

Juvenile Training School Act (Tentative translation)

(Act No. 58 of June 11, 2014)

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Chapter I General Provisions

(Purpose)

Article 1 The objective of this Act is to achieve appropriate management and administration of juvenile training schools, and to achieve reformation and rehabilitation and smooth re-integration into society of inmates by conducting, in accordance with their characteristics, appropriate correctional education and other treatment instrumental to their sound development, while respecting their human rights.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) "inmate" means the protective measure inmate or sentenced inmate;
- (ii) "protective measure inmate" means a person who is committed to a juvenile training school to receive an execution of protective measures prescribed in item (iii), paragraph (1) under Article 24 of the Juvenile Act (Act No. 168 of 1948) (including the measures pursuant to the provisions of Article 138, paragraphs (2) and (4) (including the case where it is applied mutatis mutandis pursuant to Article 139, paragraph (3)) and Article 139, paragraph (2), and the measures pursuant to the provision of prescribed in paragraph (1) under Article 72 of the Offenders Rehabilitation Act (Act No. 88 of 2007); hereinafter referred simply to as "protective measures" in item (i) of the following Article and item (i) through (iii) of paragraph (1) under Article 4);
- (iii) "sentenced inmate" means a person who has been committed to a juvenile training school to receive the execution of imprisonment with work or imprisonment without work pursuant to the provisions of Article 56, paragraph (3) of Juvenile Act, or a person who has been committed to a juvenile training school to receive execution of cooperatively enforced punishment referred to in each item of Article 16, paragraph (1) of the Act on the Transnational Transfer of Sentenced Persons (Act No. 66 of 2002) pursuant to the provision of paragraph (3) under Article 56 of the Juvenile Act, applied pursuant to the provisions of Article 21 of the Act on the Transnational Transfer of Sentenced Persons;
- (iv) "custodian" means a custodian prescribed in Article 2, paragraph (2) of the Juvenile Act;
- (v) "custodian, etc." means a person who falls under any of the following items from (a) to (c) (except for those who have abused inmates, abandoned inmates

with malicious intent, or conducted other equivalent acts that have emotional or physical harm to inmates and are deemed to have significantly interfered sound development of inmates).

(a) custodian of inmate;

(b) spouse of an inmate (including persons who have not yet registered their marriage to the inmate but have a relationship equivalent to a de facto marital relationship therewith. The same applies in Article 101, paragraph (1).)

(c) relative of inmate (except for the persons set forth in (a) and (b).)

Chapter II Administration of Juvenile Training School

(Juvenile Training School)

Article 3 Juvenile training schools are establishments committing the following persons and providing the correctional education and other appropriate treatment to any of them:

(i) persons subject to execution of protective measures

(ii) persons subject to execution of sentence of imprisonment with work or imprisonment without work (including cooperatively enforced punishment referred to in each item under paragraph (1) of Article 16, the Act on the Transnational Transfer of Sentenced Persons; hereinafter simply referred as a "sentence" at juvenile training school).

(Type of the Juvenile Training School)

Article 4 (1) Types of juvenile training schools are as set forth in the following items, and are to commit persons as prescribed respectively in those items:

(i) class 1: persons who are subject to execution of protective measures and not having a serious physical or mental disorder and who are at or older than about 12 years and younger than 23 years old (excluding those prescribed in the following items);

(ii) class 2: persons who are subject to execution of protective measures and whose criminal tendency is more serious, and not having a serious physical and mental disorder, and who are at or older than about 16 years and younger than 23 years old;

(iii) class 3: persons who are subject to execution of protective measures and having a serious physical or mental disorder and who are at or older than about 12 years and younger than 26 years old

(iv) class 4: persons who are subject to execution of sentence at juvenile training schools

(2) For each juvenile training school, Minister of Justice designates one or more types of juvenile training schools set forth in each item of the preceding

paragraph.

(Separation among inmates)

Article 5 (1) In juvenile training schools where two or more types of the juvenile training school are designated including class 2 or class 4 pursuant to the provisions of paragraph (2) of the preceding article, inmates are to be separated into groups in accordance with distinctions between those who are prescribed in item (ii) of paragraph (1) of the same Article, those who are prescribed in item (iv) of the same paragraph and the other inmates, and each group is to be isolated from the others.

(2) In addition to the provision of the preceding paragraph, inmates are to be separated by sex.

(3) Notwithstanding the provisions of the preceding two paragraphs, the separation by the distinction set forth in the preceding two paragraphs, where deemed appropriate, does not apply outside an inmate's room, (i.e. a room superintendents of juvenile training schools assigned as a place used by inmates mainly for rest and sleep; the same applies hereinafter).

(On-the-spot inspection)

Article 6 In the interests of the appropriate enforcement of this Act, the Minister of Justice must designate inspectors from among his/her staff and have the inspectors conduct on-the-spot inspections at each juvenile training school at least once per annum.

(Opinion hearing)

Article 7 Superintendents of juvenile training schools must endeavor to hear the opinions of staff of relevant public offices, public organizations and private organizations, and persons with relevant knowledge and experience, essential for contributing to the appropriate administration of juvenile training schools.

(Juvenile Training School Visiting Committee)

Article 8 (1) A Juvenile Training School Visiting Committee (hereinafter referred to as a "Committee") is to be established in each juvenile training school.

(2) Committees are to visit the juvenile training school where they are established and provide a statement of their findings to superintendents of juvenile training schools regarding administration of the juvenile training school.

(Organizations)

Article 9 (1) Committees are composed of a maximum of 7 members.

- (2) The Minister of Justice is to appoint Committee members who are deemed to be of the highest moral character and integrity, and who have insight about juveniles' sound development, along with an interest in improving the administration of juvenile training schools.
- (3) Committee members are to hold their office for one year; provided, however, that they may be reappointed.
- (4) Committee members serve on a part-time basis.
- (5) Beyond what is provided for in the preceding paragraphs, necessary matters on the organization and administration of Committees are provided for by an Ordinance of the Ministry of Justice.

(Providing Information to Committees and Committee Member Visits)

- Article 10 (1) Superintendents of juvenile training schools are to, pursuant to Ordinance of the Ministry of Justice, provide Committees on a regular or as-needed basis with information on juvenile training schools regarding the state of their administration.
- (2) Committees may, in order to understand the state of juvenile training schools, conduct juvenile training school visits for Committee members. During the visits, the Committee may, if deemed necessary, have the superintendents of the juvenile training schools cooperate in conducting interviews between inmates and Committee members.
 - (3) Superintendents of juvenile training schools shall provide the necessary cooperation for the visits and interviews with inmates set forth in the preceding paragraph.
 - (4) Notwithstanding of the provision of Article 99, no documents which inmates submit to the Committee must be examined

(Publication of Opinions of Committee)

Article 11 The Minister of Justice is, once per annum, to gather information on opinions expressed by a Committee to superintendents of the juvenile training schools and measures taken by superintendents of juvenile training schools in response to those opinions, and is to publicize the outline thereof.

(Observation by Judges and Public Prosecutors)

Article 12 Judges and public prosecutors may observe juvenile training schools.

(Viewing of Juvenile Training Schools)

Article 13 If a person applies to view a juvenile training school and the application is deemed reasonable, superintendents of juvenile training schools may permit them to do so.

(Staff Member of the Juvenile Training School)

Article 14 Juvenile training school staff are to be given training necessary for promoting a better understanding of human rights of inmates and for acquiring and developing knowledge and skills necessary for appropriately and effectively treating inmates.

Chapter III Principles of Treatment, etc.

(Principles of Treatment)

Article 15 (1) Inmates are to be treated in the way that is instrumental in stimulating motivation for reformation and rehabilitation and in fostering a spirit of autonomy, independence and cooperation as well as in achieving sound mental and physical development, under positive and well-regulated environment, with respect for their human rights.

(2) Treatment of inmates must be conducted in accordance with the characteristics of inmates by taking the best interest into consideration, with consideration of the character, age, background, physical and mental conditions and degree of development, situation of their delinquency, family environment, associates and other factors and by applying medical, psychological, pedagogic, sociological, or other expertise.

(Stages of Treatment)

Article 16 In order to conduct correctional education and other treatment suited to their condition of reformation and rehabilitation, appropriate treatment for inmates is to be conducted by gradually raising or lowering stages of treatment specified by Ordinance of the Ministry of Justice on the following, in accordance with the performance evaluation referred to in the provisions of Article 35, paragraph (1),

- (i) objectives, contents and implementation methods of correctional education;
- (ii) implementation method of support set forth in Article 44, paragraph (1);
- (iii) implementation method of treatment on life and behavior of inmates specified by Ordinance of the Ministry of Justice, such as designation of a room and assistance pursuant to the provision of Article 37, paragraph (3).

(Request for Cooperation, etc. to custodian)

Article 17 (1) Superintendents of juvenile training schools are to, concerning treatment of inmates, endeavor to obtain cooperation of custodians of inmates by requesting them to participate in activities implemented in juvenile training schools, as well as to obtain understanding of custodians or other persons deemed appropriate, through providing information to them and interviews between them and juvenile training school staff.

- (2) Superintendents of juvenile training schools may, if deemed necessary, give guidance or advice, or take other suitable measures for custodians of inmates for the purpose of having them realize their responsibility regarding the care for the inmates and improving effectiveness of the correctional education.

(Request for Cooperation, etc. to the Relevant Organs)

Article 18 (1) Superintendents of juvenile training schools are to, if deemed necessary for treatment of inmates, request the cooperation of family courts, juvenile classification homes, regional parole boards, probation offices, other relevant administrative organs, schools, hospitals, organs relevant to welfare of children, nongovernmental volunteers or others.

- (2) No person who gave their cooperation referred to in the preceding paragraph may divulge any secret of inmates which may have come to their knowledge in the course of the cooperation.

(Inquiries for Public Offices, etc.)

Article 19 Superintendents of juvenile training schools may, if necessary for appropriate treatment of inmates, request reports on necessary matters from public offices, or from public or private organizations.

Chapter IV Admission

(Notification upon Admission)

Article 20 (1) Superintendents of juvenile training schools must, at the admission to the juvenile training school, notify inmates of the following.

- (i) matters pertaining to hygiene and medical care;
- (ii) matters pertaining to lending, supplying, and self-supplying of items;
- (iii) matters pertaining to the handling of money and other goods;
- (iv) matters pertaining to access to books, etc. (i.e. books, magazines, and other documents and drawings (except for letters and newspapers); the same applies hereinafter).
- (v) matters pertaining to religious acts, religious ceremonies and chaplain guidance;
- (vi) matters pertaining to the compliance rules prescribed in Article 84 paragraph (1);
- (vii) matters pertaining to visits and correspondence;
- (viii) matters pertaining to disciplinary action;
- (ix) matters pertaining to the filing pursuant to the provision of Article 120 or Article 121, paragraph (1);
- (x) matters pertaining to the filing of complaints.

- (2) The notification pursuant to the provision of the preceding paragraph is made

in writing with a plain expression, pursuant to Ordinance of the Ministry of Justice.

(Examination for Physical Identification)

Article 21 (1) Juvenile training school staff designated by Ordinance of the Ministry of Justice (hereinafter referred to as "designated staff") may, upon admission of inmates to juvenile training schools, examine the inmate's body to the extent necessary for identification. The same applies to subsequent cases where this is necessary.

(2) The examination of female inmates pursuant to the provision of the preceding paragraph must be conducted by female designated staff; provided, however, when female designated staff are unable to conduct the examination, a male designated staff may instead conduct the examination by directing a female staff appointed by the superintendent.

(Notification of Admission)

Article 22 When inmates have been admitted to juvenile training schools, the superintendent of juvenile training school is to promptly notify the custodian of inmates or other persons deemed appropriate of the admission.

Chapter V Correctional Education

Section 1 Purpose of the Correctional Education

Article 23 (1) The purpose of correctional education is to correct criminal tendencies of inmates, and to make inmates foster a healthy mind and body, and acquire the knowledge and ability necessary for adapting themselves to life in society.

(2) Correctional education is to be provided systematically and organizationally, by appropriately combining the guidance as prescribed in the following section, according to the characteristics of inmates.

Section 2 Contents of Correctional Education

(Lifestyle Guidance)

Article 24 (1) Superintendents of juvenile training schools are to provide inmates with lifestyle guidance necessary to make them acquire knowledge and lifestyle fundamental to live independent lives as sound members of society.

(2) Upon providing lifestyle guidance referred to in the preceding paragraph to inmates who have not determined the future path, the superintendent of juvenile training school must pay special attention to helping them acquire the ability to determine the future course in accordance with the characteristics.

(3) Upon providing the lifestyle guidance referred to in paragraph (1) to inmates who have circumstances set forth in the following items, superintendents of juvenile training schools must pay special attention to helping them improve their situation:

- (i) Low awareness to understand feelings of persons who have suffered from crimes or acts infringing penal laws and regulations, and the relatives or the bereaved thereof;
- (ii) Being dependent on drugs such as narcotics or stimulants;
- (iii) Other circumstances specified by Ordinance of the Ministry of Justice.

(Vocational Guidance)

Article 25 (1) Superintendents of juvenile training schools are to give inmates vocational guidance necessary to encourage them to work and help them acquire vocationally-useful knowledge and skills.

(2) In cases where vocational guidance referred to in the preceding paragraph generates income, the income is to be allocated to the National Treasury.

