

The Act on the Payment of Compensation for Criminal Damage Using Stolen and Misappropriated Property is hereby promulgated.

Act on the Payment of Compensation for Criminal Damage Using Stolen and Misappropriated Property

(Act No. 87 of June 21, 2006)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to allow persons recover property damage incurred by criminal acts constituting the crimes set forth in the items of Article 13, paragraph (2) of the Act on the Punishment of Organized Crime Offenses and on Controls for the Proceeds of Crime (Act No. 136 of 1999; hereinafter referred to as the "Act on the Punishment of Organized Crime Offenses") (hereinafter such a criminal act is referred to as an "applicable criminal act"), by paying compensation for criminal damage to them using confiscated stolen and misappropriated property, property equivalent to the forcibly-collected value of stolen and misappropriated property, and property

transferred from abroad.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed in those items:

- (i) the term "stolen or misappropriated property" means stolen or misappropriated property as provided in Article 13, paragraph (2) of the Act on the Punishment of Organized Crime Offenses;
- (ii) the term "compensation for criminal damage" means monies paid out of compensatory funds in an amount that is calculated pursuant to the provisions of Section 2 or Section 3 of the following Chapter, based on the value of the property lost through a criminal act warranting compensation;
- (iii) the term "compensatory funds" means monies obtained through the conversion or collection of stolen and misappropriated property that has been confiscated pursuant to the provisions of Article 13, paragraph (3) of the Act on the Punishment of Organized Crime Offenses (or money itself, if stolen or misappropriated property is in the form of money); monies equivalent to the value of stolen and misappropriated property that has been forcibly collected pursuant to the provisions of Article 16, paragraph (2) of the Act on the Punishment of Organized Crime Offenses; or monies obtained through the conversion or collection of property transferred from abroad pursuant to the provisions of Article 36, paragraph (1) (or money itself, if property transferred from abroad is in the form of money), which the public prosecutor has in their custody;
- (iv) the term "criminal act warranting compensation" means an applicable criminal act established pursuant to Article 5, paragraph (1) or Article 35, paragraph (1);
- (v) the term "stolen or misappropriated property or the monetary equivalent subject to foreign laws" means property confiscated or the monetary equivalent forcibly collected in accordance with a judicial decision, order, or other disposition based on a foreign law or regulation (this excludes property confiscated in execution of a final and binding judicial decision that a Japanese court has rendered for the confiscation of stolen or misappropriated property under Article 13, paragraph (3) of the Act on the Punishment of Organized Crime Offenses, and monetary equivalents forcibly collected in execution of a final and binding judicial decision that a Japanese court has rendered for the forcible collection of the monetary value of stolen or misappropriated property under Article 16, paragraph (2) of the Act on the Punishment of Organized Crime Offenses), which, if governed by Japanese laws and regulations, would mean property gained through an applicable criminal act from a party that incurred damage due to that act, property

- obtained based on the possession or disposition of that property, or the monetary equivalent of such property;
- (vi) the term "property transferred from abroad" means stolen or misappropriated property or the monetary equivalent subject to foreign laws or monies obtained through their conversion or collection, which have been transferred from a foreign country;
- (vii) the term "expenses" means expenses required to make a public notice or notification under the provisions of this Act, and other expenses to be paid from compensatory funds as specified by Order of the Ministry of Justice; and
- (viii) the term "expenses and remuneration" means expenses and remuneration for the compensation administrator provided for in Article 26, paragraph (1) (including as applied *mutatis mutandis* pursuant to Article 39).

Chapter II Payment of Compensation for Damage

Section 1 General Rules

(Payment of Compensation for Criminal Damage)

- Article 3 (1) The national government pays compensation for criminal damage to persons (including organizations without legal personality for which a representative or administrator has been designated) who have sustained damages due to criminal acts warranting compensation that have lost property due to those acts.
- (2) If a person as prescribed in the preceding paragraph (hereinafter referred to as an "eligible victim") becomes subject to a general succession, including inheritance, the national government is to pay compensation for criminal damage to the general successor or other heir pursuant to the provisions of this Act.

(Persons Not Eligible to Receive Payment of Compensation for Criminal Damage)

- Article 4 Notwithstanding the provisions of the preceding Article, a person falling under one of the following items may not receive payment of compensation for criminal damage:
- (i) an eligible victim that has lost property due to a criminal act warranting compensation or the general successor thereof, if all of the damage corresponding to the value of property lost due to that act (or all of the damage corresponding to the person's share of the property, if the property is under the joint ownership of two or more persons; hereinafter the same applies in this Article; Article 9, paragraph (1), items (ii) and (iii); and Article 10, paragraph (2)) have been covered or compensated for (but only if

the damage have been covered or compensated for by a person other than the eligible victim that lost the property due to the criminal act warranting compensation or the general successor thereof); or

- (ii) a person that has committed a criminal act warranting compensation or a person that has collaborated as an accomplice in such an act; a person that has obtained an unlawful benefit in connection with a criminal act warranting compensation; a person who has lost property due to a criminal act warranting compensation for illegal cause attributable to the person; a person whose receipt of compensation for criminal damage is considered inappropriate from a societal perspective; or the general successor of an eligible victim falling under one of the foregoing categories of persons.

Section 2 Procedures to Pay Compensation for Criminal Damage

Subsection 1 Initiation of Procedures

(Rulings Defining the Range of Criminal Acts Warranting Compensation)

Article 5 (1) Once a judicial decision to confiscate stolen or misappropriated property or to forcibly collect monies of an equivalent value becomes final and binding, the public prosecutor must define the range of criminal acts warranting compensation.

- (2) For the following applicable criminal acts, the public prosecutor is to define the range of criminal acts warranting compensation provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the stolen or misappropriated property was formed:
 - (i) an applicable criminal act that has been established as grounds for confiscating stolen or misappropriated property or for forcibly collecting monies of an equivalent value, and any applicable criminal act committed as part of a series of offenses connected to this;
 - (ii) an applicable criminal act due to which a party incurs damage, if a criminal act constituting grounds for confiscating stolen or misappropriated property or for forcibly collecting monies of an equivalent value has been committed in connection with the property obtained from the party that incurred damage due to that applicable criminal act, and any applicable criminal act committed as part of a series of offenses connected to this.
- (3) Having divided criminal acts warranting compensation into two or more ranges pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the stolen or misappropriated property that has been indicated in the judicial decision for confiscation prescribed in paragraph (1) (or the amount of money obtained through the conversion or collection of that stolen or misappropriated property, if one group of stolen or misappropriated

property has been derived from property gained from parties that incurred damage due to applicable criminal acts that are part of differing categories of criminal acts warranting compensation, or property obtained based on the possession or disposition of that property, and that group of property cannot be divided into separate monetary amounts or quantities) or the monetary value of the stolen or misappropriated property that has been indicated in the judicial decision for forcible collection prescribed in that paragraph into groups corresponding to each of those ranges.

(Initiating Procedures to Pay Compensation for Criminal Damage)

- Article 6 (1) After coming into custody of the stolen or misappropriated property or the monetary value thereof as indicated in a judicial decision as provided in paragraph (1) of the preceding Article, the public prosecutor is to without delay to decide to initiate procedures to pay compensation for criminal damage out of the compensatory funds (hereinafter referred to as "procedures to pay compensation for criminal damage"); provided, however, that this does not apply if the public prosecutor finds that the compensatory funds existing at that time are insufficient to pay for the expenses and remuneration that the procedures to pay compensation for criminal damage would necessitate, or if the public prosecutor otherwise finds that it is inappropriate to initiate procedures to pay compensation for criminal damage at that time.
- (2) Notwithstanding the main clause of the preceding paragraph, upon finding it to be particularly necessary to do so in order to have the property that has been confiscated in execution of a judicial decision as prescribed in paragraph (1) of the preceding Article, monies obtained through its conversion or collection, or monies equivalent to the amount that has been forcibly collected in execution of such a judicial decision transferred from a foreign country, the public prosecutor may decide to initiate procedures to pay compensation for criminal damage before coming into custody of the relevant property or monies as compensatory funds.
- (3) In cases as provided in paragraph (3) of the preceding Article, the public prosecutor is to reach a decision as referred to in one of the two preceding paragraphs for each of the ranges of criminal acts warranting compensation.
- (4) If the range of criminal acts warranting compensation that has been established pursuant to paragraph (1) of the preceding Article is the same for two or more final and binding judicial decisions to confiscate stolen or misappropriated property or to forcibly collect monies of an equivalent value, the public prosecutor may deem the stolen or misappropriated property or equivalent value indicated in those judicial decisions (other than the property or equivalent value of property for which procedures to pay compensation for criminal damage have already been initiated) to be the stolen or

misappropriated property or equivalent value indicated in a single judicial decision in order to reach a decision as referred to in paragraph (1) or paragraph (2).

