

保護司法 Volunteer Probation Officers Act

(昭和二十五年五月二十五日法律第二百四号)
(Act No. 204 of May 25, 1950)

(保護司の使命)

(Mission of volunteer probation officers)

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

Article 1 The mission of the volunteer probation officers shall be to contribute to the welfare of the individuals and to the public by helping persons who have committed offenses to improve and rehabilitate themselves and at the same time, to enlighten the public on crime prevention and enhance the local community, in the spirit of volunteer social service.

(設置区域及び定数)

(Designated areas and fixed numbers)

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

Article 2 (1) Volunteer probation officers shall be designated for areas by the Minister of Justice in accordance with the prefectural areas (hereinafter referred to as "rehabilitation area") into and designates.

2 保護司の定数は、全国を通じて、五万二千五百人をこえないものとする。

(2) The full number of volunteer probation officers shall not exceed 52,500 across the country.

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

(3) The fixed number of volunteer probation officers in each rehabilitation area shall be determined by the Minister of Justice in consideration of the population, economy, the status of offenses and other factors of the locality.

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

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

(推薦及び委嘱)

(Recommendation and commission)

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

が、委嘱する。

Article 3 (1) Volunteer probation officers shall be appointed for commission by the Minister of Justice from among persons who have all the qualifications given in the following items:

一 人格及び行動について、社会的信望を有すること。

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

二 職務の遂行に必要な熱意及び時間的余裕を有すること。

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

三 生活が安定していること。

(iii) The person is financially stable and;

四 健康で活動力を有すること。

(iv) The person is healthy and active.

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

(2) The Minister of Justice may delegate the power for appointment set forth in the preceding paragraph to the chair of the regional parole board.

3 前二項の委嘱は、保護観察所の長が推薦した者のうちから行うものとする。

(3) The appointment set forth in the preceding two paragraphs shall be made from among the persons recommended by the director of the probation office.

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

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

(欠格条項)

(Disqualification)

第四条 次の各号のいずれかに該当する者は、保護司になることができない。

Article 4 Any person who falls under any of the following items shall be disqualified as a volunteer probation officer:

一 成年被後見人又は被保佐人

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

二 禁錮以上の刑に処せられた者

(ii) A person sentenced to imprisonment without work or a heavier punishment;

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

(iii) A person who, on or after the day of enforcement of the Constitution of Japan, has formed or become a member of a political party or any other organization which advocates the overthrow by force of the Constitution of

Japan or the government existing under the Constitution.

(保護司選考会)

(Volunteer Probation Officers Screening Commission)

第五条 保護観察所に、保護司選考会を置く。

Article 5 (1) The Volunteer Probation Officers Screening Commission shall be established in the probation office.

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

(2) The Volunteer Probation Officers Screening Commission shall be composed of a maximum of 13 members (a maximum of 15 in the case of the Volunteer Probation Officers Screening Commission established in the probation office corresponding to the territorial jurisdiction of the Tokyo District Court) and one of them shall be the chair.

3 保護司選考会の委員には、給与を支給しない。

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

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

(4) In addition to those items provided for in this Act, the organization, jurisdictional affairs, members and administration procedures of the Volunteer Probation Officers Screening Commission shall be provided for by a Ministry of Justice ordinance.

第六条 削除

Article 6 Deleted

(任期)

(Term of office)

第七条 保護司の任期は、二年とする。但し、再任を妨げない。

Article 7 The volunteer probation officer's term of office shall be two years.

However this shall not preclude him/her from being re-appointed.

(職務の執行区域)

(Area wherein the officer performs his/her duties)

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

Article 8 The volunteer probation officer shall perform his/her duties within the rehabilitation area wherein he/she has been posted. However this shall not

apply when the volunteer probation officer is otherwise ordered by the regional parole board or the director of the probation office.

(職務の遂行)

(Accomplishment of Duties)

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

Article 8-2 The volunteer probation officer shall, upon receiving designation from the regional parole board or the director of the probation office, perform the duties belonging to the jurisdiction of the regional parole board or the probation office concerned, as well as performing the duties, which are given below, belonging to the jurisdiction of such probation office, in accordance with the items prescribed in the plans of the Volunteer Probation Officers Association for which the approval of the director of the probation office concerned has been obtained:

一 犯罪をした者の改善及び更生を助け又は犯罪の予防を図るための啓発及び宣伝の活動

(i) Enlightenment and publicity activities in order to assist in the improvement and rehabilitation of persons who have committed offenses or in the prevention of crime;

二 犯罪をした者の改善及び更生を助け又は犯罪の予防を図るための民間団体の活動への協力

(ii) Cooperation in the activities of private organizations in order to assist in the improvement and rehabilitation of persons who have committed offenses or in the prevention of crime;

三 犯罪の予防に寄与する地方公共団体の施策への協力

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

四 その他犯罪をした者の改善及び更生を助け又は犯罪の予防を図ることに資する活動で法務省令で定めるもの

(iv) Any other activities which contribute to assisting in the improvement and rehabilitation of persons who have committed offenses or in the prevention of crime, which are prescribed by a Ministry of Justice ordinance.

(服務)

(Service principles)

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

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

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

(2) Volunteer probation officers shall respect the confidentiality of concerned persons relating to the personal affairs which they have come to know in performance of their duties and strive to maintain honor.

