

Bill concerning Medical Care and Probation of Person who commits a seriously hurting act against other person in a state of insane or quasi-insane mind (a bill as of March 8, 2002)

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[Translator's notes]

1. The Code of Criminal Procedure (Law No.131, 1948) prescribes the public trial (*Kôhan-trial*) (Book III, Chapter III), three kinds of appeal (Book III. i.e. Kôso-appeal, Jôso-appeal and Kôkoku-appeal) and Retrial (Book IV).
2. The Juvenile Law (Law No. 168, 1948) prescribes the *Shinpan-trial* which is not open to the public and the Kôkoku-appeal. In this trial the restriction of the freedom of a juvenile may be until his twenty three year of age (in case of medical reformatory until his twenty six year at maximum).
3. The Juvenile Law, nevertheless, prescribes also the procedure concerning ordinary criminal cases in juvenile criminal cases (Article 40 and 45). In this case, an attendant shall be regarded as a defense counsel (Article 45.item (vi)).
4. The attendant (*Tsukisoi-nin*) and the defense counsel (*Bengo-nin*) shall be appointed from among the lawyer (*Bengo-si*). The attendant may play a very minor role in whole process. Alas! Is the Bill fair and impartial to the mentally disordered person ?

These laws in English are available in publications by the Eibun Horei Sha (URL: <http://www4.ocn.ne.jp/~ehs/>).

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Chapter I General Provisions

Section 1 Purpose and Definition

(Purpose)

Article 1. The purpose of this Law is to provide to the person who commits a seriously hurting act against other person in a state of insane or quasi-insane mind with the continuous and appropriate medical care and the necessary observation and guidance for it, to improve his/her medical condition, to prevent the further commitment of the similar act, and to promote his/her social rehabilitation, by means of establishing the procedures for deciding of his/her treatment.

(Definition)

Article 2. 1. The Person Responsible for Protection in this Law means the person responsible for protection pursuant to the Article 20, Paragraph 1 and Article 21 of the Law concerning Mental Health and Welfare of the Mentally Disordered Person (Law No.123, 1950).

2. "The Object-Act in this Law means an act satisfying any following items:

- (i) an act defined in Article 108 to 110 and Article 112 of the Penal Code (Law No.45, 1907);[Arson to inhabited structure; [Arson to uninhabited structure; Arson to objects other tha structure; and Attempts]
- (ii) an act defined in Article 176 to 179 of the Penal Code; [Obscenity by compulsion; Rape; Constructive compulsory indecency and quasi-rape; and Attempts]
- (iii) an act defined in Article 199, Article 202 or 203 of the Penal Code; [Homicide; Participation in suicide ar homicide with consent; Attempt]
- (iv) an act defined in Article 204 of the Penal Code; [Bodily injury]
- (v) an act defined in Article 236, Article 238, and Article 243 (limited to the case relating to Article 236 or Article 238)[Robbery; Robbery through coma; and Attempts] of the Penal Code.

3. "The Object-Person" in this Law means a person satisfying any following items:

- (i) when a public prosecution has not been instituted, a person deemed to commit an object act, and to be a person defined in Article 39 of the Penal Code (hereinafter referred as "the insane minded person") or a

- person defined in Article 40 (hereinafter referred as “quasi-insane minded person”); and
- (ii) when a final and conclusive judgment has been made, a person sentenced to not guilty pursuant to Article 39, Paragraph 1 or a person sentenced to reduced penalty pursuant to the same Article, Paragraph 2 (except a person sentenced to penal servitude or imprisonment without suspension of its execution and having the term of its execution).
4. “The Designated Medical Organ” in this Law means the designated hospitalization medical organ and the designated outpatient medical organ.
5. ” The Designated Hospitalization Medical Organ “ in this Law means the hospital designated by the Minister of Health, Labour and Welfare (including the hospital a part of which is designated) as the hospital functioning to deliver the medical care by hospitalization to the person who is sentenced pursuant to Article 42, Paragraph 1, item (i) or Article 61, Paragraph 1, item (i).
6. “The Designated Outpatient Medical Organ” in this Law means the hospital and the clinic [*Shinryousyo which may have less than 20 beds*] designated by the Minister of Health, Labour and Welfare (including any similar organ defined by the ordinance. The same in Article 16, Paragraph 2) functioning to deliver medical care not by hospitalization to the person who is sentenced pursuant to Article 42, Paragraph 1, item (ii) or Article 51, Paragraph 1, item (ii).

