation officers); and

四 その他保護司の職務又は保護司会の任務の円滑かつ効果的な遂行を図るために必要な事項で法務省令で定めるもの

(iv) any other matters deemed necessary for the smooth and effective performance of hogoshi's (volunteer probation officers') duties or the functions of Volunteer Probation Officers' Associations, as provided for by Order of the Ministry of Justice.

(保護司会等に関し必要な事項の省令への委任)

(Delegation of Necessary Matters Concerning Volunteer Probation Officers' Associations to Order of the Ministry of Justice)

第十五条 この法律に定めるもののほか、保護司会及び保護司会連合会に関し必要な事項は、法務省令で定める。

Article 15 In addition to the matters provided in this Act, any other necessary matters concerning the Volunteer Probation Officers' Associations and the Federations of Volunteer Probation Officers' Associations are provided by Order of the Ministry of Justice.

(表彰)

(Commendation)

第十六条 法務大臣は、職務上特に功労がある保護司、保護司会及び保護司会連合会を表彰し、その業績を一般に周知させることに意を用いなければならない。

Article 16 The Minister of Justice must give consideration to commending hogoshi (volunteer probation officers), Volunteer Probation Officers' Associations, and Federations of Volunteer Probation Officers' Associations, which have rendered distinguished service in the course of their duties, and giving publicity to the service.

(地方公共団体の協力)

(Cooperation of Local Governments)

第十七条 地方公共団体は、保護司、保護司会及び保護司会連合会の活動が、犯罪をした者及び非行のある少年の改善更生を助けるとともに犯罪を予防し、地域社会の安全及び住民福祉の向上に寄与するものであることにかんがみ、その地域において行われる保護司、保護司会及び保護司会連合会の活動に対して必要な協力をすることができる。

Article 17 The local government may, in light of the fact that the activities of the hogoshi (volunteer probation officers), Volunteer Probation Officers' Associations and Federations of Volunteer Probation Officers' Associations assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, prevent crimes, and contribute to the safety of the community and improvement of the welfare of its residents, extend cooperation to the activities of the hogoshi (volunteer probation officers), Volunteer Probation Officers' Associations and Federations of Volunteer Probation Officers' Associations as necessary.

(省令への委任)

(Delegation to Order of the Ministry of Justice)

第十八条 この法律の実施のための手続、その他その執行について必要な細則は、法務省令で定める。

Article 18 The procedures for enforcing this Act and other detailed regulations necessary for its implementation are provided by Order of the Ministry of Justice.

附 則

Supplementary Provisions

省略

Abbreviated