

Offenders Rehabilitation Services Act

(Act No. 86 of May 8, 1995)

Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is, by determining the fundamental aspects of offenders rehabilitation services, to ensure the appropriate administration of the offenders rehabilitation services, promote their sound growth and development and, in accordance with the Offenders Rehabilitation Act (Act No. 142 of 1949), the Act on Probationary Supervision of Persons under Suspension of Execution of Sentence (Act No. 58 of 1954) and other acts related to rehabilitation aid, help offenders rehabilitate themselves as law-abiding members of society, and thereby contribute to the advancement of individual and public welfare.

(Definition)

Article 2 (1) The term "offenders rehabilitation services" as used in this Act means residential shelter aid services, temporary aid services, and coordination and promotion services.

(2) The term "residential aid services" as used in this Act means the services rendered to persons who fall under any one of the following items and who are in actual need of aid for rehabilitation by placing them in offenders rehabilitation facilities and offering accommodation and aid necessary for their rehabilitation such as help to obtain cultural education, training, medical care and employment, giving them vocational guidance, teaching them the life skills necessary to adapt themselves to social life, helping them improve their environment and assisting them in adjusting to their environment.

(i) A person who has been placed under probation or parole supervision;

(ii) A person whose sentence of imprisonment with or without work or misdemeanor imprisonment without work has been served, or the execution thereof has been waived or suspended;

(iii) A person who has been granted suspension of execution of the sentence to imprisonment with or without work and released from physical restraint imposed through criminal procedures (any person falling under item (i) shall be excluded; the same shall apply to the next item);

(iv) A person who has been released from physical restraint imposed through criminal procedures upon the rendition of a judgment of a fine or minor fine;

(v) A person who has been discharged or provisionally released from a

workhouse;

- (vi) A person who has been released from physical restraint imposed through criminal procedures upon a disposition not to institute prosecution because prosecution is unnecessary;
 - (vii) A person who has been discharged or released on parole from a juvenile training school (any person falling under item (i) shall be excluded; the same shall apply to the next item);
 - (viii) A person who has been discharged or conditionally released from a women's guidance home.
 - (ix) A person whose execution of assistance punishment has been completed as prescribed by item 1 or 2 of paragraph 1 of Article 16 of the Act on the Transnational Transfer of Sentenced Persons (Act No. 66 of 2002) or where the execution of such punishment has been remitted pursuant to the provision of paragraph 2 of Article 25 of the same Act, or where the execution has been stayed pursuant to the provision of Article 480 or 482 of the Code of Criminal Procedure (Act No. 131 of 1948) applied pursuant to the provision of Article 21 in the same Act.
- (3) The term "temporary aid services" as used in this Act means the services rendered to persons prescribed in the preceding paragraph which is aid necessary for their rehabilitation such as assistance in their return home, help to obtain medical care or employment, the furnishing or lending of money or articles, and the provision of counseling services on livelihood (except for the services rendered as residential aid services).
- (4) The term "coordination and promotion services" as used in this Act means services of social education, liaison, coordination or promotion in relation to residential aid services, temporary aid services or other services purposed at helping the rehabilitation of the persons listed in the items of paragraph 2.
- (5) The term "aided person" as used in this Act means the subject person of residential aid services or temporary aid services.
- (6) The term "juridical person for offenders rehabilitation" as used in this Act means the juristic person incorporated pursuant to the provision of this Act with the objective of operating offenders rehabilitation services.
- (7) The term "offenders rehabilitation facilities" as used in the Act means, among the facilities which provide aid necessary for the rehabilitation of aided persons, the facilities which possess a building and equipment with the purpose of accommodation for aided persons.

(Government measures)

Article 3 (1) Taking the view that offenders rehabilitation services are to fulfill an important role in the smooth and effective enforcement of probation and parole supervision, the aftercare of discharged offenders and other

rehabilitative services which are to be rendered on the government's own responsibility, the national government shall take measures to ensure the adequate operation of offenders rehabilitation services and to promote their sound growth and development.

(2) Taking the view that offenders rehabilitation services are to help the rehabilitation of offenders and, thereby contribute to the prevention of crime and the advancement of the safety of the community and the welfare of citizens, the local government may render necessary cooperation to offenders rehabilitation services within its locality.

(3) Any person who operates offenders rehabilitation services shall, in rendering services, pay due regard to the human rights of the aided person, maintain functional coordination with the rehabilitation measures of the national government and with other related policies such as social welfare, medical treatment, health and labor, implement creative steps and devices suited to the community and make efforts to obtain the understanding and cooperation of local residents.

Chapter II Juridical Person for Offenders Rehabilitation

Section 1 General provisions

(Restriction on use of the title)

Article 4 No person, except for a juridical person for offenders rehabilitation, shall use the words "juridical person for offenders rehabilitation" in its title.

(Assets)

Article 5 The juridical person for offenders rehabilitation shall possess assets necessary for operating offenders rehabilitation services.

(Principle of operation)

Article 5-2 In order to ensure certain, effective and adequate performance of offenders rehabilitation services, the juridical person for offenders rehabilitation shall endeavor on its own accord to improve its services such as for the treatment of aided persons, strengthen its financial basis and ensure transparency in operation.