(3) Superintendents of juvenile training schools may pay inmates who have received vocational guidance referred to in paragraph (1), upon their release, an amount of incentive remuneration numerated as deemed reasonable in consideration of the status of their acquisition of vocationally useful knowledge and skills and other circumstances, (referred to as "incentive remuneration for acquisition of vocational abilities" in the following paragraph), up to the amount calculated in accordance with the standards provided by the Minister of Justice.

(4) Notwithstanding the provisions of the preceding paragraph, when an inmate has requested to receive incentive remuneration for acquisition of vocational abilities before their release, if it is deemed that the intended use of the incentive remuneration for acquisition of vocational abilities is reasonable, such as the purchase of self-supplied articles, etc. as prescribed in Article 67, paragraph (1), item (i), the superintendents of juvenile training schools may, pursuant to the provisions of Ordinance of the Ministry of Justice, pay to the inmate all or a part of the amount in the request within the limit of the amount equivalent to the expected amount of incentive remuneration for acquisition of vocational abilities at the time of payment if they are released at the time of the payment. In this case, superintendents of juvenile training schools are to deduct the amount equivalent to the payment from the expected amount of incentive remuneration for acquisition of vocational abilities that would be payable pursuant to the provisions of the preceding paragraph.

(Guidance in School Courses)

Article 26 (1) Superintendents of juvenile training schools are to provide

guidance in school courses (i.e. guidance in content equivalent to that of school curriculum based on the School Education Act (Act No.26 of 1947); the same applies hereinafter) for the inmate who has not completed compulsory education provided for by the said Act and who is deemed to be hindered from reformation and rehabilitation or from smooth re-integration into society due to a lack of academic background fundamental to social life.

- (2) Beyond what is prescribed in the preceding paragraph, superintendents of juvenile training schools may provide an inmate for whom an improvement in academic ability is especially instrumental to their smooth re-integration into society with the guidance in school courses suited to their academic ability.

(Guidance in school courses equivalent to the courses of education given by the school)

Article 27 (1) If inmates have completed, through guidance in school courses, all or part of education equivalent to courses of education given by any of schools as prescribed in Article 1 of the School Education Act (hereinafter simply referred to as "school"), the inmates must be deemed to have completed all or a part of the curriculum in accordance with the scope of education which the inmates have completed.

- (2) In cases where superintendents of juvenile training schools provide guidance in school courses on education equivalent to the guidance in school courses, the superintendent must follow recommendations of the Minister of Education, Culture, Sports, Science and Technology, with regard to such guidance in school courses.

(Physical Guidance)

Article 28 Superintendents of juvenile training schools are to give inmates physical guidance necessary for them to foster a healthy mind and body fundamental to live independent lives as sound members of society.

(Special Activities guidance)

Article 29 Superintendents of juvenile training schools are to provide inmates with necessary guidance related to implementation of social contribution activities, outdoor activities, athletics, music, theatrical activities and other activities, instrumental to enriching emotional stability, and fostering a spirit of independence, autonomy and cooperation.

Section 3 Plans of Correctional Education

(Correctional Education Curriculum)

Article 30 Minister of Justice is to determine focused contents and standard

periods of correctional education provided for inmates falling under any of the type for each type (hereinafter referred to as "correctional education curriculum"), with respect to each type of inmates who fall under certain common characteristics, according to age, condition of mental and physical disorder and degree of criminal tendencies of inmates, necessary ability for adapting themselves to live in society and other circumstances.

(Designation of Correctional Education Curriculum in Each Juvenile Training School)

Article 31 Minister of Justice, for each juvenile training school, is to designate correctional education curriculum to be implemented in the juvenile training school.

(Juvenile Training School Correctional Education Curriculum)

Article 32 (1) When juvenile training schools have received the designation of correctional education curriculum to be implemented pursuant to the provisions of the preceding article, superintendents of juvenile training schools are to determine a juvenile training school correctional education curriculum, pursuant to Ordinance of the Ministry of Justice , for each said correctional education curriculum.

(2) Objectives, contents, implementation methods and periods of correctional education, and other necessary matters for implementation of correctional education is to be stipulated in the juvenile training school correctional education curriculum referred to in the preceding paragraph, for each stage of treatment as prescribed in Article 16.

(Designation of the correctional education curriculum of the inmates)

Article 33 (1) If inmates were admitted to juvenile training schools, the superintendent of the juvenile training school is to, promptly as practicable, designate a correctional education curriculum which the inmate must take, based on opinions of family courts and directors of juvenile classification homes.

(2) Superintendents of juvenile training schools, are to, if deemed necessary, change the correctional education curriculum referred to in the preceding paragraph pertaining to the inmate, after consulting directors of juvenile classification homes.

(Personalized Correctional Education Program)

Article 34 (1) When superintendent of juvenile training schools designated the correctional education curriculum that inmates must take pursuant to the provisions of paragraph (1) of the preceding article, the superintendent is to formulate a correctional education program for the inmate (hereinafter

referred to as "personalized correctional education program").

- (2) A personalized correctional education program is to set, in line with a juvenile training school correctional education curriculum referred to in Article 32, paragraph (1), objectives, contents, implementation methods and periods of correctional education, and other necessary matters for the implementation of correctional education.
- (3) In cases where superintendents of juvenile training schools intend to formulate an personalized correctional education program, the superintendent is to formulate it based on the results of investigation by interviewing with inmates or through other appropriate methods, while based on opinions of family courts or directors of juvenile classification homes if available, taking into consideration as much as possible preference of inmates, and their custodians or other persons deemed appropriate.
- (4) When superintendents of juvenile training schools formulated a personalized correctional education program pursuant to the provisions of paragraph (1), the superintendent is to promptly notify the contents to the inmates and the custodians, or other appropriate person.
- (5) Superintendents of juvenile training schools, if necessary, the superintendent is to revise the personalized correctional education program related to the inmates prescribed in paragraph (1).
- (6) The provisions of the paragraphs from paragraph (2) to paragraph (4) apply mutatis mutandis to the revision of the personalized correctional education program pursuant to the provisions of the preceding paragraph.

(Evaluation of Achievements and Notification, etc.)

- Article 35 (1) Superintendent of juvenile training schools are to conduct performance education for each inmate, in order to understand the effect of the correctional education, pursuant to Ordinance of the Ministry of Justice.
- (2) The performance evaluation referred to in the preceding paragraph are to be carried out in an integrative manner, pursuant to the provisions of Ordinance of the Ministry of Justice, regarding the degree of achievement of objectives of the correctional education stipulated in the personalized correctional education program and other matters specified by an Ordinance of the Ministry of Justice.
 - (3) When superintendents of juvenile training schools performed the performance evaluation referred to in the preceding paragraph, the superintendent is to promptly notify the results to the inmates, and the guardians, or other persons deemed appropriate.
 - (4) If superintendents of juvenile training schools make a notification the matter prescribed in the preceding paragraph or deem it appropriate, the superintendent is to notify the life and physical and mental condition of the inmates to the inmate's custodian or other persons considered to be

appropriate.

(Accommodating to Juvenile Classification Home for Classification)

Article 36 (1) Superintendents of juvenile training schools may have inmates receive classification by directors of juvenile classification homes if it is deemed necessary for confirming the correctional education curriculum designated pursuant to the provisions of Article 33, paragraph (1) (when there is a change pursuant to the provisions of paragraph (2) of the same Article, the one after the change; hereinafter referred to as "designated correctional education curriculum" in Article 134, paragraph (2)) or individual correctional education program formulated pursuant to the provisions of Article 34, paragraph (1) (when there is a change pursuant to the provisions of paragraph (5) of the same Article, the one after the change) is appropriate for the inmates, or for other reasons.

(2) In cases where superintendents of juvenile training schools have inmates receive classification by directors of juvenile classification homes, if there is an opinion of the director of the juvenile classification home that it is necessary to conduct classification with committing them to the juvenile classification home, the inmate may be committed in the juvenile classification home, within a period not exceeding seven days. However, if there is any compelling reason, the inmates may continue to be committed within a period not exceeding fourteen days through.

Section 4 Implementation of the Correctional Education

(Schedule of Daily Activities of Inmates)

Article 37 (1) Superintendents of juvenile training schools are to, pursuant to an Ordinance of the Ministry of Justice, determine schedule of daily activities (i.e. schedule determining time slot for meals, sleeping, and other daily routine activities, time slot for correctional education and time slot set aside for leisure; the same applies in the following paragraph and Article 84, paragraph (2), item (9)) for inmates, and have the inmates follow the schedule of daily activities.

(2) Superintendents of juvenile training schools, if deemed necessary, may, even in the time slot except that for correctional education set in the schedule of daily activities, conduct correctional education.

(3) Superintendents of juvenile training schools are to, pursuant to an Ordinance of the Ministry of Justice, provide inmates with assistance regarding activities in the time slot set aside for leisure, such as education, recreation and sports.

(Organization into the Group)

Article 38 (1) Correctional education is to, for its effective implementation, be conducted by organizing inmates into appropriate groups, taking into consideration correctional education curriculum which inmates should take, stages of treatment prescribed in Article 16 and other circumstances.

(2) Upon conducting correctional education, superintendents of juvenile training schools, notwithstanding the provisions of the preceding paragraph, may not organize inmates into groups, if the inmate is difficult to adapt to group living, taking into account the mental and physical conditions of the inmate, or if it is deemed necessary to provide inmates with correctional education apart from other inmates.

(Correctional education Outside the Juvenile Training School)

Article 39 Correctional education may, within the necessity for its effective implementation, be conducted in an appropriate location outside the juvenile training school.

(Assistance for Correctional Education)

Article 40 (1) Superintendents of juvenile training schools may, for effective implementation of correctional education, with the approval from the superintendent of the Regional Correction Headquarters who has jurisdiction over the location of the juvenile training school, commission business operators, school principals, persons with relevant knowledge and experience, or any other person deemed appropriate, to assist in conducting the correctional education.

(2) Superintendents of juvenile training schools may, when deemed necessary for smooth re-integration into society of inmates (except for the sentenced inmate who has not passed the period of time for parole qualification pursuant to the provisions of Article 28 of the Penal Code (Act No. 45 of 1907), Article 58 of Juvenile Act, or Article 22 of Act on the Transnational Transfer of Sentenced Persons; hereinafter the same applies in this Article), and when deemed appropriate considering their condition of reformation and rehabilitation and other circumstances, have the inmate commute to places outside the juvenile training school and to receive guidance given by those who provide inmates with guidance as assistance pursuant to the provisions of the preceding paragraph (referred to as "commissioned supervisor" in the following paragraph and paragraph (5), item (4)) without an escort of staff members of the juvenile training school.

(3) Upon receiving the guidance referred to in the preceding paragraph (hereinafter referred to as "out-of-school commissioned guidance"), superintendents of juvenile training schools must, pursuant to Ordinance of the Ministry of Justice, make an arrangement with the commissioned

supervisor with regard to the contents and hours of the out-of-school commissioned guidance which the inmates are to receive, necessary measures for ensuring safety and health of inmates, and other matters necessary for the implementation of the out-of-school commissioned guidance.

- (4) Superintendents of juvenile training schools are to, prior to having inmates receive an out-of-school commissioned guidance, determine the rules with which the inmate must comply with concerning the out-of-school commissioned guidance (hereinafter referred to as "special compliance rules " in this article) and notify the inmate of them.
- (5) Special compliance rules are to stipulate the following issues in a specific manner:
 - (i) the inmate must travel by a specified route and means of transport;
 - (ii) the inmate must return to the juvenile training school by a specified time;
 - (iii) no inmate must, without just cause, enter a place other than the place where they receive the out-of-school commissioned guidance;
 - (iv) the inmates must obey guidance related instructions from the commissioned supervisors;
 - (v) no inmate must, without just cause, come in contact with a person with a criminal tendencies, or those who would hinder adequate implementation of correctional education.
- (6) If an inmate receiving out-of-school commissioned guidance has failed to obey either the compliance rules prescribed in Article 84, paragraph (1) or special compliance rules or if it is deemed that there is a reason for judging them as inappropriate for out-of-school commissioned guidance, superintendents of juvenile training schools may suspend the guidance.

(Ensuring of safety and health of the inmate)

Article 41 (1) Superintendents of juvenile training schools must take necessary measures for ensuring safety and health of inmates who receive correctional education.

- (2) Inmates must observe the necessary matters in accordance with the measures taken by superintendents of juvenile training schools pursuant to the provision of the preceding paragraph.
- (3) As to vocational guidance referred to in Article 25, paragraph (1) , the Minister of Justice is to provide the measures to be taken by superintendents of juvenile training schools pursuant to the provisions of paragraph (1) and the matters to be observed by inmates pursuant to the provision of the preceding paragraph, according to the measures to be taken by business operators and the matters to be observed by workers prescribed in the Industrial Safety and Health Act (Act No. 57 of 1972) or other laws and regulations.

(Compensation)

- Article 42 (1) If an inmate dies due to receiving correctional education, superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, pay compensation for the death to the bereaved family, etc. (i.e. bereaved family or other person prescribed in an Ordinance of the Ministry of Justice; the same applies hereinafter.)
- (2) When an inmate who suffered an injury or illness resulting from correctional education still remains physically disabled after recovery, superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, pay compensation for disabilities to the inmate.
- (3) If an inmate suffered an injury or illness resulting from correctional education and is yet to recover from the injury or illness at the time of release, and if it is deemed reasonable by considering the nature, degree and other aspects of the injury or illness, superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, pay the special compensation to the inmate.

