

Juveniles Act

(Act No. 168 of July 15, 1948)

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Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to promote the healthy upbringing of juveniles, while correcting personality flaws and modifying the environment of delinquent juveniles through rehabilitation measures, and implementing special measures for juvenile criminal cases.

(Juveniles, Adults and Guardians)

Article 2 (1) In this Act, the term "juvenile" refers to a person under 20 years of age; the term "adult" refers to a person of 20 years of age or older.

(2) In this Act, the term "guardian" refers to a person with a statutory obligation to have custody of and provide education to a juvenile, or a person who has actual custody of a juvenile.

Chapter II Juvenile Protection Cases

Section 1 General Rules

(Juveniles Subject to Hearing and Decision)

Article 3 (1) A juvenile to whom any of the following items applies is subjected to a hearing and decision of the family court.

(i) a juvenile who has committed an offence

- (ii) a juvenile under 14 years of age whose actions violate a criminal law or regulation
- (iii) a juvenile who, due to any of the following reasons and in light of any of the juvenile's personality or environment, is likely to commit a crime or violate a criminal law or regulation
 - (a) has a tendency not to submit to legitimate supervision by the guardian
 - (b) remains absent from home without a justifiable cause
 - (c) associates with persons having a criminal nature or who are immoral, or frequents places of ill repute
 - (d) has a tendency to harm one's own moral character or that of others
- (2) The family court may subject a juvenile as prescribed in item (ii) of the preceding paragraph or a juvenile as prescribed in item (iii) of the same paragraph who is under 14 years of age to a hearing and decision only when a prefectural governor or a director of a child consultation center refers the juvenile to the family court.

(Authority of Assistant Judges)

Article 4 An assistant judge may give a judicial decision other than the ruling prescribed in Article 20 by themselves.

(Jurisdiction)

Article 5 (1) Court jurisdiction over a juvenile protection case is determined on the basis of the place where the juvenile committed the act, domicile or residence of the juvenile, or current location of the juvenile.

(2) The family court, by a ruling, may transfer a case to any other family court having jurisdiction if the court finds it particularly necessary in order to ensure appropriate protection of the juvenile.

(3) The family court, by a ruling, must transfer a case to the family court having jurisdiction if the case is found not to fall under its jurisdiction.

(Inspection and Copying of Records by the Victim)

Article 5-2 (1) When, after the ruling prescribed by Article 21 has been made, the victim, etc. of the protection case (meaning the victim, the victim's statutory agent or their spouse, lineal relative or sibling if the victim has died or suffers serious physical or mental conditions; the same applies hereinafter) or the attorney at law appointed by the victim, etc. request pursuant to the Rules of the Supreme Court to inspect or copy the records retained by the court on the juvenile protection case as specified in Article 3, paragraph (1), item (i) or (ii) (except those collected by the family court exclusively for its determination on need for protection of the juvenile and those created or collected by family court probation officer that contribute to the family court's

determination on the need for protection of the juvenile) , the court authorizes the applicant to inspect or copy the records, except when the court finds the request for inspection or copying has been filed on unjustifiable grounds or the court finds it inappropriate to permit inspection or copying in light of the impact on the healthy upbringing of the juvenile, the nature of the case, the status of investigation and hearing, or other circumstances.

- (2) The request set forth in the preceding paragraph may not be filed when three years have passed since the ruling to close the juvenile protection case pertaining to the request had become final and binding.
- (3) The person who inspected or copied the records pursuant to the provisions of paragraph (1) must neither divulge the name or other information concerning personal circumstances of the juvenile acquired through the inspection or copying without justifiable grounds nor use any information obtained through the inspection or copying to hinder the healthy upbringing of the juvenile, damage the dignity or peace of life of any person concerned or engage in any act that disturbs the investigation or hearing of the case without justifiable grounds.

(Fee for Inspection or Copying)

Article 5-3 The provisions of Articles 7 through 10 and paragraph 1 of appended table 2 (excluding the phrase "excluding those requested by a party, etc. when the suit is pending" in the upper column of the paragraph) of the Act on Costs of Civil Procedure (Act No. 40 of 1971) applies mutatis mutandis to the fee for inspection or copying of the record pursuant to the provision of paragraph (1) of the preceding Article unless contrary to the nature thereof.

Section 2 Notification, Investigation by Police Officials

(Notification)

Article 6 (1) A person who finds a juvenile who should be subject to hearing and decision of the family court must notify the family court of this.

- (2) A police official or a guardian of a juvenile may directly notify the child consultation center of the juvenile if it is found appropriate to subject the juvenile prescribed in Article 3, paragraph (1), item (iii) to the measures under the Child Welfare Act (Act No. 164 of 1947) in preference to direct referral or notification to the family court.

(Investigation by Police Officials)

Article 6-2 (1) In cases where a police official makes a reasonable decision based on the objective circumstances and finds that the juvenile who has a probable cause to suspect, as specified in Article 3, paragraph (1), item (ii), the police

official may investigate the case if it is necessary.

- (2) The investigation set forth in the preceding paragraph is to be conducted for the purpose of finding the truth of the case while giving consideration for the protection of the juvenile's sentiments and thereby contributing to the measures for the juvenile's healthy upbringing.
- (3) A police official may have a member of the police force (excluding police officials) with expertise in juvenile psychology and other behavioral characteristics to investigate (excluding the dispositions prescribed in Article 6-5, paragraph (1)) pursuant to the Rules of the National Public Safety Commission.

(Attendant During Investigation)

Article 6-3 The juvenile and guardian of the juvenile may at any time appoint an attendant who is an attorney at law for the investigation as prescribed in paragraph (1) of the preceding Article.

(Requesting a Summons, Questioning and Requesting a Report)

- Article 6-4 (1) A police official may summon and question the juvenile, the guardian of the juvenile or relevant persons if necessary for the investigation.
- (2) The questioning set forth in the preceding paragraph must not be conducted forcibly.
 - (3) A police official may request public offices or public or private organizations to report necessary information relating to the investigation.

(Seizure, Search, Inspection and Request for Expert Opinion)

- Article 6-5 (1) A police official may carry out seizure, search or inspection, or request for an expert opinion if it is necessary for the investigation of the case of a juvenile as prescribed in Article 3, paragraph (1), item (ii).
- (2) The provisions for seizure, search, inspection and request for an expert examination to be carried out by a judicial police official in the Code of Criminal Procedure (Act No. 131 of 1948) (excluding Article 224 of the same Code) apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the term "judicial police personnel" in these provisions is deemed to be replaced with "police officer who is a judicial police personnel" and the term "judicial police constable" with "police officer who is a judicial police constable"; in Article 499, paragraph (1) of the same Code, the term "public prosecutor" is deemed to be replaced with "Superintendent General of the Metropolitan Police Department, Chief of Prefectural Police Headquarters or Chief of Police Station" and the term "Cabinet Order" with "the Rules of the National Public Safety Commission"; and in paragraph (3) of the same Article, the term "national treasury" is deemed to be replaced with "prefectural

government where the relevant prefectural police headquarters or police station is located."

(Referral by Police Officials)

Article 6-6 (1) A police official must refer the case, together with the documents pertaining to the investigation, to a director of a child consultation center, if the case falls under any of the following items as a result of the investigation.