Section 2 Court

(Jurisdiction)

Article 3 The district court. [Not Yet Translated (hereinafter abbreviated as NYT)]

(Transfer of Cases)

Article 4 [NYT]

(Consolidation of Proceedings)

Article 5 [NYT]

(Judging Member of Mental Health)

Article 6.1. The Judging Member of Mental Health shall be appointed to each treatment case by the district court, from among selected persons by the district court pursuant to the rules of the Supreme Court for each year from

among persons listed in the name list under the next Paragraph.

2. The Minister of Health, Labour and Welfare shall send a list of names of the physician who has the knowledge and expertise necessary for the duties of the Judging Member of Mental Health in this Law (hereinafter referred as adjudicative physicians of mental health) to the Supreme Court each year according to the ordinance, in order to select appropriately persons who shall be appointed to the Judging Member of Mental Health.

3. (traveling expense, etc.) [NYT]

(Disqualification)

Article 7 [NYT]

(Release from his/her office)

Article 8 [NYT]

(Independence of authority of the Judging Member of Mental Health)

Article 9 [NYT]

(Exclusion of the judge and the Judging Member of Mental Health)

Article 10 [NYT]

(Collegiate System)

Article 11.1. The district court shall handle the treatment case by the panel of a judge and a judging member of mental health in spite of the rule of Article 26 of the Court Organization Law (Law No.59, 1947). Provided that nothing contained herein shall not apply concerning the items given a special definition in this Law.

2 The trial under Article 4, Paragraph 1 and 2, Article 5, Article 40, Paragraph 1 and the former part of Paragraph 2, Article 41, Paragraph 1, Article 42, Paragraph 2, Article 51, Paragraph 2, Article 56, Paragraph 2 or Article 61, Paragraph 2 shall be decided by the judge who is a member of the panel under the preceding Paragraph. The same shall apply to dispatching an appearance order or an accompanying order, ordering an appearance to the object-person, selecting the attendant, entrusting or asking the execution of an accompanying order, entrusting the police escort or asking a research of the place of the object-person under Article 24, item (v), the former part.

3. An assistant judge shall not be a member of a panel under preceding Paragraph.

(Authority of the Judge)

Article 12.1. The judge who is a member of the panel shall be deemed to be the presiding judge as to the application of Court Organization Law, Article

72, Paragraph 1 and 2. and Article 73, when the panel under preceding Article, Paragraph 1. exercises its official duties under this Law.

2. The judge shall open and arrange the discussion of the trial (*Saiban*) by the panel under preceding Article.

(Duty to present his/her opinion)

Article 13. The judging member of mental health shall present his/her opinion at the discussion (*Hyog*) of the Shinpan-trial.

(Decision)

Article 14. The trial of the panel under Article 11, Paragraph 1 shall be decided upon concurrence of the opinions of the judge and the judging member of mental health.

(The Councilor of Mental Health)

Article 15. 1. The councilor of Mental Health shall be appointed to each treatment case by the district court from among persons selected by the district court for each year from among persons listed in the name list under the next Paragraph.

2. The Minister of Health, Labour and Welfare shall send a name list of the persons who has the knowledge and expertise of health and welfare of the mentally disordered persons to the district court.

3. The number of the councilor of mental health shall be one or more to each treatment case.

4. Article 6, Paragraph 3 shall be applied *mutatis mutandis* to the councilor of mental health.

Section 3 Designated Medical Organ

(Designation of the designated medical organ)

Article 16. 1. Designation of the designated hospitalization medical organ shall be decided by the Minister of Health, Labour and Welfare after the agreement of the establisher to the whole or a part of hospital which is established by the State, the prefecture or the specific independent administrative judicial person (the Specific Independent Administrative Corporation Law (Law No.103, 1999), Article 2. Paragraph 2.) and satisfies the standards specified by the order of the Ministry of Health, Labour and Welfare .