第十条 削除

Article 10 Deleted

(費用の支給)

(Payment of expenses)

第十一条 保護司には、給与を支給しない。

Article 11 (1) No salary shall be paid to volunteer probation officers.

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

(2) Volunteer probation officers may, under the provisions of a Ministry of Justice ordinance and within the limits of the budget, be paid the whole or part of the expenses needed for performance of their duties.

(解嘱)

(Discharge from commission)

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

Article 12 (1) When a volunteer probation officer has come to fall under any one of the items of Article 4, the Minister of Justice shall discharge the volunteer probation officer from his/her commission.

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

(2) When a volunteer probation officer has come to fall under any of the following items, the Minister of Justice may discharge the volunteer probation officer from his/her commission based on a proposal from the director of the probation office.

一 第三条第一項各号に掲げる条件のいずれかを欠くに至つたとき。

(i) Where he/she has lost any of the requirements for qualification given in the items of paragraph (1) of Article 3;

二 職務上の義務に違反し、又はその職務を怠つたとき。

(ii) He/she has violated or neglected his/her official duties;

三 保護司たるにふさわしくない非行があつたとき。

(iii) He/she has committed an act unbecoming of a volunteer probation officer.

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

(3) The director of the probation office shall, when making the proposal pursuant to the provision of the preceding paragraph, hear the opinion of the Volunteer Probation Officers Screening Commission in advance.

4 第一項又は第二項の規定による解嘱は、当該保護司に解嘱の理由が説明され、かつ、弁明の機会が与えられた後でなければ行うことができない。ただし、第四条第一号又は第二号に該当するに至つたことを理由とする解嘱については、この限りでない。

(4) The discharge from commission set forth in paragraph (1) or (2) shall not be carried out unless the volunteer probation officer concerned has been informed of the reason and has been given an opportunity for defense. However, this shall not apply when the discharge from commission is because he/she has come to fall under item (i) or (ii) of Article 4.

(保護司会)

(Volunteer Probation Officers Association)

第十三条 保護司は、その置かれた保護区ごとに保護司会を組織する。

Article 13 (1) The volunteer probation officers shall establish a Volunteer Probation Officers Association for every rehabilitation area.

2 保護司会は、次に掲げる事務を行うことを任務とする。

(2) The duties of the Volunteer Probation Officers Association shall be to conduct the affairs given as follows:

一 第八条の二に規定する計画の策定その他保護司の職務に関する連絡及び調整

(i) Formulation of the plans as prescribed in Article 8-2 and communication and coordination concerning the duties of volunteer probation officers:

二 保護司の職務に関し必要な資料及び情報の収集

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

三 保護司の職務に関する研究及び意見の発表

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

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

(iv) Any other matters deemed necessary for smooth and effective accomplishment of the duties of volunteer probation officers, which are provided for by a Ministry of Justice ordinance.

(保護司会連合会)

(Federation of Volunteer Probation Officers Associations)

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

Article 14 (1) The Volunteer Probation Officers Associations shall establish a Federation of Volunteer Probation Officers Associations for every prefecture. However, in Hokkaido, a Federation of the Volunteer Probation Officers Associations shall be established for every region as designated by the Minister of Justice.

2 保護司会連合会は、次に掲げる事務を行うことを任務とする。

(2) The duties of the Federation of Volunteer Probation Officers Associations shall be to conduct the matters given below:

一 保護司会の任務に関する連絡及び調整

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

二 保護司の職務に関し必要な資料及び情報の収集

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

三 保護司の職務に関する研究及び意見の発表

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

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

(iv) Any other matters deemed necessary for smooth and effective accomplishment of the duties of the volunteer probation officers or the responsibilities of Volunteer Probation Officers Associations, which are provided for by a Ministry of Justice ordinance.

(保護司会等に関し必要な事項の省令への委任)

(Delegation of Necessary Matters Concerning Volunteer Probation Officers Associations to a Ministerial Ordinance)

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

Article 15 In addition to those matters which are provided for by this Act, any necessary matters concerning the Volunteer Probation Officers Associations and the Federations of Volunteer Probation Officers Associations shall be provided for by a Ministry of Justice ordinance.

(表彰)

(Commendation)

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

Article 16 The Minister of Justice shall take heed to commend volunteer

probation officers, Volunteer Probation Officers Associations, and Federations of Volunteer Probation Officers Associations, which have rendered distinguished service, and give publicity to such service.

(地方公共団体の協力)

(Cooperation of Local Governments)

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

Article 17 The local governments may, in light of the fact that the activities of the volunteer probation officers, Volunteer Probation Officers Associations and Federations of Volunteer Probation Officers Associations assist in the improvement and rehabilitation of persons who have committed offenses and in the prevention of crime, and contribute to the safety of the community and improvement of the welfare of its residents, extend necessary cooperation to the activities of the volunteer probation officers, Volunteer Probation Officers Associations and Federations of Volunteer Probation Officers Associations.

(省令への委任)

(Delegation to a Ministerial Ordinance)

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

Article 18 The procedures for enforcing this Act and other detailed regulations necessary for its implementation shall be provided for by a Ministry of Justice ordinance.

附 則

Supplementary Provisions

省略

Abbreviated