(i) a case concerning a juvenile as prescribed in Article 3, paragraph (1), item (ii) in which the police official considers the act committed by the juvenile as a violation of criminal laws and regulations concerning the offenses which fall under either of the following items.

(a) An intentional criminal act which caused death to the victim

(b) Beyond what is set forth in item (a), any crime that is punishable by the death penalty, life imprisonment or imprisonment without work, or imprisonment or imprisonment without work for not less than two years

(ii) any case, in addition to what is prescribed in the preceding item, concerning a juvenile as prescribed in Article 3, paragraph (1), item (ii), which the police official considers appropriate to refer the case to hearing and decision of the family court.

(2) A police official must send the family court any evidence obtained in relation to a case referred to a director of a child consultation center pursuant to the provisions of the preceding paragraph if the measures prescribed in Article 27, paragraph (1), item (iv) of the Child Welfare Act have been implemented.

(3) When notifying a child consultation center of a juvenile subject to investigation pursuant to the provisions of Article 25, paragraph (1) of the Child Welfare Act, except when the case is referred pursuant to the provisions of paragraph (1), a police officer is to provide the child consultation center with an outline and results of the investigation which will be helpful for the implementation of measures under the same Act, pursuant to the provisions of the Rules of the National Public Safety Commission.

(Referral by a Prefectural Governor or Director of a Child Consultation Center)

Article 6-7 (1) A prefectural governor or a director of a child consultation center must implement the measures prescribed in Article 27, paragraph (1), item (iv) of the Child Welfare Act in a case referred to the governor or the director pursuant to the provisions of paragraph (1) of the preceding Article (limited to the part thereof concerning item (i)); provided, however, that this does not apply when it is found unnecessary to do so as a result of the investigation.

(2) If it is necessary to take compulsory measures that may, as a result, be unintentionally contributive to restriction on liberty of action or deprivation of liberty of a juvenile to whom the Child Welfare Act applies, a prefectural

governor or a director of a child consultation center must refer the case to the family court, except when it is permitted to take such measures pursuant to the provisions of Articles 33, 33-2 and 47 of the same Act.

(Reporting by a Family Court Probation Officer)

- Article 7 (1) When any juvenile subject to hearing and decision of the family court is found, a family court probation officer must report this to a judge.
- (2) A family court probation officer may investigate the circumstances surrounding the juvenile and the guardian of the juvenile prior to the reporting set forth in the preceding paragraph.

Section 3 Investigation, Hearing and Decision

(Investigation of Cases)

- Article 8 (1) When the family court considers that a juvenile should be subject to hearing and decision following the notification prescribed in Article 6, paragraph (1) or the reporting prescribed in paragraph (1) of the preceding Article, it must investigate the case involving the juvenile. The same applies to a juvenile case that should be subject to hearing and decision of the family court, which is referred to it by a public prosecutor, a judicial police personnel, a police official, a prefectural governor or a child consultation center's director.
- (2) The family court may order a family court probation officer to interview a juvenile, guardian of the juvenile or relevant persons and to carry out other necessary investigation.

(Investigation Policy)

- Article 9 The investigation prescribed in the preceding Article must be carried out by making use of medical, psychological, pedagogical, sociological and other expert knowledge and, above all others, the findings of the assessment by the juvenile classification home as much as possible for probing into behavior, background, personal capacity and environment of the juvenile, the guardian of the juvenile and other concerned persons.

(Hearing of Opinions by Victims upon Request)

- Article 9-2 The family court is to hear by itself or order a family court probation officer to hear from the victim, etc. of a juvenile case, as prescribed in Article 3, paragraph (1), item (i) or (ii) about their feelings and other opinions on the case upon their request pursuant to the Rules of the Supreme Court; provided, however, that this does not apply if it is found inappropriate in light of the nature of the case, the state of investigation or hearing of the family court, or other circumstances.

(Attendant)

Article 10 (1) A juvenile or the guardian of the juvenile may, with the family court's permission, appoint an attendant; provided, however, that no permission is needed to appoint an attorney at law as the attendant.

(2) A guardian of the juvenile may serve as attendant if permitted by the family court.

(Summons and Escort)

Article 11 (1) The family court may issue a summons to the juvenile or guardian of the juvenile when it is found necessary for the investigation or hearing and decision of the case.

(2) The family court may issue an escort warrant for a person who fails to comply with the summons set forth in the preceding paragraph without justifiable reason.

(Escort in Case of Emergency)

Article 12 (1) Notwithstanding the provisions of paragraph (2) of the preceding Article, the family court may issue an escort warrant for the juvenile in case of emergency for protection purposes if it is found necessary for the juvenile's welfare.

(2) In urgent cases the presiding judge may take the measures set forth in the preceding paragraph or have a member of the panel of judges do this.

(Execution of an Escort Warrant)

Article 13 (1) An escort warrant is executed by a family court probation officer.

(2) The family court may have a police official, a probation officer or a court clerk execute an escort warrant.

(3) In urgent cases the presiding judge may take the measures set forth in the preceding paragraph or have a member of the panel of judges do this.

(Examination of Witnesses, Expert Opinion, Interpretation and Translation)

Article 14 (1) The family court may examine witnesses, or order to give expert opinion, or to interpret or translate.

(2) The provisions of the Code of Criminal Procedure concerning examination of witnesses, expert opinion, interpretation and translation to be conducted by the court apply mutatis mutandis to the case set forth in the preceding paragraph unless contrary to the nature of the juvenile protection case.

(Inspection, Seizure and Search)

Article 15 (1) The family court may conduct inspection, seizure or search.

(2) The provisions of the Code of Criminal Procedure concerning inspection, seizure and search to be conducted by the court apply mutatis mutandis to the case set forth in the preceding paragraph unless contrary to the nature of the juvenile protection case.

(Assistance and Cooperation)

Article 16 (1) The family court may have a police official, a probation officer, a volunteer probation officer, a child welfare officer (which means a child welfare officer as prescribed in Article 12-3, paragraph (2), item (iv) of the Child Welfare Act; the same apply in Article 26, paragraph (1) of this Act.) or a commissioned child welfare volunteer provide necessary assistance in investigation and observation.

(2) The family court may request the necessary cooperation from public offices, public and private organizations, schools, hospitals and others in performing their duties.

(Measures for Observation and Protection of Juveniles)

Article 17 (1) The family court may implement measures for observation and protection of juveniles listed in the following items by a ruling if the measures are needed for its hearing and decision.

(i) putting a juvenile under the observation and protection of a family court probation officer

(ii) referral of a juvenile to a juvenile classification home

(2) Measures for observation and protection regarding an escorted juvenile must be implemented within 24 hours, at the latest, from the time of the arrival. The same applies to the measures regarding a juvenile who has been detained or arrested, and is referred to the court by the public prosecutor or the judicial police personnel.

(3) In the event where the measures prescribed in item (ii) of paragraph (1) are implemented, the period of detention of the juvenile at the juvenile classification home may not exceed two weeks; provided, however, that the period may be renewed by the court's ruling if continued custody is particularly needed.