2. Designation of the designated outpatient medical organ shall be decided by the Minister of Health, Labour and Welfare after the agreement of the

establisher to the hospital, the clinic or the pharmacy which satisfies the standard specified by the order of the Ministry of Health, Labour and Welfare.

(Resignation of the designation)

Article 17. [NYT]

(Revocation of the designation)

Article 18. [NYT]

Section 4. Probation Office

(Affairs)

Article 19. [NYT]

(Probation Officer)

Article 20 [NYT]

(Jurisdiction)

Article 21. [NYT]

(Reference (to public offices))

Chapter II Shinpan-trial (*Shinpan*)

Section 1. General Provisions

(Investigation of facts)

Article 24. 1. An investigation of the facts may be conducted when necessary for the decision or the orders.

2. An investigation of the facts under the preceding Paragraph may be conducted by a member of the panel (except the councilor of mental health) or entrust to the judge of the district court or the summary court.
3. Conducting the examination of the witness, the expert's evidence, the inspection, the impoundment, the search, the interpretation and translation and asking the report, the material and other assistance from the public offices, the medical facilities and other public and private organs may be permissible, when it is necessary to the investigation of the facts. Provided that the impoundment shall be carried only after the order of offering of the objects of the impoundment before the owner, possessor or keeper.
4. The provisions of the Code of Criminal Procedure relating to

examination of witness, expert's evidence, inspection, impoundment, search, interpretation and translation to be effected by the court shall apply mutatis mutandis to the same issues under preceding Paragraph in so far as such application does not run counter to the nature of the treatment case

5. The court may request the head of the police station to research the place of the object-person. In this case, when the police officer finds the object-person, he/she shall notify the court to that effect.

(Presentation of opinions and materials)

Article 25.1. The prosecutor, the administrator of the designated hospitalization medical organ or the head of the probation office shall, when he/she makes the application under the provision of Article 33, Paragraph 1, Article 49, Paragraph 1 or 2, or Article 54, Paragraph 1 or 2., present his/her opinions and the necessary materials.

2. The object-person, his/her person responsible for protection and the attendant shall present his/her opinion and the necessary materials.

(Appearance order and accompanying order)

Article 26.1. The court may issue a warrant of appearance order.

2. The court may, when the object-person does not appear without due cause, issue a warrant of accompanying order.
3. The court may, when the object-person is likely not to appear pursuant to the order under the first Paragraph without due cause, has not the definite residing place, or is in a condition of medical emergency and it is deemed to be necessary, issue a warrant of accompanying order in spite of the preceding Paragraph to the object-person.

(Effects of Warrant of Accompanying Order)

Article 27. [NYT]

(Execution of Warrant of Accompanying Order)

Article 28. [NYT]

(Appearance Order)

Article 29. [NYT]

(Attendant (*Tsukisoi-nin*))

Article 30. 1. The object-person and his/her person responsible for protection may designate a lawyer (*Bengo-si*) as an attendant.

2. The court may, in special circumstances, limit the number of attendants pursuant to the rules of the Supreme Court.

3. The court may, when the object-person has no attendant and it deems as specially necessary, designate an attendant upon its own authority.
4. The attendant designated by the court pursuant to the preceding Paragraph shall be selected under the rules of the Supreme Court.
5. The attendant selected under the preceding Article may ask for mileage, daily allowance, hotel expenses, and remuneration.

(Shinpan-trial date)

Article 31. 1. The Shinpan-trial date may be designated if necessary for the Shinpan-trial.

2. The judge shall preside the Shinpan-trial.
3. The Shinpan-trial shall not be open to the public.
4. The court may ask the public prosecutor, the administrator or the physician designated by him/her of the designated medical organ (limited to hospital and clinic) and the head or the probation officer designated by him/her of the probation office to be present at the Shinpan-trial date.
5. The person responsible for protection (inclusive of the mayor of the city or town or the village headman/inclusive of the head of the special ward/ who becomes the person responsible to protection under the provisions of the Law concerning mental health and welfare of the mentally disordered person, Article 21) and the attendant may be present at the Shinpan-trial date.
6. (the court shall) ask the object-person to be present at the Shinpan-trial date, or order the same.
7. The Shinpan-trial shall not be conducted when the object-person is not present at the Shinpan-trial date. Provided that the foregoing provision shall not apply when the object-person is not present at the Shinpan-trial date due to mental and/or physical reasons or without due reasons, quits the court without leave or is ordered to leave the court for the good order of the court, if the attendant is present.
8. The Shinpan-trial date may be conducted at the place other than the court.