(Relation of Compensation to Indemnity for Damages)

- Article 43 (1) When the State is responsible for the damages pursuant to the State Redress Act (Act No. 125 of 1947), the Civil Code (Act No. 89 of 1896), or other laws, if compensation referred to in the preceding Article has been paid, then the State is exempt, up to the amount of such payments, from the responsibility for the damages based on the same grounds.
- (2) The amount of money received as the compensations prescribed in preceding Article must be free of taxes or other types of public charges.

Chapter VI Support of Re-integration Into Society, etc.

(Support of Re-integration Into Society)

- Article 44 (1) Superintendents of juvenile training schools are to, for smooth re-integration into society of inmates, implement the following supports for inmates with difficulty in living in independent lives after the release of the juvenile training school, respecting their intention:
- (i) helping inmates obtain a suitable residence or other accommodation and return and live in such accommodation;
 - (ii) helping inmates receive medical care and medical treatment;
 - (iii) Helping inmates with learning or obtaining employment;
 - (iv) besides what is set forth in the preceding three items, giving such assistance necessary for inmates to live a sound social life.
- (2) Support referred to in the preceding paragraph may, within the necessity for its effective implementation, be conducted in an appropriate location outside

juvenile training schools.

- (3) In implementing the assistance referred to in paragraph (1), superintendents of juvenile training schools must endeavor to cooperate with directors of probation offices.

(Day Leave and Furlough)

Article 45 (1) For smooth re-integration into society of inmates (except for sentenced inmates who have not passed the period of time for parole qualification pursuant to the provisions of Article 28 of Penal Code, Article 58 of the Juvenile Act, or Article 22 of the Act on the Transnational Transfer of Sentenced Persons), if it is deemed necessary that the inmates go outside the juvenile training school to settle important personal matters such as securing of their residence and employer following their release, to visit people relevant to their rehabilitation, or to acquire other useful experience for life in society following their release, and if it is deemed appropriate taking into account circumstances such as condition of reformation and rehabilitation of the inmates, then the superintendents of juvenile training schools may permit their day leave or a furlough for a definite period up to seven days without an escort of accompanying staff members of the juvenile training schools.

- (2) The provision of Article 40, paragraphs (4) through (6) (except for paragraph (5), item (iv)) apply mutatis mutandis to the day leave and furlough pursuant to the preceding paragraph.

(Exclusion from the Term of Sentence)

Article 46 If sentenced inmates on the furlough under the provision of paragraph (1) of the preceding Article have failed to return to the juvenile training schools by the date and time superintendents of juvenile training schools specified, the days of furlough must not be included as part of the term of their sentence; provided, however, that this does not apply where their failure to return is not attributable to their own negligence.

(Expenses for Day Leave and Furlough)

Article 47 With regard to the expenses required for a day leave or a furlough pursuant to the provision of Article 45, paragraph (1), if an inmate is unable to bear them, or if superintendents of juvenile training schools find it appropriate, then all or a part of them must be borne by the National Treasury.

Chapter VII Hygiene and Medical Care

(Principle of Hygiene and Medical Care)

Article 48 At the juvenile training school, efforts are to be made to understand the physical and mental conditions of the inmates thereof, and adequate hygienic and medical measures in light of the public standards of hygiene and medical care are to be taken, in order to achieve the healthy mental and physical development of inmates, and to maintain the hygiene inside the juvenile training school.

(Physical Exercise)

Article 49 Except Sundays and other days specified by Ordinance of the Ministry of Justice, inmates must be provided with the opportunity to take adequate outdoor exercise as much as it is practical to do so, in order to achieve their healthy mental and physical development; provided, however, that this does not apply when it is impossible to provide this opportunity within the working hours of the juvenile training school due to circumstances such as an appearance on an examination date or a trial date.

(Inmates' Duty of Cleanliness)

Article 50 Inmates must maintain the cleanliness of their own body, clothes and personal belongings, and their own room and other places they use on a daily basis.

(Bathing)

Article 51 Inmates are, pursuant to Ordinance of the Ministry of Justice, required to take baths adequate for maintaining the hygiene inside the juvenile training school.

(Haircuts and Shaves)

Article 52 (1) Inmates are, pursuant to Ordinance of the Ministry of Justice, required to have haircuts and shaves.

(2) When an inmate requests to have a haircut at their own expense, if the haircut is deemed appropriate in relation to their treatment, then superintendents of juvenile training schools may permit them to do so.

(Medical Examinations)

Article 53 (1) Superintendents of juvenile training schools must, pursuant to Ordinance of the Ministry of Justice, conduct health examinations for inmates promptly after the admission of the inmate to the juvenile training school and thereafter every six months or more. This also applies in juvenile training school if it is considered necessary for a hygiene perspective.

(2) Inmates must undergo the medical examination pursuant to the provision of preceding paragraph. In this case, inmates may not refuse blood test, x-rays, or

any other medical treatment necessary for conducting the health examination.

(Medical Treatment)

- Article 54 (1) When an inmate falls under any of the following items, superintendents of juvenile training schools are to promptly have a staff doctor (i.e. a medical doctor or a dentist; the same applies hereinafter in this paragraph and the next Article) or a doctor who is commissioned by superintendents give them medical treatment (including providing nutrition; the same applies hereinafter) and carry out other necessary medical measures; provided, however, in cases falling under item (i), if there is no risk of either causing the inmate's serious mental and physical impairment or infecting others with their disease, this is limited to the cases where the treatment is not given against the inmate's will.
- (i) cases where the inmate is injured or suffering from disease, or is suspected to have sustained an injury or to have a disease;
 - (ii) cases where the inmate refuses to ingest food and drink, and there are risks of causing the inmate's mental and physical serious impairment.
- (2) When superintendents of juvenile training schools provide the opportunity for medical treatment pursuant to the provisions of the preceding paragraph, they may have the inmate visit a hospital or a clinic outside the juvenile training school if necessary, or may have the inmate admitted to a hospital or clinic outside the juvenile training school if it is unavoidable.

(Medical Treatment by Appointed Doctor)

- Article 55 (1) For an inmate sustaining an injury or suffering from a disease, the inmate, a person who exercises their parental authority or the guardian of a minor (hereinafter referred to as "person who exercises parental authority, etc.") applies to appoint a doctor (exclude a staff doctor in the juvenile training school and a doctor commissioned by superintendents of the juvenile training schools) to receive a medical treatment, if such claim is deemed appropriate for the inmate's medical care in light of such circumstances such as the type and degree of the injury or disease, and as the fact that the inmate had been visiting the doctor on the regular basis for medical treatments prior to the admission to the juvenile training school, then superintendents of juvenile training schools may permit the inmate to receive the medical treatment inside the juvenile training school at their own expenses.
- (2) When superintendents of juvenile training schools permits the receiving of medical treatment pursuant to the provision of the preceding paragraph, if deemed necessary in order for them to examine the means of medical treatment by the doctor who provides the medical treatment set forth in the same paragraph (hereinafter referred to as "appointed doctor" in this Article), or if it

is deemed necessary to conduct medical treatment in the juvenile training school afterwards, they may have a staff member of the juvenile training school attend the medical treatment, or ask the appointed doctor questions with regard to the medical treatment, or request the appointed doctor to submit materials related to the medical treatment such as a copy of the inmate's case record.

- (3) An appointed doctor must, upon the medical treatment, observe any instruction provided for Ordinance of the Ministry of Justice by superintendents of juvenile training schools.
- (4) When superintendents of juvenile training schools permit the medical treatment pursuant to the provisions of paragraph (1), if the appointed doctor refuses to comply with the measures taken by superintendents of juvenile training schools pursuant to the provisions of paragraph (2) or disobeys the rules provided by superintendents of juvenile training schools pursuant to the provisions of the preceding paragraph, or if it is inappropriate to continue the medical treatment, then they may suspend the medical treatment and thereafter may continuously refuse to the inmate from medical treatment by the appointed doctor.

(Notification of Critical condition of the inmates)

Article 56 (1) If it is found that an inmate sustaining an injury or suffering from a disease does or is likely to become a critical condition, superintendents of juvenile training schools must immediately notify the situation to the custodian of the inmate or other appropriate persons.

- (2) In a case where there is a request of nursing the inmate from a person who received a notification pursuant to the provisions of the preceding paragraph, superintendents of juvenile training schools, if deemed appropriate, pursuant to the provisions of Ordinance of the Ministry of Justice, may permit the inmate to receive the nursing.

(Measures for the Prevention of Epidemics)

Article 57 When it is necessary in order to prevent the occurrence of an infectious disease or to prevent its outbreak inside the juvenile training school, superintendents of juvenile training schools are to conduct the medical examination pursuant to the provisions of Article 53 or the medical treatment pursuant to the provisions of Article 54 and other medical measures, conduct a vaccination campaign, isolate infectees until the risk of disease spreading ceases, or take other measures provided by Ordinance of the Ministry of Justice.

(Protective Care Measures)

Article 58 (1) With regard to the expectant mothers and nursing mothers, those of fragile health, and other inmates who need protective care, superintendents of juvenile training schools are to take measures equivalent to those for invalids in accordance with their respective circumstances which necessitate the protective care.

(2) When an inmate give birth, superintendents of juvenile training school are to, except for unavoidable cases, have the inmate admitted to a hospital, a clinic, or a midwifery home outside the juvenile training school.

(Child Care)

Article 59 (1) When an female inmate requests to nurse her child inside the juvenile training school, superintendents of juvenile training schools, if deemed appropriate, permit her to do so until the child becomes one year of age.

(2) When an inmate requests to continue to bring up the child who has been brought up inside the juvenile training school pursuant to the provisions of the preceding paragraph and has become one year of age, if it is specifically necessary, taking into account the mental and physical conditions of the inmate or for raising the child, superintendents of juvenile training school may permit the inmate to continue to do so for a maximum of six months.

(3) When an inmate brings up a child pursuant to the provisions of the preceding two paragraphs, the articles necessary for raising the child are to be lent or supplied.

(4) In the case prescribed in the preceding paragraph, if the inmate has requested to use or consume, or to have her child use or consume, self-supplied articles necessary for raising the child, then the inmate is to be permitted to do so as long as it does not hinder either the maintaining of discipline and order or the management and administration of the juvenile training school.

(5) With regard to a child being brought up by an inmate pursuant to the provisions of paragraph (1) or (2), necessary measures such as medical examination or medical treatment are to be taken following the same rules as those for inmates.

Chapter VIII Lending, Supplying, and Self-Supplying of Articles

(Lending and Supplying of Articles)

Article 60 (1) Inmates are lent, or supplied with, the articles set forth in the following items (except for books, etc. and newspapers; hereinafter the same applies in this Chapter), which are required for daily life in the juvenile training school (except for the articles set forth in the items of Article 62, paragraph (1)):

(i) clothing and bedding;

- (ii) meals and water or tea;
 - (iii) articles such as daily necessities, and school supplies.
- (2) Beyond what is provided for in the preceding paragraph, inmates may, pursuant to Ordinance of the Ministry of Justice, and as occasion demands, be lent room decorations and other articles used in the daily life in the juvenile training school (except the articles set forth in the items of Article 62, paragraph (1)), or be supplied with luxury items (except for alcoholic beverages and cigarette; the same applies to item (4) of the following Article).

(Use and Consumption of Self-Supplied Articles)

Article 61 When an inmate requests to use or consume such self-supplied articles as the follows (except the articles set forth in the items under paragraph (1) of the following Article), if deemed appropriate for their treatment, superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, permit them to do so.

- (i) clothing;
- (ii) foods and bottled water;
- (iii) room decorations;
- (iv) luxury items;
- (v) daily necessities, school supplies, and other articles used in the daily life in the juvenile training school.

(Self-supplying of Corrective Articles.)

Article 62 (1) Inmates are to use self-supplied articles with regard to the following articles, except there is a risk of hindering either maintaining discipline and order, or the management and administration of the juvenile training school:

- (i) corrective articles such as eyeglasses;
 - (ii) articles necessary for sending letters, such as envelopes;
 - (iii) clothing and other articles used during day leave or a furlough pursuant to the provisions of Article 45, paragraph (1), or attendance or visits pursuant to the provisions of Article 110, paragraph (1);
 - (iv) other articles provided for by Ordinance of the Ministry of Justice.
- (2) When an inmate is unable to use self-supplied articles set forth in the items of the preceding paragraph, if deemed necessary, they are to be lent, or supplied with those articles.

(Standard of the Lending and Supplying of Articles)

Article 63 The articles lent or supplied pursuant to the provisions of Article 60 or paragraph (2) of the preceding Article must be suitable for achieving sound development the inmates and appropriate in light of the status as the inmates,

while taking into consideration the living conditions of public.

Chapter IX Handling of Cash and Other Articles

(Examination of Cash and Other Articles)

Article 64 Staff members of juvenile training schools may examine the following cash and other articles:

- (i) cash and articles an inmate carries at the time of their admission;
- (ii) cash and articles (except for such articles as letters; the same applies in the following item) an inmate obtained while in accommodation but not the cash and the articles set forth in the same item (except for the articles supplied by superintendents of juvenile training schools);
- (iii) cash and articles a person other than the inmate brought or sent to the juvenile training school to deliver to the inmate.

(Disposition of Articles in Possession at the Time of admission)

Article 65 (1) When any of the articles set forth in items (i) or (ii) of the preceding Article falls under any of the following items, superintendents of juvenile training schools are to request the inmate delivers the article to the inmate's custodian, etc. or other persons considered to be appropriate, or to make other appropriate dispositions.