(Public Notices)

Article 7 (1) On deciding to initiate procedures to pay compensation for criminal damage, the public prosecutor must immediately issue public notice of the following information (other than the information set forth in item (iv), if procedures to pay compensation for criminal damage have been initiated pursuant to the provisions of paragraph (2) of the preceding Article) by publishing that information in the Official Gazette:

- (i) that the public prosecutor has initiated procedures to pay compensation for criminal damage;
 - (ii) the public prosecutors office to which the public prosecutor carrying out the procedures to pay compensation for criminal damage is assigned;
 - (iii) the ranges of the criminal acts warranting compensation;
 - (iv) the amount of compensatory funds existing at the time of the decision to initiate procedures to pay compensation for criminal damage;
 - (v) the period for applying for payment of compensation; and
 - (vi) the information that Order of the Ministry of Justice prescribes.
- (2) The period for applying for payment of compensation set forth in item (v) of the preceding paragraph must be at least 30 days, counting from the day following the date that the public notice under the provisions of that paragraph is issued.
- (3) The public prosecutor must notify any known eligible victim or their general successor of the information required to be given in a public notice pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that is clearly not entitled to payment of compensation for criminal damage.
- (4) Beyond what is provided for in the preceding three paragraphs, Order of the Ministry of Justice prescribes the necessary particulars concerning public notices under the provisions of paragraph (1) and notifications under the provisions of the preceding paragraph.

(Non-Initiation of Procedures to Pay Compensation for Criminal Damage)

Article 8 (1) Upon finding there to be no prospect of coming into custody of sufficient compensatory funds to pay the expenses and remuneration that procedures to pay compensation for criminal damage would necessitate, the public prosecutor is to decide not to initiate procedures to pay compensation for criminal damage.

- (2) Having reached a decision as referred to in the preceding paragraph, the

public prosecutor must issue public notice of this pursuant to the provisions of Order of the Ministry of Justice.

Subsection 2 Application and Rulings concerning Payment of Compensation

(Applying for Payment of Compensation)

- Article 9 (1) A person seeking payment of compensation for criminal damage must file an application with the public prosecutor pursuant to the provisions of Order of the Ministry of Justice within the period for applying for the payment of compensation, attaching materials sufficient to make a prima facie showing of the information set forth in items (i) and (ii) to a written application that gives the following information:
- (i) facts serving as the basis for showing that the applicant is an eligible victim or the general successor thereof;
 - (ii) the value of the property lost through the criminal act warranting compensation;
 - (iii) the amount subject to exclusion (meaning the sum total of the amounts of coverage and compensation, if damage equivalent to the value of the property lost due to the criminal act warranting compensation has been covered or compensated for (but only if those damage has been covered or compensated for by a person other than the eligible victim that lost the property due to the criminal act warranting compensation or the general successor thereof); the same applies hereinafter); and
 - (iv) the information that Order of the Ministry of Justice prescribes.
- (2) If an eligible victim that has filed an application under the provisions of the preceding paragraph becomes subject to a general succession before a ruling as under the following Article or Article 11 is finalized in connection with that application, the general successor of the eligible victim may file an application for payment of compensation for criminal damage even after the period for applying for the payment of compensation has passed, but only within the 60 days after the date of the general succession. In this case, the general successor must attach materials sufficient to make a prima facie showing of the information set forth in items (i) and (ii) of the preceding paragraph to a written application as prescribed in that paragraph, and submit these to the public prosecutor pursuant to the provisions of Order of the Ministry of Justice.
- (3) Except when undertaking a process through a statutory agent, a person seeking to act through an agent in applying for compensation as under the preceding two paragraphs or in undertaking any other process under this Act must use an attorney-at-law (including a legal professional corporation and attorney-at-law/registered foreign lawyer joint corporation) as that agent.

(Rulings)

Article 10 (1) If an application under paragraph (1) of the preceding Article has been filed, once the period for applying for the payment of compensation has passed (or once the ruling establishing the range of the criminal acts warranting compensation under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time), the public prosecutor must reach a ruling as to whether the applicant is a person entitled to be paid compensation for criminal damage without delay. If an application as under paragraph (2) of the preceding Article has been filed, the same applies once 60 days have passed after the day of the general succession connected with that application (or once the ruling establishing the range of the criminal acts warranting compensation under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time).

(2) In reaching a ruling that an applicant is entitled to be paid compensation for criminal damage (hereinafter referred to as a "ruling of eligibility"), the public prosecutor must set the amount of criminal damage (meaning the amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of the property lost through the criminal act warranting compensation; the same applies hereinafter). In this case, if two or more persons falling under a category of persons set forth in one of the following items are subject to a ruling of eligibility, the amount of criminal damage for each person is the amount specified in that item:

(i) eligible victims that have lost the same property due to the same criminal act warranting compensation, and their general successors: the amount arrived at when the amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of that property is divided by the number of eligible victims and their general successors (if the same eligible victim has two or more general successors, they are deemed to be one person) (for each of the two or more general successors that have succeeded to the same eligible victim, this means the amount arrived at by further dividing the quotient so calculated by the number of general successors); or

(ii) general successors of the same eligible victim, other than as set forth in the preceding item: the amount arrived at when the amount that the public prosecutor sets by deducting the amount subject to exclusion from the value of the property that the eligible victim has lost through the criminal act warranting compensation is divided by the number of general successors.

(3) Notwithstanding the second sentence of the preceding paragraph, in a case as prescribed in that sentence, if some of the persons subject to a ruling of eligibility have agreed as to what percent of the amount of the compensation for criminal damage each person is to be paid, the amount of criminal damage

to be paid to the persons that have agreed to this is the amount arrived at when the parts of the amount calculated pursuant to that sentence which would be paid to each of those persons are added together and the total is multiplied by the percentages of the compensation for criminal damage that each person named in the agreement is to be paid.

Article 11 (1) The public prosecutor must reach a ruling to dismiss an application for payment of compensation for criminal damage without prejudice if the application is filed after the period for applying for payment of compensation has passed (or after 60 days have passed since the day of the general succession, for an application as under Article 9, paragraph (2)), or if the application is otherwise unlawful and cannot be corrected.

(2) The public prosecutor must reach a ruling to dismiss an application without prejudice if the applicant fails to comply when ordered to submit a report, document, or any other object under Article 28, paragraph (1) or to appear as under that paragraph, without a legitimate reason for failing to do so.

(Format for Rulings)

Article 12 (1) The public prosecutor issuing a ruling under the preceding two Articles must do so in writing, attach the reason for the ruling to the written document, and affix their name and seal.

(2) The public prosecutor must serve a certified copy of written rulings to applicants.

(3) Notwithstanding the provisions of the preceding paragraph, if the whereabouts of the person who is to be served with a certified copy of a written ruling is unknown or it is otherwise not possible to serve a certified copy of a written ruling to that person, the public prosecutor may retain a certified copy of the written ruling and, in lieu of serving it as under that paragraph, post a notice in the space for posting of notices by the public prosecutors office to which the public prosecutor is assigned, indicating that the public prosecutor will issue a certified copy of the written ruling to the person to whom it is to be served at any time. In this case, the certified copy of the written ruling is deemed to be served as under that paragraph once two weeks have passed after the date that the notice is first posted.

(Preparation of Breakdowns of Rulings)

Article 13 Having reached a ruling under Article 10 or Article 11, the public prosecutor must prepare a breakdown of the ruling giving the following information and keep it at the public prosecutors office to which the public prosecutor is assigned in order to provide it for the applicant's inspection:

(i) the name of the persons subject to the ruling of eligibility and the amount of

- criminal damages set as part of the ruling of eligibility (or an indication that no person is subject to a ruling of eligibility, if this is the case); and
- (ii) the information prescribed by Order of the Ministry of Justice.