(4) The renewal pursuant to the proviso of the preceding paragraph is not to take place more than once; provided, however, that the renewal may take place up to two additional times if the family court has decided to conduct an examination of a witness, seek expert's opinion, or conduct an inspection or it had implemented these measures in order to find out the facts of the juvenile delinquency case (including motive, manners, consequences of the crime or other material facts closely related to the crime; the same applies hereinafter) punishable by death penalty, imprisonment with work, or imprisonment

without work concerning a juvenile as prescribed in Article 3, paragraph (1), item (i), and if there are reasonable grounds to suspect that a family court hearing would be severely hindered without commitment of the juvenile.

- (5) Notwithstanding the proviso of paragraph (3), the period of commitment in a case re-referred by a public prosecutor may not be renewed if the measures prescribed in item (ii) of paragraph (1) have already been implemented or a detention warrant has already been issued with regard to the case.
- (6) If the judge implements the measures prescribed in paragraph (1), item (i) of this Article upon request pursuant to the provisions of Article 43, paragraph (1), the measures are deemed as those prescribed in paragraph (1), item (i) of this Article if the case is referred to the family court subsequently.
- (7) If the judge implements the measures prescribed in item (ii), paragraph (1) of this Article upon request pursuant to the provisions of Article 43, paragraph (1), the measures are deemed to be those prescribed in item (1), paragraph (1) of this Article if the case is referred to the family court subsequently. In this case, the period prescribed in paragraph (3) begins from the day when the case is referred to the family court.
- (8) The measures for observation and protection of juveniles may be revoked or amended by a ruling.
- (9) With regard to the measures prescribed in item (ii), paragraph (1), the total period of custody may not exceed eight weeks; provided, however, that no ruling that makes a total custody period longer than four weeks is rendered without the grounds prescribed in the proviso of paragraph (4).
- (10) In case of emergency, the presiding judge may take the measures prescribed in paragraphs (1) or (8), or have a member of panel of judges do this.

(Filing of Objections)

- Article 17-2 (1) A juvenile, the statutory agent or attendant of the juvenile may file an objection against a ruling as prescribed in item (ii) of paragraph (1) of the preceding Article or in the proviso of paragraph (3) of the preceding Article to the family court where the juvenile protection case is pending; provided, however, that the attendant may not file an objection that is contrary to the intent clearly indicated by the guardian who appointed the attendant.
- (2) The objection set forth in the preceding paragraph may not be filed by reason of absence of any grounds for referring the case to hearing and decision of the family court.
 - (3) A ruling on the objection referred to in paragraph (1) must be made by a panel of judges at the family court. In this case, a judge who was involved in the ruling in prior instance may not participate in giving the ruling.
 - (4) The provisions of Articles 32-3, 33 and 34 apply mutatis mutandis to a case in which the objection prescribed in paragraph (1) is filed. In this case, the term

"the court in charge of appeal must revoke the ruling in prior instance and refer the case back to the court of prior instance or transfer the case to the other family court" in Article 33, paragraph (2) is deemed to be replaced with "the court in charge of appeal must revoke the ruling in prior instance and give a ruling by itself if necessary."

(Special Appeal)

Article 17-3 (1) The provisions of Article 35, paragraph (1) apply mutatis mutandis to the ruling prescribed in paragraph (3) of the preceding Article. In this case, the term "two weeks" in Article 35, paragraph (1) is deemed to be replaced with "five days."

(2) The provisions of paragraph (4) of the preceding Article and Article 32-2 apply mutatis mutandis if an appeal is filed pursuant to the provisions of the preceding paragraph.

(Provisional Commitment in Case of Referral to a Juvenile Classification Home)

Article 17-4 (1) If there are circumstances under which immediate custody in a juvenile classification home is found extremely difficult following the implementation of the measures prescribed in Article 17, paragraph (1), item (ii), the family court may, by a ruling, provisionally commit the juvenile to the nearest juvenile training school or to a specially separated place inside the nearest penal institution; provided, however, that the period must not exceed 72 hours from commencement of the custody.

(2) In case of an emergency, the presiding judge may take the measures set forth in the preceding paragraph or have a member of the panel of judges do this.

(3) The period of custody pursuant to the provisions of paragraph (1) is deemed to be the period of commitment in a juvenile classification home by the measures prescribed in item (ii) of paragraph (1) of Article 17; the period prescribed in paragraph (3) of the same Article is to begin from the day of custody in the juvenile training school or penal institution.

(4) If the judge committed a juvenile pursuant to paragraph (1) upon request prescribed in the provisions of Article 43, paragraph (1), the custody is deemed to be the custody prescribed in paragraph (1) if the case is referred to the family court subsequently.

(Measures Prescribed in the Child Welfare Act)

Article 18 (1) When it is found appropriate to take measures prescribed in the provisions of the Child Welfare Act as a result of the investigation, the family court, by a ruling, must refer the case to a prefectural governor or a director of a child consultation center who has authority over the case.

(2) The family court, by a ruling, may refer the case concerning a juvenile referred by a prefectural governor or a director of child consultation center, pursuant to the provisions of Article 6-7, paragraph (2), to the prefectural governor or the director of a child consultation center who has authority over the case, accompanied by the instruction as to the means of protection and other measures with the specified deadline.

(Ruling for Non-commencement of Hearing)

Article 19 (1) The family court must make a ruling of non-commencement of hearing when it finds as a result of the investigation that it is impossible or inappropriate to subject the case to hearing.

(2) Notwithstanding the provisions of the preceding paragraph, if it is found, as a result of the investigation, that the person concerning the case is 20 years of age or older, the family court, by a ruling, must refer a case to a public prosecutor at the public prosecutor's office which is the counterpart of the district court having the jurisdiction over the case.

(Referral to a Public Prosecutor)

Article 20 (1) The family court, by a ruling, must refer a case punishable by death penalty or imprisonment with work or imprisonment without work to a public prosecutor at the public prosecutor's office which is the counterpart of the district court having the jurisdiction over the case if the disposition of criminal case is found appropriate as a result of the investigation in light of the nature of the crime and circumstances.

(2) Notwithstanding the provisions of the preceding paragraph, the family court must give a ruling as prescribed in the same paragraph for a case in which a juvenile who is 16 years of age or older committed an intentional criminal act that caused death to the victim; provided, however, that this does not apply if the court finds any measures other than the disposition of criminal case is found appropriate as a result of the investigation in consideration of motive and manner of the crime, circumstances after the crime, personality traits, age, behavior, environment and other circumstances of the juvenile.

(Ruling for Commencement of Hearing and Decision)

Article 21 The family must give a ruling for commencement of hearing when it is found appropriate as a result of the investigation.

(Procedure of Hearing)

Article 22 (1) Hearing must be conducted cordially and amicably, and encourage the delinquent juvenile to reflect on their delinquency.

(2) Hearing is not open to the public.

(3) The presiding judge is to direct a hearing.

(Participation of Public Prosecutors)

Article 22-2 (1) The family court, by a ruling, may have a public prosecutor participate in a hearing for a case involving a juvenile as prescribed in Article 3, paragraph (1), item (i) concerning a crime which is punishable by the death penalty, life imprisonment, or imprisonment with work or imprisonment without work for maximum term of more than three years when the court finds that the participation of a public prosecutor in the hearing is necessary to find the facts of the delinquency.

