

刑事訴訟費用等に関する法律

Act on the Costs Involved in Criminal Proceedings

(昭和四十六年四月六日法律第四十一号)
(Act No. 41 of April 6, 1971)

(趣旨)

(Purpose)

第一条 刑事の手續における訴訟費用の範囲及び裁判所又は裁判官が行なう刑事の手續における証人、鑑定人、通訳人若しくは翻訳人（以下「証人等」と総称する。）又は弁護人に対する給付については、他の法令に定めるもののほか、この法律の定めるところによる。

Article 1 Beyond what is provided for in other laws and regulations, this Act governs the scope of court costs in criminal proceedings and the payment of witnesses, experts, interpreters, and translators (hereinafter collectively referred to as "witnesses and other prescribed persons") and defense counsel in criminal proceedings carried out by a court or a judge.

(訴訟費用の範囲)

(Scope of Court Costs)

第二条 刑事の手續における訴訟費用は、次に掲げるものとする。

Article 2 The following constitute the court costs in criminal proceedings:

一 公判期日若しくは公判準備につき出頭させ、又は公判期日若しくは公判準備において取り調べた証人等に支給すべき旅費、日当及び宿泊料

(i) the travel expenses, daily allowances, and lodging fees that must be paid to witnesses and other prescribed persons who are made to appear on a trial date or in connection with trial preparations, or who are examined on a trial date or in trial preparations;

二 公判期日又は公判準備において鑑定、通訳又は翻訳をさせた鑑定人、通訳人又は翻訳人に支給すべき鑑定料、通訳料又は翻訳料及び支払い、又は償還すべき費用

(ii) the expert evaluation fees that must be paid to experts who have been made to provide an evaluation on a trial date or in trial preparations; the interpretation fees that must be paid to interpreters who have been made to interpret on a trial date or in trial preparations; the translation fees that must be paid to translators who have been made to translate on a trial date or in trial preparations; and the costs for which these persons must be paid or reimbursed;

三 刑事訴訟法（昭和二十三年法律第百三十一号）第三十八条第二項の規定により弁護人に支給すべき旅費、日当、宿泊料及び報酬

(iii) the travel expenses, daily allowances, lodging fees, and remuneration that

must be paid to defense counsel pursuant to the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure (Act No. 131 of 1948).

(証人等の旅費)

(Travel Expenses for Witnesses and Other Prescribed Persons)

第三条 証人等の旅費は、鉄道賃、船賃、路程賃及び航空賃の四種とし、鉄道賃は鉄道の便のある区間の陸路旅行に、船賃は船舶の便のある区間の水路旅行に、路程賃は鉄道の便のない区間の陸路旅行又は船舶の便のない区間の水路旅行に、航空賃は航空機を利用すべき特別の事由がある場合における航空旅行について支給する。

Article 3 (1) There are four types of travel expenses for a witness or other prescribed person: railway fare, boat fare, a fee for distance covered, and airfare; railway fare is paid for travel by land between points where railway service is available; boat fare is paid for travel by water between points where boat service is available; the fee for distance covered is paid for travel by land between points where railway service is unavailable or for travel by water between points where boat service is unavailable; and airfare is paid for travel by air when there are special circumstances requiring the person in question to use an airplane.

2 鉄道賃及び船賃は旅行区間の路程に応ずる旅客運賃（はしけ賃及びさん橋賃を含むものとし、運賃に等級を設ける線路又は船舶による旅行の場合には、運賃の等級を三階級に区分するものについては中級以下で裁判所が相当と認める等級の、運賃の等級を二階級に区分するものについては裁判所が相当と認める等級の運賃）、急行料金（特別急行列車を運行する線路のある区間の旅行で片道百キロメートル以上のものには特別急行料金、普通急行列車又は準急行列車を運行する線路のある区間の旅行で片道五十キロメートル以上のものには普通急行料金又は準急行料金）並びに裁判所が支給を相当と認める特別車両料金及び特別船室料金並びに座席指定料金（座席指定料金を徴する普通急行列車を運行する線路のある区間の旅行で片道百キロメートル以上のもの又は座席指定料金を徴する船舶を運行する航路のある区間の旅行の場合の座席指定料金に限る。）によつて、路程賃は最高裁判所が定める額の範囲内において裁判所が定める額によつて、航空賃は現に支払つた旅客運賃によつて、それぞれ算定する。