(Public benefit service and profit-making enterprise)

Article 6 (1) The juridical person for offenders rehabilitation may operate an enterprise which purposes at public benefit (hereinafter referred to as "public benefit services") or an enterprise which purposes at allocating its profits (hereinafter referred to as "profit-making enterprise") to offenders rehabilitation services or to public benefit services (limited to those specified

by a Ministry of Justice ordinance as contributing to the rehabilitation of offenders or the prevention of crime; the same shall apply to item (ii) of Article 42) insofar as such operation does not hinder its offenders rehabilitation services.

(2) The accountings of public benefit services or profit-making enterprises shall be separated, respectively, from the accounting of offenders rehabilitation services operated by the juridical person for offenders rehabilitation and shall be kept as a special accounting.

(Address)

Article 7 The address of the juridical person for offenders rehabilitation shall be at the place where its principal office is located.

(Registration)

Article 8 (1) The juridical person for offenders rehabilitation shall be registered pursuant to the provisions of a Cabinet Order.

(2) Those matters which shall be registered by the preceding paragraph may not be duly asserted against a third party before they have been registered.

(Application mutatis mutandis of the Civil Code)

Article 9 The provisions of Article 43 and Article 44 of the Civil Code (Act No. 89 of 1896) shall apply mutatis mutandis to the juridical person for offenders rehabilitation.

Section 2 Incorporation

(Approval of incorporation)

Article 10 Any person who intends to incorporate a juridical person for offenders rehabilitation shall, pursuant to the provisions of the Ministry of Justice ordinance, submit a written application and articles of incorporation to the Minister of Justice and obtain his/her approval of incorporation.

(Articles of incorporation)

Article 11 (1) The articles of incorporation of a juridical person for offenders rehabilitation shall include the following items:

- (i) Purpose;
- (ii) Name of the juridical person for offenders rehabilitation;
- (iii) Type of offenders rehabilitation services;
- (iv) Office address;
- (v) Items on officers;
- (vi) Items on meetings;

- (vii) Items on assets;
 - (viii) Items on accountings;
 - (ix) Items on the board of councillors if a board is to be established;
 - (x) Type of public benefit service if one is to be established;
 - (xi) Type of profit-making enterprise if one is to be established;
 - (xii) Items on dissolution;
 - (xiii) Items on amendment of the articles of incorporation.
 - (xiv) Method of public notice.
- (2) The officers at the time of incorporation shall be designated by the articles of incorporation.
- (3) If a provision is to be included, among matters regarding item (xii) of paragraph 1, concerning a person to whom residual assets shall belong, the person shall be chosen from among those who operate shelter aid services under the approval prescribed in Article 45 or temporary aid services or coordination and promotion services, having submitted the notice provided for in Article 47-2.

(Criteria for approval)

Article 12 When the Minister of Justice finds that the application for approval provided for in Article 10 conforms to the following items respectively, he/she shall grant the approval:

- (i) That the procedure of incorporation and the contents of the written application and articles of incorporation conform to the provisions of pertinent laws and regulations;
- (ii) That there is no false statement in the written application and articles of incorporation;
- (iii) That the assets of the juridical person for offenders rehabilitation pertaining to the submitted application meet the requirement of Article 5;
- (iv) That it is deemed certain that the services will be operated adequately.

(Supplement to the articles of incorporation)

Article 13 When a person who intends to incorporate a juridical person for offenders rehabilitation has died before designating the matters listed in items (ii) to (xiv) of Article 11, paragraph 1, the Minister of Justice shall, upon the request of an interested person, or ex officio, designate such matters.

(Time of incorporation)

Article 14 The incorporation of a juridical person for offenders rehabilitation shall be established when it has been registered at the place where its principal office is located.

(Application mutatis mutandis of the Civil Code)

Article 15 The provisions of Article 41, Article 42 and Article 51, paragraph 1 (limited to the part concerning the time of incorporation of a juridical person) of the Civil Code shall apply mutatis mutandis to the incorporation of a juridical person for offenders rehabilitation. In this case, the term "when permission is given for the establishment of a juridical person" in Article 42, paragraph 1 of the Civil Code shall be deemed to be replaced with "when the incorporation of a juridical person for offenders rehabilitation is established."

Section 3 Management

(Officers)

Article 16 (1) The juridical person for offenders rehabilitation shall appoint five or more directors and two or more auditors as its officers.

(2) One of the directors shall be president pursuant to the articles of incorporation.

(Duties of the president and the director)

Article 17 (1) The president shall represent the juridical person for offenders rehabilitation and preside over its business.

(2) The director shall, pursuant to the articles of incorporation, assist the president in the management of the business of the juridical person for offenders rehabilitation, represent the president when circumstances obstruct him/her from performing his/her duties, and perform the same when the position of president is vacant.

(Decisions on business)

Article 18 When the articles of incorporation do not prescribe otherwise, the business of juridical persons for offenders rehabilitation shall be decided by a majority of the directors.

