

# Act on Punishment of Conduct Endangering Human Life by Generating Radiation

(Act No. 38 of May 11, 2007)

(Purpose)

Article 1 The purpose of this Act is to punish conduct, etc. that endangers the life, body or property of people by causing a nuclear fission chain reaction of nuclear fuel material or releasing radiation and, thus, to ensure the appropriate implementation of the International Convention for the Suppression of Acts of Nuclear Terrorism and other international commitments to punish that conduct, as well as to ensure the prevention of damage to the life, body or property of people from radioactive material, etc. and the safety of the public in conjunction with the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors (Act No. 166 of 1957) and the Act on the Prevention of Radiation Hazards Due to Radioisotopes (Act No. 167 of 1957).

(Definitions)

Article 2 (1) In this Act, the term "nuclear fuel material" refers to nuclear fuel material as defined in Article 3, item (ii) of the Basic Act on Atomic Energy (Act No. 186 of 1955).

(2) In this Act, the term "radiation" refers to radiation as defined in Article 3, item (v) of the Basic Act on Atomic Energy.

(3) In this Act, the term "radioactive material" refers to the following:

(i) nuclear fuel material, other radiation-emitting isotopes and their compounds, and materials containing those materials (excluding nuclear source material as defined in Article 3, item (iii) of the Basic Act on Atomic Energy); and

(ii) material contaminated with the materials described in the preceding item.

(4) In this Act, the term "nuclear fission equipment" refers to the following:

(i) the following equipment fitted with radioactive material:

(a) equipment to cause a nuclear fission chain reaction of nuclear fuel material; and

(b) equipment to release radiation from radioactive material; and

(ii) equipment to generate radiation by accelerating charged particles.

(5) In this Act, the term "specified nuclear fuel material" refers to specified nuclear fuel material as defined in Article 2, paragraph (6) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors.

(6) In this Act, the term "nuclear facility" refers to a nuclear facility as defined in

Article 2, paragraph (7) of the Act on the Regulation of Nuclear Source Material, Nuclear Fuel Material and Reactors.

(Penal Provisions)

Article 3 (1) A person who causes a nuclear fission chain reaction of nuclear fuel material or releases radiation by recklessly handling radioactive material, by recklessly operating nuclear fission equipment, etc. or by using any other unreasonable means, and thus has endangered the life, body or property of another is subject to imprisonment for life or for a term of not less than two years.

(2) A person who attempts the crime prescribed in the preceding paragraph is subject to punishment.

(3) A person who makes preparations for the purpose of committing the crime prescribed in paragraph (1) is subject to imprisonment for a term of not more than five years; provided, however, that if the person surrenders to police before committing the crime prescribed in the same paragraph, the person may be given a reduced sentence or granted an absolute discharge.

Article 4 (1) A person who produces nuclear fission equipment for the purpose of committing the crime prescribed in paragraph (1) of the preceding Article is subject to imprisonment for a definite term of not less than one year.

(2) A person who attempts the crime prescribed in the preceding paragraph is subject to punishment.

Article 5 (1) A person who possesses nuclear fission equipment, etc. for the purpose of committing the crime prescribed in Article 3, paragraph (1) is subject to imprisonment for a term of not more than ten years.

(2) A person who possesses radioactive material for the purpose of committing the crime prescribed in Article 3, paragraph (1) is subject to imprisonment for a term of not more than seven years.

(3) A person who attempts the crime prescribed in the preceding two paragraphs is subject to punishment.

Article 6 (1) A person who, without good reason, imports specified nuclear fuel material to Japan or other countries or exports the material from Japan or other countries is subject to imprisonment for a term of not more than seven years.

(2) A person who attempts the crime prescribed in the preceding paragraph is subject to punishment.

(3) A person who makes preparations for the purpose of committing the crime prescribed in paragraph (1) is subject to imprisonment for a term of not more

than three years; provided, however, that if the person surrenders to police before committing the crime prescribed in the same paragraph, the person may be given a reduced sentence or granted absolute discharge.

Article 7 A person who intimidates another by threatening to harm the life, body or property of another by using radioactive material or nuclear fission equipment, etc. is subject to imprisonment for a term of not more than five years.

Article 8 A person who intimidates another by threatening to harm the life, body or property of another by stealing or robbing specified nuclear fuel material, or by committing conduct against a nuclear facility or conduct to interfere with the operation of a nuclear facility, and forces another to commit a non-obligatory act or not to exercise a right is subject to imprisonment for a term of not more than five years.

Article 9 Article 4-2 of the Penal Code (Act No. 45 of 1907) governs crimes prescribed in Articles 3 through the preceding Article.

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into force from the date on which the International Convention for the Suppression of Acts of Nuclear Terrorism becomes effective for Japan; provided, however, that the provisions of Article 7 of the Supplementary Provisions come into force on the date of promulgation.

Article 2 Elimination

(Transitional Measures for Application to Crime Committed Outside Japan under the Convention)

Article 3 The provisions of Article 9 apply only to crimes that are punishable even when committed outside Japan, pursuant to conventions that become effective for Japan from the effective date of this Act, the Convention on the Physical Protection of Nuclear Material, and the International Convention for the Suppression of Terrorist Bombings.

(Transitional Measures for Application of Penal Provisions)

Article 4 Prior laws continue to govern the applicability of penal provisions to acts committed before the enforcement of this Act.

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

(Effective Date)

Article 1 This Act comes into force twenty days after the date of promulgation.

**Supplementary Provisions [Act No. 47 of June 27, 2012 Extract] [Extract]**

(Effective Date)

Article 1 This Act comes into force from a date specified by Cabinet Order within three months from the date of promulgation.

**Supplementary Provisions [Act No. 25 of April 23, 2014 Extract] [Extract]**

(Effective Date)

(1) This Act comes into force from the date on which the amendment of the Convention on the Physical Protection of Nuclear Material becomes effective for Japan.