(2) The family court must hear the opinion of a public prosecutor in advance to give the ruling set forth in the preceding paragraph, except for cases where the public prosecutor requests to attend the hearing.

(3) If the ruling as prescribed in paragraph (1) is given on the case, the public prosecutor, as provided for by the Rules of the Supreme Court, may inspect and copy the records of the case and articles of evidence, attend the hearing (including the announcement of the ruling that closes the case), ask questions to the juvenile, witnesses and other concerned persons, and give opinions to the extent that is necessary to find the facts of the delinquency.

(Court-appointed Attendants)

Article 22-3 (1) If the juvenile has no attendant who is an attorney at law when the family court gave a ruling as prescribed in paragraph (1) of the preceding Article, the court must appoint an attendant who is an attorney at law.

(2) The family court may appoint an attendant who is an attorney at law in a case of a juvenile as prescribed in Article 3, paragraph (1), item (i) for a crime prescribed in paragraph (1) of the preceding Article or in a case of a juvenile as prescribed in Article 3, paragraph (1), item (ii) for an act violating criminal laws and regulations concerning a crime prescribed in paragraph (1) of the preceding Article for the juvenile against whom the measures prescribed in Article 17, paragraph (1), item (ii) has been implemented and who has no attendant who is an attorney at law if the court finds that participation of an attendant who is an attorney at law is required for the hearing proceedings in light of the nature of the case, presence or absence of the guardian and other circumstances.

(3) An attendant to be appointed by the family court pursuant to the provisions of the preceding two paragraphs is to be appointed as provided for by the Rules of the Supreme Court.

(4) An attendant appointed pursuant to the provisions of the preceding paragraph (including the cases where it is applied *mutatis mutandis* pursuant to Article 22-5, paragraph (4)) may claim travel expenses, daily allowances,

accommodation fees and remuneration.

(Observation of Hearing by Victims)

- Article 22-4 (1) The family court may, pursuant to the Rules of the Supreme Court, permit, upon request of the victim, etc. to observe the hearing of a juvenile case on the hearing date for a case of a juvenile as prescribed in Article 3, paragraph (1), item (i) who committed a crime listed in any of the following items or for a case of a juvenile as prescribed in item (ii) of the same paragraph (excluding any juvenile under 12 years of age who committed an act violating criminal laws and regulations; the same applies in the next paragraph) who committed an act violating criminal laws and regulations concerning crimes listed in any of the following items (limited to any act that caused serious danger to victim's life in either of the relevant cases where the victim was injured) if the court found it appropriate and unlikely to hinder healthy upbringing of the juvenile in light of the age of the juvenile, emotional state, the nature of the case, status of the hearing and other circumstances.
- (i) a crime of committing an intentional criminal act that caused death or injury to the victim
 - (ii) a crime prescribed in Article 211 (Causing Death or Injury through Negligence in the Pursuit of Social Activities) of the Penal Code (Act No. 45 of 1907)
 - (iii) a crime prescribed in Article 4, Article 5 or paragraph (3) or paragraph (4) of Article 6 of the Act on Punishment of Acts Inflicting Death or Injury on Others by Driving a Motor Vehicle (Act No. 86 of 2013)
- (2) When deciding whether or not to permit the victim, etc. of the case of a juvenile as prescribed in Article 3, paragraph (1), item (ii) to observe the hearing pursuant to the provision of the preceding paragraph, the family court must give full consideration to the fact that in general the juvenile as prescribed in the same item is highly emotionally immature.
- (3) When permitting observation of the hearing pursuant to the provisions of paragraph (1), the family court may allow a person who can ease the anxiety or the tension of the observer appropriately and is unlikely to disrupt the hearing, or have undue impact on it, to accompany the observer, if it finds that the observer is likely to feel severe anxiety or tension in consideration of age, psychophysical condition of the observer and other circumstances.
- (4) When determining the seating of the observer of the hearing pursuant to the provisions of paragraph (1) and the accompanying person pursuant to the preceding paragraph and the seating layout of court officials at the place where the hearing takes place, the presiding judge must give consideration to the impact on the physical and emotional condition of the juvenile.
- (5) The provisions of Article 5-2, paragraph (3) apply mutatis mutandis to the

observer of the hearing pursuant to the provisions of paragraph (1) and to the accompanying person pursuant to the provisions of paragraph (3).

(Hearing of Opinions from the Attendant Who is an Attorney at Law)

- Article 22-5 (1) Prior to permitting observation of the hearing pursuant to the provisions of paragraph (1) of the preceding Article, the family court must hear opinions from the attendant who is an attorney at law.
- (2) In the case of the preceding paragraph, the family court must appoint an attendant who is an attorney at law if the juvenile does not have such an attendant.
- (3) In a case where the juvenile does not have an attendant who is an attorney at law, the provisions in the preceding two paragraphs do not apply if the juvenile and the guardian clearly indicate their intent to require no attendant pursuant to the Rules of the Supreme Court.
- (4) The provisions of Article 22-3, paragraph (3) apply mutatis mutandis to the attendant who must be appointed by the family court pursuant to the provisions of paragraph (2).

(Explanations to the Victims)

- Article 22-6 (1) Upon request from the victim, etc. of the case involving a juvenile as prescribed of Article 3, paragraph (1), item (i) or (ii) pursuant to the Rules of the Supreme Court, the family court is to give the victim, etc. explanation on the status on the hearing on the hearing date as provided for by the Rules of the Supreme Court if it is found appropriate and unlikely to hinder healthy upbringing of the juvenile.
- (2) The request set forth in the preceding paragraph may not be filed when three years have passed since the ruling to close the case pertaining to that request had become final and binding.
- (3) The provisions of Article 5-2, paragraph (3) apply mutatis mutandis to the person who is given the explanations pursuant to the provisions of paragraph (1).

(Cases without Rehabilitation Measures after Commencement of Hearing)

- Article 23 (1) When a case is found to fall under Article 18 or 20 as a result of the hearing, the family court must give a ruling as prescribed in these Articles accordingly.
- (2) When it is found impossible or unnecessary to subject the juvenile to rehabilitation measures as a result of the hearing, the family court must give a ruling not to subject the juvenile to the measures.
- (3) The provisions of Article 19, paragraph (2) applies mutatis mutandis to cases where the person concerned is found to be 20 years of age or older as a result of

the family court hearing.

(Ruling for Rehabilitation Measures)

Article 24 (1) Except for the case of the preceding Article, the family court, by a ruling, must subject a juvenile to rehabilitation measures as listed in the following items; provided, however, that the measures prescribed in item (iii) may be implemented for a case of a juvenile who is under 14 years of age at the time of the ruling only when it is found particularly necessary.

(i) placing the juvenile on probation at the probation office

(ii) referral to a children's self-reliance support facility or a foster home

(iii) referral to a juvenile training school

(2) With respect to rehabilitation measures prescribed in items (i) and (iii) of the preceding paragraph, the family court may have the chief probation officer implement measures for modification of the family and other environments.

(Confiscation)

Article 24-2 (1) When making a ruling as prescribed in Article 18, Article 19, Article 23, paragraph (2) or paragraph (1) of the preceding Article, the family court, by a ruling, may confiscate the objects listed in the following items from a juvenile listed in Article 3, paragraph (1), items (i) and (ii).

