

# **Act for the Prevention of Recidivism (Tentative translation)**

(Act No. 104 of December 14, 2016)

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## **Chapter I General Provisions**

### (Purpose)

Article 1 In view of the fact that it is of importance in crime control to prevent recidivism by facilitating the smooth reintegration into society of persons who have committed offenses while gaining the understanding and cooperation of the people, this Act aims to comprehensively and systematically advance initiatives to prevent recidivism by laying down fundamental principles and clarifying the responsibilities of the State and local governments with regard to initiatives to prevent recidivism and by providing for the particulars upon which initiatives to prevent recidivism are based, and thereby to prevent the people from becoming victims of crime and contribute to bringing about a society in which they can live safely and with peace of mind.

### (Definitions)

Article 2 (1) The term "person who has committed an offense" as used in this Act means a person who has committed a crime, a juvenile delinquent (meaning a juvenile who engages in delinquent acts), or a person who used to be a juvenile delinquent.

(2) The term "preventing recidivism" as used in this Act means preventing persons who have committed offenses from committing offenses (this includes working to eliminate delinquent acts by juvenile delinquents and preventing persons who used to be juvenile delinquents from becoming juvenile delinquents again).

### (Fundamental Principles)

Article 3 (1) In view of the fact that many persons who have committed offenses face difficulties in making a smooth reintegration into society due to

circumstances such as being unable to find stable employment and secure housing, initiatives to prevent recidivism are to be implemented in accordance with the principle of enabling persons who have committed offenses to smoothly reintegrate into society by supporting them in becoming constituent members of society again with the understanding and cooperation of the people, so that they are not isolated from society.

- (2) With a view to ensuring that persons who have committed offenses receive the necessary guidance and support not only while they are committed to correctional institutions (meaning prisons, juvenile prisons, detention houses, juvenile training schools, and juvenile classification homes; the same applies hereinafter) but also without interruption after they reintegrate into society, initiatives to prevent recidivism are to be implemented systematically through close mutual coordination among the relevant administrative organs, while seeking seamless coordination with initiatives for appropriate commitment and treatment in correctional institutions and initiatives for smooth reintegration into society, beginning with support in securing employment and housing.
- (3) Initiatives to prevent recidivism are to be implemented based on the recognition that it is an important part of preventing recidivism for persons who have committed offenses to become conscious of things such as their responsibility for their offenses, to understand the feelings of their victims and others, and to make their own efforts to reintegrate into society.
- (4) Initiatives to prevent recidivism are to be implemented effectively in light of such factors as the actual state of offenses and delinquent acts and the results of research and study into things such as the effectiveness of the various initiatives to prevent recidivism.

#### (Responsibilities of the State and Local Governments)

Article 4 (1) The State is responsible for comprehensively formulating and implementing initiatives to prevent recidivism in accordance with the fundamental principles referred to in the preceding Article (referred to as the "fundamental principles" in the following paragraph).

- (2) Local governments are responsible for formulating and implementing initiatives tailored to the situation in the areas under their jurisdictions with regard to preventing recidivism, in keeping with an appropriate sharing of roles with the State and in accordance with the fundamental principles.

#### (Coordination; Provision of Information; Other Matters)

Article 5 (1) The State and local governments must coordinate with each other to ensure the smooth implementation of initiatives to prevent recidivism.

- (2) When implementing initiatives to prevent recidivism, the State and local governments must endeavor to secure close coordination and cooperation with

private-sector organizations that are engaged in activities to prevent recidivism and with other persons concerned.

- (3) When implementing initiatives to prevent recidivism, the State and local governments are to appropriately provide the necessary information to private-sector organizations that are engaged in activities to prevent recidivism and to other persons concerned.
- (4) Private-sector organizations engaged in activities to prevent recidivism and other persons concerned must appropriately handle the personal information of persons who have committed offenses, including personal information of persons who have committed offenses provided thereto pursuant to the provisions of the preceding paragraph.

#### (Recidivism Prevention Awareness Month)

Article 6 (1) A Recidivism Prevention Awareness Month is established in order to broadly deepen the interest and understanding of the people as it regards preventing recidivism.

- (2) Recidivism Prevention Awareness Month is July.
- (3) The State and local governments must endeavor to ensure that projects suitable to the purpose of Recidivism Prevention Awareness Month are implemented during that month.