- (i) cases where the article is inconvenient to keep in custody;
 - (ii) cases where the article is likely to be decomposed or perish;
 - (iii) cases where the article is likely dangerous.
- (2) When a superintendent of the juvenile training school requests an inmate to make disposition of the article pursuant to the provisions of the preceding paragraph, if the inmate does not make disposition within a reasonable period of time, then superintendents of juvenile training schools are to sell the article and retain the proceeds; provided, however, that the superintendents of the juvenile training schools may discard the article if it cannot be sold.

(Retrieval of Articles from Outside)

Article 66 (1) When any of the cash or the articles set forth in Article 64, item (iii) does not fall under any of the following items, superintendents of juvenile training schools are to request the person who brought or sent the cash or the articles (hereinafter referred to as "outside supplier") to retrieve the cash or the article:

- (i) cases where a custodian, etc. of the inmate has brought or sent the cash or articles.
- (ii) cases where it is necessary for the inmate to receive the supply of the cash or articles in order to carry out a business personally, legally, educationally,

or occupationally important in nature in relation to the inmate, such as the reconciliation of the marital relations, pursuance of lawsuit or preparation of school attendance or employment.

- (iii) cases where it deemed instrumental to the reformation and rehabilitation of the inmate by receiving the supply of the cash or articles.
- (2) Notwithstanding the provision of the preceding paragraph, as to cash or articles which are set forth in Article 64, item (iii) and do not fall under any of the items of the same paragraph, superintendents of juvenile training schools may opt not to request retrieval pursuant to the provisions of the same paragraph, if there are circumstances where it is necessary to receive the assistance necessary for living sound social life or to receive the supply of the cash or articles, and if it is deemed that there is no risk of causing either disruption of discipline and order in the juvenile training school or hindrance to adequate pursuance of correctional education for inmates.
- (3) With regard to the cash or the articles decided to be retrieved pursuant to the provisions of paragraph (1), if it is unfeasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, superintendents of juvenile training schools must make a public notice to this effect by the means prescribed by a Cabinet Order.
- (4) When the outside supplier does not retrieve the cash or the article prescribed in the preceding paragraph until the day on which six months starting from the day on which the request pursuant to the provisions of paragraph (1) was made passes, or from the day on which the public notice was made pursuant to the provisions of the preceding paragraph, the cash or the article is to be allocated to the National Treasury.
- (5) Superintendent of juvenile training schools may, even within the period set forth in the preceding paragraph, sell the articles prescribed in paragraph (3) which falls under any of the items of paragraph (1) of the preceding Article, and retain the proceeds; provided, however, that the superintendent of the juvenile training schools may discard the articles if they cannot be sold.

Article 67 (1) When the articles set forth in Article 64, item (iii) (except for the articles determined to be retrieved pursuant to the provisions of Paragraph (1) of the preceding article) falls under any of the following items, superintendents of juvenile training schools are to request the outside supplier to retrieve the article.

- (i) cases where the article is other than those permitted for the inmate to use or consume at their expense, or the article deemed necessary upon their release (hereinafter referred to as "self-supplied articles, etc." in Article 71 and Article 73);
- (ii) cases where the article falls under any of the items of paragraph (1) of

Article 65.

- (2) With regard to the articles decided to be retrieved pursuant to the provisions of the preceding paragraph, if it is unfeasible to make a request pursuant to the provisions of the same paragraph because the outside supplier's whereabouts are unknown, or if it is inappropriate to make the request, or if the outside supplier has refused to retrieve the article, then superintendents of juvenile training schools are to request the inmate to deliver the articles to the inmate's custodian, etc. or other persons considered to be appropriate, or to make other appropriate dispositions.
- (3) The provisions of Article 65, paragraph (2) applies mutatis mutandis to the cases where the request of disposition pursuant to the provisions of the preceding paragraph is made.

Article 68 When superintendents of juvenile training schools decided not to request retrieval pursuant to the provisions of Article 66, paragraph (1) or paragraph (1) of the preceding Article regarding the cash or articles set forth in Article 64, item (iii), if the inmates refuse to receive the cash or articles, then superintendents of the juvenile training schools are to request the outside supplier to retrieve the cash or the articles. The provisions of Article 66, paragraph (3) and (4) apply mutatis mutandis to such cases.

(Retention of Cash and Articles)

- Article 69 (1) Superintendents of juvenile training schools are to retain the following cash and articles:
- (i) the articles which are set forth in Article 64, item (i) or (ii) and do not fall under any of the items under Article 65, paragraph (1);
 - (ii) the articles set forth in Article 64, item (iii), which are decided not to require to retrieve pursuant to the provisions of Article 66, paragraph (1), or Article 67, paragraph (1)(except those the inmate refused to receive);
 - (iii) the cash set forth in the any of the items of Article 64, which is decided not to require to retrieve pursuant to the provisions of Article 66, paragraph (1).
- (2) When the total volume of articles (except those specified by Ordinance of the Ministry of Justice) retained for an inmate (referred to as "total retention volume" in Article 71) exceeds the maximum retention volume (i.e. a volume determined by superintendents of juvenile training schools up to which may be stored for an inmate; the same applies to the same Article), superintendents of juvenile training schools may request the inmate to deliver the excess portion of the articles to the inmate's custodian, etc. or other persons considered to be appropriate, or to make other appropriate disposition. The same applies to the article which has come to be decomposed or perish.
- (3) The provisions of Article 65, paragraph (2) apply mutatis mutandis to the

cases where a request pursuant to the preceding paragraph is made.

(Use of Retained Articles, etc.)

Article 70 (1) When an inmate request to deliver retained articles which are possible to be used or consumed by the inmates pursuant to the provisions of this Act, superintendents of juvenile training schools are to deliver it to the inmate pursuant to the provisions of the Ordinance of the Ministry of Justice; provided, however, that this does not apply when the total amount of the articles of the inmate exceeds the amount of articles which can be possessed by the inmate pursuant to the provisions of the following paragraph.

(2) Superintendents of juvenile training schools may, pursuant to the provisions of Ordinance of the Ministry of Justice, impose restrictions necessary for the management and administration of the juvenile training school on the method to possess the articles or retain the letters and volume of articles or the number of letters allowed to possess or retain concerning the articles possessed by inmates receiving the delivery pursuant to the provisions of the main clause of the preceding paragraph and the letters received and retained by inmates.

(3) When an inmate requests the superintendent of the juvenile training school to receive the delivery of the articles or retain the letters concerning articles which the inmate is delivered to and possesses pursuant to the provisions of the main clause of paragraph (1) or letters received and possessed by the inmate, then, superintendents of juvenile schools are to receive the delivery of that articles or retain that letters.

(4) Superintendents of juvenile training schools may, when an inmate breaches the restrictions pursuant to the provisions of paragraph (2) concerning the articles delivered and possessed pursuant to the provisions of the main clause of paragraph (1) by the inmates or letters received and possessed, deprive the articles or deprive and retain the letters.

(Use of Retained Cash)

Article 71 When an inmate applies to spend the cash being retained in order to either purchase self-supplied articles, etc. or to cover expenses to be incurred by them in the course of their daily life in the juvenile training school, superintendents of the juvenile training schools are to permit them to spend the necessary amount of cash; provided, however, that this does not apply to cases where the consequent total retention volume is estimated to exceed the maximum retention volume after the purchase of that self-supplied articles.

(Delivery of Retained Cash or Articles to Other Person)

Article 72 (1) When an inmate applies to make a delivery (except for the delivery of letters; the same applies in the following paragraph) of the cash and articles

being retained (except such articles that fall under the documents and drawings prescribed in Article 105; the same applies in the same paragraph) to another person (except those being committed to the juvenile training school concerned; the same applies in the following paragraph), superintendents of the juvenile training schools are to permit inmate to do so for the cases set out under the following items:

- (i) cases where it is to be delivered to the custodians, etc. of the inmates;
 - (ii) cases where it is necessary for the inmate to deliver the supply in order to carry out a business personally, legally, educationally, or occupationally important in nature in relation to the inmate such as the reconciliation of the marital relations, pursuance of lawsuit or preparation of school attendance or employment;
 - (iii) cases where deemed instrumental to the reformation and rehabilitation of the inmate to be delivered by the inmate.
- (2) In cases where inmates applies to make a delivery of the retained cash and articles to other person, when the case does not fall under any of the items of the preceding paragraph, superintendents of juvenile training schools are to permit the inmates to do so, if there are circumstances where it is necessary to receive the assistance necessary for living sound social life or to deliver the cash or articles, and if it is deemed that there is no risk of causing either disruption of discipline and order in the juvenile training school or hindrance to adequate pursuance of correctional education for inmates.

(Restrictions on Delivery and Purchase of Articles)

Article 73 Beyond what is provided for in this Chapter, superintendents of the juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, impose restrictions necessary for the management and administration of the juvenile training school on the delivery of cash and articles to inmates by outside suppliers, and on the purchase of self-supplied articles, etc. by inmates.

(Delivery of Retained Articles)

Article 74 Superintendents of juvenile training schools are to deliver the cash and articles under retention to the inmate or their custodian, etc. upon their release.

(Left Property of Released Person)

Article 75 (1) Left property (i.e. cash and articles left behind in the juvenile training school; the same applies hereinafter) of an inmate who has been released is to be allocated to the National Treasury if no request for its delivery has been made, or if no expense required for the delivery of the property has been offered by the inmate or their custodian, etc. by the day on

which six months passes from the day of the inmate's release.

- (2) Superintendents of juvenile training schools may, even within the period set forth in the preceding paragraph, discard of left property which has come to be decomposed or perish.

(Left Property of Escapees, etc.)

Article 76 (1) When inmates fall under any of the following items, if no request for the delivery has been made, or if no expense required for the delivery of the property has been offered by them or their custodians, etc. by the day on which six months passes from the day prescribed in the respective items concerned, then the left property is to be allocated to the National Treasury:

- (i) cases where the inmate has escaped: The day of the escape;
 - (ii) cases of out-of-school commissioned guidance, or, a day leave or a furlough pursuant to the provisions of Article 45, paragraph (1) if the inmate fails to return to the juvenile training school by the date and time specified by superintendents of juvenile training schools: The specified day;
 - (iii) cases where the inmate is released pursuant to the provisions of Article 90, paragraph (2) but fails to appear at the location prescribed in paragraph (3) of the same Article promptly after the conditions warranting evacuation prescribed in the same paragraph have ceased to exist: The day when conditions ceased to exist.
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to such left property that is set forth in the preceding paragraph.

(Left Property of Deceased Persons)

Article 77 (1) Left property of a deceased inmate is to, pursuant to Ordinance of the Ministry of Justice, be delivered to the bereaved family, etc. upon an application from them.

- (2) When there is left property of a deceased inmate, if it is not feasible to make the notification pursuant to the provisions of Article 144 because of the whereabouts of the bereaved family, etc. are unknown, then superintendents of juvenile training schools must make a public notice to this effect by the means prescribed by a Cabinet Order.
- (3) If no application set forth in paragraph (1) has been made by the day on which six months passes from the day of the notification, pursuant to the provisions of Article 144, or the day of the public notice made pursuant to the preceding paragraph, left property that is set forth in paragraph (1) is to be allocated to the National Treasury.
- (4) The provisions of Article 75, paragraph (2) apply mutatis mutandis to left property referred to in paragraph (1).

Chapter X Access to Books, etc.

(Books, etc. in the Juvenile Training School)

- Article 78 (1) Superintendents of juvenile training schools are to be committed to maintaining the books, etc. which are appropriate to promote the sound development of inmates, are to utilize the books, etc. actively in carrying out the correctional education and the support for smooth re-integration into society, and are to provide the inmates with opportunities to read them voluntarily for the purposes of educational and recreational activities.
- (2) Superintendents of juvenile training schools are to determine the means of access prescribed in the preceding paragraph.

(Access to Self-supplied Books, etc.)

- Article 79 (1) When an inmate requests to have an access to self-supplied books, etc., superintendents of juvenile training schools may permit them to do so, if it deemed that, by the access, there is no risk of causing disruption of discipline and order in the juvenile training school, or hindrance to adequate pursuance of correctional education for the inmate.
- (2) Superintendents of juvenile training schools must, when considering whether or not to permit the access pursuant to the provisions of the preceding paragraph, pay attention to that the access to the books, etc., in general, contributes to the sound development of young people.
- (3) When the translation of self-supplied books, etc. is necessary in order to consider whether or not to permit the access pursuant to the provisions of paragraph (1), superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, charge the expenses to the inmate. In this case, if the inmate refuses to incur the expenses, access to the books, etc. is prohibited.

(Provision of Opportunity to Access News Report on Current Affairs)

- Article 80 Superintendents of juvenile training schools must, as much as it is practical to do so, make efforts to provide inmates with access to information on principal current affairs through media such as newspapers kept at the juvenile training schools and news report broadcasts.

Chapter XI Religious Acts

(Individual Religious Acts)

- Article 81 Worship and other religious acts which an inmate performs individually must not be prohibited nor restricted; provided, however, that this does not apply where there is a risk of hindering either the maintaining

discipline and order or the management and administration of the juvenile training school.

(Religious Ceremonies and Teachings)

Article 82 (1) Superintendents of juvenile training schools must make the opportunity available for inmates to participate in religious ceremonies presided over by religious leaders (limited to nongovernmental volunteers; hereinafter the same applies in this paragraph), or to receive religious teaching from religious leaders.

(2) When there is a risk of hindering either maintaining discipline and order or the management and administration of the juvenile training school, superintendents of juvenile training schools may refuse to permit an inmate to participate in the religious ceremonies prescribed in the preceding paragraph and the receiving of religious teachings prescribed in the same paragraph.