(i) an object which is a component of an act violating criminal laws and regulations

(ii) an object which is used or intended for use in committing an act violating criminal laws and regulations

(iii) an object which is generated or acquired by committing an act violating criminal laws and regulations, or an object which is acquired as a reward for committing that act

(iv) An object obtained in exchange for the object prescribed in the preceding item

(2) An object may be confiscated only if it does not belong to a person other than the juvenile concerned; provided, however, that an object that belongs to a person other than the juvenile concerned may be confiscated if the person acquires the object after the commission of an act violating criminal laws and regulations with knowledge of the applicability of any of the items set forth in the preceding paragraph.

(Observation by a Family Court Probation Officer)

Article 25 (1) The family court may, by a ruling, keep a juvenile under observation by a family court probation officer for a reasonable period if it is found necessary to give a ruling for rehabilitation measures as prescribed in Article 24, paragraph (1).

- (2) In combination with the observation set forth in the preceding paragraph, the family court may implement the measures listed in the following items.
- (i) establishment of compliance rules and giving an order to implement them
 - (ii) determination of conditions and releasing of a juvenile to the guardian under the conditions
 - (iii) correctional guidance through commission to an appropriate institution, organization or individual

(Measures against the Guardian)

Article 25-2 The family court may give caution or guidance to the guardian, or take appropriate measures against the guardian in the course of investigation or hearing, if it is found necessary, in order to make the guardian realize their responsibility for custody of the juvenile and to prevent the juvenile from committing delinquency, or may order a family court probation officer to take these measures.

(Execution of a Ruling)

Article 26 (1) The family court may have a family court probation officer, court clerk, secretary at the Ministry of Justice, law instructor, police official, probation officer or child welfare officer enforce a ruling given pursuant to the provisions of Article 17, paragraph (1), item (ii), Article 17-4, paragraph (1), Article 18, Article 20 or Article 24, paragraph (1).

- (2) The family court may issue a summons to a juvenile if it is necessary to enforce a ruling given pursuant to the provisions of Article 17, paragraph (1), item (ii), Article 17-4, paragraph (1), Article 18, Article 20 or Article 24, paragraph (1).
- (3) The family court may issue an escort warrant for a person who fails to appear pursuant to the summons set forth in the preceding paragraph without justifiable reason.
- (4) Notwithstanding the provisions of the preceding paragraph, the family court may issue an escort warrant for the juvenile who needs to be protected urgently where it is found necessary for the welfare of the juvenile.
- (5) The provisions of Article 13 apply mutatis mutandis to the escort warrant prescribed in the preceding two paragraphs.
- (6) In urgent cases the presiding judge may impose the disposition set forth in paragraphs (1) and (4) or have a member of the panel of judges to do this.

(Temporary Continuation of Commitment at a Juvenile Classification Home)

Article 26-2 When making a ruling as prescribed in the provisions in Articles 18 through 20, Article 23, paragraph (2) or Article 24, paragraph (1) for the case for which the measures prescribed in the provisions of Article 17, paragraph (1),

item (ii) are implemented, the family court may, by a ruling, continue to commit the juvenile at a juvenile classification home for a reasonable period if it is found necessary; provided, however, that the period may not exceed seven days.

(Provisional Commitment in the Case of Execution of an Escort Warrant)

Article 26-3 When the escort warrant prescribed in Article 26, paragraph (3) or (4) is enforced against a juvenile to whom a ruling as prescribed in Article 24, paragraph (1), item (iii) has been given, the family court may provisionally commit the juvenile at a nearby juvenile classification home if necessary.

(Measures Against a Person Under Probation)

Article 26-4 (1) When a request as pursuant to the provisions of Article 67, paragraph (2) of the Offenders Rehabilitation Act (Act No. 88 of 2007) is filed, the family court, by a ruling, must take rehabilitation measures prescribed in Article 24, paragraph (1), item (ii) or (iii), if the court as a result of the hearing has reasonable reason that the person who is subject to the measures prescribed in Article 24, paragraph (1), item (i) failed to comply with the rules to be observed, or failed to do so after receiving warnings as prescribed in Article 67, paragraph (1) of that Act, and the family court finds that the failure is so serious, and that the educational and supervisory measures in place are not sufficient to improve or rehabilitate the person.

(2) When subjecting a person of 20 years of age or above to the rehabilitation measures prescribed in Article 24, paragraph (1), item (iii) pursuant to the provisions of the preceding paragraph, the family court must specify, concurrently with the decision, the period of commitment in a juvenile training school before they reach 23 years of age.

(3) Beyond what is set forth in the preceding paragraph, the procedure of a case pertaining to rehabilitation measures pursuant to the provisions of paragraph (1) is to be governed by the procedure of the case concerned with the rehabilitation measures pursuant to the provisions of Article 24, paragraph (1) unless it contradicts the nature thereof.

(Coordination of Conflicting Measures)

Article 27 (1) When a criminal conviction against a person becomes final and binding while the rehabilitation measures are in place, the family court that implemented the disposition may, by a ruling, revoke that measures when it is found appropriate.

(2) When a person is subjected to new rehabilitation measures while the former rehabilitation measures are in place, the family court implementing the new measures may hear the opinion from the family court which has implemented

the former measures and revoke either of the measures by a ruling.

(Revocation of Rehabilitation Measures)

- Article 27-2 (1) If any new documents, which enables a family court to find the fact that the family court had no jurisdiction over a person, or that the family court has subjected a juvenile under 14 years of age to rehabilitation measures without referral from the prefectural governor or a director or a child consultation center are found while the measures are in place, the family court implementing the measures must revoke the measures by a ruling.
- (2) If any new documents, which enables a family court to find the fact that the family court has subjected a person to rehabilitation measures without any grounds to subject the person to hearing and decision are found even after the measures had been implemented, the preceding paragraph applies; provided, however, that this does not apply to a case where the person has died.
- (3) If the director of a probation office, children's self-reliance support facility, foster home or juvenile training school finds any new documents related to a person who has been subjected to the rehabilitation measures showing probable grounds of suspicion prescribed in paragraph (1), they must give notice to that effect to the family court that has implemented the measures.
- (4) The provisions of Article 18, paragraph (1) and Article 19, paragraph (2) apply mutatis mutandis if the family court revokes the rehabilitation measures pursuant to the provisions of paragraph (1).
- (5) If the family court revokes the rehabilitation measures against a person committed in a juvenile training school pursuant to the provisions of paragraph (1), the family court, by a ruling, may have the person stay on at the juvenile training school if it is found necessary; provided, however, that this period must not exceed three days.
- (6) Beyond what is set forth in the preceding three paragraphs, the procedure in the case of a revocation of the rehabilitation measures pursuant to the provisions of paragraphs (1) and (2) is governed by the same rules as the juvenile protection case unless it is contrary to the nature thereof.

(Submission of Reports and Opinions)

Article 28 When the family court has given a ruling prescribed in Article 24 or 25, it may request that the institution, organization, individual, probation office, child welfare institution or juvenile training school submit reports and opinions concerning the juvenile.