(Perusal or copy of records, etc.)

Article 32.1. The records or evidences of the Shinpan-trial shall not be served to perusal or transcription except for the permission of the court.

2. In spite of the foregoing provision, the prosecutor, the administrator or

physician designated by him/her of the designated hospitalization medical organ, the head or probation officer designated by him/her of the probation office, and the attendant may peruse the records and evidences of the treatment case during the application pursuant to the following Article, Paragraph 1, Article 49, Paragraph 1 or 2, Article 50, Paragraph 1, Article 54, Paragraph 1 or 2, Article 55, Paragraph 1, Article 59, Paragraph 1 or 2 and the irrevocable decision to the application.

Section 2. Hospitalization or Regular Attendance as Outpatient

(Application by the public prosecutor)

Article 33.1. The public prosecutor shall, when he/she approves that the suspected person has committed the object-act and has been a insane or quasi-insane minded person and has made the measure not to institute a public prosecution or the final and conclusive judgment of the court under the provision of Article 2, Paragraph 3, item (ii) has been made, apply for the decision under Article 42, Paragraph 1 to the district court, except in case that the object-person is clearly unlikely to do further object-act due to the mental disorder which caused the insane or quasi-insane mind even if the continuing medical care is conducted. Provided that he/she may, when the procedure is conducted pursuant to the provisions of the criminal case, the juvenile case, or the law concerning expulsion of alien, not apply for the same until the procedure finishes.

2. In spite of the provision of the body of the preceding Paragraph, the public prosecutor may, when the object-person is placed in the prison, the juvenile prison, the detention house or the reformatory and the continuing placement is planned, not apply for the same. The same apply when the object-person is alien and has left the State.

3. The public prosecutor may, when the injury is minor and when he/she deems the application to be unnecessary according to the consideration to the nature of the said act, the foregoing hurting act against other person, the present state, character and environment of the object-person, not apply for the same decision. Provided that this provision shall not apply to the person who has made also the other object-act.

(Order of Hospitalization for Expert's Evidence)

Article 34. 1. The judge of the district court who receives the application pursuant to the preceding Article, Paragraph 1. shall, except in case that the object-person is clearly unlikely to do further object-act due to the mental

disorder which caused the insane or quasi-insane mind even if the continuing medical care is conducted, order to hospitalize the object-person until the decision under Article 40, Paragraph 1 or Article 42 for the expert's evidence or other medical observation. In this case, the judge has the same authority with the court as to the appearance or accompanying order.

2. The judge shall, when he/she issues the order under the preceding Paragraph, tell in advance to the object-person that any declaration is not forced, and that he/she may appoint the attendant from among lawyers, inform the points of the reasons why the object-person is deemed to satisfy Article 2, Paragraph 3. and the application pursuant to the preceding Article, Paragraph 1., and afford an opportunity to make any statement to the case. Provided that this shall not apply, when this is not be able to be conducted due to no appearance of the object person due to mental and/or physical reasons or without due cause.
3. The term of the hospitalization pursuant to the order under the first Paragraph shall not exceed two months from the date of the execution of the said order. Provided that the court may, when it deems necessary, extend this term within one month in total upon its own decision.
4. The judge may entrust the execution of the order pursuant to the preceding Paragraph to the public prosecutor.
5. The provisions of Article 28, Paragraph 2, 3 and 6, Article 29, Paragraph 3 shall apply mutatis mutandis to the execution of the preceding Paragraph.
6. The assistant judge may issue the order pursuant to the first Paragraph upon his/her own authority.

(Court appointed Attendant)

Article 35. The court shall, when the object-person has not the attendant, appoint the attendant.