Subsection 3 Payment of Compensation

(Payment of Compensation)

- Article 14 (1) The public prosecutor must pay compensation for criminal damage to persons subject to a ruling of eligibility without delay once a ruling under the provisions of Article 10 or Article 11, a decision on the remuneration of the compensation administrator under the provisions of Article 26, paragraph (1), and the amount of expenses that procedures to pay compensation for criminal damage require are finalized for all applications (or once the public prosecutor comes into custody of the stolen or misappropriated property or its value as prescribed in paragraph (1) of that Article as compensatory funds, if procedures to pay compensation for criminal damage have been initiated pursuant to Article 6, paragraph (2), but at the time that the aforementioned ruling, decision, and expenses are finalized, the public prosecutor has not yet come into custody of the stolen or misappropriated property or its value as compensatory funds).
- (2) If the aggregate total of the amounts of criminal damage set as part of a ruling of eligibility (referred to as the "total amount of criminal damage" hereinafter in this paragraph and in Article 16, paragraph (2)) exceeds the amount arrived at when the amount of expenses and remuneration that procedures to pay compensation for criminal damage will necessitate is deducted from compensatory funds, the amounts of compensation for criminal damage to be paid pursuant to the preceding paragraph are the amounts arrived at when the difference resulting from that calculation is multiplied by the percentages of the total amount of criminal damage which represent the amounts of criminal damage set for the persons subject to that ruling of eligibility (with the products rounded down to the nearest one yen); and in other cases, the amounts of compensation for criminal damage to be paid pursuant to the preceding paragraph are the amounts of criminal damage.
- (3) The public prosecutor must enter the amounts of compensation for criminal damage to be paid pursuant to the provisions of paragraph (1) in the ruling breakdown, and must issue public notice of this pursuant to the provisions of Order of the Ministry of Justice.
- (4) Notwithstanding the provisions of paragraph (1), if it is not possible to pay compensation for criminal damage because the whereabouts of a person entitled to be paid the compensation for criminal damage are unknown or for other reasons, the public prosecutor is to act as the custodian of monies

equivalent to the compensation for criminal damage until the end of the period provided for in Article 31, paragraph (1). In this case, the monies of which the public prosecutor is the custodian are not to be included in compensatory funds regarding the application of the provisions of Article 26, paragraph (1), and Article 34.

(Payment Prior to the Finalization of Rulings)

- Article 15 (1) Even if part of a ruling, decision on remuneration, or amount of expenses provided for in paragraph (1) of the preceding Article is not finalized, the public prosecutor may pay compensation for criminal damage to a person subject to a ruling of eligibility (but only one for whom eligibility has been finalized) in an amount that the public prosecutor finds to be appropriate up to an amount that is clearly found not to harm the interests of persons that are expected to be eligible for payment of compensation for criminal damage.
- (2) If compensation for criminal damage has been paid pursuant to the provisions of the preceding paragraph, once the ruling, decision on remuneration, and amount of expenses provided for in paragraph (1) of the preceding Article have all been finalized, the public prosecutor must pay compensation for criminal damage without delay to the persons subject to the ruling of eligibility, in the amounts arrived at when the amounts of the compensation for criminal damage that have been paid pursuant to the provisions of the preceding paragraph are deducted from the amounts of compensation for criminal damage that must be paid as calculated pursuant to the provisions of paragraph (2) of the preceding Article.
- (3) The provisions of paragraphs (3) and (4) of the preceding Article apply *mutatis mutandis* to compensation for criminal damage paid pursuant to the provisions of the preceding paragraph. In this case, the phrase "pursuant to the provisions of paragraph (1)" in paragraph (3) of that Article is deemed to be replaced with "pursuant to the provisions of paragraph (1) (and the amounts of compensation for criminal damage paid pursuant to the provisions of paragraph (1) of the following Article)".

(Additional Payment of Compensation)

- Article 16 (1) If the public prosecutor comes into custody of new compensatory funds in connection with procedures to pay compensation for criminal damage after the ruling, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized and after the public prosecutor has paid or become the custodian of compensation for criminal damage (meaning that the public prosecutor has paid compensation for criminal damage under that paragraph; paragraph (1) or paragraph (2) of the preceding Article; or this paragraph; or has become the custodian of monies equivalent to

compensation for criminal damage under the first sentence of Article 14, paragraph (4) (including as applied *mutatis mutandis* pursuant to paragraph (3) of the preceding Article and paragraph (3) of this Article; hereinafter the same applies in this paragraph); the same applies in Article 18 and in Article 21, paragraph (1), items (i) through (iii)) for all of the persons subject to a ruling of eligibility (this includes cases when the public prosecutor comes into custody of new compensatory funds after the conclusion of the procedures to pay compensation for criminal damage), and if the amount of compensation for criminal damage that have already been paid (this includes any monies equivalent to compensation for criminal damage of which the public prosecutor has come into custody pursuant to the provisions of the first sentence of Article 14, paragraph (4); referred to as "compensation for criminal damage already paid" in the following paragraph) falls short of the amount of criminal damage, the public prosecutor must pay compensation for criminal damage to persons subject to the ruling of eligibility using the new compensatory funds of which the public prosecutor has come into custody; provided, however, that this does not apply if the public prosecutor finds that the compensatory funds existing at that time are insufficient to cover the expenses and remuneration that the payment of those payments would necessitate, or if the public prosecutor finds that it is otherwise inappropriate to pay compensation for criminal damage at that time.

(2) If the total remaining amount of criminal damage (meaning the amount arrived at when the sum total of the amounts of compensation for criminal damage already paid is deducted from the total amount of criminal damage; hereinafter the same applies in this paragraph) exceeds the amount arrived at when the amount of expenses and remuneration (other than any amount of expenses and remuneration that has been deducted in the calculation of compensation for criminal damage already issued) is deducted from the compensatory funds prescribed in the preceding paragraph, the amounts of compensation for criminal damage to be paid pursuant to the provisions of the preceding paragraph are the amounts arrived at when the difference resulting from that calculation is multiplied by the percentages of the total remaining amount of criminal damage which represent the remaining amounts of criminal damage (meaning the amounts arrived at when the amounts of compensation for criminal damage already paid are deducted from the amounts of criminal damage; hereinafter the same applies in this paragraph) owed to the persons subject to the ruling of eligibility (with the products rounded down to the nearest one yen); and in other cases, the amounts of compensation for criminal damage to be paid pursuant to the provisions of the preceding paragraph are the remaining amounts of criminal damage.

(3) The provisions of Article 14, paragraphs (3) and (4) apply *mutatis mutandis* to

compensation for criminal damage to be paid pursuant to the provisions of paragraph (1).

(Payment of Compensation for Criminal Damage to General Successors
Following Finalization of Rulings of Eligibility)

Article 17 (1) If a person whose ruling of eligibility has been finalized becomes subject to a general succession and any of the compensation for criminal damage to be paid to that person have not yet been paid, the public prosecutor must pay the unpaid compensation for criminal damage to a general successor of that person that files a notification within 60 days of the date of the general succession. In this case, the general successor must submit a written notification to the public prosecutor pursuant to the provisions of Order of the Ministry of Justice.

(2) The amount of compensation for criminal damage to be paid to a general successor in the event that there are two or more general successors filing notifications pursuant to the provisions of the preceding paragraph, is the amount arrived at when the amount of the unpaid compensation for criminal damage prescribed in that paragraph is divided by the number of general successors (rounded down to the nearest one yen); provided, however, that if some of the general successors have agreed as to what percent of the amount of compensation for criminal damage each person is to be paid, the amount of compensation for criminal damage to be paid to the persons that have agreed to this is the amount arrived at when the parts of the amount calculated pursuant to the main clause of this paragraph that would be paid to each of those persons are added together and the total is multiplied by the percentages of the compensation for criminal damage that each person named in the agreement is to be paid (with the products rounded down to the nearest one yen).