(Payment of Costs for Commissioned Work)

Article 29 When the family court commissions correctional guidance to an appropriate institution, organization or individual as a measure prescribed in

Article 25, paragraph (2), item (iii), the family court may pay all or part of the expenses incurred for it to the institution, organization or individual.

(Costs for Witnesses)

Article 30 (1) The provisions in laws and regulations concerning the costs of criminal proceedings apply mutatis mutandis to the travel expenses, daily allowances, accommodation fees and other costs payable to witnesses, expert witnesses, translators and interpreters.

(2) A person of reference may request their travel expenses, daily allowances and accommodation fees.

(3) The costs payable to the persons of reference are deemed as costs payable to the witness, and the provisions of paragraph (1) apply to the costs payable to the persons of reference.

(4) The amounts of travel expenses, daily allowances, accommodation fees and remuneration payable to an attendant pursuant to the provisions of Article 22-3, paragraph (4) is governed by the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure concerning those payable to a defense counsel.

Article 30-2 When the family court has a volunteer probation officer or a commissioned child welfare volunteer provide assistance in investigation and observation pursuant to the provisions of Article 16, paragraph (1), the family court may pay all or part of the costs thereof as prescribed by the Supreme Court.

(Collection of Costs)

Article 31 (1) The family court may collect from the juvenile or the person having a duty to support the juvenile all or part of the travel expenses, daily allowances, accommodation fees and other costs paid to witnesses, expert witnesses, interpreters, translators, persons of reference, attendants appointed pursuant to the provisions of Article 22-3, paragraph (3) (including if it is applied mutatis mutandis pursuant to Article 22-5, paragraph (4)) and those commissioned to give correctional guidance, and the costs incurred by the juvenile classification home and juvenile training school.

(2) The provisions of Article 121 in the Non-Contentious Case Procedures Act (Act No. 51 of 2011) apply mutatis mutandis to the collection of costs referred to in the preceding paragraph.

(Notification to the Victim)

Article 31-2 (1) Upon request from the victim, etc. of the case involving a juvenile as prescribed in Article 3, paragraph (1), item (i) or (ii), pursuant to the Rules of the Supreme Court, the family court is to give the following

information to the person that filed the request when the court has given a ruling to close the case; provided, however, that this does not apply if the court finds the giving of such information is likely to hinder healthy upbringing of the juvenile and is inappropriate.

- (i) name and residence of the juvenile and the statutory agent of the juvenile (if the statutory agent is a corporation, its name or trade name and the location of its main office or headquarters)
 - (ii) date of the ruling, the main text thereof and summary of the reasons
- (2) The request set forth in the preceding paragraph may not be filed when three years have passed since the ruling prescribed in the same paragraph had become final and binding.
- (3) The provisions of Article 5-2, paragraph (3) apply mutatis mutandis to the person who received the information pursuant to the provisions of paragraph (1).

Section 4 Appeal

(Appeal)

Article 32 The juvenile or the statutory agent or attendant of the juvenile may file an appeal against a ruling imposing rehabilitation measures within two weeks only if the reason for a violation of laws and regulations that affects the ruling, a serious factual error or a significantly unjust disposition is found; provided, however, that the attendant may not file an appeal that is contrary to the intent clearly indicated by the guardian who appointed the attendant.

(Scope of Investigation by the Court in Charge of an Appeal)

- Article 32-2 (1) The court in charge of an appeal is to only investigate the matters included in the reasons for the appeal.
- (2) The court in charge of an appeal, by the court's own authority, may investigate any grounds for the appeal even if the matters are not included in the reasons for the appeal.

(Examination of Facts by the Court in Charge of an Appeal)

- Article 32-3 (1) The court in charge of an appeal may examine the facts when it is necessary to give a ruling.
- (2) The court in charge of an appeal may have a member of the panel of judges perform the examination prescribed in the preceding paragraph or delegate it to a judge of a family court.

(Request for Acceptance of an Appeal)

Article 32-4 (1) When the ruling is given as prescribed in Article 22-2, paragraph

- (1), a public prosecutor may file a request for accepting the case as the court of second instance to the court within two weeks with regard to the ruling to subject or not to subject rehabilitation measures, only if the reason for a violation of laws and regulations that affects the ruling or a significant factual error is found in order to find the facts of delinquency concerning the case for which the ruling prescribed in the same paragraph is given.
- (2) The request pursuant to the provisions of the preceding paragraph (hereinafter referred to as "request for acceptance of an appeal") must be filed by a written request to the court of prior instance. In this case, the court of prior instance must promptly transfer it to a high court.
- (3) When a request for acceptance of an appeal is filed, the high court may accept it if it finds it appropriate to accept the case as the court of second instance. In this case, the high court must give a ruling to that effect.
- (4) When making the ruling prescribed in the preceding paragraph, the high court may eliminate any of the reasons from the reasons stated in the request for acceptance of an appeal, if the court finds it unimportant.
- (5) The high court must give the ruling prescribed in paragraph (3) within two weeks from the date on which the court received the written request prescribed in paragraph (2) from the court of prior instance.
- (6) When the ruling prescribed in paragraph (3) is made, it is deemed that an appeal has been filed. In this case, with regard to the application of the provisions of Article 32-2, the reasons for the request for acceptance of an appeal, excluding those eliminated pursuant to the provisions of paragraph (4), is deemed as the reasons for the appeal.

(Court-appointed Attendants for Second Instance)

- Article 32-5 (1) When the ruling prescribed in paragraph (3) of the preceding Article is given, the court in charge of an appeal must appoint an attendant who is an attorney at law if the juvenile does not have such an attendant.
- (2) For the case prescribed in Article 22-3, paragraph (2) (limited to the case for which the family court implemented the measures prescribed in Article 17, paragraph (1), item (ii)), the court in charge of an appeal may appoint an attendant who is an attorney at law if the juvenile does not have such an attendant and if the court finds that an attendant who is an attorney at law needs to attend the proceedings of second instance in light of the nature of the case, presence or absence of the guardian and other circumstances.

(Mutatis-mutandis Application)

Article 32-6 Beyond what is provided for in Articles 32-2 and 32-3 and the preceding Article, the rules of the family court concerning hearing and decisions apply mutatis mutandis to proceedings of second instance unless

contrary to the nature thereof.

(Hearing of Second Instance)

Article 33 (1) The court in charge of an appeal must dismiss the appeal if the appeal procedure violates the relevant rules or if there is no reason to file the appeal.

(2) If the appeal is well-grounded, the court in charge of the appeal, by a ruling, must revoke the ruling given in the prior instance and remand the case to the court of prior instance or transfer the case to another family court.

(Suspension of Execution)

Article 34 No appeal is to have the effect of suspending execution; provided, however, that the court of prior or second instance may suspend the execution by a ruling.

(Further Appeal)

Article 35 (1) The juvenile or the statutory agent or attendant of the juvenile may appeal against the ruling prescribed in Article 33 given by the court of second instance to the Supreme Court within two weeks, only on the grounds that the ruling violates the Constitution, the Constitution is misconstrued or a determination is inconsistent with precedents of the Supreme Court or the high court as the court of second instance; provided, however, that the attendant may not file an appeal that is contrary to the intent clearly indicated by the guardian who has appointed the attendant.