(Participation of Councilor of Mental Health)

Article 36. The court shall let the councilor of mental health participate in Shinpan-trial in order to listen his/her opinion about the necessity of treatment and its contents. Provided that this provision shall not apply when the court considers unnecessary.

(Expert's Examination of the Object-person)

Article 37.1. The court shall order the judging physician of mental health or a physician who is deemed to have the same or more knowledge and

expertise with the said physician to examine the object-person as to the mental disorder and the likelihood of the further object-act due to the mental disorder which caused the insane or quasi-insane mind if the continuing treatment is not conducted. Provided that this provision shall not apply in case that the said likelihood is clearly negative.

2. In case of the examination under the preceding Paragraph, the considerations shall be directed to the type of the mental disorder, the anamnesis, the mental status at the time of the object-act and at present, the mental status in future prospected from the present status and the treatment history, the contents of the object-act, the contents of past hurting acts and the character of the object-person.

3. The physician who has been ordered to do the examination under the first Paragraph shall attach his/her opinion of the necessity of medical care by the hospitalization to the conclusion of the examination.

4. The court may direct the physician who is ordered to do the examination under the first Paragraph the issues which shall be given his/her special attention.

5. The court may, when it orders the examination under the first Paragraph as to the object-person whom the order under Article 34, Paragraph 1, the former part and deems necessary, order to hospitalize the object-person until the decision under Article 40, Paragraph 1. or Article 42. by its decision. The provisions of Article 34, Paragraph 2. to 5 shall apply mutatis mutandis to this case.

(Research of Environments by Probation Office)

Article 38. [NYT]

(Conduct of Trial Date)

Article 39. The court shall, when the application under Article 33. Paragraph 1. is filed, hold the trial date. Provided that this shall not apply when the prosecutor and the attendant have no objection.

2. The public prosecutor shall be present at the trial date.

3. The court shall tell at the trial date to the object-person that any declaration is not forced, and inform the points of the reasons why the object-person is deemed to satisfy Article 2, Paragraph 3. and the application pursuant to Article 33, Paragraph 1., and afford an opportunity to make any statement of the object-person and the attendant. Provided that this shall not Article 31, Paragraph 7.

(Dismissal of Application, ect.)

Article 40.1. The court shall, when as to the object-person under Article 2, Paragraph 4, item (i) the application has been filed under Article 33, Paragraph 1, if the case satisfies the following item, dismiss the application by the decision.

- (i) in case that the object-person is not deemed to do the object-act; or
- (ii) in case that the object-person is deemed neither to be insane nor to be quasi-insane.

2. The court shall, when the public prosecutor has made a disposition not to institute the public prosecution due to his/her insane mind, if the court has deemed him/her to be quasi-insane minded, make the decision to that effect. In this case, the public prosecutor shall notify to the court within two weeks from the date of receiving the note of the decision whether he/she withdraws the said application.

(Special Provisions for Examination of the Existence of the Object-act)

Article 41.1. The court may, when the application pursuant to Article 33.1. has been filed as to the object-person provided under the provision of Article 2, Paragraph 3, item (i), if necessary, make a decision to the effect that other collegiate court shall conduct the examination and trial as to the existence of the reasons under the preceding Article, Paragraph 1, item (ii), hearing the opinion of the public prosecutor and the attendant.

- 2. The collegiate panel in the preceding Paragraph shall be the collegiate panel of judges under the Court Organization Law, Article 26, Paragraph 2. In this case, the judge being a member of the collegiate panel before which the treatment case is pending may participate in it.
- 3. The collegiate court in the first Paragraph has the same authority with the court before which the treatment case is pending, as to the appearance, accompanying and attendance orders.
- 4. The court before which the treatment case is pending may continue to conduct the trial even during hearing of the panel under the first Paragraph. Provided that the panel shall not render a decision which finalizes the case (except the next Article, Paragraph 2.).
- 5. The collegiate court by the panel under the first Paragraph shall, when it conducts hearing under the same Paragraph, designate the trial date. In this case, the presiding judge shall conduct the trial date.
- 6. Provisions of Article 39. Paragraph 2 and 3 shall apply mutates

mutandis to the trial date under the preceding Paragraph.