(2) Railway fare and boat fare are calculated based on the passenger fare (inclusive of any lighterage or pierage; if a person travels by a train track or vessel for which there are fare classes, this means the fare for whichever class the court finds to be reasonable up to the mid-level fare class in a three-fare-class classification scheme, or the fare for whichever class the court finds to be reasonable in a two-fare-class classification scheme), express charge (or a limited express charge, for travel of 100 kilometers or more one way on a segment with a train track on which a limited express train runs; or an ordinary express charge or semi-express charge for travel of 50 kilometers or more one way on a segment with a train track on which an ordinary express train or semi-express train runs), special compartment charges or special cabin

charges that the court finds to be reasonable to pay, and seat reservation charges (but only for travel of 100 kilometers or more one way on a segment with a train track on which an ordinary express train requiring a seat reservation charge runs, or if the person travels on a segment with a water route on which a vessel requiring a seat reservation charge runs), for the distance covered in a segment of travel; the fee for distance covered is calculated based on the amount that the court establishes within the scope of the amount that the Supreme Court prescribes; and airfare is calculated based on the passenger fare that the person has actually paid.

(証人等の日当)

(Daily Allowance for Witnesses and Other Prescribed Persons)

第四条 証人等の日当は、出頭又は取調べ及びそれらのための旅行（以下「出頭等」という。）に必要な日数に応じて支給する。

Article 4 (1) The daily allowance for a witness or other prescribed person is paid according to the number of days needed for an appearance or examination and for travel for an appearance or examination (hereinafter referred to as "appearance or examination and travel").

2 日当の額は、最高裁判所が定める額の範囲内において、裁判所が定める。

(2) The amount of a daily allowance is fixed by the court, up to the amount that the Supreme Court prescribes.

(証人等の宿泊料)

(Lodging Fees for Witnesses and Other Prescribed Persons)

第五条 証人等の宿泊料は、出頭等に必要な夜数に応じて支給する。

Article 5 (1) Lodging fees for a witness or other prescribed person are paid according to the number of nights needed for an appearance or examination and travel.

2 宿泊料の額は、最高裁判所が宿泊地を区分して定める額の範囲内において、裁判所が定める。

(2) The amount of lodging fees is fixed by the court, up to the amount that the Supreme Court prescribes for each separate region of lodging.

(証人等の本邦と外国との間の旅行に係る旅費等の額)

(Amount of Travel Expenses for Travel by a Witness or Other Prescribed Person Between Japan and a Foreign Country)

第六条 証人等の本邦（国家公務員等の旅費に関する法律（昭和二十五年法律第百十四号）第二条第一項第四号に規定する本邦をいう。以下同じ。）と外国（本邦以外の領域（公海を含む。）をいう。）との間の旅行に係る旅費、日当及び宿泊料の額については、前三条に規定する基準を参酌して、裁判所が相当と認めるところによる。

Article 6 The amount of travel expenses, daily allowance, and lodging fees for

travel by a witness or other prescribed person between Japan (meaning Japan as prescribed in Article 2, paragraph (1), item (iv) of the Act on Travel Expenses for National Public Officers (Act No. 114 of 1950); the same applies hereinafter) and a foreign country (meaning a territory other than Japan (including international waters)) is based on what the court finds to be reasonable in consideration of the basis for payment prescribed in the preceding three Articles.

(鑑定料等)

(Fees for Expert Evaluation, Interpretation, and Translation)

第七条 鑑定人、通訳人又は翻訳人に支給すべき鑑定料、通訳料又は翻訳料及び支払い、又は償還すべき費用の額は、裁判所が相当と認めるところによる。

Article 7 The expert evaluation fee that must be paid to an expert, the interpretation fee that must be paid to an interpreter, the translation fee that must be paid to a translator, and the amount of the costs for which the expert, interpreter, or translator must be paid or reimbursed is based on what the court finds to be reasonable.

(弁護人の旅費、報酬等)

(Travel Expenses and Remuneration for Defense Counsel)

第八条 刑事訴訟法第三十八条第二項の規定により弁護人に支給すべき旅費、日当及び宿泊料については、第三条から第五条までの規定を準用する。ただし、弁護人が期日に出頭し、又は取調べ若しくは処分に立ち会った場合に限るものとし、旅費のうち船賃の算定に係る運賃の等級については、裁判所が相当と認めるところによる。

Article 8 (1) The provisions of Articles 3 through 5 apply mutatis mutandis to the travel expenses, daily allowance, and lodging fees that must be paid to defense counsel pursuant to the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure; provided, however, that this applies only if defense counsel has appeared on a court date or was present during an examination or disposition; the fare class for calculating any boat fares that are among the travel expenses is based on what the court finds to be reasonable.