(2) The provisions of Article 32-2, Article 32-3, Article 32-5, paragraph (2) and Article 32-6 through to the preceding Article apply mutatis mutandis to the case prescribed in the preceding paragraph. In this case, the term "the court in charge of appeal must revoke the ruling in prior instance to remand the case to the court of prior instance or to transfer the case to another family court" in Article 33, paragraph (2) is deemed to be replaced with "the court in charge of appeal may revoke the ruling. In this case, the Supreme Court may revoke the ruling given by the family court and remand the case to the family court or transfer the case to another family court."

(Other Provisions)

Article 36 Beyond what is provided for in this Act, matters necessary for juvenile protection cases are prescribed by the Supreme Court.

Article 37 Deleted

Article 38 Deleted

Article 39 Deleted

Chapter III Juvenile Criminal Cases
Section 1 General Rules

(Governing Rules)

Article 40 In addition to what is provided for in this Act, juvenile criminal cases are governed by the same rules as non-juvenile criminal cases.

Section 2 Procedure

(Referral by a Judicial Police Personnel)

Article 41 A judicial police personnel, as a result of the investigation of the case, must refer to a family court for a case involving a juvenile who is suspected of committing a crime punishable by a fine or lighter punishment. The same applies to a case, even when the juvenile is not suspected of committing a crime, if a judicial police considers that there are reasons to subject the juvenile to a hearing and decision of the family court.

(Referral by a Public Prosecutor)

Article 42 (1) A public prosecutor, as a result of the investigation of the case, must refer a case involving a juvenile who is suspected of committing a crime to a family court except in the case prescribed in the main clause of Article 45, item (v). The same applies, even when the juvenile is not suspected of committing a crime, if a public prosecutor considers that there are reasons to subject the juvenile to hearing and decision of the family court.

(2) In the case of the preceding paragraph, the appointment of a defense counsel of the suspect by a judge, pursuant to the provisions of the Code of Criminal Procedure, becomes ineffective.

(Measures in lieu of Detention)

Article 43 (1) A public prosecutor, in a case involving a juvenile, may file a request for the measures prescribed in Article 17, paragraph (1) in lieu of a request for detention with a judge; provided, however, that the request for measures prescribed in Article 17, paragraph (1), item (i) must be filed with a judge of the family court.

(2) Upon receipt of the request prescribed in the preceding paragraph, the judge has the same authority as that of the family court for the measures prescribed in Article 17, paragraph (1).

(3) In a case involving a juvenile, the public prosecutor must not file a request for

detention with a judge, unless it is unavoidable.

(Effect of Measures in lieu of Detention)

Article 44 (1) When a judge implemented the measures prescribed in Article 17, paragraph (1), item (i) upon request pursuant to the provisions of paragraph (1) of the preceding Article, the public prosecutor must immediately file a request to revoke the measures with a judge if the prosecutor investigates and decides not to refer the case to the family court.

(2) When implementing the measures prescribed in Article 17, paragraph (1), item (ii) upon request pursuant to the provisions of paragraph (1) of the preceding Article, the judge must issue a warrant to do this.

(3) The measure prescribed in the preceding paragraph remains in effect for ten days from the date on which the request is filed.

(Treatment after Referral to a Public Prosecutor)

Article 45 The following provisions apply when the family court refers a case to a public prosecutor, pursuant to the provision of Article 20.

(i) except the case where the juvenile is referred to the family court again, the measures prescribed in Article 17, paragraph (1), item (i) becomes ineffective if no prosecution is instituted within ten days of the referral of the case to the public prosecutor. If the prosecution is instituted, the court, by its own authority or by a request from a public prosecutor, may revoke the measures at any time.

(ii) if a detention warrant is issued in the course of the measure prescribed in the preceding item, the measure becomes ineffective.

(iii) the measure prescribed in item (i) remains effective after the juvenile reaches 20 years of age.

(iv) the measure prescribed in Article 17, paragraph (1), item (ii) is deemed as detention implemented by a judge and its period begins from the day of referral to the public prosecutor. In this case, this period may not be extended if a detention warrant has already been issued for the case.

(v) a public prosecutor must prosecute a case referred by a family court if the prosecutor considers that there is suspicion sufficient to institute prosecution; provided, however, that this does not apply if the public prosecutor considers that prosecution is inappropriate because suspicion is not sufficient to prosecute part of the case referred by a family court or a new fact that can affect the circumstances of the crime etc. is found. The same applies to the case where prosecution is considered inappropriate due to the situation after the referral.

(vi) the attendant who is an attorney at law appointed by the juvenile or the guardian is deemed to be the defense counsel.

(vii) when the measures prescribed in Article 17, paragraph (1), item (ii) are deemed as detention implemented by a judge pursuant to the provisions of item (iv), a detention warrant is deemed as having been issued and the provisions in the Code of Criminal Procedure for appointment of a defense counsel for the suspect by a judge applies to the case.

Article 45-2 The provisions of items (i) through (iv) and (vii) of the preceding Article apply mutatis mutandis to a case where a family court refers the case to a public prosecutor pursuant to the provisions in Article 19, paragraph (2) or in Article 23 paragraph (3).

(Bearing of Court Costs)

Article 45-3 (1) When a family court makes the ruling prescribed in Article 23, paragraph (2) or in Article 24, paragraph (1) in a case involving a juvenile suspect for whom defense counsel is appointed in advance by a judge, the provisions of the Code of Criminal Procedure concerning the bearing of court costs apply mutatis mutandis. In this case, the term "the court may render a sentence" in Article 181, paragraphs (1) and (2) in the same Code is replaced by "the court may render a ruling on rehabilitation measures."

(2) In a case in which a family court decided to order the juvenile to bear the court costs, a public prosecutor may inspect and copy the records and evidence of the case to the extent that is necessary to enforce the court decision, as prescribed by the Rules of the Supreme Court.

(Effect of Rehabilitation Measures)

Article 46 (1) When a juvenile who has committed a crime is subjected to rehabilitation measures as prescribed in Article 24, paragraph (1), the case of which hearing and decision have been concluded may not be prosecuted or may not be subjected to a hearing and decision of a family court.

(2) If a ruling referred to in Article 22-2, paragraph (1) has been given to a case, and the ruling not to subject a juvenile to rehabilitation measures becomes final and binding on the case on which the ruling referred to in that paragraph has been given, on the ground that there are no grounds to subject the juvenile to a hearing and decision or that it is not necessary to subject the juvenile to the rehabilitation measures, the provisions of the preceding paragraph apply.

(3) The provisions of paragraph (1) do not apply to the case in which a ruling to revoke rehabilitation measures pursuant to the provisions of Article 27-2, paragraph (1) has become final and binding; provided, however, that this does not apply to the case, if a ruling as prescribed in Article 22-2, paragraph (1) that is to be governed by the provisions of Article 27-2, paragraph (6) is given, and the disposition is revoked on the grounds that there are no reason to

subject a juvenile to a hearing and decision.