(Duties of the auditor)

Article 19 The auditor shall perform the following duties:

(i) Inspect the state of the director's execution of business;

(ii) Audit the state of the properties of the juridical person for offenders rehabilitation;

(iii) Report on pertinent matters to the Minister of Justice (to the Board of Councillors, if it so exists) when the auditor has found in the course of inspection or auditing pursuant to the two preceding items that there is a wrongful act or a serious fact violating laws and regulations or the articles of incorporation concerning the business or the properties of the juridical

- person for offenders rehabilitation;
- (iv) Request the president to convene the Board of Councillors if it is necessary for the report prescribed in the preceding item;
 - (v) State his/her opinion to the president concerning the state of the director's execution of business or of the properties of the juridical person for offenders rehabilitation.

(Prohibition of dual appointment)

Article 20 The auditor shall not concomitantly be appointed director, councillor or employee of the juridical person for offenders rehabilitation.

(Disqualification of officers)

Article 21 Any person who falls under any of the following items shall not be an officer for the juridical person for offenders rehabilitation:

- (i) An adult ward or a person under curatorship;
- (ii) A bankrupt whose right has not been restored;
- (iii) A person who has been punished in violation of this Act and five years have not yet passed since execution of the punishment was completed or the punishment was waived from execution.
- (iv) A person who has been punished to imprisonment without work or a heavier punishment and five years have not yet passed since execution of the punishment was completed or the punishment was waived from execution, in addition to any person falling under the preceding item;
- (v) A person who was an officer for a juridical person for offenders rehabilitation at the time of its dissolution in accordance with the order prescribed under Article 43 and five years have not yet passed since the time of the said order.

(Exclusion of the officer's relatives)

Article 22 No more than one third of the officers shall be constituted by the officer, his/her spouse and/or relatives of the officer in the third degree of kinship.

(Supplementing an officer vacancy)

Article 23 Vacant positions shall be supplemented without delay when more than one third of the fixed number of directors or auditors has become vacant.

(Officer's term of office)

Article 24 The officer's term of office shall be prescribed by the articles of incorporation within a limit of three years.

(Restriction on the authority of representation)

Article 25 In any matter in which the interests of the juridical person for offenders rehabilitation and of the president are conflicted, the president shall have no authority of representation. In this case, the auditor shall represent the juridical person for offenders rehabilitation.

(Board of Councillors)

Article 26 (1) The juridical person for offenders rehabilitation may have a Board of Councillors.

(2) The Board of Councillors shall be organized by a greater number of councillors than the fixed number of directors.

(3) The Board of Councillors shall be convened by the president.

(4) The Board of Councillors may state its opinions to officers, give advice in response to consultations from officers, or request officers to give a report in relation to the state of business or the properties of the juridical person for offenders rehabilitation or of an officer's execution of his/her duties.

(5) Amendments of the articles of incorporation, the disposition of important assets, merger, dissolution and other important matters concerning the business of the juridical person for offenders rehabilitation may be designated by the articles of incorporation as matters requiring the resolution of the Board of Councillors.

(Amendments of the articles of incorporation)

Article 27 (1) The amendments of the articles of incorporation (except for those pertaining to the matters provided in a Ministry of Justice ordinance) shall not come into effect unless they have been approved by the Minister of Justice.

(2) The provision of Article 12 shall apply mutatis mutandis to the approval set forth in the preceding paragraph.

(3) The juridical person for offenders rehabilitation shall notify the Minister of Justice of pertinent matters without delay when it has amended its articles of incorporation pertaining to the matters provided in the Ministry of Justice ordinance pursuant to paragraph 1.

(Fiscal year)

Article 28 The fiscal year of the juridical person for offenders rehabilitation shall begin on April 1 each year and end on March 31 of the following year.

(Keeping of the inventory and other documents)

Article 29 (1) The juridical person for offenders rehabilitation shall, pursuant to a Ministry of Justice ordinance, make a work account report, an inventory of property, a balance sheet and a settlement account (a statement of profit and

loss, in the case of a profit-making enterprise) within two months after the end of each fiscal year and keep them in the principal office.

- (2) The president shall submit the documents set forth in the preceding paragraph to the auditor.
- (3) The juridical person for offenders rehabilitation shall submit the documents of the preceding paragraph for inspection whenever so requested.

(Application mutatis mutandis of the Civil Code)

Article 30 The provisions of Article 55 and Article 56 of the Civil Code shall apply mutatis mutandis to the juridical person for offenders rehabilitation. In this case, the term "the articles of incorporation, the act of endowment or a resolution of the general meeting" in Article 55 and "the court, upon the request of an interested person or the public prosecutor" in Article 56 of the Civil Code shall be deemed to be replaced with "the articles of incorporation" and "the Minister of Justice, upon the request of an interested person or ex officio," respectively.