Chapter XII Maintaining Discipline and Order

(Discipline and Order in Juvenile Training Schools)

Article 83 (1) Discipline and order in the juvenile training school must be maintained appropriately, in order to secure the appropriate treatment of the inmates and a safe and peaceful community life for their reformation and rehabilitation and smooth re-integration into society.

(2) Measures taken in order to achieve the objective set forth in the preceding paragraph must not exceed the extent necessary for the objective.

(Compliance Rules)

Article 84 (1) Superintendents of juvenile training schools are to determine the rules to be observed by inmates (hereinafter referred to as "compliance rules" in the following paragraph and Article 113, paragraph (1)).

(2) Compliance rules are to stipulate in a specific manner the following matters:

- (i) prohibition against criminal acts;
- (ii) prohibition against any behavior or statement made in a rude or outrageous manner, or any act causing trouble on others;
- (iii) prohibition against self-harm;
- (iv) prohibition against obstructing against staff members of the juvenile training schools from performing their duties;
- (v) prohibition against acts likely to hamper the secure custody of themselves or other inmates;
- (vi) prohibition against acts which may disrupt the security of the juvenile training schools;
- (vii) prohibition against acts detrimental to hygiene or public morals inside the

- juvenile training schools;
- (viii) prohibition against the wrongful use, possession, transfer, etc. of cash and articles;
 - (ix) prohibition against refusal of the correctional education in the time slot for correctional education determined in schedule of daily activities;
 - (x) beyond what is set forth in the preceding items, matters necessary for the maintaining discipline and order in the juvenile training schools;
 - (xi) prohibition against any attempt to conduct, incitement, inducement, or aid of acts against either the compliance rules which stipulate the matters set forth in the preceding items, or the special compliance rules prescribed in Article 40, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 45, paragraph (2)).
- (3) Beyond what is provided for in the preceding two paragraphs, superintendents of the juvenile training schools or staff members designated by them may, if necessary for maintaining discipline and order in the juvenile training school, give instructions to inmates with regard to their life and behavior.

(Body Search)

- Article 85 (1) Designated staff members may, if necessary for maintaining discipline and order in the juvenile training school, search inmate's body, clothes, personal belongings and rooms, and deprive inmates of any of the inmate's personal belongings, and temporarily take custody thereof.
- (2) The provisions of Article 21, paragraph (2) apply mutatis mutandis to search of body and clothes of female inmates pursuant to the preceding paragraph.
- (3) Designated staff members may, if necessary for maintaining discipline and order in the juvenile training school, search clothes and personal effects of a person other than an inmates inside the juvenile training school(except for an attendant who is an attorney, on a prospective attendant upon the request of an inmate or custodian, who is an attorney, or defense counsel, etc. (i.e. defense counsels or prospective defense counsels prescribed in Article 39, paragraph (1) of the Code of Criminal Procedure; the same applies hereinafter)), and deprive the person of its personal effects and temporarily take custody thereof.
- (4) No search set forth in the preceding paragraph may include the examination of the contents of documents and drawings.

(Suppression and Other Measures)

- Article 86 (1) When an inmate self-harms escapes, inflicts injury on others, escapes, obstructs staff members of the juvenile training school from performing their duties, or commits other acts particularly detrimental to

discipline and order in the juvenile training school, or attempts to do so, designated staff members may suppress the act, restrain the inmate, or take any other necessary measures in order to deter the inmate from doing so, to the extent that is considered reasonable.

- (2) When persons other than inmates fall under any of the following items, designated staff members may suppress their act, restrain them, or take any other necessary measures in order to deter the person from doing so, to the extent that is considered reasonable:
- (i) cases where the person breaks into the juvenile training school, destroys facilities, or obstructs staff members of the juvenile training school from performing their duties, or is about to do so;
 - (ii) cases where the person refuses to leave the juvenile training school upon a designated staff member demanding them to do so;
 - (iii) cases where the person on the spot aids, incites or instigates either the escape of an inmate or obstructing the staff members of the juvenile training school from performing their duties;
 - (iv) cases where the person exposes an inmate to harm or is about to do so.
- (3) Guarding equipment necessary for the enforcement of the measures prescribed in the preceding two paragraphs is provided for by Ordinance of the Ministry of Justice.

(Use of Handcuffs)

Article 87 (1) Designated staff members may, by an order of the superintendent of the juvenile training school, pursuant to Ordinance of the Ministry of Justice, use handcuffs (if there is a string to be attached to the handcuffs, it may be included; the same applies hereinafter in this article and Article 121, paragraph (1), item (vi)) when either when they escort inmates, or when an inmate is likely to commit any of the following acts and it is unavoidable.

- (i) escaping;
 - (ii) self-harming or inflicting injury on others;
 - (iii) damaging facilities, equipment, or any other property of the juvenile training school.
- (2) In the case prescribed in the preceding paragraph, if there is no time to wait for the order from superintendents of the juvenile training schools, then designated staff members may use handcuffs without the order. In this case, the designated staff member must promptly report to this effect to superintendents of the juvenile training schools.
- (3) When using handcuffs in the escort of inmates, attention must be paid not to harm their honor unnecessarily.
- (4) The forms of handcuffs are provided by Ordinance of the Ministry of Justice.

(Confinement in Protection Room)

Article 88 (1) When an inmate falls under any of the following items, if it is unavoidable, designated staff members may confine them in an observation cell by order of superintendents of juvenile training schools:

- (i) cases where the inmate is likely to self-harm;
- (ii) cases falling under any of the following sub-items (a) through (c) where such confinement is especially necessary in order to maintain discipline and order in the juvenile training school:
 - (a) cases where the inmate shouts or is noisy, against a designated staff member's order to cease doing so;
 - (b) cases where the inmate is likely to inflict injury on others;
 - (c) cases where the inmate is likely to damage or defile facilities, equipment, or any other property belonging to the juvenile training school;
- (2) In the case prescribed in the preceding paragraph, if there is no time to wait for the orders from superintendents of juvenile training schools, then designated staff members may confine the inmate in an observation cell without any order. In this case, the designated staff member must report this promptly to superintendents of juvenile training schools.
- (3) Confinement in a protection room may be for seventy-two hours or less; provided however, that superintendents of juvenile training schools may, renew the period of confinement every forty-eight hours after its expiration if it is particularly necessary.
- (4) For inmates confined in a protection room, appropriate interventions for pacifying them are to be endeavored.
- (5) When it is no longer necessary to confine an inmate in a protection room, superintendents of juvenile training schools must immediately order the suspension of confinement, even during the period set forth in paragraph (3).
- (6) Superintendents of juvenile training schools must, if they have confined an inmate in a protection room or renewed the period of confinement, promptly obtain consult a medical doctor on the staff of the juvenile training school, or a medical doctor who is commissioned by superintendents of juvenile training schools.
- (7) The standards for the structure and facilities of the protection room are provided for by Ordinance of the Ministry of Justice.

(Bringing Inmates Back into Custody)

Article 89 (1) Designated staff members may bring inmates back into custody when they falls under any of the following items; provided however, that after spending forty-eight hours from the time specified in the respective items, it may not be able to undertake to bringing back for protective measures inmates without by a bring back notice issued by a judge in advance, and may not be

able to undertake to bringing back for sentenced inmates.

- (i) cases where the inmate has escaped: The point of time of the escape;
 - (ii) cases of an out-of-school commissioned guidance, or a day leave or a furlough pursuant to the provisions of Article 45, paragraph (1) if the inmate fails to return to the juvenile training school by the date and time specified by superintendents of juvenile training schools: That date and time.
- (2) If bringing back pursuant to the provisions of the preceding paragraph is difficult, superintendents of juvenile training schools may ask the police officer for assistance. In this case, with regard to the police officer who was asked for the assistance, the provisions of the preceding paragraph apply *mutatis mutandis*.
- (3) Bring back notice pursuant to the proviso of paragraph (1) (including the cases of the *mutatis mutandis* application under the preceding paragraph) are issued by a judge of the family court having jurisdiction over the location of the juvenile training school upon a request of superintendents of juvenile training schools. In this case, the provisions of Articles 4 and 36 of the Juvenile Act apply *mutatis mutandis*.

(Evacuation and Release during Disasters)

- Article 90 (1) In case of earthquake, fire, or any other disaster where there are no means of evacuation inside the juvenile training school, superintendents of juvenile training schools must escort inmates to an appropriate location.
- (2) In the case prescribed in the preceding paragraph, if the escorting inmates is not feasible, then superintendents of juvenile training schools may release them from the juvenile training school. The same applies in case of earthquake, fire, or any other disaster where escorting inmates outside the juvenile training school to an appropriate location for evacuation is not feasible.
- (3) Persons who have been released pursuant to the provisions of the preceding paragraph must appear at the juvenile training school or a location specified by superintendents of juvenile training schools promptly after the conditions which entailed the evacuation have ceased to exist.
- (4) Designated staff members may, when the protective measures inmate who has been released pursuant to the provisions of the paragraph (2) violates the provisions of preceding paragraph and does not appear to the juvenile training school or to the specified location, bring back the person concerned by a bring back notice issued by a judge in advance.
- (5) If bringing back pursuant to the provisions of the preceding paragraph is difficult, superintendents of juvenile training school may ask the police officer for assistance. In this case, with regard to the police officer who was asked for the assistance, the provisions of the preceding paragraph apply *mutatis mutandis*.

- (6) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the bring back notice referred to in paragraph (4) (including the cases of the mutatis mutandis application under the preceding paragraph).

Chapter XIII Contact with the Outside World

Section 1 Attention

Article 91 In permitting, prohibiting, suppressing, or imposing restrictions on an inmate's contact with the persons outside the juvenile training school (i.e. visits, correspondence, and the communications prescribed in Article 106, paragraph (1); hereinafter the same applies in this Article) pursuant to the provisions of this Chapter, attention must be paid to the fact that appropriate contact with the persons outside the juvenile training school is instrumental to their reformation and rehabilitation, and to their smooth re-integration into society.

Section 2 Visits

(Visitors)

Article 92 (1) When any of the persons set forth in the following items request to visit an inmate, superintendents of the juvenile training schools are to permit the inmate to receive the visit except it is prohibited pursuant to the provisions of Article 109, paragraph (3).

(i) persons who are custodian, etc. of the inmate;

(ii) persons whose visits are necessary in order to carry out a business personally, legally, educationally or occupationally important in nature in relation to the inmate, such as reconciliation of marital relations, pursuance of lawsuit or preparation for school attendance or employment;

(iii) persons whose visit are deemed to be instrumental to the reformation and rehabilitation of the inmate, such as a person associated with rehabilitation service to and guardianship of the inmate.

(2) When a person other than those set forth in the items of the preceding paragraph requests to visit an inmate, if it is deemed that there is a circumstance where the visit is necessary for receiving an assistance necessary for inmates to live a sound social life or for any other reasons, and if it is deemed that there is no risk of causing either disruption of discipline and order in the juvenile training school or hindrance to the adequate pursuance of correctional education for inmates, superintendents of the juvenile training schools may permit the inmate to receive the visit.

(Attendance and Recording during Visits)

Article 93 (1) Superintendents of juvenile training schools are to have staff members appointed by them attend visit (except for visit by attendants, etc. (i.e. attendant or, prospective attendant upon the request of inmate or custodian who is an attorney; the same applies hereinafter) or by defense counsels, etc.) to the inmate or make audio or video recording of it; provided however, when if it is deemed that there is risk of either disrupting discipline and order in the juvenile training school or hindrance to the adequate pursuance of correctional education, superintendents of juvenile training schools may opt not to enforce the attendance or audio and video recording (referred to as " attendance, etc." in the following paragraphs).

(2) Notwithstanding the provisions of the preceding paragraph, superintendents of juvenile training schools must not enforce the attendance, etc. at a visit to an inmate of any of the person set forth in the following, except for when there are special circumstances in which it is deemed likely to disrupt discipline and order in the juvenile training school.

- (i) national or local government official who conducts an inquiry into the measures taken by the superintendent of the juvenile training school toward the inmate, or any other treatment the inmate received;
- (ii) attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act (Act No.205 of 1949) with regard to the measures taken by the superintendent of the juvenile training school toward the inmate, or any other treatment the inmate person received.

(Suspension and Termination of Visits)

Article 94 (1) In cases falling under any of the following items (limited to sub-item (b) of item (i) in cases of visits by an attendance, etc. or a defense counsel, etc.), a staff member of the juvenile training school may either restrain the conducts or oral statements, or suspend the visit. In this case, the staff member may order the inmate or the visitor to withdraw from the visiting site, or may take any other necessary measures to suspend the visit:

- (i) cases where the inmate or the visitor commits any act falling under either of acts set out under the following sub-items (a) or (b):
 - (a) an act breaching the restrictions pursuant to the provisions of paragraph (1) of the following Article;
 - (b) an act detrimental to discipline and order in the juvenile training school;
- (ii) if the inmate or the visitor makes any oral statement whose contents fall under any of the following sub-items (a) through (e) inclusive:
 - (a) content which a staff member of the juvenile training school is unable to comprehend due to a use of specific kinds of communication such as a code;
 - (b) content which conspire, incite, or induce the commission of crime or delinquency;

- (c) content likely to disrupt discipline and order in the juvenile training school;
 - (d) contents likely to hinder adequate pursuance of correctional education for the inmates;
 - (e) in cases of a visit permitted for reason that the visit is necessary for carrying out a specific business, contents clearly deviates from what is required to carry out the business.
- (2) When a visit is suspended pursuant to the provision of the preceding paragraph, if it is deemed inappropriate to continue the visit, then the superintendent of the juvenile training school may terminate the visit.

