

恩赦法

Pardon Act

(昭和二十二年三月二十八日法律第二十号)
(Act No. 20 of March 28, 1947)

(恩赦の種類)

(Types of pardon)

第一条 大赦、特赦、減刑、刑の執行の免除及び復権については、この法律の定めるところによる。

Article 1 General pardon, special pardon, commutation of the sentence, remission of execution of the sentence and restoration of rights shall be governed by the provisions of this Act.

(大赦)

(General pardon)

第二条 大赦は、政令で罪の種類を定めてこれを行う。

Article 2 A general pardon shall be granted for the types of crimes so specified by a Cabinet Order.

(大赦の効力)

(Effect of general pardon)

第三条 大赦は、前条の政令に特別の定のある場合を除いては、大赦のあつた罪について、左の効力を有する。

Article 3 Except as otherwise specially provided for by the Cabinet Order of the preceding Article, general pardon shall have the following effect with respect to crimes for which general pardon has been granted:

一 有罪の言渡を受けた者については、その言渡は、効力を失う。

(i) In the case of a person against whom a judgment of conviction has been rendered, the rendition thereof shall cease to have effect.

二 まだ有罪の言渡を受けない者については、公訴権は、消滅する。

(ii) In the case of a person against whom a judgment of conviction has not yet been rendered, the power to prosecute shall be extinguished.

(特赦)

(Special pardon)

第四条 特赦は、有罪の言渡を受けた特定の者に対してこれを行う。

Article 4 A special pardon shall be granted with respect to a specific person against whom a judgment of conviction has been rendered.

(特赦の効力)

(Effect of special pardon)

第五条 特赦は、有罪の言渡の効力を失わせる。

Article 5 A special pardon shall have the effect of making the rendition of the judgment of conviction ineffective.

(減刑)

(Commutation of sentence)

第六条 減刑は、刑の言渡を受けた者に対して政令で罪若しくは刑の種類を定めてこれを行い、又は刑の言渡を受けた特定の者に対してこれを行う。

Article 6 Commutation of the sentence shall be granted to persons against whom a sentence has been rendered with respect to the types of crimes or punishments specified by a Cabinet Order, or with respect to a specific person against whom a sentence has been rendered.

(減刑の効力)

(Effect of commutation of sentence)

第七条 政令による減刑は、その政令に特別の定のある場合を除いては、刑を減輕する。

Article 7 (1) Commutation of the sentence granted by a Cabinet Order shall reduce the sentence except as otherwise specially provided for by the Cabinet Order.

2 特定の者に対する減刑は、刑を減輕し、又は刑の執行を減輕する。

(2) Commutation of the sentence granted to a specific person shall reduce the sentence or execution of the sentence.

3 刑の執行猶予の言渡を受けてまだ猶予の期間を経過しない者に対しては、前項の規定にかかわらず、刑を減輕する減刑のみを行うものとし、又、これとともに猶予の期間を短縮することができる。

(3) Notwithstanding the provisions of the preceding paragraph, with respect to a person to whom the judgment of suspension of execution of sentence has been rendered and for whom the period of such suspension has not yet expired, only such reduction as reduces the sentence shall be granted, but at the same time the period of suspension may be shortened.

(刑の執行の免除)

(Remission of execution of sentence)

第八条 刑の執行の免除は、刑の言渡を受けた特定の者に対してこれを行う。但し、刑の執行猶予の言渡を受けてまだ猶予の期間を経過しない者に対しては、これを行わない。

Article 8 Remission of execution of the sentence shall be granted with respect to a specific person against whom a sentence has been rendered; provided however, that it shall not be granted with respect to a person to whom the

judgment of suspension of execution of sentence has been rendered but for whom the period of suspension has not yet expired.

(復権)

(Restoration of rights)

第九条 復権は、有罪の言渡を受けたため法令の定めるところにより資格を喪失し、又は停止された者に対して政令で要件を定めてこれを行い、又は特定の者に対してこれを行う。但し、刑の執行を終らない者又は執行の免除を得ない者に対しては、これを行わない。

Article 9 Restoration of rights shall be granted to a person who, owing to a judgment of conviction being rendered, has been deprived of his or her capacity or had it suspended, with necessary conditions being prescribed by a Cabinet Order, or to a specific person; provided however, that it shall not be granted with respect to persons whose execution of the sentence has not yet been completed, or for whom remission of execution of the sentence has not been granted.

(復権の効力)

(Effect of restoration of rights and privileges)

第十条 復権は、資格を回復する。

Article 10 (1) Restoration of rights shall have the effect of restoring capacity.

2 復権は、特定の資格についてこれを行うことができる。

(2) Restoration of rights may be granted with respect to specific types of capacity.

(恩赦と既成の効果)

(Pardon and established effect)

第十一条 有罪の言渡に基く既成の効果は、大赦、特赦、減刑、刑の執行の免除又は復権によつて変更されることはない。

Article 11 The effect already established upon a judgment of conviction being rendered shall not be affected by the granting of a general pardon, special pardon, commutation of sentence, remission of execution of sentence or restoration of rights.

(特定の者に対する恩赦)

(Pardon for a specific person)

第十二条 特赦、特定の者に対する減刑、刑の執行の免除及び特定の者に対する復権は、中央更生保護審査会の申出があつた者に対してこれを行うものとする。

Article 12 A special pardon, commutation of sentence with respect to a specific person, remission of execution of sentence or restoration of rights with respect to a specific person shall be granted to persons subject to a recommendation from the National Offenders Rehabilitation Commission.

(恩赦状の下付)

(Issuance of certificates of pardon)

第十三条 特赦、特定の者に対する減刑、刑の執行の免除又は特定の者に対する復権があつたときは、法務大臣は、特赦状、減刑状、刑の執行の免除状又は復権状を本人に下付しなければならない。

Article 13 When a special pardon, commutation of sentence with respect to a specific person, remission of execution of sentence or restoration of rights with respect to a specific person has been granted, the Minister of Justice shall issue to such person a certificate of special pardon, commutation of sentence, remission of execution of sentence or restoration of rights.

(判決原本への附記)

(Added entries to the original of the judgment)

第十四条 大赦、特赦、減刑、刑の執行の免除又は復権があつたときは、検察官は、判決の原本にその旨を附記しなければならない。

Article 14 When a general pardon, special pardon, commutation of sentence, remission of execution of sentence or restoration of rights has been granted, the public prosecutor shall insert added entries to that effect in the original of the judgment.

(命令への委任)

(Delegation of authority to ordinance)

第十五条 この法律の施行に関し必要な事項は、法務省令でこれを定める。

Article 15 Matters necessary for the enforcement of this Act shall be prescribed by a Ministry of Justice ordinance.

附 則 [抄]

Supplementary Provisions [Extract]

1 この法律は、日本国憲法施行の日から、これを施行する。

(1) This Act shall enter into force from the date of the Constitution of Japan entering into force.