Subsection 4 Special Payment Procedures

(Special Payment Procedures)

Article 18 In a situation falling under one of the following items regarding procedures under the preceding three subsections, the public prosecutor is to decide without delay to initiate procedures for using the surplus compensatory funds (meaning compensatory funds that are in surplus after the conclusion of procedures during which the public prosecutor has paid or become the custodian of compensation for criminal damage; the same applies hereinafter) to pay compensation for criminal damage to persons that have not filed an application for payment of compensation for criminal damage within the period for applying for payment of compensation in those procedures (or within 60

days after the day of the general succession, for an application as under Article 9, paragraph (2)), or to general successors as prescribed in paragraph (1) of the preceding Article that have not filed notifications as referred to in that paragraph (hereinafter procedures for using surplus compensatory funds in this way are referred to as "special payment procedures"); provided, however, that this does not apply if the public prosecutor finds that the surplus compensatory funds expected at that time would be insufficient to pay for the expenses and remuneration that the special issuance procedures would necessitate, or if the public prosecutor otherwise finds it to be inappropriate to initiate special payment procedures at that time:

- (i) if there have been no applications as under Article 9, paragraph (1); or
- (ii) once the ruling, decision on remuneration, and amount of expenses prescribed in Article 14, paragraph (1) have been finalized, if the situation falls under either (a) or (b), as follows:
 - (a) there is no person that is subject to a ruling of eligibility under Article 10; or
 - (b) the public prosecutor finds it to be clear that there will still be a surplus of compensatory funds even if the public prosecutor pays or becomes custodian of compensation for criminal damage for all of the persons subject to a ruling of eligibility as under Article 10.

(Public Notices)

Article 19 (1) Having decided to initiate special payment procedures, the public prosecutor must immediately issue a public notice of the following information and of the information set forth in Article 7, paragraph (1), items (ii) and (iii) of which the public prosecutor has issued a public notice during procedures under the preceding three subsections, by publishing it in the Official Gazette pursuant to the provisions of Order of the Ministry of Justice:

- (i) that the public prosecutor has initiated special payment procedures;
 - (ii) the amount of surplus compensatory funds (or the amount expected as surplus compensatory funds, if this amount has not been finalized at the time of the decision);
 - (iii) the period for applying for special payment (meaning the period for applying for payment of compensation under special payment procedures; the same applies hereinafter); and
 - (iv) the information prescribed by Order of the Ministry of Justice.
- (2) The period for applying for special payment set forth in item (iii) of the preceding paragraph must be at least 30 days, counting from the day following the date that the public notice under that paragraph is issued.
- (3) The public prosecutor must notify any known eligible victim or general successor thereof of the information required to be given in a public notice

pursuant to the provisions of paragraph (1); provided, however, that this does not apply to a person that clearly is not entitled to payment of compensation for criminal damage nor to a person that has already been notified pursuant to the provisions of the main clause of Article 7, paragraph (3).

- (4) Beyond what is provided for in the preceding three paragraphs, Order of the Ministry of Justice prescribes the necessary particulars concerning public notices under paragraph (1) and notifications under the preceding paragraph.

(Mutatis Mutandis Application)

Article 20 The provisions of the preceding two subsections apply mutatis mutandis to special payment procedures. In this case, the term "period for applying for payment of compensation" in Article 9, paragraphs (1) and (2), Article 10, paragraph (1), and Article 11, paragraph (1) is deemed to be replaced with "period for applying for special payment"; the phrase "has passed (or once the disposition establishing the range of the criminal acts warranting compensation under Article 5, paragraph (1) has been finalized, if it has not been finalized by that time)" in Article 10, paragraph (1) is deemed to be replaced with "has passed"; and the term "compensatory funds" in Article 14, paragraphs (2) and (4) is deemed to be replaced with "surplus compensatory funds".

Subsection 5 Conclusion of Procedures

Article 21 (1) The public prosecutor is to decide to conclude procedures to pay compensation for criminal damage when a case falls under one of the following items:

- (i) procedures to pay compensation for criminal damage have been initiated pursuant to the provisions set forth in either of the following sub-item (a) or (b), and the situation falls under the grounds provided for therein before the public prosecutor pays or becomes the custodian of compensation for criminal damage:
 - (a) Article 6, paragraph (1): the public prosecutor finds that compensatory funds are insufficient to pay for the expenses and remuneration that procedures to pay compensation for criminal damage would necessitate, and there is no prospect of the public prosecutor coming into custody of new compensatory funds; or
 - (b) Article 6, paragraph (2): the public prosecutor finds there to be no prospect of coming into custody of sufficient compensatory funds to pay for the expenses and remuneration that procedures to pay compensation for criminal damage would necessitate.
- (ii) the public prosecutor has paid or become the custodian of compensation for

- damage, there are no surplus of compensatory funds, and there is no prospect of the public prosecutor coming into custody of new compensatory funds;
- (iii) the public prosecutor has paid or become the custodian of compensatory funds and there are surplus funds, but the public prosecutor finds that the surplus compensatory funds are insufficient to pay for the expenses and remuneration that the special payment procedures would necessitate or finds it to be otherwise inappropriate to initiate special payment procedures;
 - (iv) special payment procedures have been initiated but there have been no applications under Article 9, paragraph (1) as applied *mutatis mutandis* pursuant to the preceding Article;
 - (v) the ruling under Article 10 or Article 11 as applied *mutatis mutandis* pursuant to the preceding Article, the decision on remuneration for a compensation administrator under Article 26, paragraph (1) in those procedures, and the amount of expenses that the procedures will necessitate have been finalized for all applications in special payment procedures, but the situation falls under one of the following sub-items (a) through (c):
 - (a) there is no person that is subject to the ruling of eligibility under Article 10, as applied *mutatis mutandis* pursuant to the preceding Article;
 - (b) the public prosecutor has specially paid or become the custodian of compensation for criminal damage (meaning that the public prosecutor has paid compensation for criminal damage under Article 14, paragraph (1); Article 15, paragraph (1) or paragraph (2); or Article 16, paragraph (1), as applied *mutatis mutandis* pursuant to the preceding Article; or become the custodian of monies equivalent to compensation for criminal damage under the first sentence of Article 14, paragraph (4) as applied *mutatis mutandis* pursuant to the preceding Article (including as applied *mutatis mutandis* pursuant to Article 15, paragraph (3) and Article 16, paragraph (3)); hereinafter the same applies in this item) for all of the persons subject to a ruling of eligibility under Article 10 as applied *mutatis mutandis* pursuant to the preceding Article (but only if the amount of compensation for criminal damage that the public prosecutor has specially paid or become the custodian of have reached the amount of criminal damage); and
 - (c) the public prosecutor has specially paid or become the custodian of compensation for criminal damage for all of the persons subject to a ruling of eligibility under Article 10 as applied *mutatis mutandis* pursuant to the preceding Article, and there is no prospect of the public prosecutor coming into custody of new compensatory funds, in a case other than one as set forth in (b); or
 - (vi) the public prosecutor finds that compensatory funds are insufficient to pay for the expenses and remuneration that procedures to pay compensation for criminal damage would necessitate, and there is no prospect of the public

prosecutor coming into custody of new compensatory funds, in a case other than one as set forth in the preceding items.

- (2) Having decided to conclude procedures to pay compensation for criminal damage pursuant to the provisions of the preceding paragraph, the public prosecutor must issue public notice of this pursuant to the provisions of Order of the Ministry of Justice.

Subsection 6 Compensation Administrators

(Appointment of Compensation Administrators)

Article 22 (1) The public prosecutor may appoint one or multiple attorneys (including legal professional corporations and attorney-at-law/registered foreign lawyer joint corporation) as compensation administrators and have them perform all or some of the following administrative affairs:

- (i) administrative affairs involved in the notice under Article 7, paragraph (3) or Article 19, paragraph (3);
 - (ii) administrative affairs involved in the examination for reaching rulings under Article 10 or Article 11 (including where these provisions are applied *mutatis mutandis* pursuant to Article 20);
 - (iii) administrative affairs involved in the preparation of breakdowns of rulings under Article 13 (including as applied *mutatis mutandis* pursuant to Article 20) or entering information in breakdowns of rulings as under Article 14, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including where these provisions are applied *mutatis mutandis* pursuant to the provisions of Article 20) and Article 20)) or Article 26, paragraph (3); and
 - (iv) the administrative affairs prescribed by Order of the Ministry of Justice (other than dispositions, decisions, and rulings as set forth in the items of Article 40, paragraph (1)).
- (2) Having appointed a compensation administrator, the public prosecutor must issue public notice of the name of the compensation administrator, the range of the administrative affairs involved in compensation (meaning administrative affairs that the public prosecutor has decided to have a compensation administrator perform pursuant to the preceding paragraph; the same applies hereinafter), and other information prescribed by Order of the Ministry of Justice.

(Duties of Compensation Administrators)

Article 23 (1) A compensation administrator must perform the administrative affairs involved in compensation in a fair and sincere manner.

- (2) Upon finding it to be necessary to do so in order to ensure the proper and

reliable handling of administrative affairs involved in compensation, the public prosecutor may have a compensation administrator report on those administrative affairs.