(Restrictions on Visits)

Article 95 (1) With regard to the visit to an inmate (except for the visits by attendants, etc. or defense counsels, etc.) superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, impose restrictions necessary for either maintaining discipline and order or the management and administration of the juvenile training school as to the number of visitors, the visiting site, date and time, duration and frequency of visits, and other conditions of visits.

- (2) When superintendents of juvenile training schools impose restriction on the frequency of visits pursuant to the provisions of the preceding paragraph, the frequency must be not less than twice per month.

Article 96 (1) The date and time of visits to an inmate by an attendant, etc. or a defense counsel, etc. is during working hours of the juvenile training school for the day except Sunday and other days specified by Cabinet Order.

- (2) The number of visitors in a visit referred to in the preceding paragraph is three or less.
- (3) Even when an attendant, etc. or a defense counsel, etc. requests to visit an inmate not on the basis of the preceding two paragraphs, superintendents of juvenile training schools are to permit the inmate receiving the visit except it does hinder the management and administration of the juvenile training school.
- (4) Superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, impose restrictions on the visiting site that are necessary for either maintaining discipline and order or the management and administration of the juvenile training school as to the visit prescribed in paragraph (1).

(Accommodated visit)

Article 97 Superintendents of juvenile training schools may, when permitting an inmate to receive the visit by the custodian or other person deemed appropriate,

if it is deemed appropriate based on the intents of inmates, the custodian or other person deemed appropriate and other circumstances, pursuant to the provisions of Ordinance of the Ministry of Justice, let the inmate to receive the visit by the means by housing the inmate in a specially separated place inside a juvenile training school and allowing the custodian or other person deemed appropriate to stay in that place.

Section 3 Correspondence

(Letters Permitted to Be Sent or Received)

Article 98 Superintendents of juvenile training schools are to permit an inmate to send and receive letters, except for when it is prohibited by the provisions of this Section, paragraph (3) of Article 109, or the next Chapter.

(Examination of Letters)

- Article 99 (1) Superintendents of juvenile training schools are to have a staff member appointed by them examine the letters an inmate sends or receives.
- (2) With regard to the letters set out forth in the following items, designated staff members are to examine them to the extent necessary for ascertaining that the letters fall under any of the following items; provided, however, concerning the letters set forth in item (iv), this does not apply where there are special circumstances in which it is deemed likely to disrupt discipline and order in the juvenile training school:
- (i) letters an inmate receives from an attendant, etc. or a defense counsel, etc.;
 - (ii) letters an inmate receives from a national or local government agency;
 - (iii) letters an inmate sends to a national or local government agency which conducts an inquiry into the measures taken by superintendents of juvenile training schools toward the inmate, or any other treatment the inmate received;
 - (iv) letters an inmate sends to or receives from an attorney (including a legal professional corporation; hereinafter the same applies in Article 101, paragraph (2)) who conducts the duty prescribed in paragraph (1) of Article 3 of the Attorney Act with regard to the measures taken by superintendents of juvenile training schools toward the inmate, or any other treatment the inmate received.
- (3) When it is deemed that there is no risk of either disrupting discipline and order in the juvenile training school or hindrance to the adequate pursuance of correctional education for the inmate, superintendents of juvenile training schools may, notwithstanding the provisions of the preceding two paragraphs, opt not to command the examination referred to in paragraph (1).

(Prohibition of Correspondence)

Article 100 With regard to the persons (except for custodians, etc. of the inmate) who have criminal tendencies or are likely to either disrupt discipline and order in the juvenile training school or hinder the adequate pursuance of correctional education for an inmate by receiving from or sending correspondence to the inmates, superintendents of juvenile training schools may prohibit the inmate from sending to or receiving correspondence from them; provided, however, that this does not apply where the inmate sends to or receives correspondence from the persons in order to carry out a business personally, legally, educationally, or occupationally important in nature in relation to the inmates, such as reconciliation of marital relations, pursuance of a lawsuit, or preparation for school attendance or employment.

(Prohibition of Letters by Their Contents)

Article 101 (1) When it is found, as the result of the examination pursuant to the provisions of Article 99, that all or a part of a letter an inmate sends or receives falls under the following items, superintendents of juvenile training schools may prohibit the sending or receiving, or remove or erase the relevant part of the letter. The same applies where all or a part of the letter set forth in the items under paragraph (2) of the same Article is found, in the course of ascertaining that the letter falls under the items thereunder, to fall under the following items:

- (i) cases where a staff member of the juvenile training school is unable to understand the contents of the letter or a part thereof due to a use of specific kinds of communication such as a code;
 - (ii) cases where there is a risk of either infringing penal laws and regulations, or promoting or inducing a crime or delinquency by sending or receiving the letter or a part thereof;
 - (iii) cases where there is a risk of disrupting discipline and order in the juvenile training school by sending or receiving the letters or a part thereof;
 - (iv) cases where there is a risk of either causing the addressee considerable unease or inflicting a loss to the addressee because the contents of the letter or a part thereof include intimidating descriptions or clearly false descriptions;
 - (v) cases where the contents of the letter or a part thereof include insulting descriptions of the addressee;
 - (vi) cases where there is a risk of hindering adequate pursuance of correctional education for the inmate by sending or receiving the letter or a part thereof.
- (2) Notwithstanding the provision of the preceding paragraph, with regard to either letters an inmate sends to or receives from a national or local government agency and whose contents include the matters under the

authority of the agency, or letters an inmate sends to or receives from an attorney who discharges the duty prescribed in Article 3, paragraph (1) of the Attorney Act with regard to the inmate, superintendents of juvenile training schools may prohibit them from sending or receiving, or remove or erase the relevant part of them only when all or a part of the letter falls under any of items (i) through (iii) of the preceding paragraph.

(Restrictions on Letters)

Article 102 (1) Superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, impose restrictions necessary for the management and administration of the juvenile training school upon the manner in preparing letters, the date and time making application to send letters, the number of letters (except those for an attendant, etc. or a defense counsel, etc.) an inmate may make an application to send, and the procedures for sending or receiving letters.

(2) When superintendents of juvenile training schools impose restrictions on the number of letters an inmate may make a claim to send pursuant to the provisions of the preceding paragraph, the number must be not less than four per month.

(Expenses of Sending)

Article 103 When an inmate is unable to bear the cost for sending letters, an all or a part of the cost is to be borne by the National Treasury, if the superintendent of the juvenile training school finds it appropriate in light of the purpose of sending letters.

(Handling of Prohibited Letter, etc.)

Article 104 (1) Superintendents of juvenile training schools are to retain letters which they prohibit from being sent or received, pursuant to the provisions of Article 100, Article 101 or Article 109, paragraph (3), or are to retain the removed part of letters which they remove pursuant to the provisions of Article 101.

(2) When superintendents of juvenile training schools erase parts of descriptions in a letter pursuant to the provisions of Article 101, they are to make a copy of the part to be erased part and retain it.

(3) Superintendents of juvenile training schools are to deliver all or a part of the letter or the copy (hereinafter referred to as "prohibited letter, etc.") they retain pursuant to the provisions of the preceding two paragraphs to the inmate or a person who exercises parental authorities, etc. over the inmate upon release of the inmate.

(4) If an inmate has died, superintendents of juvenile training schools are to,

- pursuant to Ordinance of the Ministry of Justice, deliver the prohibited letter, etc. to the bereaved family, etc. in accordance with application for its delivery.
- (5) Notwithstanding the provisions of the preceding two paragraphs, when there is a risk of either hindering maintaining of discipline and order in the juvenile training school or promoting or inducing a crime or delinquency by inmates by the delivering the prohibited letter, etc., superintendents of juvenile training schools are to deliver them: The same applies to the following cases where there is a risk of either hindering maintaining of discipline and order in the juvenile training school or promoting or inducing a crime or delinquency by inmates by the delivering the prohibited letter, etc.:
- (i) cases where a released inmate or a person who exercises parental authority, etc. of the inmate requests delivery of the prohibited letter, etc. after release of the inmate;
 - (ii) cases where an inmate who falls under any of the items of Article 76, paragraph (1), the inmate or a person who exercises parental authority over, etc. the inmate requests delivery of the prohibited letter, etc.
- (6) The provisions of Article 75, paragraph (1), Article 76, paragraph (1), Article 77, paragraphs (2) and (3) apply mutatis mutandis to prohibited letters, etc. (except those not being delivered pursuant to the provisions of the preceding paragraph) pertaining to an inmate. In this case, the term "application set forth in paragraph (1)" in paragraph (3) of the same Article is deemed to be replaced with "application set forth in Article 104, paragraph (4)".
- (7) Prohibited letter, etc. not being delivered pursuant to the provisions of paragraph (5) are to be allocated to the National Treasury on the day on which period of three years starting either from the day of the release or the death of the inmate, or from the day on which the inmate has fallen under any of items of paragraph (1) of Article 76.

(Documents and Drawings Prepared by Inmates)

Article 105 When an inmate applies to deliver to another person a document or a drawing (except for letters) which they prepared, superintendents of juvenile training schools may conduct an examination or take any other measures in accordance with the procedure for letters sent by inmates.

Section 4 Communications by Telephone and Other Means of Telecommunication

(Communications by Telephone and Other Means of Telecommunication)

Article 106 (1) If it is deemed instrumental either for reformation and rehabilitation of inmates or for their smooth re-integration into society, or if it is deemed appropriate, superintendents of juvenile training schools may permit

them to communicate with a person set forth in the items of Article 92, paragraph (1) by telephone or by other means of telecommunication provided for by Cabinet Order.

- (2) The provisions of Article 103 apply *mutatis mutandis* to the communication set forth in the preceding paragraph.

(Examination of Communication)

Article 107 (1) Superintendents of juvenile training schools are to have a staff member appointed by them monitor the communication referred to in paragraph (1) of the preceding Article or make record of the content of the communication in order to examine it; provided, however, that this does not apply when there is no risk of causing either distortion of discipline and order in the juvenile training school or hindrance to the adequate pursuance of correctional education for the inmate by the communication.

- (2) The provisions of Article 94 (except for paragraph (1), item (i), sub-item (i)) apply *mutatis mutandis* to the communication referred to in paragraph (1) of the preceding Article.

Section 5 Miscellaneous Provisions

(Counseling or Assistance in the Contact with the Outside World)

Article 108 When an inmate receives the visit, send the letter, or engages in the communication set forth in Article 106, paragraph (1), if deemed necessary for the inmate to communicate smoothly with the counterpart and build the good relations, superintendents of juvenile training schools are to give counseling or assistance; provided, however, that this does not apply to the cases when the inmate attempts to receive the visit by an attendant, etc. or a defense counsel, etc. or other person specified by Ordinance of the Ministry of Justice, or to send a letter to those persons.

(Visits, etc. in Foreign Languages)

Article 109 (1) When an inmate or the other parties of visits, etc. (i.e. visits and the communication referred to in Article 106, paragraph (1); hereinafter the same applies in this Article) do not have a sufficient command of Japanese, superintendents of juvenile training schools are to permit visits, etc. in a foreign language. In this case, if interpretation or translation is necessary in order to examine the oral statements or the communication, superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, charge expenses to the inmate.

- (2) When an inmate or the other party of correspondence does not have a sufficient command of Japanese, or when it is deemed appropriate,

superintendents of juvenile training schools are to permit sending or receiving letters in a foreign language. In this case, if translation is necessary in order to examine the contents of the letter, superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, charge expenses to the inmate.

- (3) Visits, etc. or correspondence are not permitted when the inmate does not bear the expenses prescribed in the preceding two paragraphs.

(Attendance to the Funeral of Relatives, Etc.)

Article 110 (1) If it is deemed appropriate for inmate to attend the funeral of their relatives (i.e. a spouse and relatives within the third degree of kinship; hereinafter the same applies in this paragraph) or to visit their relatives who are in serious conditions due to injury or illness, then superintendents of juvenile training schools may permit the inmates to do so.

- (2) Of the expenses required in order to attend or visit pursuant to the provisions of the preceding paragraph, transportation expenses to the inmate are borne by the inmate; provided, however, if the inmate cannot pay in full amount because of indigence or for other reasons, superintendents of juvenile training schools may remit all or part of the expenses.

(Effect of Treaty)

Article 111 When there are specific regulations in a treaty with regard to the visits and correspondence prescribed in this Chapter and the following Chapter, those regulations are to govern.

Chapter XIV Rewards and Disciplinary Actions

(Rewards)

Article 112 When an inmate has done a good deed, improved the performance evaluation referred to in Article 35, paragraph (1), or have acquired a certain level of skills, superintendents of juvenile training schools may, pursuant to Ordinance of the Ministry of Justice, reward them by giving words of praise, reward certificate or other rewards.

(Conditions of Disciplinary Action)

Article 113 (1) When an inmate refused to comply with either the compliance rules or the special compliance rules prescribed in Article 40, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to Article 45, paragraph (2)), or disobeyed the instruction of a staff member of the juvenile training school based on Article 84, paragraph (3), superintendents of juvenile training schools may impose disciplinary actions on the inmate.