#### (Recidivism Prevention Plan)

Article 7 (1) To achieve comprehensive and systematic advancement of initiatives to prevent recidivism, the government must establish a plan for advancing initiatives to prevent recidivism (hereinafter referred to as the "Recidivism Prevention Plan").

- (2) The Recidivism Prevention Plan is to provide for the following:
  - (i) basic information concerning the advancement of initiatives to prevent recidivism;
  - (ii) information concerning the enhancement of education and vocational training aimed at preventing recidivism;
  - (iii) information concerning social support for persons who have committed offenses in securing jobs and housing and in making use of health, medical, and welfare services;
  - (iv) information concerning commitment to and treatment in correctional institutions, the system for probation, and the establishment of systems at other relevant organizations; and
  - (v) other material information concerning the advancement of initiatives to prevent recidivism.
- (3) The Minister of Justice must prepare a draft of the Recidivism Prevention Plan and seek a cabinet decision to formalize it.

- (4) Before preparing the draft of the Recidivism Prevention Plan, the Minister of Justice must consult with the heads of the relevant administrative organs.
- (5) Once a cabinet decision under the provisions of paragraph (3) has been reached, the Minister of Justice must publicize the Recidivism Prevention Plan without delay.
- (6) The government must review the Recidivism Prevention Plan at least every five years and revise it when it finds this to be necessary.
- (7) The provisions of paragraphs (3) through (5) apply mutatis mutandis to the revision of the Recidivism Prevention Plan.

#### (Local Recidivism Prevention Plans)

Article 8 (1) Prefectures and municipalities must endeavor to establish plans for advancing initiatives to prevent recidivism in the areas under their jurisdictions (each such plan is referred to as a "Local Recidivism Prevention Plan" in the following paragraph) in consideration of the Recidivism Prevention Plan.

- (2) Upon establishing or revising its Local Recidivism Prevention Plan, a prefecture or municipality must endeavor to publicize that plan without delay.

#### (Legislative and Other Measures)

Article 9 In order to achieve the purpose of this Act, the government must take necessary legislative, financial, fiscal, and other measures.

#### (Annual Reports)

Article 10 Every year, the government must submit to the Diet a report on government-implemented initiatives to prevent recidivism.

## **Chapter II Basic Initiatives**

### **Section 1 Initiatives by the State**

#### (Guidance and Support Tailored to Individual Attributes; Related Matters)

Article 11 (1) The State is to provide guidance and support for persons who have committed offenses within correctional institutions and within society, while taking into consideration the details of the person's offense or delinquent act; their criminal or delinquent history and other background; character; age; mental and physical condition; family environment; associates; financial circumstances; and other individual attributes, in keeping with the content of that guidance and support.

- (2) The State must take care to ensure that the guidance given to persons who have committed offenses will encourage them to become conscious of things such as their responsibility for their offenses and to understand the feelings of

their victims and others, and that the guidance will contribute to their smooth reintegration into society.

(Employment Support)

Article 12 In order to provide employment support for persons who have committed offenses so that they can live self-reliant lives, the State is to implement the necessary initiatives, such as providing persons who have committed offenses with work at correctional institutions to increase their motivation to work and enable them to acquire useful knowledge and skills for an occupation; providing them with effective vocational training within correctional institutions and within society, including training for acquiring occupational licenses or qualifications; and providing them with job placement services as well as counseling and advice on finding, engaging in, and maintaining employment.

(Support for Juvenile Delinquents)

Article 13 In view of attributes particular to juveniles such as how greatly malleable they are, the State is to implement the necessary initiatives to assist juvenile delinquents and persons who used to be juvenile delinquents in reforming as soon as possible, becoming self-reliant as good members of society, and improving and rehabilitating themselves, such as providing guidance and support through juvenile training schools, juvenile classification homes, probation offices, and other relevant organizations in coordination with schools, families, local communities, private-sector organizations, and other parties, and providing the educational support necessary to enable them to receive an education commensurate with their individual abilities.

(Ensuring Employment Opportunities; Related Matters)

Article 14 In entering into a contract to which the State is a party that will require the State to pay consideration for the completion of a construction project, work on a construction project, or other provision of services by a person other than the State, or for the delivery of goods by a person other than the State, the State is to give consideration to increasing the opportunity for cooperating employers (meaning employers that employ or seek to employ persons who have committed offenses for the purpose of cooperating in their self-reliance and reintegration into society; the same applies in Article 23) to receive orders while keeping in mind the proper use of the budget; and is to implement the necessary initiatives to advance the employment of persons who have committed offenses by the State and otherwise ensure employment opportunities for persons who have committed offenses and continue their work.