Section 4 Dissolution and merger

(Causes of dissolution)

Article 31 (1) The juridical person for offenders rehabilitation shall be dissolved for the following causes:

- (i) On the consent of two thirds or more of the directors, and in addition, the resolution of the Board of Councillors when the articles of incorporation require such a resolution;
 - (ii) The occurrence of a cause of dissolution provided for by the articles of incorporation;
 - (iii) The impossibility of achieving the goal of services;
 - (iv) Merger;
 - (v) Bankruptcy;
 - (vi) A dissolution order under Article 43.
- (2) The dissolution for the cause listed in item (i) or item (iii) of the preceding paragraph shall not come into effect unless it has been approved or affirmed, respectively, by the Minister of Justice.
 - (3) When the juridical person for offenders rehabilitation has been dissolved because of the cause listed in item (iii) or item (v) of paragraph 1, the liquidator shall notify the Minister of Justice of such fact without delay.

(Ownership of residual assets)

Article 32 (1) Except for cases of merger and bankruptcy, the residual assets of the dissolved juridical person for offenders rehabilitation shall, when the

completion of liquidation has been notified to the Minister of Justice, belong to the person designated by the articles of incorporation as such.

- (2) When the articles of incorporation lack provisions concerning the person to whom the residual assets are to belong, or the person to whom the residual assets are to belong according to the provisions in the articles of incorporation is nonexistent, the liquidator may, upon the approval of the Minister of Justice, transfer such properties to a person who operates shelter aid services under the approval of Article 45 or to a juridical person for offenders rehabilitation which operates temporary aid services or coordination and promotion services on the notification under Article 47-2.
- (3) Properties which are not disposed of pursuant to the two preceding paragraphs shall belong to the national treasury.

(Merger)

Article 33 The juridical person for offenders rehabilitation may be merged with other juridical persons for offenders rehabilitation.

(Merger procedure)

Article 34 (1) The merger of the juridical person for offenders rehabilitation shall be preceded by the consent of two thirds or more of the directors, and in addition, by the resolution of the Board of Councillors when such resolution is required by the articles of incorporation.

- (2) The merger shall not come into effect unless it has been approved by the Minister of Justice.
- (3) The provision of Article 12 shall apply mutatis mutandis to the approval set forth in the preceding paragraph.

Article 35 (1) When the approval of paragraph 2 of the preceding Article has been granted, the juridical person for offenders rehabilitation shall, within two weeks from the date of approval, make an inventory of assets and a balance sheet pursuant to the Ministry of Justice ordinance and keep them in the principal office.

- (2) The juridical person for offenders rehabilitation shall give public notice to the creditors within the period specified set forth in the preceding paragraph that if they have any objection to the merger they should so state within a specified period and shall notify each creditor individually when the creditors are known. In this case, the period shall not be less than two months.

Article 36 (1) If a creditor does not state an objection within the period prescribed in paragraph 2 of the preceding Article, it shall be deemed to have consented to the merger.

(2) When a creditor has stated an objection, the juridical person for offenders rehabilitation shall repay it or give an appropriate security or entrust appropriate property to a trust company or a bank operating trust businesses for the purpose of repaying the creditor; except that this shall not apply when the merger is unlikely to harm the creditor.

Article 37 When a juridical person for offenders rehabilitation is to be incorporated through a merger, the making of the articles of incorporation and other work concerning the incorporation of a juridical person for offenders rehabilitation shall be performed in concerted action by the members who are appointed by each juridical person for offenders rehabilitation concerned.

(Effect of the merger)

Article 38 The juridical person for offenders rehabilitation which continues to exist after the merger or is incorporated by the merger shall succeed the rights and duties of the juridical person for offenders rehabilitation which has ceased to exist by the merger (including the rights and duties which belonged to the juridical person for offenders rehabilitation based on the approval and other dispositions of administrative agencies rendered in relation to the services of the said juridical person).

(Time of merger)

Article 39 The merger of the juridical person for offenders rehabilitation shall enter into effect when it has been registered at the place where the principal office of the juridical person for offenders rehabilitation which exists after the merger or is incorporated by the merger is located.

(Application mutatis mutandis of the Civil Code et al.)

Article 40 (1) Article 70, Articles 73 to 76, Article 77, paragraph 2 (exclusively the part concerning notification) and Articles 78 to 83 of the Civil Code, and Articles 35 paragraph 2, Article 36 to 40 of the Non-Litigious Cases Procedure Law (Act No. 14 of 1898) shall apply mutatis mutandis to the dissolution and liquidation of the juridical person for offenders rehabilitation. In this case, the term "the public agency in charge" in Article 77, paragraph 2 and Article 83 of the Civil Code shall be deemed to be replaced with "the Minister of Justice".

(2) The court supervising the dissolution and liquidation of the juridical person for offender rehabilitation services may seek opinions or commission an investigation to the government agency supervising the business of the juridical person for offender rehabilitation services.

(3) The government agency pursuant to the provision of the preceding paragraph may state an opinion to the court pursuant to the provision of the same

paragraph.

Section 5 Supervision

(Order for improvement)

Article 41 (1) When the Minister of Justice finds that a juridical person for offenders rehabilitation has violated laws and regulations or a decision of the administrative agency rendered pursuant to laws and regulations or the articles of incorporation, or operation thereof is seriously inappropriate, he/she may order the juridical person for offenders rehabilitation to take necessary measures within a period which the Minister of Justice shall specify.