- (2) In imposing disciplinary actions, superintendents of juvenile training schools must take into consideration conditions in relation to the inmate who committed the act based on which disciplinary actions are to be imposed (hereinafter referred to as "disciplinary offense") such as their age, mental and physical conditions, and demeanor, as well as the nature, seriousness, and motive of the disciplinary offense, and the impact which the disciplinary offense has had on the administration of the juvenile training school, the inmate's attitude after the disciplinary offense, and the impact which the disciplinary actions imposes on their prospective reformation and rehabilitation.
- (3) Disciplinary actions must not exceed the extent necessary to deter the disciplinary offense.

(Categories of Disciplinary Actions)

Article 114 The categories of disciplinary actions which may be imposed on inmates are as follows:

- (i) severe admonition;
- (ii) Confinement for a period not exceeding 20 days.

(Contents of Confinement)

Article 115 (1) In confinement prescribed in item (ii) of the preceding Article (hereinafter referred to simply as "confinement" in this Article and paragraph (3) of Article 119), acts prescribed in the following items are suspended and, the inmates pursuant to Ordinance of the Ministry of Justice, are treated in their room to urge them remorse:

- (i) to use or consume self-supplied articles (except for those specified by the superintendent of the juvenile training school) pursuant to the provision of Article 61;
- (ii) to access to books, etc. and newspapers (except those deemed necessary for the protection of the rights of defendant or suspect or for the protection of rights such as making arrangements for a lawsuit);
- (iii) to participate in religious ceremonies or to receive religious teachings with other inmates;
- (iv) to receive visits (except for when they receive a visit from a person set forth in the items of Article 92, paragraph (1) and when it is deemed necessary for the protection of the rights of defendants or suspects, or for the protection of rights such as for making arrangements for a lawsuit);
- (v) to send or receive letters (except for when the sending or receiving the letters set forth in the following sub-items (a) to (c) and when it is deemed necessary for the protection of the rights of defendants or suspects, or for the protection of rights such as for making arrangements for a lawsuit).

- (a) letters sent or received letters between custodians, etc. of the inmate;
 - (b) letters sent or received in order to carry out a business personally, legally, educationally, or occupationally important in nature in relation to the inmates such as reconciliation of marital relations, pursuance of lawsuit, or preparation of school attendance or employment;
 - (c) letters deemed to be instrumental for reformation and rehabilitation of the inmate by sending or receiving it.
- (2) Notwithstanding the provisions of Article 49, an inmate under a confinement may, in accordance with the standards provided for by Ordinance of the Ministry of Justice, be restricted from exercising so long as it does not hinder the sound mental and physical growth.
- (3) An inmate under a confinement is to, based on the objective of the confinement, be given appropriate correctional education.

(Allocation of Articles Related to Disciplinary Offenses in the National Treasury)

Article 116 Upon imposing disciplinary action, superintendents of the juvenile training school may, if it is necessary for maintaining discipline and order in the juvenile training school, allocate the articles set forth in the following items in the National Treasury; provided, however, that this does not apply to the articles which belong to a person other than the inmate committed the disciplinary offense:

- (i) articles which are part of disciplinary offense;
- (ii) articles used or intended for use in the commission of a disciplinary offense;
- (iii) articles produced or acquired by means of a disciplinary offense or an item acquired as reward for a disciplinary offense;
- (iv) articles received in exchange for the articles set forth in the preceding item.

(Inquiry of Disciplinary Offense)

Article 117 (1) When it is suspected that an inmate has committed a disciplinary offense, superintendents of juvenile training schools must, as promptly as it is practical to do so, inquire into whether or not the disciplinary offense has been committed, and the circumstances to be taken into consideration pursuant to the provisions of Article 113, paragraph (2) , and whether or not the conditions for the disposition pursuant to the provisions of the preceding Article exist.

- (2) Superintendents of juvenile training schools may, if necessary to carry out the inquiry referred to in the preceding paragraph, have designated staff members search inmates, and their clothes, personal belongings, and room, and deprive them of and temporarily take custody of their personal belongings.
- (3) The provision of Article 21, paragraph (2) apply mutatis mutandis to the searches of the body and clothes of female inmates pursuant to the provisions

of preceding paragraph.

- (4) When it is suspected that an inmate has committed a disciplinary offense, superintendents of juvenile training schools may, if necessary, pursuant to the provisions of Ordinance of the Ministry of Justice, take necessary measures to restrain them from contacting with other inmates.
- (5) The maximum period of measures pursuant to the provisions of the preceding paragraph is ten days; provided, however, if a compelling reason is deemed to exist, then superintendents of juvenile training schools may extend the period by no more than ten days.
- (6) If it is no longer necessary to take measures referred to in paragraph (4), superintendents of juvenile training schools must immediately suspend the measures even during the period set forth in the preceding paragraph.

(Procedures for Imposing Disciplinary Actions)

- Article 118 (1) When superintendents of juvenile training schools intends to impose disciplinary action on an inmate, superintendents must, pursuant to Ordinance of the Ministry of Justice, appoint three or more staff members to conduct a hearing and must provide the inmate with an opportunity for explanation. In this case, superintendents of juvenile training schools must notify the inmate in writing of the date and time of, or the deadline for the explanation, as well as the summary of the fact forming the basis of disciplinary action (including the disposition pursuant to the provision of Article 116; hereinafter the same applies in the following paragraph and the following Article), and at the same time appoint a person in charge of assisting the inmate from among the staff of the juvenile training school.
- (2) The staff members appointed pursuant to the first sentence of the preceding paragraph must confer on both the propriety of imposing the disciplinary actions and the content of discretionary actions to be imposed, and then submit a written report which describes both the opinions on the matters so conferred and the contents of the inmate's explanations, to the superintendent of the juvenile training school.
 - (3) The staff members appointed pursuant to the second sentence of paragraph (1) must, based on the results of the inquiry prescribed in paragraph (1) of the preceding Article, and after hearing the circumstances from the inmate, assist the inmate in good faith in order to protect the interest of the inmate.

(Execution of Disciplinary Action)

- Article 119 (1) In imposing a disciplinary action, superintendents of juvenile training schools are to notify the inmate of the disciplinary action and the summary of the facts forming the basis of the disciplinary action, and then execute it immediately; provided, however, when the inmate shows signs of

remorse or there are other reasonable grounds, superintendents of juvenile training schools may postpone the execution of or exempt all or a part of the disciplinary action.

- (2) In imposing the disciplinary action, it is to be endeavored to foster the normative consciousness of the inmate who had committed a disciplinary offense and be instrumental for reformation and rehabilitation of the inmate.
- (3) In executing a confinement, superintendents of juvenile training schools must consult a medical doctor of the juvenile training school or a doctor commissioned by the juvenile training school about the condition of the health of the inmate.

Chapter XV Filing of Relief, Etc.

Section 1 Filing of Relief

(Filing of Relief)

Article 120 An inmate may, in writing, file a relief with the Minister of Justice if the inmate has a complaint with regard to the measures taken by the superintendent of the juvenile training school against him/her or any other treatment he/she has received.

Article 121 (1) An inmate who has been released from the juvenile training school may, in writing, file a relief with the Minister of Justice if the inmate has a complaint with regard to the measures set forth in item (i) to (iv) inclusive taken by the superintendent of the juvenile training school against him/her, or the acts of staff members of the juvenile training school set forth in item (v) to (vii) inclusive taken against him/her.

- (i) Disposition of charging expenses pursuant to the provision of Article 79, paragraph (3);
 - (ii) Prohibition on the delivery of prohibited letters, etc. pursuant to the provision of the first sentence of Article 104, paragraph (5) (limited to the prohibition on the delivery pursuant to the provision of paragraph (3) of the said Article; the same applies in item (vi) of paragraph (1) under Article 126);
 - (iii) Disposition of charging expenses pursuant to the provision of Article 109, paragraph (1) or (2);
 - (iv) Disposition of allocating objects in the national treasury pursuant to the provision of Article 116;
 - (v) Use of physical force against the person;
 - (vi) Use of handcuffs;
 - (vii) Confinement in a protection room.
- (2) The filing pursuant to the provision of the preceding paragraph must be filed within thirty days from the day immediately following the day of release from

the juvenile training school.

- (3) In cases where there are compelling reasons such as natural disaster for not having filed a relief pursuant to the provision of paragraph (1) within the deadline prescribed in the preceding paragraph, notwithstanding the provision of said paragraph, a filing of relief may be filed within one week from the day immediately following the day on which the said reasons have ceased to exist.

Article 122 The person who files a relief pursuant to the provision of Article 120 or paragraph (1) of the preceding Article (hereinafter referred to as "filing of relief") must act as his/her own agent in filing the relief.

(Counselor)

Article 123 (1) A staff member designated by the superintendent of the juvenile training school (hereinafter referred to as "counselor" in the following paragraph and Article 131, paragraph (1)) is to accept consultation about a filing of relief by the inmate.

- (2) The counselor must not divulge the contents of the filing of relief which may have come to his/her knowledge through the consultation to other staff members of the juvenile training school.

(Inquiry)

Article 124 (1) Minister of Justice is to, ex officio conduct necessary inquiry into the matters regarding the filing of relief.

- (2) The Minister of Justice may, if necessary to conduct the inquiry prescribed in the preceding paragraph, order the superintendent of the juvenile training school to make a report or submit materials and other objects or have a designated staff member ask questions or request submission of objects for the person who has made the filing of relief or other persons concerned, retain the objects those persons submitted or conduct an inspection.

(Handling)

Article 125 (1) The Minister of Justice is to, upon receiving a filing of relief, handle it in good faith.

- (2) The Minister of Justice is to endeavor to complete the process within sixty days as much as practicable when the contents of the filing of relief are relevant to the acts of a staff member of the juvenile training school set forth in item (v) to (vii) inclusive of paragraph (1) of Article 121, and within ninety days as much as practicable in other cases.

(Measures of Minister of Justice)

Article 126 (1) The Minister of Justice is to, in cases where the contents of the

filing of relief are relevant to the measure set out under the following items taken by the superintendent of the juvenile training school against the person who has made the filing of relief and it is confirmed that the measure taken was illegal or unjust, if deemed necessary, rescind or modify all or a part of the measure.

- (i) Prohibition of receiving a medical treatment pursuant to the provision of Article 55, paragraph (1), or suspension of medical treatment pursuant to the provision of paragraph (4) of said Article;
 - (ii) Prohibition of use of retained cash pursuant to the provision of Article 71, or prohibition of delivery of retained cash and articles pursuant to the provision of Article 72;
 - (iii) Disposition of charging expenses pursuant to the provision of Article 79, paragraph (3);
 - (iv) Prohibition of or restriction on religious acts prescribed in Article 81;
 - (v) Any prohibition or suppression of, or restriction on correspondence or delivery of documents and drawings pursuant to the provisions of Article 100, Article 101, Article 102, paragraph (1), or Article 105;
 - (vi) Prohibition on the delivery of prohibited letters, etc. pursuant to the provision of the first sentence of Article 104, paragraph (5);
 - (vii) Disposition of charging expenses pursuant to the provision of Article 109, paragraph (1) or (2);
 - (viii) Disciplinary action pursuant to the provision of Article 113, paragraph (1);
 - (ix) Disposition of allocating objects in the national treasury pursuant to the provision of Article 116;
 - (x) Measures pursuant to the provision of paragraph (4) of Article 117.
- (2) The Minister of Justice is to, in cases where the contents of the filing of relief are relevant to the acts of a staff member of the juvenile training school set forth in item (v) to (vii) inclusive of paragraph (1) of Article 121 against the person who has made the filing of relief, and it is confirmed that the act set forth in item (v) of said paragraph is illegal or the acts set forth in item (vi) or (vii) of said paragraph is illegal or unjust, if deemed necessary, take measures necessary to prevent the reoccurrence of similar acts or other measures.

(Notification)

Article 127 The Minister of Justice must, when the process pursuant to the provisions of Article 125 has been completed, promptly notify the person who has made filing of relief of the results of the process (including the measures of Minister of Justice pursuant to the provision of paragraph (1) of the preceding Article); provided, however, concerning the filing of relief by the inmate (except for the filing of relief relevant to the measures by the superintendent of the

juvenile training school or the acts of a staff member of the juvenile training school, set forth in items of paragraph (1) of Article 121), this does not apply when the inmate has been released.

(Delegation to a Ministry of Justice Ordinance)

Article 128 In addition to what is provided for in this Section, necessary matters on the filing of relief are provided for by Ordinance of the Ministry of Justice.

Section 2 Filing of Complaints

(Filing of Complaints with the Inspector)

Article 129 (1) An inmate may, either orally or in writing, file a complaint with the inspector conducting the on-the-spot inspection pursuant to the provision of Article 6 (hereinafter referred to simply as "inspector" in this Article and Article 131, paragraph (1)) with regard to the measures taken by the superintendent of the juvenile training school against him/her or any other treatment he/she received.

(2) The provision of Article 122 applies mutatis mutandis to the filing of complaints set forth in the preceding paragraph.

(3) Upon receiving an oral filing of the complaint, the inspector must not allow the staff members of the juvenile training school to attend the filing.

(4) The inspector must, upon receiving a filing of complaint, handle it in good faith and notify the complainant of the results of such handling; provided, however, this does not apply when the inmate has been released.

(Filing of Complaints with the Superintendent of the Juvenile Training School)

Article 130 (1) An inmate may, either orally or in writing, file a complaint with the superintendent of the juvenile training school with regard to the measures taken by the superintendent of the juvenile training school against him/her or any other treatment he/she received.

(2) The provision of Article 122 applies mutatis mutandis to the filing of complaints set forth in the preceding paragraph.