- (3) Upon finding that the handling of an administrative affair involved in compensation violates laws or regulations or upon finding that it is not being handled properly, the public prosecutor may direct a compensation administrator to take the necessary measures to rectify the violation or improve the handling of that administrative affair.
- (4) If a compensation administrator fails to take the measures referred to in the preceding paragraph or if there are other material grounds for doing so, the public prosecutor may dismiss the compensation administrator.
- (5) The provisions of Article 36-3 of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to the direction under the provisions of paragraph (3).

(Use of Case Records)

- Article 24 (1) If finding it to be necessary to do so in order for the compensation administrator to perform an administrative affair involved in compensation, the public prosecutor is to have the compensation administrator use case records from after the conclusion of a case under public prosecution that is connected to the criminal act warranting compensation.
- (2) If finding it to be necessary to do so in order for the compensation administrator to perform an administrative affair involved in compensation, the public prosecutor may have the compensation administrator use a case record (other than one referred to in the preceding paragraph) associated with court proceedings that are connected to the criminal act warranting compensation.

(Reporting on Results of Administrative Affairs)

- Article 25 A compensation administrator performing an administrative affair as set forth in Article 22, paragraph (1), item (ii) must report the results of this to the public prosecutor in writing without delay after completing the administrative affair.

(Remuneration of Compensation Administrators)

- Article 26 (1) Compensation administrators may be paid in advance for expenses and receive remuneration determined by the public prosecutor out of compensatory funds.
- (2) The provisions of Article 12, paragraphs (1) and (2) apply mutatis mutandis to a decision on the remuneration under the preceding paragraph. In this case, in paragraph (2) of that Article, the term "written ruling" is deemed to be replaced with "written decision on remuneration" and the term "applicant" is

deemed to be replaced with "compensation administrator".

- (3) Having decided on the remuneration under paragraph (1), the public prosecutor must enter the amount of compensation in the breakdowns of rulings.

(Duty of Confidentiality of Compensation Administrators)

Article 27 (1) A current or former compensation administrator (or, if a compensation administrator is a legal professional corporation or attorney-at-law/registered foreign lawyer joint corporation, an attorney who is its member or employee and who performs the administrative affairs involved in compensation; hereinafter the same applies in this Article) must not divulge any secret learned in connection with the administrative affairs involved in compensation.

- (2) A compensation administrator is deemed to be an official engaged in public service pursuant to laws and regulations, as regards the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

Subsection 7 Miscellaneous Provisions

(Investigations)

Article 28 (1) Upon finding that it is necessary to do so in order to perform administrative affairs in procedures to pay compensation for criminal damage, the public prosecutor may order an applicant or other relevant persons to submit a report, document, or other objects or to appear in person; or may make inquiries with a public office or a public or private organization and request reports containing the necessary information.

- (2) Upon finding it to be necessary to do so in order to perform administrative affairs involved in compensation, a compensation administrator may ask an applicant or other relevant persons to submit a report, documents, or other objects or to appear in person; or may make inquiries with a public office or a public or private organization and request reports containing the necessary information.

(Relationship Between Compensation for Criminal Damage and the Right to Claim Compensation for Damage)

Article 29 Once compensation for criminal damage is paid to a person, the person's right to claim compensation for criminal damage and other claims connected to the criminal act warranting compensation is extinguished to the extent of the amount paid.

(Collection of Wrongful Gains)

Article 30 (1) If a person is paid compensation for criminal damage through deception or other wrongful means in the procedures to pay compensation for criminal damage, the public prosecutor may collect from that person all or part of an amount of money corresponding to the amount of the compensation for criminal damage that the person has been paid, in accordance with regulations that govern measures to collect national tax arrears.

(2) Statutory liens involving monies to be collected under the preceding paragraph follow national and local taxes in order of priority.

(3) Monies collected pursuant to the provisions of paragraph (1) are deemed to be new compensatory funds of which the public prosecutor has come into custody at the time of their collection, as regards the payment of compensation for criminal damage pursuant to Subsection 3 and Subsection 4 in procedures to pay compensation for criminal damage.

(Extinguishment of Rights)

Article 31 (1) In procedures to pay compensation for criminal damage, the right to be paid compensation for criminal damage is extinguished if it is not exercised within six months from the time of the public notice under Article 14, paragraph (3) (including as applied *mutatis mutandis* pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including where these provisions are applied *mutatis mutandis* pursuant to Article 20), and Article 20).

(2) Monies held (meaning monies of which the public prosecutor acts as custodian pursuant to the provisions of the second sentence of Article 14, paragraph (4) (including as applied *mutatis mutandis* pursuant to Article 15, paragraph (3) and Article 16, paragraph (3) (including where these provisions are applied *mutatis mutandis* pursuant to Article 20) and Article 20)) which are connected with the right extinguished pursuant to the provisions of the preceding paragraph are deemed to be new compensatory funds of which the public prosecutor has come into custody at the time of the extinguishment, as regards the payment of compensation for criminal damage pursuant to the provisions of Subsection 3 and Subsection 4 in procedures to pay compensation for criminal damage.

(Protection of the Right to Be Paid Compensation for Damage)

Article 32 The right to be paid compensation for criminal damage may not be transferred, mortgaged, or seized; provided, however, that this does not apply in cases of seizure through measures to collect national tax arrears (or measures governed by the same regulations as these).

(Free Certification of Information in Family Registers)

Article 33 The mayor of a municipality (this includes the mayor of a special

ward; and in a designated city as referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), refers to the mayor of the ward or mayor of the consolidated ward) may, at no cost, certify information in the family register of an eligible victim, the general successor thereof, or the general successor of a person that is subject to a finalized ruling of eligibility, pursuant to the provisions of Municipal Ordinance (or special ward ordinance), for the public prosecutor, the compensation administrator, or a person requesting to be paid compensation for criminal damage.

(Transfer to the General Account)

Article 34 (1) Once a decision as referred to in Article 8, paragraph (1) or Article 21, paragraph (1) is finalized, if the public prosecutor is acting as custodian of compensatory funds at the time the decision is finalized, the public prosecutor is to transfer these to the General Account.

(2) The preceding paragraph also applies if compensation for criminal damage is paid pursuant to the provisions of Article 16, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20) after procedures to pay compensation for criminal damage have concluded, and if the public prosecutor is acting as the custodian of compensatory funds at the time their payment is concluded.

Section 3 Procedures to Pay Compensation Using Property Transferred from Abroad

(Dispositions Establishing the Range of Criminal Acts Warranting Compensation)

Article 35 (1) If seeking to pay compensation for criminal damage using property transferred from abroad, the public prosecutor must establish the range of the criminal acts warranting compensation.

(2) For applicable criminal acts as referred to in Article 2, item (v) which involve property transferred from abroad as referred to in that paragraph, and for any applicable criminal act committed as part of a series of offenses connected to this, the public prosecutor is to establish the range of the criminal acts warranting compensation provided for in the preceding paragraph in consideration of circumstances such as the type of crime, when and how it was committed, who committed it, and how the stolen or misappropriated property or the monetary equivalent subject to foreign laws was formed.

(3) Having divided criminal acts warranting compensation into two or more ranges when establishing the range of those acts pursuant to the provisions of the preceding two paragraphs, the public prosecutor is to divide the property transferred from abroad referred to in paragraph (1) (or the amount of money

obtained through the conversion or collection of that property transferred from abroad, if one group of property transferred from abroad has been derived from property gained from parties that incurred damage due to applicable criminal acts that are part of differing categories of criminal acts warranting compensation, or property obtained based on the possession or disposition of that property, and that group of property cannot be divided into separate monetary amounts or quantities) into groups corresponding to each of those ranges.

(Handling of Property Transferred from Abroad)

Article 36 (1) If property transferred from abroad is property other than money, the public prosecutor must convert into cash or collect those properties.

(2) Notwithstanding the provisions of the preceding paragraph, if the value of property transferred from abroad is extremely low and no purchaser of that property can be found or it is clear that there will be no purchaser even if that property is put up for sale, the property may be disposed of.

(Initiating Procedures to Pay Compensation Using Property Transferred from Abroad)

Article 37 (1) After coming into custody of compensatory funds for property transferred from abroad as referred to in Article 35, paragraph (1), and having established the range of criminal acts warranting compensation pursuant to the provisions of that paragraph, the public prosecutor is to without delay decide to initiate procedures to pay compensation for criminal damage using those compensatory funds (hereinafter referred to as "procedures to pay compensation using property transferred from abroad"); provided, however, that this does not apply if the public prosecutor finds that the compensatory funds existing at that time are insufficient to pay for the expenses and remuneration that the procedures to pay compensation using property transferred from abroad would necessitate, or if the public prosecutor finds that it is otherwise inappropriate to initiate procedures to pay compensation using property transferred from abroad at that time.