(2) When the juridical person for offenders rehabilitation does not abide by the order prescribed in the preceding paragraph, the Minister of Justice may order the juridical person for offenders rehabilitation to suspend its services wholly or partially for a period which he/she shall specify, or shall recommend the removal of an officer.

(3) The Minister of Justice, when he/she intends to recommend the removal of an officer pursuant to the preceding paragraph, shall give the juridical person for offenders rehabilitation an opportunity to give an explanation before an official whom the Minister of Justice shall designate. In this case, the date and time, the venue of the explanation and the cause for the recommendation shall be notified in writing and in advance to the juridical person for offenders rehabilitation.

(4) The juridical person for offenders rehabilitation which has received the notification set forth in the preceding paragraph may send a representative and submit evidence advantageous to the juridical person for offenders rehabilitation.

(5) The official who has heard the explanation prescribed in paragraph 3 shall make a hearing record and a written report, stating also his/her opinion concerning whether the recommendation is necessary or not, and shall submit these documents to the Minister of Justice.

(Suspension of a public benefit service or profit-making enterprise)

Article 42 When the Minister of Justice finds a fact falling under any of the following items concerning the juridical person for offenders rehabilitation which operates a public benefit services or profit-making enterprise pursuant to the provision of Article 6, paragraph 1, he/she may order the juridical person for offenders rehabilitation to suspend its enterprise for a period which the Minister of Justice shall specify within the limit of one year.

(i) The juridical person for offenders rehabilitation is operating services other than those provided for by the articles of incorporation;

- (ii) The juridical person for offenders rehabilitation is using the profits brought about by its profit-making enterprise for a purpose other than its own offenders rehabilitation services or public benefit service;
- (iii) The continuation of its public benefit service or profit-making enterprise will hinder the offenders rehabilitation services of the juridical person for offenders rehabilitation.

(Dissolution order)

Article 43 When a juridical person for offenders rehabilitation has violated laws and regulations or a decision of an administrative agency rendered pursuant to laws and regulations or the articles of incorporation and the agency is unable to achieve the goal of supervision by any other means, or the juridical person for offenders rehabilitation does not operate its intended services for over one year without due reason, the Minister of Justice may order its dissolution.

(Report and inspection)

Article 44 (1) The Minister of Justice may, within the limits necessary for enforcement of this Act, require a juridical person for offenders rehabilitation to report on the state of its services or properties, or send an official to enter the office or other institutions of the juridical person for offenders rehabilitation and inspect the state of its services or properties, books, documents or other items.

(2) The official who enters for inspection shall carry a certificate for identification and show it to the people concerned.

(3) The authority of paragraph 1 to enter for inspection shall not be deemed as permission for criminal investigation.

Chapter III Offenders rehabilitation services

Section 1 Operation of services

(Approval of residential aid services)

Article 45 Any person, except for the national and local governments, which intends to operate residential aid services, shall submit a written application specifying the following matters to the Minister of Justice and obtain his/her approval:

- (i) Name;
- (ii) Office address;
- (iii) Nature of residential aid services;
- (iv) Methods of treatment for aided persons;
- (v) Scale and structure of offenders rehabilitation facilities and the authority to use them;

- (vi) The names and personal histories of executive personnel engaged in actual work;
- (vii) In cases other than the juridical person for offenders rehabilitation, in addition to the matters listed in the preceding paragraph, the basic contract such as the articles of incorporation, act of endowment, accounting policies, the state of assets and also the name, personal history and state of properties of the responsible person for the operation.

(Criteria of approval)

Article 46 (1) When the Minister of Justice finds that the application for the approval under the preceding Article satisfies each of the following criteria, he/she shall grant the approval:

- (i) The methods of treatment for the aided person conform to the standards of Article 49-2;
 - (ii) The scale and structure of the offenders rehabilitation facilities conform to the criteria prescribed by the Ministry of Justice ordinance;
 - (iii) The executive personnel who are to be engaged in actual work possess the qualifications or experience prescribed by the Ministry of Justice ordinance, and the zeal and ability for treatment of the aided person;
 - (iv) A person, which intends to conduct employment exchange services on its own account, has obtained permission pursuant to the provision of the Public Employment Security Act (Act No. 141 of 1947);
 - (v) In cases other than the juridical person for offenders rehabilitation, in addition to the matters listed in each of the preceding items, the organization for operation and accounting policies are equal or equivalent to those of a non-profit corporation, the financial basis for operating the services is secure, and the responsible person for the operation possesses public confidence.
- (2) In granting the approval, set forth in the preceding paragraph conditions may be added which are deemed to be necessary for ensuring adequate operation of the residential aid services.

(Alteration in matters pertaining to approval and abolition of services)

Article 47 (1) When a person who has been granted the approval under Article 45 intends to alter any matter listed in the items of the same article (except for the matters prescribed by a Ministry of Justice ordinance), it shall obtain the approval of the Minister of Justice.

- (2) The provisions of the preceding Article shall apply to the approval set forth in the preceding paragraph.
- (3) When the approved services operator (hereinafter referring to a person who operates residential shelter aid services under the approval of Article 45) intends to abolish its services, it shall, in advance, make clear the reason

therefor, measures to be taken for the aided persons and the way in which the properties are to be disposed of, and shall obtain the approval of the Minister of Justice.