2 刑事訴訟法第三十八条第二項の規定により弁護人に支給すべき報酬の額は、裁判所が相当と認めるところによる。

(2) The amount of remuneration that must be paid to defense counsel pursuant to the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure is based on what the court finds to be reasonable.

(旅費等の計算)

(Calculation of Travel Expenses)

第九条 旅費（航空賃を除く。）並びに日当及び宿泊料の計算上の旅行日数は、最も経

済的な通常の経路及び方法によつて旅行した場合の例により計算する。ただし、天災その他やむを得ない事情により最も経済的な通常の経路又は方法によつて旅行し難い場合には、その現によつた経路及び方法によつて計算する。

Article 9 The number of days of travel that is used to calculate travel expenses (excluding airfare), daily allowance, and lodging fees is calculated as it would be if the person traveled by the most economical ordinary route and means; provided, however, that if it is difficult to travel by the most economical ordinary route and means due to a natural disaster or other compelling circumstances, this is calculated based the route actually taken and means actually used.

(請求の期限)

(Deadline for Requesting Payment)

第十条 第二条に定める旅費、日当、宿泊料、鑑定料、報酬その他の給付は、裁判によつて訴訟手続が終了する場合においてはその裁判があるまでに、裁判によらないで訴訟手続が終了する場合においては訴訟費用を負担させる裁判があるまでに請求しないときは、支給しない。ただし、やむを得ない事由によりその期限内に請求することができなかつたときは、この限りでない。

Article 10 The travel expenses, daily allowance, lodging fees, expert evaluation fees, remuneration, and other such payments provided for in Article 2 are not issued if proceedings end in a judicial decision and the person does not request them by the time of that decision, nor are they issued if the proceedings end other than in a judicial decision and the person does not request them by the time of the judicial decision that establishes the bearing of court costs; provided, however, that this does not apply if the person was unable to request them by that deadline due to compelling circumstances.

(裁判官の権限)

(Judges' Authority)

第十一条 受命裁判官又は受託裁判官が証人尋問その他の手続を行なう場合には、この法律の規定（第八条第二項を除く。）による給付に関し裁判所が定めるべき事項は、当該裁判官が定める。ただし、当該裁判官が自ら定めることが相当でないときは、この限りでない。

Article 11 (1) If an authorized judge or commissioned judge examines a witness or conducts other such proceedings, the judge in question determines the things that the court is required to determine with regard to payments under the provisions of this Act (excluding Article 8, paragraph (2)); provided, however, that this does not apply if the judge finds it to be inappropriate for the judge to be the one to determine them.

2 前項本文の規定は、受命裁判官及び受託裁判官以外の裁判官が証人尋問その他の手続を行なう場合について準用する。

- (2) The provisions of the main clause of the preceding paragraph apply mutatis mutandis if a judge other than an authorized judge or commissioned judge examines a witness or conducts other such proceedings.

(最高裁判所規則)

(Rules of the Supreme Court)

第十二条 この法律に定めるもののほか、刑事の手續における証人等又は弁護人に対する裁判所の給付の実施に関して必要な事項は、最高裁判所が定める。

Article 12 Beyond what is provided for in this Act, the Supreme Court makes the necessary provisions concerning the court's implementation of payments to witnesses and other prescribed persons and to defense counsel in criminal proceedings.

附 則

Supplementary Provisions

この法律は、別に法律で定める日から施行する。

This Act comes into effect on the date specified separately by law.

附 則〔昭和四十七年六月二十四日法律第百一号〕

Supplementary Provisions [Act No. 101 of June 24, 1972]

- 1 この法律は、公布の日から起算して七日を経過した日から施行する。
- (1) This Act comes into effect on the day after the final day in the seven-day period counting from the date of promulgation.
- 2 この法律の施行前に要した費用については、なお従前の例による。
- (2) Prior laws continue to govern costs incurred before this Act comes into effect.

附 則〔昭和五十四年三月三十一日法律第十号〕

Supplementary Provisions [Act No. 10 of March 31, 1979]

- 1 この法律は、昭和五十四年四月一日から施行する。
- (1) This Act comes into effect on April 1, 1979.
- 2 この法律の施行前に要した費用については、なお従前の例による。
- (2) Prior laws continue to govern costs incurred before this Act comes into effect.