(2) Notwithstanding the main clause of the preceding paragraph, upon finding that it is particularly necessary to do so in order to have the stolen or misappropriated property or the monetary equivalent subject to foreign laws or monies obtained through its conversion or collection transferred from a foreign country, the public prosecutor may decide to initiate procedures to pay compensation using property transferred from abroad before coming into custody of the relevant property or monies as compensatory funds.

(3) In a case as provided in Article 35, paragraph (3), the public prosecutor is to decide as referred to in one of the two preceding paragraphs for each of the

ranges of criminal acts warranting compensation.

- (4) If the range of a criminal act warranting compensation that has been established pursuant to Article 35, paragraph (1) is the same for two or more groups of property transferred from abroad, the public prosecutor may deem that property (other than property transferred from abroad for which procedures to pay compensation using property transferred from abroad have already been initiated) to belong to a single group of property transferred from abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).
- (5) If the range of criminal acts warranting compensation that has been established pursuant to Article 35, paragraph (1) for property transferred from abroad is the same as the range of criminal acts warranting compensation established pursuant to the provisions of Article 5, paragraph (1) in connection with a judicial decision to confiscate stolen or misappropriated property or to forcibly collect monies of an equivalent value, the public prosecutor may deem the property transferred from abroad (other than property for which procedures to pay compensation using property transferred from abroad have already been initiated) and the stolen or misappropriated property or its value (other than any property or monies for which procedures to pay compensation using property have already been initiated) to belong to a single group of property transferred from abroad in order to reach a decision as referred to in paragraph (1) or paragraph (2).

(Non-Initiation of Procedures to Pay Compensation Using Property Transferred from Abroad)

- Article 38 (1) Upon finding there to be no prospect of coming into custody of sufficient compensatory funds to pay for the expenses and remuneration that procedures to pay compensation using property transferred from abroad would necessitate, the public prosecutor is to decide not to initiate procedures to pay compensation using property transferred from abroad.
- (2) Having made the decision referred to in the preceding paragraph, the public prosecutor must issue public notice of this pursuant to the provisions of Order of the Ministry of Justice.

(Mutatis Mutandis Application)

- Article 39 The provisions of the preceding Section (except for Article 5, Article 6, and Article 8) apply mutatis mutandis to procedures to pay compensation using property transferred from abroad. In this case, the term "paragraph (2) of the preceding Article" in Article 7, paragraph (1) is deemed to be replaced with "Article 37, paragraph (2)"; the term "Article 5, paragraph (1)" in Article 10, paragraph (1) and Article 20 is deemed to be replaced with "Article 35,

paragraph (1)"; the term "Article 6, paragraph (2)" in Article 14, paragraph (1), and Article 21, paragraph (1), item (i), (a) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "stolen or misappropriated property or its value" in Article 14, paragraph (1) is deemed to be replaced with "property transferred from abroad"; the term "Article 6, paragraph (1)" in Article 21, paragraph (1), item (i), (a) is deemed to be replaced with "Article 37, paragraph (2)"; the phrase "(other than one referred to in the preceding paragraph)" in Article 24, paragraph (2) is deemed to be replaced with "(other than one referred to in the preceding paragraph) and records connected with a judicial decision, order, or other disposition involving property transferred from abroad, based on a foreign law or regulation."; and the term "Article 8, paragraph (1)" in Article 34, paragraph (1) is deemed to be replaced with "Article 38, paragraph (1)".

Chapter III Appeals

(Filing of Petitions for Review with the Head of the Public Prosecutors Office)

Article 40 (1) A person who is dissatisfied with a disposition, decision, ruling, or any other action (hereinafter referred to as a "disposition, etc.") set forth in the following items may file a petition for review with the head of the public prosecutors office to which the public prosecutor who has made the relevant disposition, etc. is assigned, within 30 days from the day specified respectively in those items:

- (i) a disposition establishing the range of criminal acts warranting compensation under the provisions of Article 5, paragraph (1) or Article 35, paragraph (1): the day following the date that the public notice of the disposition is issued;
- (ii) a decision referred to in Article 8, paragraph (1), Article 21, paragraph (1) (including as applied mutatis mutandis pursuant to the preceding Article) or Article 38, paragraph (1): the day following the date that the public notice of the decision is issued;
- (iii) a ruling under the provisions of Article 10 or Article 11 (including where these provisions are applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to the preceding Article) and the preceding Article): the day following the date that a certified copy of the written ruling is served;
- (iv) a decision on remuneration for a compensation administrator under the provisions of Article 26, paragraph (1) (including as applied mutatis mutandis pursuant to the preceding Article): the day following the date that a certified copy of the written decision on remuneration is served; and
- (v) beyond what is set forth in the preceding items, an action of a public

prosecutor relevant to procedures under this Act, which is specified by Order of the Ministry of Justice: the day specified by Order of the Ministry of Justice.

- (2) Notwithstanding the provisions of the preceding paragraph, a petition for review may be filed even after the expiration of the 30-day period if there is a legitimate reason to do so.

Article 40-2 If a person has filed an application for a disposition, etc. with a public prosecutor pursuant to the provisions of this Act or Order of the Ministry of Justice based on this Act, but the public prosecutor takes no action (referred to as "inaction," which means that the public prosecutor does not make any disposition, etc. in response to an application under the provisions of this Act or Order of the Ministry of Justice based on this Act; the same applies hereinafter) although a reasonable period of time has passed after the filing of the application, the person may file a petition for review with regard to the inaction with the head of the public prosecutors office to which the public prosecutor relevant to the inaction is assigned.

(Submission of Written Petitions for Review)

Article 40-3 (1) A petition for review under the provisions of the preceding two Articles must be filed by submitting a written petition for review pursuant to the provisions of Order of the Ministry of Justice.

- (2) The following information must be stated in a written petition for review regarding a disposition, etc. set forth in the items of Article 40, paragraph (1):
- (i) the content of the disposition, etc. to which the petition for review pertains;
 - (ii) the object of and reason for the petition for review; and
 - (iii) the information that Order of the Ministry of Justice prescribes.
- (3) The following information must be stated in a written petition for review regarding the inaction prescribed in the preceding Article:
- (i) the content and date of filing of the application for the disposition, etc. to which the inaction pertains; and
 - (ii) the information that Order of the Ministry of Justice prescribes.

(Means of Conducting Proceedings)

Article 40-4 Proceedings of a petition for review are paper-based.

(Notice to Other Applicants)

Article 41 If a petition for review filed for a ruling set forth in Article 40, paragraph (1), item (iii) relates to a ruling made for another applicant, the head of the public prosecutors office must notify the other applicant of this and provide an opportunity to submit documentation stating their opinion.

(Determination)

Article 42 (1) With regard to a petition for review under the provisions of Article 40, paragraph (1), the head of a public prosecutors office must make a determination specified in the following items in accordance with the categories set forth in the respective items:

- (i) if the petition for review has been filed after the expiration of the period prescribed in Article 40, paragraph (1) or is otherwise unlawful: a determination to dismiss the petition for review without prejudice;
 - (ii) if there are no grounds for the petition for review: a determination to dismiss the petition for review with prejudice on the merits;
 - (iii) if the disposition, etc. for the review is not a de facto action, and there are grounds for the petition: a determination to revoke or alter the disposition, etc. set forth in the items of Article 40, paragraph (1) for the petition for review;
 - (iv) if the head of the public prosecutors office revokes, pursuant to the provisions of the preceding item, a disposition, etc. that was made by a public prosecutor other than the head of the public prosecutors office to dismiss with or without prejudice an application filed under the provisions of this Act or Order of the Ministry of Justice based on this Act, and finds that a certain disposition, etc. should be made in response to that application: a determination to order the public prosecutor related to the disposition, etc. to make the disposition, etc.;
 - (v) if the head of the public prosecutors office revokes, pursuant to the provisions of item (iii), a disposition, etc. that was made by the head of the public prosecutors office to dismiss with or without prejudice an application filed under the provisions of this Act or Order of the Ministry of Justice based on this Act, and finds that a certain disposition, etc. should be made in response to that application: a determination to make that disposition, etc.;
 - (vi) if the disposition, etc. for the petition for review is a de facto action performed by a public prosecutor other than the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the de facto act is illegal or unjust and to order the public prosecutor related to the de facto act to abolish or alter the de facto act; and
 - (vii) if the disposition, etc. for the petition for review is a de facto action performed by the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the de facto action is illegal or unjust and to abolish or alter the de facto action.
- (2) In cases referred to in item (iii), (vi), or (vii) of the preceding paragraph, the head of the public prosecutors office must not alter the relevant disposition, etc., order the alteration of the relevant de facto action, or alter the relevant de

facto action in a manner disadvantageous to the petitioner for review.