(Notification of temporary aid services and coordination and promotion services)

Article 47-2 Any person, except for the national and local governments, which intend to operate temporary aid services or coordination and promotion services shall, in advance pursuant to the provision of a Ministry of Justice ordinance, notify the Minister of Justice of the following matters. The same shall apply when an alteration in notified matters or the abolition of services is intended.

(i) Name;

(ii) Office address;

(iii) Type and nature of services;

(iv) In cases other than the juridical person for offenders rehabilitation, in addition to the matters listed in each of the preceding items, the basic contract such as the articles of incorporation, act of endowment, the accounting policies, the state of assets and also the name, personal history and the state of properties of the responsible person for the operation.

(Offenders rehabilitation services operated by the local government)

Article 48 (1) The local government may operate offenders rehabilitation services.

(2) When the local government intends to operate residential aid services, it shall in advance notify the Minister of Justice of the matters listed in items 1 to 6 inclusive of Article 45. The same shall apply when it intends to make an alteration in the notified matters or to abolish the services.

(3) When the local government has started temporary aid services or coordination and promotion services, it shall without delay notify the Minister of Justice of the matters listed in items 1 to 3 inclusive of Article 47-2. The same shall apply when it has altered any of the notified matters or abolished the services.

(Provision of aid)

Article 49 The aid in residential aid services or temporary aid services shall be provided when it is commissioned by the director of probation office or at the offer of the aided person.

(Treatment standards in offenders rehabilitation facilities)

Article 49-2 The treatment of the aided person in the offenders rehabilitation facilities shall be performed in accordance with the following standards:

- (i) Due regard shall be paid to the human rights of the aided person;
- (ii) A treatment plan for the aided person shall be devised, the mental and physical state and changes in the environment of the aided person shall be reviewed constantly, and adequate aid suited to the condition of the aided person shall be provided;
- (iii) The aided person shall be so adequately guided as to reflect on his/her responsibility of self-help, acquire an ability to adjust to social life and, with regard to a person who has been placed under probation or parole supervision, in particular, to abide by the conditions;
- (iv) Other matters prescribed by the Ministry of Justice ordinance.

(Request for cooperation)

Article 50 The approved services operator or the juridical person for offenders rehabilitation which operates temporary aid services following the notification under Article 47-2 may, when necessary for the treatment of the aided person, make inquiries to the local government, the Public Employment Security Office or other pertinent public or private organizations or agencies and also may, when particularly necessary, provide employment exchange services on its own account pursuant to the provisions of the Public Employment Security Act.

Section 2 Supervision and assistance of services

(Report on achievement of services)

Article 51 The approved services operator shall, within two months after the end of each fiscal year, report the state of accountings and the achievement of services for the closed fiscal year to the Minister of Justice in accordance with the Ministry of Justice ordinance.

(Keeping of books)

Article 52 The approved services operator shall keep the following books in its own office, make entries of necessary items therein and preserve them in accordance with the Ministry of Justice ordinance:

- (i) Record describing the state of treatment of the aided person;
- (ii) Name list of aided persons;
- (iii) Ledger of money and articles in custody;
- (iv) Account-book;
- (v) Book to clarify the contributors and sums of donation.

(Compliance order)

Article 53 When the approved services operator is found to have failed to conform any of the items of Article 46, paragraph 1, the Minister of Justice

may order the approved services operator to take necessary measures for compliance.

(Revocation of approval)

Article 54 (1) When the Minister of Justice finds that the approved services operator falls under any of the following grounds, the Minister of Justice may order the operator to restrict or suspend the offenders rehabilitation services for a specific period within the limit of one year, or revoke the approval of Article 45:

- (i) Any one of the conditions set forth under Article 46, paragraph 2 or Article 60, paragraph 2 has been violated;
 - (ii) The provision of Article 47, paragraph 1 has been violated;
 - (iii) The report under Article 51 has been omitted or a false report has been made;
 - (iv) In violation of Article 52, the keeping, entries or preservation of the book has been omitted or a false entry has been made;
 - (v) The order under the preceding Article has been violated;
 - (vi) The report under paragraph 1 of the following Article has been omitted, a false report has been made or the inspection under the same paragraph has been rejected, hindered or evaded.
- (2) The provisions in the preceding paragraph shall apply when any approved services operator, except for the juridical person for offenders rehabilitation, has intended to gain profits unjustly in relation to the offenders rehabilitation services.
- (3) The provisions in paragraph 1 shall apply also when an executing officer such as the representative person or the approved services operator (including the person stipulated as the representative person or administrator of the organization that is not a juristic person) has intended to gain personal profits unjustly by operating the offenders rehabilitation services.

(Report and inspection)

Article 55 (1) The Minister of Justice may, within the limits necessary for enforcement of this Act, require the approved services operator to report on the services or send an official to enter the office or other building of the said operator and inspect the state of the operation of services or installations, books, documents or other items.

(2) The provisions of paragraph 2 and paragraph 3 of Article 44 shall apply to the inspection pursuant to the provision of the preceding paragraph.