(3) In cases where an inmate intends to file a complaint set forth in paragraph (1) orally, the superintendent of the juvenile training school may have a designated staff member hear its contents.

(4) The provision of paragraph (4) of the preceding Article applies mutatis mutandis to the case where the superintendent of the juvenile training school has received a filing of complaint.

Section 3 Miscellaneous Provisions

(Secrecy of Filing)

Article 131 (1) The superintendent of the juvenile training school must take necessary measures so that inmates may, upon making a filing of relief or a filing of complaint with the inspector, keep their contents secret to the staff member of the juvenile training school (except for the counselor who accepted consultation about the filing of relief concerned).

(2) Notwithstanding the provision of Article 99, no document for filing of relief or filing of complaint must be examined.

(Prohibition of Adverse Treatment)

Article 132 No staff member of the juvenile training school must treat inmates adversely for the reason of making a filing of relief or a filing of complaint.

Chapter XVI Provisional Commitment

Article 133 (1) The superintendent of the juvenile training school may, in the following cases when it finds it necessary, commit provisionally the inmates, to other juvenile training school or in the juvenile classification home.

(i) The case where the correctional education of inmates pursuant to the provisions of Article 39 is implemented outside of the juvenile training school;

(ii) The cases where the support referred to in Article 44, paragraph (1) is implemented outside of the juvenile training school pursuant to paragraph (2) of the same Article;

(iii) The case of the attendance and visit pursuant to the provisions of Article 110, paragraph (1).

(2) In the cases where escorting an inmate [including the bringing back pursuant to the provisions of Article 89, paragraph (1) (including cases where it is applied mutatis mutandis pursuant to paragraph (2) of the same Article) or Article 90, paragraph (4) (including cases where it is applied mutatis mutandis pursuant to paragraph (5) of the same Article)], if there are unavoidable reasons, it is possible to provisionally commit the inmate to the nearest juvenile training school or juvenile classification home or specially separated place inside of a penal institution.

(3) The provisions with regard to the inmates are applied mutatis mutandis to the treatment of the person provisionally committed to a juvenile training school pursuant to the provisions of the preceding two paragraphs, Article 17-4, paragraph (1) or Article 27-2, paragraph (5) of the Juvenile Act, Article 123 of the Act on Juvenile Classification Home (Act No. 59 of 2014), to the extent that such provisions are not inconsistent with the nature thereof.

Chapter XVII Transfer

Article 134 (1) The superintendent of the juvenile training school may, when it finds it necessary for the effective pursuance of correctional education or other reasons, with the approval of the superintendent of the Regional Correction Headquarters having jurisdiction over the location of the juvenile training school, transfer the inmate to a juvenile training school other than the juvenile training school.

(2) In the case prescribed in the preceding paragraph, the superintendent of the juvenile training school transferring the inmate must, when transferring the inmate for the reason that a superintendent of a juvenile training school other than the juvenile training school concerned needs to newly designate to the inmate a correctional education curriculum other than the designated correctional education curriculum pursuant to the provisions of Article 33, paragraph (1), prior to the transfer, consult a director of a juvenile classification home; provided, however, that this does not apply to the case of transferring exclusively due to the medical reason.

Chapter XVIII Release on Parole, Discharge, and Continuation of Commitment

(Proposal for Release on Parole)

Article 135 Superintendents of juvenile training schools shall, concerning protective measures inmates, when stage of the treatment prescribed in Article 16 has reached the highest stage, if it finds it appropriate to have the inmate released provisionally, submit a proposal to the Regional Parole Boards to the effect that the release on parole should be granted for such inmate.

(Proposal for Discharge)

Article 136 (1) Superintendent of juvenile training schools shall, concerning protective measures inmates, if it find that the purpose prescribed in Article 23, paragraph (1) has been achieved, submit a proposal to the Regional Parole Board to the effect that the discharge should be granted for such inmate.

(2) Superintendent of juvenile training schools are to, when receiving the notice of decision to grant discharge of the protective measures inmate from the juvenile training school pursuant to the provision of Article 46, paragraph (1) of the Offenders Rehabilitation Act from the Regional Parole Board, designate the date to release the inmate within a period not exceeding seven days from the date of receiving the notice.

(Discharge at Twenty-year-old and Continuation of Commitment)

Article 137 (1) Superintendents of juvenile training schools must, when protective measures inmates have reached twenty years of age, discharge them and let such person released on the day following the day on which he/she has reached the age of twenty; provided, however, that, when one year has not elapsed from the date of the ruling prescribed in Article 24, paragraph (1) of the Juvenile Act for the protective measures prescribed in item (iii) of the same paragraph, it is possible to continue the commitment of the person concerned within the period of one year from the same date.

(2) The provisions of the preceding paragraph shall not apply to the protective measures inmate for whom the family court has set a period of time to commit to a juvenile training school pursuant to the provisions of the first sentence of Article 72, paragraph (2) of the Offenders Rehabilitation Act.

(Continuation of Commitment of Inmate up to 23 Years of Age)

Article 138 (1) Superintendents of juvenile training schools must, when it finds it appropriate for the commitment of protective measures inmate set forth in the following items to be continued beyond the date prescribed respectively in those items for the reason that the inmate has extreme mental or physical disorder or his/her criminal tendency has not been corrected, apply for the ruling to continue the commitment to the family court which referred the inmate.

(i) The inmate who is to be discharged pursuant to the provision of main clause of paragraph (1) of the preceding Article: the day that the inmate has reached the 20 years of age;

(ii) The inmate whose period during which the inmate may be committed to the juvenile training school pursuant to the provisions of the proviso of paragraph (1) of the preceding Article or the period during which the inmate is to be committed to the juvenile training school designated by the family court pursuant to the provision of the following paragraph, Article 26-4, paragraph (2) of the Juvenile Act, or Article 68, paragraph (3) or Article 72, paragraph (2) of the Offenders Rehabilitation Act (excluding cases where the last day of such period is the day when the inmate has reached 23 years of age) expires: The last day of the said period.

(2) The family court receiving the application prescribed in the preceding paragraph must, for the protection measures inmate pertaining to the application, when it finds the application reasonable, render a ruling to continue the commitment. In such a case, at the same time as the ruling, within the range of the period for which the person does not exceed 23 years of age, the family court is to designate the period of time to commit the inmate to the juvenile training school.

(3) Family courts, upon the trial of the case concerning the ruling prescribed in

the preceding paragraph, must consult the person with medical, psychological, pedagogical, sociological or other expert knowledge and the staff member of the juvenile training school to which the protection measures inmate has been committed pertaining to the application prescribed in paragraph (1).

- (4) Superintendents of juvenile training schools may, until notification of the ruling of the family court pertaining to the application of paragraph (1), continue the commitment of the protective measures inmate pertaining to the application.
- (5) Beyond what is provided for in the preceding three paragraphs, the procedure for the case pertaining to the decision under paragraph (2), shall be governed by the same rules as the procedure for the case pertaining to the protective measures of juveniles to the extent such procedure is not inconsistent with the nature thereof.

(Continuation of Commitment of Inmate Exceeding 23 Years of Age)

Article 139 (1) Superintendents of juvenile training schools must, when it finds it appropriate for the commitment of the protective measures inmate set forth in the following items to be continued beyond the date prescribed respectively in those items for reason that the inmate has extreme mental disorder and it is especially necessary to continue the correctional education in light of the professional knowledge and skills related to medical care, apply for the ruling to continue the commitment to the family court which referred the inmate.

- (i) The inmate whose period during which the inmate is to be committed to the juvenile training school designated by the family court pursuant to the provisions of paragraph (2) of the preceding Article, Article 26-4, paragraph (2) of the Juvenile Act, or Article 68, paragraph (3) or Article 72, paragraph (2) of the Offenders Rehabilitation Act expires on the day when the inmate has reached 23 years of age: The date that the person has reached 23 years of age.
 - (ii) The person whose period during which the inmate is to be committed to the juvenile training school designated by the family court pursuant to the provisions of the following paragraph or Article 72, paragraph (3) of the Offenders Rehabilitation Act (excluding cases where the last day of such period is the day when the inmate has reached 26 years of age.) expires: The last day of the period.
- (2) The family court receiving the application prescribed in the preceding paragraph must, for the protective measures inmate pertaining to the application, when it finds the application reasonable, render a ruling to continue the commitment. In such a case, at the same time as the ruling, within the range of the period for which the person does not exceed 26 years of age, the family court is to designate the period of time to commit the inmate to

the juvenile training school.

- (3) The provisions of paragraph (3) to paragraph (5) of the preceding Article apply mutatis mutandis to the procedure of the case pertaining to the ruling prescribed in the preceding paragraph. In this case, the term "paragraph (1)" in paragraph (3) and paragraph (4) of the same Article is deemed to be replaced with "paragraph (1) of the following Article," the term "preceding three paragraphs" in paragraph (5) of the same Article is deemed to be replaced with "paragraph (2) of the following Article and preceding two paragraphs as applied mutatis mutandis pursuant to paragraph (3) of the same Article," and the term "paragraph (2)" is deemed to be replaced with "paragraph (2) of the following Article."

Chapter XIX Release

(Release of Protection Measures Inmate)

Article 140 Protective measures inmates are released, in accordance with the cases set forth in the following items, at the earliest time possible within the period prescribed respectively in those items:

- (i) Cases where the day of release is determined in advance: Up until noon of the day;
- (ii) Cases where the period during which the inmate may be committed to the juvenile training school pursuant to the provision of the proviso of Article 137, paragraph (1), or the period during which the inmate is to be committed to the juvenile training school designated by the family court pursuant to the provisions of Article 138, paragraph (2), paragraph (2) of the preceding Article, Article 26-4, paragraph (2) of the Juvenile Act, or Article 68, paragraph (3) or Article 72, paragraph (2) or paragraph (3) of the Offenders Rehabilitation Act expires: Up until noon of the following day of the last day of the period;
- (iii) Cases other than those set forth in the preceding two items: Within ten hours starting at the time when the document which forms the basis for release has arrived at the juvenile training school.

(Release of Sentenced Inmates)

Article 141 (1) Superintendents of juvenile training schools must, when a sentenced inmate has reached 16 years of age, within 14 days commencing from the day following the date when the inmate has reached the age, release the inmate from the juvenile training school by handing over to the warden of the penal institution; provided, however, that this does not apply to the case that the enforcement of the punishment should be terminated within that period.

- (2) The provision of Article 171 of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (Act No. 50 of 2005) is applied mutatis mutandis to the release of sentenced inmates except the release pursuant to the provision of the preceding paragraph.

(Stay by Petition)

Article 142 (1) Superintendents of juvenile training schools may, if an inmate to be released has been in a serious condition due to injury or disease, or if there are compelling reasons for the benefit of the inmate, by his/her petition, permit him/her to stay temporarily in the juvenile training school. In this case, if the inmate is the one who has received a decision that permitting the person to be released on parole pursuant to the provision of Article 41 of the Offenders Rehabilitation Act or a decision that permitting the inmate to be discharged pursuant to the provision of Article 46, paragraph (1) of the same Act, the superintendent of the juvenile training school is to promptly report, to the Regional Parole Board that had decided release on parole or discharge, that it has permitted the inmate to temporarily stay in the juvenile training school.

- (2) The provisions with regard to inmates are applied mutatis mutandis to the treatment of persons staying in the juvenile training school pursuant to the provision of the preceding paragraph to the extent that such provisions are not inconsistent with nature thereof.

(Payment of Travel Expenses and Supplying of Clothing)

Article 143 Superintendents of juvenile training schools are to provide an inmate to be released with clothing or travel expense necessary to support the inmate in returning home.

Chapter XX Death

(Notification of Death)

Article 144 In cases where an inmate has died, superintendents of juvenile training schools must, pursuant to Ordinance of the Ministry of Justice, promptly inform the bereaved family, etc. about the cause and the time and date of the inmate's death, and about the property left to be delivered, compensation for death which will be paid, or prohibited letter, etc., if any.

(Measures Taken for Corpse)

Article 145 (1) In cases where an inmate has died, if there is nobody who cremate or inter the corpse, then superintendents of juvenile training schools are, notwithstanding the provision of Article 9 of the Act on Cemetery and Interment, Etc. (Act No.48 of 1948), to conduct such cremation and interment.

- (2) Beyond what is provided for in the preceding paragraph, the measures taken for the corpses of inmates are provided for by Ordinance of the Ministry of Justice.

Chapter XXI Auxiliary Provision

(Consultation from the Discharged Inmate and Others)

Article 146 Superintendents of juvenile training schools may, when receiving a request of consultation from the person who has been discharged or released on parole, or his/her custodian or other persons considered to be appropriate about personal relationship, career selection, and other various issues to live a sound social life relevant to the person who has been discharged or released on parole, if it finds it appropriate, have a staff member of the juvenile training school provide consultation thereof.

Chapter XXII Penal Provisions

Article 147 (1) When a sentenced inmate who has received out-of school commissioned guidance or made a day leave or a furlough pursuant to the provision of Article 45, paragraph (1) failed to return the juvenile training school after the day of the commissioned guidance outside the school or the day of the day leave or the last day of the furlough period, imprisonment with work for not more than one year is imposed.

- (2) The provision of the preceding paragraph also applies in cases where a person (limited to those corresponds to the person prescribed in Article 97 of the Penal Code) has been liberated pursuant to the provisions of Article 90, paragraph (2) (including the cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (3)), and subsequently has failed to appear at the juvenile training school or the specified location violating the provisions of Article 90, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 133, paragraph (3)).