

恩赦法

Pardons 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 pardons, special pardons, commutations of sentence, exemptions from the execution of sentences, and restorations of rights are governed by this Act.

(大赦)

(General Pardons)

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 is granted by Cabinet Order providing the type of crime for which it is granted.

(大赦の効力)

(Effect of a 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 specifically provided by Cabinet Order as referred to in the preceding Article, a general pardon has the following effect with respect to the crime for which it is 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) pronouncements of guilt cease to be effective against the persons subject thereto;

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) the right to prosecute any person not yet subject to a pronouncement of guilt is extinguished.

(特赦)

(Special Pardons)

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 is granted to a specific person who has been pronounced guilty of a crime.

(特赦の効力)

(Effect of a 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 causes a pronouncement of guilt to cease to be effective.

(減刑)

(Commutations 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 Commutations of sentence are granted to persons already subject to sentencing pronouncements, by Cabinet Order providing the type of crime or punishment for which they are granted; commutations of sentence are also granted to specific sentenced persons.

(減刑の効力)

(Effect of a Commutation of Sentence)

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

Article 7 (1) Except as otherwise specifically provided by the Cabinet Order in question, the commutation of a sentence by Cabinet Order reduces the sentence.

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) A commutation of sentence granted to a specific person either reduces the sentence itself or mitigates the execution.

3 刑の全部の執行猶予の言渡し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、また、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 preceding paragraph, if the whole of a person's sentence is subject to suspended execution and the person has not yet made it through the term of suspension, the sentence is only to be commuted through a reduction of the sentence itself; the term of suspension may be shortened in addition to this.

4 刑の一部の執行猶予の言渡しを受けてまだ猶予の期間を経過しない者に対しては、第二項の規定にかかわらず、刑を減輕する減刑又はその刑のうち執行が猶予されなかつた部分の期間の執行を減輕する減刑のみを行うものとし、また、刑を減輕するとともに猶予の期間を短縮することができる。

(4) Notwithstanding paragraph (2), if a part of a person's sentence is subject to suspended execution and the person has not yet made it through the term of suspension, the sentence is only to be commuted by either reducing the sentence itself or by reducing the execution of the part of it that has not been suspended; the term of suspension may be shortened in addition to a reduction

of the sentence.

(刑の執行の免除)

(Exemption from Execution of a Sentence)

第八条 刑の執行の免除は、刑の言渡しを受けた特定の者に対してこれを行う。ただし、刑の全部の執行猶予の言渡しを受けた者又は刑の一部の執行猶予の言渡しを受けてその刑のうち執行が猶予されなかつた部分の期間の執行を終わつた者であつて、まだ猶予の期間を経過しないものに対しては、その刑の執行の免除は、これを行わない。

Article 8 An exemption from the execution of a sentence is granted to a specific person who is already subject to a sentencing pronouncement; provided, however, that an exemption from the execution of a sentence is not granted if the whole of the person's sentence is subject to suspended execution, nor is it granted if a part of the person's sentence is subject to suspended execution and the person has finished serving the part of the sentence not subject to the suspension but has not yet made it through the term of suspension.

(復権)

(Restoration of Rights)

第九条 復権は、有罪の言渡し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 A restoration of rights is granted to persons who have been deprived of their legal capacity or had it suspended pursuant to laws and regulations as a result of having been pronounced guilty of a crime, by Cabinet Order providing the requirements for the restoration; restorations of rights are also granted to specific persons; provided, however, that a restoration of rights is not granted to a person who has neither finished serving the sentence nor been exempted from its execution.

(復権の効力)

(Effect of a Restoration of Rights)

第十条 復権は、資格を回復する。

Article 10 (1) A restoration of rights has the effect of restoring a person's legal 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) A restoration of rights may be granted with respect to specific types of legal capacity.

(恩赦と既成の効果)

(Pardons and Existing Impact)

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 existing impact from a pronouncement of guilt is not altered by a general pardon, special pardon, commutation of sentence, exemption from execution of a sentence, or restoration of rights.

(特定の者に対する恩赦)

(Pardoning Specific Persons)

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 Special pardons, commutation of specific persons' sentences, exemptions from the execution of sentences, and restorations of specific persons' rights are to be granted to persons proposed by 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, the commutation of a specific person's sentence, an exemption from the execution of a sentence, or the restoration of a specific person's rights is granted, the Minister of Justice must issue that person a certificate of that special pardon, commutation of sentence, exemption from the execution of the sentence, or restoration of rights.

(判決原本への附記)

(Adding Supplementary Notes to the Original Copy of a 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, exemption from the execution of a sentence, or restoration of rights is granted, the public prosecutor must add a supplementary note to that effect in the original copy of the judgment.

(命令への委任)

(Delegation of Authority to Ministerial Order)

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 Ministry of Justice Order provides the necessary matters in connection with this Act coming into effect.

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 comes into effect as of the date on which the Constitution of Japan comes into effect.