(Advice, guidance or recommendation)

Article 56 When the Minister of Justice finds it necessary in order to ensure the

adequate treatment of the aided person or to realize the sound promotion and development of the approved services operator, he/she may offer necessary advice, guidance or recommendation concerning the services.

(Supervision of notified services operators)

- Article 56-2 (1) The provisions of Article 51, Article 52, Article 55 and the preceding Article shall apply mutatis mutandis to the notified services operator (hereinafter referring to a person which operates temporary aid services or coordination and promotion services following the notification of Article 47-2).
- (2) When the Minister of Justice finds that the notified services operator falls under any of the following grounds, he/she may order the said operator to restrict or suspend its services for a specific period within the limit of one year:
- (i) There has been an undue act in the treatment of an aided person;
 - (ii) The report of Article 51, which applies mutatis mutandis to the preceding paragraph, has been omitted or a false report has been made;
 - (iii) In violation of Article 52, which applies mutatis mutandis to the preceding paragraph, the keeping, entries or preservation of the book has been omitted or a false entry has been made;
 - (iv) The report under Article 55, paragraph 1, which applies mutatis mutandis to the preceding paragraph, has been omitted, a false report has been made or the inspection provided for in the preceding Article has been rejected, hindered or evaded;
 - (v) Any one of the conditions attached pursuant to the provision of Article 60, paragraph 2 has been violated.
- (3) The provision in the preceding paragraph shall apply when any notified services operator, except for the juridical person for offenders rehabilitation, has intended to gain a profit unjustly in relation to the offenders rehabilitation services.
- (4) The provision in paragraph 2 shall apply also when an executing officer such as the representative person or the notified services operator (including the person stipulated as the representative person or administrator of the organization that is not a juristic person) has intended to gain a personal profit unjustly by operating the offenders rehabilitation services.

(Duty to report of the local government operating the offenders rehabilitation services)

Article 57 The provisions of Article 51 (limited to the report on the achievement of services) and Article 55 (limited to the report on the services) shall apply mutatis mutandis to the local government operating the offenders rehabilitation services.

(Supervision of other services operators)

Article 57-2 (1) When a person, which is neither the approved services operator nor the notified services operator (except for the national and local government) operates offenders rehabilitation services (in this Article referred to as "other services operator"), has intended to gain a profit unjustly in relation to the services or has acted unduly in relation to the treatment of an aided person, the Minister of Justice may order the said person to restrict or suspend its services for a specific period within the limit of one year.

(2) The preceding paragraph shall apply also when an executing officer such as the representative person or the other services operator (including the person stipulated as the representative person or administrator of the organization that is not a juristic person) has intended to gain a personal profit unjustly by operating the offenders rehabilitation services.

(3) The provision in Article 55 shall apply mutatis mutandis to other services operators.

(Assistance)

Article 58 In accordance with the standards determined by the Minister of Justice in consultation with the Minister of Finance, the national government may subsidize the juridical person for offenders rehabilitation within the limits of the budget for the expenses incurred by the operation of offenders rehabilitation services.

Chapter IV Miscellaneous Provisions

(Hearing of an opinion)

Article 59 The Minister of Justice shall, in the following cases, hear the opinion of the National Offenders Rehabilitation Commission:

(i) When he/she is to grant or refuse the approval under Article 10, Article 34, paragraph 2 or Article 45;

(ii) When he/she is to order dissolution pursuant to Article 43 or to order the restriction or suspension of services or to revoke the approval pursuant to Article 54;

(iii) When he/she is to order the restriction or suspension of services under Article 56-2, paragraph 2 to paragraph 4, or Article 57-2, paragraph 1 or paragraph 2;

(iv) When the Ministry of Justice ordinance which is referred to in items (ii) and (iii) of Article 46, paragraph 1 and item (iv) of Article 49-2 is to be established.

(Raising of contributions)

Article 60 (1) When a person which is operating or going to operate offenders rehabilitation services intends to raise contributions to obtain the funds necessary for the operation of its services, it shall submit a document clarifying the period, the area, the method of raising funds and the use of contributions to the Minister of Justice pursuant to the provisions of a Ministry of Justice ordinance at least one month before the beginning of raising such contributions and obtain his/her permission.

(2) In the permission set forth in the preceding paragraph, conditions may be attached concerning the use of contributions and the disposition of property to be acquired by contributions.

(3) The person which has raised contributions with the permission under paragraph 1 shall report the result of raising the contributions pursuant to the provisions of the Ministry of Justice ordinance to the Minister of Justice without delay after the contribution raising period has expired.

(Commendation)

Article 61 The Minister of Justice shall pay due regard to commend those approved services operators, notified services operators, or their officers and employees who have made especially outstanding achievements so that the general public may recognize their achievements.

(Securing staff resources)

Article 61-2 In order that the approved services operators and the notified services operators will be able to provide offenders with more adequate aid based on their expert knowledge, the Minister of Justice shall develop policies necessary for the operators to secure staff with expertise and to improve their quality.