7. The judging member of mental health who is a member of the panel before which the treatment case is pending may attend at the trial date under the fifth Paragraph.
8. The collegiate court under the first Paragraph shall make a decision to the effect that the case satisfies the reasons provided in the preceding Article, Paragraph 1, item (i) or does not.
9. The decision under the preceding Paragraph shall restrict the court before which the treatment case is pending.

(Decision of Hospitalization, etc.)

Article 42. [NYT]

(Hospitalization)

Article 43.[NYT]

(Term of Regular Attendance as Outpatient)

Article 44. The period of non nospitalization treatment under Article 42. Paragraph 1. item (ii) shall be three years calculating from the day of the decision. Provided that the court extend the period within two years in total.

(Execution of Decision)

Article 45.[NYT]

(Effects of Decision)

Article 46. [NYT]

(Hearing Trial at Visitor's Gallery of Victims, ect.)

Article 47.[NYT]

(Notification to Victim, etc.).

Article 48.[NYT]

Section 3. Discharge or Continuing Hospitalization

(Application of Administrator of Hospital)

Article 49.[NYT]

(Proposal for Permission of Discharge, etc. [from the inpatient])

Article 50. The person hospitalized under the decision of Article 42. Paragraph 1. or Article 61. Paragraph 1. item (i) or Article 61. Paragraph 1. item (i), his/her person responsible for protection, or his/her attendant may apply for discharge or the end of treatment to the district court.

2. the person provided in the preceding Paragraph shall not apply until the end of three months calculating from the day of decision under Article 42.

Paragraph 1. item (i), Article 51. Paragraph 1. or Article 61. Paragraph 1. item (i)(if plural, the latest one).

(Decision Confirming Discharge or Continuing Hospitalization[by the court])

Article 51. [NYT]

(Expert's Examination of Object-person)

Article 52.[NYT]

(Application after necessary modifications)

Article 53.[NYT]

(Application of Head of Probation Office)

Article 54.[NYT]

(Request of End of Treatment)

Article 55. 1. The person who has been given the decision under Article 42. Paragraph 2. or Article 51. Paragraph 1. item (ii) , his/her person responsible to protection or his/her attendant may request the end of the treatment under this law.

2. The person prescribed in the preceding Paragraph shall not apply the preceding Paragraph until the end of six month after the decision of Article 42. Paragraph 1. item (ii), Article 51. Paragraph 1. item (ii), the following Article. Paragraph 1. item (i)or (vi) or Article 61. Paragraph 1. item (ii)(if plural, the latest one).

(Decision of End of Treatment or Prolongation of Term of Outpatient)

Article 56. The court shall, when the application pursuant to Article 54. Paragraph 1.or 2., make a decision to the effect in accordance with the following items, on the base of opinion of the administrator of the outpatient medical organ (when it orders the expert's examination on the base of opinion of the administrator of the outpatient medical organ and the expert's examination), considering the environment of the object-person:

(i) [the court shall] dismiss the application for the end of the treatment and decide to the effect that the period of non-hospitalization medical care continues; or

(ii) decision to the effect that treatment under this law shall end.

2. The court shall, when it deems the application unlawful, dismiss the application by the decision.

3. The court shall, when it extends the period under the first Paragraph, item (i), decide the term of extension.

(Expert's Examination of Object-person)

Article 57.

(Application after necessary modifications)

Article 58.[NYT]

Section 5. Rehospitalization, etc.

(Application of Head of Probation Office)

Article 59. [NYT]

(Order of Hospitalization for Expert's Evidence)

Article 60.[NYT]

(Decision of Hospitalization, etc.)

Article 61.[NYT]

(Expert's Examination of Object-person)

Article 62.[NYT]

(Application with necessary modifications)

Article 63. [NYT]

Section 6. Kōkoku-appeal

(Kokoku-appeal)

Article 64. 1. The public prosecutor to a ruling by the court under Article 40, Paragraph 1. or Article 42., the administrator of the designated Hospitalization Medical Organ to the same under Article 51, Paragraph 1. or 2., Head of the Probation Office to the same under Article 56. Paragraph 1. or 2. or Article 61. Paragraph 1. to 3. may file Kokoku-appeal only by reason of a violation of laws and orders , a serious error in and/or of facts or a serious impropriety of the decision which has affected the decision within two weeks.