Article 42-2 With regard to a petition for review under the provisions of Article 40-2, the head of a public prosecutors office must make a determination specified in the following items in accordance with the categories set forth in the respective items:

- (i) if the petition for review has been filed before a reasonable period has passed after the filing of an application for the disposition, etc. related to the inaction or is otherwise unlawful: a determination to dismiss the petition for review without prejudice;
- (ii) if there are no grounds for the petition for review: a determination to dismiss the petition for review with prejudice on the merits;
- (iii) if the inaction in relation to the petition for review is the inaction of a public prosecutor other than the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the inaction is illegal or unjust and to order the relevant public prosecutor to make the relevant disposition, etc. if the head of the public prosecutors office finds that a certain disposition, etc. should be made in response to the application; and
- (iv) if the inaction in relation to the petition for review is that of the head of the public prosecutors office, and there are grounds for the petition: a determination to declare that the inaction is illegal or unjust and to make the relevant disposition, etc. if the head of the public prosecutors office finds that a certain disposition, etc. should be made in response to the application.

(Mutatis Mutandis Application of Provisions Concerning the Format of Rulings)

Article 43 The provisions of Article 12 apply mutatis mutandis to a determination on a petition for review specified in the items of Article 42, paragraph (1) and the items of the preceding Article. In this case: the term "public prosecutor" in Article 12 is deemed to be replaced with "head of the public prosecutors office"; the term "written ruling" in paragraphs (2) and (3) of that Article is deemed to be replaced with "written determination"; and the term "applicant" in paragraph (2) of that Article is deemed to be replaced with "petitioner for review (if the petition for review has been filed with regard to a determination made in relation to another applicant: the petitioner for review and the other applicant)."

(Mutatis Mutandis Application of the Administrative Complaint Review Act)

Article 44 The provisions of Articles 10 through 15, Article 18, paragraph (3), Article 21, Article 22, paragraphs (1) and (5), Article 23, Article 25, paragraphs

(1), (2), and (4) through (7), Articles 26 through 28, Article 30, paragraphs (2) and (3), Articles 32 through 36, Article 38, paragraphs (1) through (5), Article 39, Article 51, paragraph (4), Article 52, paragraphs (1) through (3), and Article 53 of the Administrative Complaint Review Act (Act No. 68 of 2014) apply mutatis mutandis to a petition for review under the provisions of Article 40, paragraph (1), and Article 40-2. In this case, the terms set forth in the middle column of the following table which are used in the provisions of that Act set forth in the left-hand column of that table are deemed to be replaced with the terms set forth in the right-hand column of that table, respectively.

Provisions of the Administrative Complaint Review Act whose terms are to be replaced	Original terms	Terms to replace the original terms
Article 11, paragraph (2)	a person who has been designated pursuant to the provisions of Article 9, paragraph (1) (hereinafter referred to as a "review officer")	the head of a public prosecutors office with which a petition for review has been filed pursuant to the provisions of Article 40, paragraph (1) or Article 40-2 of the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property (hereinafter referred to as the "reviewing agency")
Article 13, paragraphs (1) and (2), Article 28, Article 30, paragraphs (2) and (3), Article 32, paragraph (3), Articles 33 through 36, Article 38, paragraphs (1) through (3), and (5), and Article 39	review officer	reviewing agency
Article 14	written request for review prescribed in Article 19 or the written statement concerning the request for review prescribed in Article 21, paragraph (2)	written petition for review

Article 15, paragraph (6)	right	right (excluding the right to be issued compensation for criminal proceeds)
Article 18, paragraph (3)	written request for review prescribed in the following Article	written petition for review
	period of time prescribed in the preceding two paragraphs (hereinafter referred to as the "period for filing request for review")	period prescribed in Article 40, paragraph (1) of the Act on the Payment of Compensation for Criminal Proceeds
Article 21, paragraph (1)	submit a written request for review to the administrative agency, etc. reaching the disposition or orally state the matters prescribed in Article 19, paragraphs (2) through (5) to the administrative agency, etc. reaching the disposition	submit a written petition for review
Article 21, paragraph (2)	written request for review or written statement concerning the request for review (meaning a document recording the details of the oral statement pursuant to the provisions of the second sentence of the preceding Article; the same applies in Article 29, paragraph (1) and Article 55)	written petition for review
Article 21, paragraph (3)	submitting the written request for review or orally stating the relevant matters to the Administrative Agency Reaching the disposition	submitting the written petition

Article 22, paragraph (1)	the written request for review to the Administrative Agency Reaching the disposition or the Administrative Agency to be the reviewing agency	the written petition for review to the Administrative Agency to be the reviewing agency
Article 22, paragraph (5)	written request for review, written request for re-investigation or written statement concerning the request for re-investigation	written petition for review
Article 23 (including the heading)	written request for review	written petition for review
Article 23	Article 19	Article 40-3 of the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property
Article 25, paragraph (2)	reviewing agency that falls under the higher administrative agency of the Administrative Agency Reaching the disposition or the administrative agency reaching the disposition itself	reviewing agency
Article 25, paragraph (7)	When a petition for a stay of execution has been filed or a written opinion to suggest the necessity to order a stay of execution as prescribed in Article 40 has been submitted by a review officer	When a petition for a stay of execution has been filed
Article 30, paragraph (2)	hereinafter referred to as a "written opinion" except in Article 40 and Article 42, paragraph (1)	hereinafter referred to as a "written opinion"

Article 30, paragraph (3)	When a written counterargument has been submitted by a requestor for review, a review officer must send it to the intervenors and the administrative agency, etc. reaching the disposition, and when a written opinion has been submitted by an intervenor	When a written opinion has been submitted by an intervenor
	send it to the relevant requestor for review and the administrative agency, etc. reaching the disposition	send it to the relevant requestor for review
Article 28, paragraph (1)	Until the procedures for proceedings are concluded pursuant to the provisions of Article 41, paragraph (1) or (2), the relevant requestor for review or intervenor may	The requestor for review or intervenor may
	the documents set forth in the items of Article 29, paragraph (4), or the documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2)	the documents or other articles submitted pursuant to the provisions of Article 32, paragraph (1) or (2)
	these documents	these documents
Article 51, paragraph (4)	intervenors and the administrative agency, etc. reaching the disposition (limited to the administrative agency, etc. reaching the disposition other than the reviewing agency)	intervenors

Article 52, paragraph (3)	disposition publicly noticed pursuant to the provisions of laws and regulations	disposition set forth in Article 40, paragraph (1), item (i) of the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property or decision set forth in item (ii) of that paragraph
	publicize the fact that the relevant disposition has been revoked or altered	publicize the fact that the relevant disposition or decision has been revoked or altered

(Restrictions on Requests for Review)

Article 45 A request for review may not be filed with regard to a disposition, etc. set forth in the items of Article 40, paragraph (1) or the inaction prescribed in Article 40-2.

(Litigation)

Article 46 An action for revocation of a disposition, etc. set forth in the items of Article 40, paragraph (1) may not be filed until after a determination on a petition for review of the disposition, etc. is made.

(Special Provisions for Litigation)

Article 47 (1) Actions for revocation of a disposition, etc. set forth in the items of Article 40, paragraph (1) and actions for revocation of a determination specified in the items of Article 42, paragraph (1) regarding that disposition, etc. are subject to the exclusive jurisdiction of the district court that has jurisdiction over the location of the public prosecutors office to which the public prosecutor who has made the disposition, etc. is assigned.

(2) Actions for revocation of a determination specified in the items of Article 42-2 regarding the inaction prescribed in Article 40-2 are subject to the exclusive jurisdiction of the district court that has jurisdiction over the location of the public prosecutors office to which the public prosecutor related to the inaction is assigned.