(Suspension of Statute of Limitations)

Article 47 (1) The statute of limitations for prosecution is suspended during the period from the date on which the ruling prescribed in Article 21 is given on the case prescribed in the first sentence of Article 8, paragraph (1), or from the date on which the case prescribed in the second sentence of Article 8, paragraph (1) was referred to a family court, to the date on which the ruling to subject rehabilitation measures becomes final and binding.

(2) The provisions of the preceding paragraph apply to a case in which the juvenile reaches 20 years of age after the ruling prescribed in Article 21 or the referral concerning the juvenile.

(Detention)

Article 48 (1) No detention warrant may be issued against a juvenile except when the detention is unavoidable.

(2) When a juvenile is detained, the juvenile may be detained in a juvenile classification home.

(3) The provisions of the preceding paragraph remain applicable even after the juvenile reaches 20 years of age.

(Separation of Juveniles)

Article 49 (1) A juvenile suspect or defendant must be separated from other suspects or defendants to prevent the juvenile from coming into contact with them to the extent possible.

(2) The proceedings against the juvenile defendant must be separated even from the related case of another defendant as long as the proceedings are not obstructed.

(3) At a penal institution, detention facility or coast guard detention facility, a juvenile, (except for a sentenced person as prescribed in Article 2, item (iv) of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (Act No. 50 of 2005) ((excluding any such person with the status of unsentenced person as prescribed in item (viii) of the same Article)), must be committed separately from adults.

(Proceedings policy)

Article 50 The proceedings of a criminal case of a juvenile must be conducted in compliance with the purport of Article 9.

Section 3 Dispositions

(Mitigation of Death Penalty and Life Imprisonment)

Article 51 (1) Life imprisonment is imposed on a person in a case where the person is under 18 of age at the time of commission of an offense to be dealt with by death penalty.

(2) Imprisonment or imprisonment without work for a definite term may be imposed on a person in a case where the person is under 18 of age at the time of commission of an offense to be dealt with by life imprisonment. In this case, a juvenile is sentenced to imprisonment or imprisonment without work for over 10 years or up to 20 years.

(Indeterminate Sentences)

Article 52 (1) In a case where a juvenile is to be sentenced to imprisonment or imprisonment without work for a definite term, a sentence is determined and rendered within the scope of the punishment to be imposed, with a maximum term of imprisonment and a minimum term of imprisonment that exceeds one-half of a maximum term of imprisonment (if the maximum term of imprisonment is less than 10 years, a period 5 years less than a maximum term of imprisonment; the same applies in the following paragraph) In this case, the maximum term of imprisonment may not exceed 15 years and the minimum term of imprisonment may not exceed 10 years.

(2) Notwithstanding the provisions of the preceding paragraph, if it is particularly necessary, taking into consideration the possibility of improvement and rehabilitation of the juvenile and other circumstances, the minimum term of imprisonment prescribed in that paragraph may be determined within the term not less than one-half of the minimum term of imprisonment of the term of the punishment to be imposed and not less than one-half of the maximum term of imprisonment. In this case, the provisions of Article 14, paragraph (2) of the Penal Code apply *mutatis mutandis*.

(3) The provisions of the preceding two paragraphs do not apply in the case when suspension of execution of sentence is given.

(Number of Days of Custody at a Juvenile Classification Home)

Article 53 When the measures prescribed in Article 17, paragraph (1), item (ii) are implemented, the number of days of custody at a juvenile classification home is deemed as the number of days of pre-sentencing detention.

(Prohibition on Disposition in lieu of Punishment)

Article 54 No juvenile is sentenced to detention in a workhouse for payment of fines.

(Transfer to a Family Court)

Article 55 A court, by a ruling, must transfer a case to a family court if it finds it appropriate to subject the juvenile defendant to rehabilitation measures as a result of the examination of the facts.

(Execution of Imprisonment or Imprisonment Without Work)

Article 56 (1) Regarding a juvenile sentenced to imprisonment or imprisonment without work (excluding a person subject to execution of punishment at a juvenile training school pursuant to the provisions of paragraph (3)), the punishment is executed in a specially established penal institution or a specially partitioned area in a penal institution or detention facility.

(2) Even after the juvenile reaches 20 years of age, the execution pursuant to the provisions of the preceding paragraph may be continued until the juvenile reaches 26 years of age.

(3) Notwithstanding the provisions in Article 12, paragraph (2) of the Penal Code or in Article 13, paragraph (2) of the same Code, a punishment against a juvenile under 16 years of age sentenced to imprisonment with or without work may be executed at a juvenile training school until they reach 16 years of age. In this case, correctional education is given to the juvenile.

(Execution of Punishment and Rehabilitation Measures)

Article 57 If a sentence of imprisonment or imprisonment without work or misdemeanor imprisonment without work becomes final and binding in the course of the rehabilitation measures, the sentence is executed in preference. The same applies if a juvenile is subjected to the rehabilitation measures before the execution of a sentence of imprisonment with or without work or misdemeanor imprisonment without work that has become final and binding.

(Parole)

Article 58 (1) A person sentenced to imprisonment with or without work as a juvenile may be paroled after the following periods have passed.

(i) seven years in case of life imprisonment

(ii) one-third of the term of sentence in case of imprisonment for a definite term imposed pursuant to the provisions of Article 51, paragraph (2);

(iii) one-third of the minimum imprisonment term in case of a punishment imposed pursuant to the provisions of Article 52, paragraph (1) or pursuant to the provisions of paragraphs (1) and (2) of the same Article.

(2) The provisions of item (i) in the preceding paragraph do not apply to a person sentenced to life imprisonment pursuant to the provisions of Article 51, paragraph (1).

(Termination of the Parole Period)

Article 59 (1) A person who has been sentenced to life imprisonment as a juvenile has been paroled and ten years have passed without revocation of the parole, the person is deemed to have served their full sentence.

(2) A person who has been sentenced to imprisonment for a definite term as a juvenile pursuant to the provisions of Article 51, paragraph (2) or pursuant to the provisions of Article 52, paragraph (1) or paragraphs (1) and (2) of the same Article, the person is deemed to have served their full sentence when the period as long as the period during which the person serves the punishment until they are paroled, or the term of sentence prescribed in Article 51, paragraph (2) or the maximum prison term prescribed in Article 52, paragraph (1), whichever is shortest, has passed without revocation of the parole since the person is paroled.

(Application of Laws and Regulations Concerning Personal Qualification)

Article 60 (1) With respect to application of laws and regulations regarding personal qualification, a person who had been sentenced to punishment for an offense committed as a juvenile and has served their sentence or who has been exempted from execution of the sentence is deemed thereafter as not to have been sentenced.

(2) When a person has been penalized for an offense committed as a juvenile, but the execution of the punishment has been suspended, the person is governed by the provisions of the preceding paragraph during the suspension period, and the person is deemed to have served their sentence.

(3) In the case of the preceding paragraph, if the suspension of execution of the sentence is revoked, the person is deemed to have been sentenced when it is revoked, with respect to the application of laws and regulations regarding personal qualifications, .

Chapter IV Miscellaneous Provisions

(Prohibition on Publication of Articles)

Article 61 No newspaper or other publication may publish any article or photograph from which a person subject to a hearing and decision of a family court, or against whom public prosecution has been instituted for a crime committed as a juvenile, could be inferred from the name, age, occupation, residence, appearance, etc.