(Securing Housing; Related Matters)

Article 15 In order to support the self-reliance of persons who have committed offenses whose improvement and rehabilitation are likely to be hindered by their inability to secure proper housing, meals, and other necessities of a sound life in society, the State is to implement the necessary initiatives such as providing them with accommodations and meals, while taking into account that it is their responsibility to help themselves; and in order to support persons who have committed offenses in securing housing so that they can live in the local community, the State is to implement the necessary initiatives such as giving special consideration to persons who have committed offenses in becoming tenants of public housing (meaning public housing as prescribed in Article 2, item (ii) of the Act on Public Housing (Act No. 193 of 1951)).

(Assisting Offenders Rehabilitation Facilities)

Article 16 With a view to helping persons who have committed offenses secure accommodations and improve and rehabilitate themselves, the State is to implement the necessary initiatives such as taking financial measures and providing information with regard to the establishment and administration of offenders rehabilitation facilities.

(Provision of Health, Medical, and Welfare Services)

Article 17 With a view to ensuring that, among persons who have committed offenses, persons such as the elderly and persons with disabilities for whom it is difficult to live self-reliant lives, and persons such as those with drug and substance addictions, will be provided with appropriate health, medical, and welfare services commensurate with their mental and physical conditions, the State is to implement the necessary initiatives to establish and enhance systems at relevant organizations providing medical care, healthcare, welfare, and other services, and is to also implement the necessary initiatives to strengthen coordination among the relevant organizations, correctional institutions, probation offices, and private-sector organizations.

(Establishment of Systems at the Relevant Organizations; Related Matters)

Article 18 In order to provide substantial guidance and support for persons who have committed offenses, the State is to develop systems at the relevant organizations and implement the necessary initiatives to secure, train, and improve the quality of personnel involved in preventing recidivism.

(Development of Facilities Involved in Preventing Recidivism)

Article 19 In light of the fact that facilities involved in preventing recidivism (meaning correctional institutions and other facilities that implement

initiatives to prevent recidivism; hereinafter the same applies in this Article) constitute important pieces of infrastructure for advancing initiatives to prevent recidivism, the State is to implement the necessary initiatives to advance the development of facilities involved in preventing recidivism.

(Sharing of Information, Verification, and Advancement of Research and Study)

Article 20 With a view to contributing to the effective implementation of initiatives to prevent recidivism, the State is to share information conducive to preventing recidivism that is held by the relevant organizations, verify the implementation status and effects of initiatives to prevent recidivism, and advance research and study into the effective treatment of persons who have committed offenses in the course of working to prevent their recidivism; and is to implement the necessary initiatives, such as considering the right modalities for initiatives to prevent recidivism, based on things such as the results of these activities.

(Appropriate Guidance and Support within Society)

Article 21 The State is to implement the necessary initiatives for persons who have committed offenses whose receipt of the appropriate guidance and support within society it is found will be effective in preventing their recidivism, to enable them to receive guidance and support within society quickly and effectively, either without being treated at correctional institutions or in a continued fashion after being treated at correctional institutions for a fixed period.

(Increasing Understanding among the People; Commendations)

Article 22 (1) The State is to implement the necessary initiatives to deepen the people's understanding of the importance of initiatives to prevent recidivism and to gain their cooperation.

(2) The State is to endeavor to commend private-sector organizations and individuals that have contributed to advancing the prevention of recidivism.

(Assisting Private-Sector Organizations and Others)

Article 23 In order to facilitate activities to prevent recidivism carried out by volunteer probation officers' associations, cooperating employers, and other private –sector organizations and individuals, the State is to implement the necessary initiatives, such as financial, fiscal, and other measures.

## **Section 2 Initiatives by Local Governments**

Article 24 Local governments must endeavor to implement the initiatives prescribed in the preceding Section in keeping with an appropriate sharing of roles with the State and based on the circumstances in the areas under their jurisdictions.

### **Supplementary Provisions**

(Effective Date)

(1) This Act comes into effect as of the date of promulgation.

(Review)

(2) Approximately five years after this Act comes into effect, the State is to review the status of this Act's entry into effect and take necessary measures based on the results of this review.