(3) Actions for revocation of a disposition, etc. or determination prescribed in the preceding two paragraphs may not be filed when 30 days have passed from the day on which a certified copy of a written ruling is served pursuant to the provisions of Article 12, paragraph (2) as applied mutatis mutandis pursuant to Article 43.

(4) The period referred to in the preceding paragraph is not extendable.

(5) If the action prescribed in paragraph (1) is an action for revocation of a ruling

set forth in Article 40, paragraph (1), item (iii) made in relation to another applicant or for revocation of a determination specified in the items of Article 42, paragraph (1) regarding that ruling, the national government must give notice of the suit to the other applicant without delay.

(Effect of Applications in Cases of Administrative Determinations to Revoke Dispositions)

Article 48 If a determination to revoke a disposition establishing the range of criminal acts warranting compensation under the provisions of Article 5, paragraph (1) or Article 35, paragraph (1) (hereinafter referred to as the "former disposition" in this Article) or a judgment to revoke the former disposition becomes final and binding, and another disposition establishing the range of criminal acts warranting compensation (hereinafter referred to as the "new disposition" in this Article) is made or a determination to alter the former disposition (hereinafter referred to as a "determination to alter" in this Article) becomes final and binding, an application or any other action (hereinafter referred to as an "application, etc." in this Article) performed by the applicant based on the former disposition or an investigation or any other action (hereinafter referred to as an "investigation, etc." in this Article) performed in relation to the applicant based on the former disposition is deemed to be an application, etc. performed by the applicant or an investigation, etc. performed in relation to the applicant based on the new disposition or the determination to alter.

Chapter IV Miscellaneous Provisions

(Delegation to Order of the Ministry of Justice)

Article 49 Beyond what is provided for in this Act, Order of the Ministry of Justice prescribes the necessary particulars for bringing this Act into effect.

Chapter V Penal Provisions

Article 50 A person violating the provisions of Article 27, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) is punished by imprisonment for not more than six months or a fine of not more than 500,000 yen.

Article 51 (1) A person falling under one of the following items is punished by a fine of not more than 500,000 yen:

- (i) a person that has submitted a written application or materials as provided in Article 9, paragraph (1) or paragraph (2) (including as applied mutatis

- mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 39) and Article 39) in which the person has included false information;
- (ii) a person that has submitted a written notification as provided in Article 17, paragraph (1) (including as applied mutatis mutandis pursuant to Article 20 (including as applied mutatis mutandis pursuant to Article 39) and Article 39; hereinafter the same applies in this item) in which the person has included false information; or
 - (iii) a person that has given a false report or has submitted a document in which the person has included false information (limited to an applicant or a person that has filed a notification pursuant to the provisions of Article 17, paragraph (1)), after having been ordered to submit a report or document pursuant to the provisions of Article 28, paragraph (1) (including as applied mutatis mutandis pursuant to Article 39) or after having been asked to submit a report or document pursuant to the provisions of Article 28, paragraph (2) (including as applied mutatis mutandis pursuant to Article 39).
- (2) If the representative or administrator of a corporation (including an organization without legal personality for which a representative or administrator has been designated; hereinafter the same applies in this paragraph) or the agent, employee, or other worker of a corporation or individual commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the violator being subject to punishment, the corporation or individual is subject to the punishment referred to in that paragraph.
- (3) If the provisions of the preceding paragraph apply to an organization without legal personality, the representative or administrator of the organization represents the organization in respect of procedural acts, and the provisions of laws on criminal proceedings that are applicable if a corporation is the accused or a suspect apply mutatis mutandis.

Supplementary Provisions

(Effective Date)

Article 1 (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding six months from the date of promulgation; provided, however, that the provisions of Article 3, paragraphs (1) through (3) of the Supplementary Provisions come into effect as of the day on which 30 days have passed since the date of promulgation.

[Effective as of December 1, 2006, under Cabinet Order No. 322 of October 2006]

Article 2 Deleted [Act No. 74 of June 2011]

(Transitional Measures)

- Article 3 (1) Upon finding it to be particularly necessary to do so in order to have the stolen or misappropriated property or the monetary equivalent subject to foreign laws or monies obtained through its conversion or collection transferred from a foreign country, the public prosecutor may establish a range for criminal acts warranting compensation, appoint a compensation administrator to perform the administrative affairs involved in compensation, and take other necessary actions to initiate procedures to pay compensation using property transferred from abroad even before the effective date of this Act, as governed by the provisions of Article 35 and by the provisions of Article 22, paragraph (1), Article 22, paragraphs (2) through (4), Article 24, and Article 28 as applied mutatis mutandis pursuant to the provisions of Article 39.
- (2) The provisions of Article 23, paragraph (1) and Article 27 as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to compensation administrators appointed pursuant to the provisions of the preceding paragraph, and the provisions of Article 27, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 apply mutatis mutandis to persons that were formerly compensation administrators appointed pursuant to the provisions of the preceding paragraph.
- (3) A person violating the provisions of Article 27, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 as applied mutatis mutandis pursuant to the provisions of the preceding paragraph is punished by imprisonment for not more than six months or a fine of not more than 500,000 yen.
- (4) A person that is a compensation administrator appointed pursuant to the provisions of paragraph (1) at the time this Act comes into effect is deemed to have been appointed as a compensation administrator pursuant to the provisions of Article 22, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 39 on the day on which this Act comes into effect.
- (5) An action necessary to initiate procedures to pay compensation using property transferred from abroad that has been taken pursuant to the provisions of paragraph (1) is deemed to be an action taken in those procedures pursuant to the provisions of this Act after the day on which this Act comes into effect.

Supplementary Provisions [Act No. 74 of June 24, 2011] [Extract]

(Effective Date)

- Article 1 This Act comes into effect on the date on which 20 days have passed counting from the day of its promulgation. [Further provisions omitted]

Supplementary Provisions [Act No. 42 of May 30, 2014] [Extract]

(Effective Date)

Article 1 (1) This Act comes into effect on the day specified by Cabinet Order within a period not exceeding two years from the date of promulgation.

[Further provisions omitted]

[Effective as of April 1, 2016, under Cabinet Order No. 29 of January 2015]

Supplementary Provisions [Act No. 69 of June 13, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the date on which the Administrative Complaint Review Act (Act No. 68 of 2014) comes into effect (April 1, 2016).

(Principles of Transitional Measures)

Article 5 Unless otherwise provided for in these Supplementary Provisions, prior laws continue to govern administrative appeals on dispositions or other acts or inaction of administrative authorities relating to dispositions or other acts of administrative authorities made before this Act comes into effect or to inaction of administrative authorities based on applications made before this Act comes into effect.

(Transitional Measures Concerning Litigation)

Article 6 (1) Prior laws continue to govern the filing of actions with regard to matters for which an action may be filed only after a determination, decision or any other action is taken by an administrative authority in relation to an administrative appeal pursuant to the provisions of laws prior to amendment by the provisions of this Act and for which the statutes of limitation for filing an action has expired before this Act comes into effect while no administrative appeal has been made (if this administrative appeal may be made only after a determination, decision or any other act is made by an administrative authority in relation to another administrative appeal, including matters for which the statute of limitations for filing an action has expired before this Act comes into effect while no other administrative appeal has been made).

(2) Prior laws continue to govern the filing of actions for revocation of a disposition or any other action against which an objection has been filed pursuant to the provisions of laws prior to amendment by the provisions of this Act (including cases where prior laws continue to govern pursuant to the provisions of the preceding Article) and for which an action for revocation may be filed only after a determination on a request for review is made pursuant to

the provisions of laws as amended by the provisions of this Act.

- (3) Prior laws continue to govern actions for revocation of a determination, decision or any other act made by an administrative authority in relation to an administrative appeal, where the action has been filed before this Act comes into effect.

(Transitional Measures Concerning Penal Provisions)

Article 9 Prior laws continue to govern the application of penal provisions to acts performed before this Act comes into effect and to acts performed after this Act comes into effect for which prior laws are to continue to govern pursuant to the provisions of Article 5 and the two preceding Articles of the Supplementary Provisions.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 10 Beyond what is provided for in Article 5 through the preceding Article of the Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures concerning the enforcement of this Act (including transitional measures concerning penal provisions).

Supplementary Provisions [Act No. 70 of June 13, 2014] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2015.

Supplementary Provisions [Act No. 33 of May 29, 2020] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the day specified by Cabinet Order within a period not exceeding two years and six months from the date of promulgation.
[Further provisions omitted]