(Delegation of authority to the regional parole boards)

Article 62 The authority of the Minister of Justice provided by this Act may be delegated to the regional parole boards; provided, however, that this shall not apply to his/her authority provided in Article 10, Article 31, paragraph 2, Article 34, paragraph 2, Article 41, paragraph 2, Article 42, Article 43, Article 45, Article 54, Article 56-2, paragraphs 2 to 4 and Article 57-2, paragraphs 1 and 2.

(Exemption from the Civil Code in the case of approved amendments on approved matters)

Article 63 When the approved services operator which is an incorporated association has obtained the approval under Article 47, paragraph 1 to amend

the articles of incorporation, the approval under Article 38, paragraph 2 of the Civil Code shall not be necessary.

(Delegation to an ordinance)

Article 64 In addition to those items provided for in this Act, other matters necessary for the enforcement of this Act shall also be provided for by a Ministry of Justice ordinance.

(Transitional measures)

Article 65 In cases where an order is to be established, amended or abolished based on the provisions of this Act, the said order may also prescribe pertinent transitional measures (including transitional measures concerning penal provisions) within a period deemed to be rationally necessary due to the establishment, amendment or abolition.

Chapter V Penal Provisions

Article 66 Any person who falls under any of the following items shall be punished by imprisonment with work for not more than six months or a fine of not more than 500,000 yen:

- (i) Has violated the order under Article 41, paragraph 2 or Article 42;
- (ii) Has violated the restriction or suspension order under Article 54, Article 56-2, paragraphs 2 to 4 or Article 57-2, paragraph 1 or 2;
- (iii) Has raised contributions without the permission under Article 60 paragraph 1;
- (iv) In violation of the conditions attached under Article 60, paragraph 2, has used the contributions or disposed of the property obtained by the contributions.

Article 67 Any person who falls under any of the following items shall be punished by a fine of not more than 200,000 yen:

- (i) In violation of Article 52 (including the cases where it is applied mutatis mutandis pursuant to Article 56-2, paragraph 1), has failed to keep the books or to make entries therein, has made a false entry, or has failed to preserve them.
- (ii) In violation of Article 55, paragraph 1 which shall apply mutatis mutandis to Article 57-2, paragraph 3, has failed to report, has made a false report, or has rejected, hindered or evaded the inspection under the same paragraph;
- (iii) In violation of Article 60, paragraph 3, has failed to make a report or has made a false report.

Article 68 (1) When a person who represents or manages a juristic person (including an organization of a non-juristic person with the stipulation of a representative or manager; the same shall apply hereinafter in this paragraph), or the agent, employee or other worker of a juristic person or of a person has violated any one of the provisions of the preceding two Articles in relation to the business of the juristic person or the person, the person who so acted shall be punished and a fine shall also be imposed on the juristic person or the person as prescribed in the respective Articles.

(2) In cases where the preceding paragraph is to apply to an organization of a non-juristic person, the representative or the manager thereof shall represent the non-juristic person in litigation, and the legal provisions concerning the case of criminal litigation in which a juristic person is the accused or the suspect shall apply *mutatis mutandis*.

Article 69 In a case which falls under any of the following items, the director, auditor or liquidator of the juridical person for offenders rehabilitation shall be rendered non-penal fine of not more than 200,000 yen:

- (i) In violation of the Cabinet order under the provision of Article 8 paragraph 1, has omitted to make a registration;
- (ii) In violation of Article 51, paragraph 1 of the Civil Code which shall apply *mutatis mutandis* to Article 15 of this Act, has omitted to keep an inventory, to make entries of the matters to be entered or made a false entry therein;
- (iii) In violation of Article 27, paragraph 3, has omitted to make a notification or has made a false notification;
- (iv) In violation of Article 29, paragraph 1, has omitted to keep the documents, to make entries of the matters to be entered or made a false entry therein;
- (v) In violation of Article 35, paragraph 1, has omitted to make the documents, entries of the matters to be entered or made a false entry therein;
- (vi) Has violated the provisions of Article 35, paragraph 2 or Article 36, paragraph 2;
- (vii) In violation of Article 70, paragraph 2 or Article 81, paragraph 1 of the Civil Code which shall apply *mutatis mutandis* to Article 40, paragraph 1 of this Act, has omitted to file an application for the pronouncement of bankruptcy;
- (viii) In violation of Article 79, paragraph 1 or Article 81, paragraph 1 of the Civil Code which shall apply *mutatis mutandis* to Article 40, paragraph 1 of this Act, has omitted to make an announcement or has made a false announcement.

Article 70 Any person who has violated the provision of Article 4 shall be given non-penal fine of not more than 100,000 yen.

Supplementary Provisions

(Effective date)

- (1) This Act shall enter into force from April 1, 1996; provided, however, that the provisions of Article 2, paragraph 6, Article 11, Article 12 and Article 59 shall enter into force from the day of promulgation.

(Review)

- (2) The national government shall, approximately five years after the enforcement of this Act, review the trends in crime and other circumstances related to offenders rehabilitation services, the state of enforcement of this Act and other aspects, shall make an assessment of the provisions of this Act from the viewpoint of facilitating smooth and adequate operation and the sound promotion and development of offenders rehabilitation services and shall take necessary measures based on the results thereof.