2. The object-person, the person responsible to protection or the attendant may file Kokoku-appeal to the decision by the court under Article 42. Paragraph 1., Article 51. Paragraph 1. or 2., Article 56. Paragraph 1. or 2. or Article 61. Paragraph 1. or 2. only by reason of a violation of laws or orders, a serious errors in/of facts, or a serious impropriety of the decision which has affected the decision within two weeks. Provided that the attendant shall not appeal against the clearly expressed intentions of the person responsible for protection who has selected him as an attendant.

3. The trial of the collegiate court under Article 41. Paragraph 1. shall, when the Kokoku-appeal has been filed against the decision of Article 40. Paragraph 1. pursuant to the same^[40] Article Paragraph 8. or Article 42.

Paragraph 1., follow the decision of the appeal-court.

(Withdraw of Kokoku-appeal)

Article 65. The Kokoku-appeal may be withdrawn until the final decision of the appeal-court. Provided that the attendant shall not withdraw against the clearly expressed intention of the person responsible who selected him as an attendant.

(Scope of Investigation of Appeal-court)

Article 66. 1. The appeal-court may investigate within the scope of the statement of reasons for Kokoku-appeal.

2. The Kokoku-appeal court may investigate the fact and reason which may be a reason of the Kokoku-appeal by its authority, even when it is not included in the reasons of the Kokoku-appeal.

(Court Appointed Attendant)

Article 67. The Kokoku-appeal court shall, when the Kokoku-appeal has been filed and the object-person has not an attendant, appoint an attendant. Provided that this shall not apply when the said Kokoku-appeal has filed after the term provided in Article 64. Paragraph 1. or 2..

(Trial of Kokoku-appeal)

Article 68. 1. [The Kokoku-appeal court] shall dismiss the Kokoku-appeal, when the said appeal violates its provisions or has no reason, by the decision.

2. [Kokoku-appeal court] shall dismiss the original decision by its own decision or send the case to the original court or the other district court when the said appeal has the reason. Provided that [the Kokoku-appeal court] may dismiss the original decision and order the further decision when the case satisfies Article 40. Paragraph 1. item (i) or (ii).

(Stay of Execution)

Article 69. The Kokoku-appeal shall not effect to stay the execution. Provided that the original court and the Kokoku-appeal court may stay the execution by its own authority.

(Refiling of Kokoku-appeal)

Article 70. 1. The public prosecutor, the administrator of the designated hospitalization medical organ, the head of the probation office, the object person, his/her person responsible for protection, or his/her attendant may specially make an appeal to the Supreme Court against the ruling rendered by the Kokoku-appeal court only when the reasons are that the said ruling is unconstitutional or a violation of the precedent judgments of the Supreme

Court or the high court to which Jôso-appeal may be filed within two weeks. Provided that the attendant shall not refile against the clearly expressed intention of the person responsible for protection who selected him as an attendant.

2.[NYT]

(Trial of the Re-appeal)

Article 71.[NYT]

(Application against the disposition of the judge)

Article 72.[NYT]

(Objection against the disposition of the court)

Article 73.[NYT]

Section 7. Miscellaneous

Articles 74. to 80.[NYT]

Chapter III Medical Care;

Chapter IV Treatment in Regional Society;

Chapter V Miscellaneous;

Chapter VI Penal Provision[NYT]

Supplementary Provisions[NYT]

[Among six articles, translator find a very peculiar provision]

Article 2. This Law shall apply to the person who commits the object-act before the enforcement of this Law and is deemed that he/she did the object-act and has been insane or quasi-insane minded by disposition without public prosecution after the enforcement of this Law, and the person who is sentenced to the effect that he/she is not guilty pursuant to Penal Code, Article 39. Paragraph 1. or is attenuated his penalty pursuant to the said Article. Paragraph 2. after the enforcement of this Law.

END OF THE BILL