

刑法

Penal Code

(明治四十年四月二十四日法律第四十五号)
(Act No. 45 of April 24, 1907)

第一編 総則

Part I GENERAL PROVISIONS

第一章 通則

Chapter I Scope of Application

(国内犯)

(Crimes Committed within Japan)

第一条 この法律は、日本国内において罪を犯したすべての者に適用する。

Article 1 (1) This Code applies to anyone who commits a crime within the territory of Japan.

2 日本国外にある日本船舶又は日本航空機内において罪を犯した者についても、前項と同様とする。

(2) The same applies to anyone who commits a crime on board a Japanese vessel or aircraft outside the territory of Japan.

(すべての者の国外犯)

(Crimes Committed outside Japan)

第二条 この法律は、日本国外において次に掲げる罪を犯したすべての者に適用する。

Article 2 This Code applies to anyone who commits one of the following crimes outside the territory of Japan:

一 削除

(i) deleted;

二 第七十七条から第七十九条まで（内乱、予備及び陰謀、内乱等幫助）の罪

(ii) the crimes prescribed under Articles 77 through 79 (Insurrection; Preparations; Plots; Accessoryship to Insurrection);

三 第八十一条（外患誘致）、第八十二条（外患援助）、第八十七条（未遂罪）及び第八十八条（予備及び陰謀）の罪

(iii) the crimes prescribed under Articles 81 (Instigation of Foreign Aggression), 82 (Assistance to the Enemy), 87 (Attempts) and 88 (Preparation; Plots);

四 第一百四十八条（通貨偽造及び行使等）の罪及びその未遂罪

(iv) the crime prescribed under Article 148 (Counterfeiting of Currency and Uttering Counterfeit Currency) as well as an attempt thereof;

五 第一百五十四条（詔書偽造等）、第一百五十五条（公文書偽造等）、第一百五十七条

（公正証書原本不実記載等）、第一百五十八条（偽造公文書行使等）及び公務所又は

公務員によって作られるべき電磁的記録に係る第百六十一条の二（電磁的記録不正作出及び供用）の罪

(v) the crimes prescribed under Article 154 (Counterfeiting of Imperial or State Documents), 155 (Counterfeiting of Official Documents), 157 (False Entries in the Original of Notarized Deeds) and 158 (Uttering Counterfeit Official Documents), and the crime concerning an electronic or magnetic record which should be created by a public office or a public employee in Article 161-2 (Unauthorized Creation of Electronic or Magnetic Records);

六 第百六十二条（有価証券偽造等）及び第百六十三条（偽造有価証券行使等）の罪

(vi) the crimes prescribed under Articles 162 (Counterfeiting of Securities) and 163 (Uttering Counterfeit Securities);

七 第百六十三条の二から第百六十三条の五まで（支払用カード電磁的記録不正作出等、不正電磁的記録カード所持、支払用カード電磁的記録不正作出準備、未遂罪）の罪

(vii) the crimes prescribed under Articles 163-2 through 163-5 (Unauthorized Creation of Payment Cards with an Electronic or Magnetic Record; Possession of Payment Cards with an Unauthorized Electronic or Magnetic Record; Preparation for Unauthorized Creation of Payment Cards with an Electronic or Magnetic Record; Attempts);

八 第百六十四条から第百六十六条まで（御璽偽造及び不正使用等、公印偽造及び不正使用等、公記号偽造及び不正使用等）の罪並びに第百六十四条第二項、第百六十五条第二項及び第百六十六条第二項の罪の未遂罪

(viii) the crimes prescribed under Articles 164 through 166 (Counterfeiting or Unauthorized Use of the Imperial Seal; Counterfeiting or Unauthorized Use of Official Seals; Counterfeiting or Unauthorized Use of Official Marks) as well as any attempts to commit the crimes prescribed under paragraph (2) of Article 164, paragraph (2) of Article 165, and paragraph (2) of Article 166.

（国民の国外犯）

(Crimes Committed by Japanese Nationals outside Japan)

第三条 この法律は、日本国外において次に掲げる罪を犯した日本国民に適用する。

Article 3 This Code applies to any Japanese national who commits one of the following crimes outside the territory of Japan:

一 第百八条（現住建造物等放火）及び第百九条第一項（非現住建造物等放火）の罪、これらの規定の例により処断すべき罪並びにこれらの罪の未遂罪

(i) the crimes prescribed under Article 108 (Arson of Inhabited Buildings) and paragraph (1) of Article 109 (Arson of Uninhabited Buildings), and other crimes which are dealt with in the same manner as the preceding crimes provided therein, as well as any attempt to commit the crimes mentioned above;

二 第百十九条（現住建造物等浸害）の罪

- (ii) the crime prescribed under Article 119 (Damage to Inhabited Buildings by Flood);
- 三 第一百五十九条から第六十一条まで（私文書偽造等、虚偽診断書等作成、偽造私文書等行使）及び前条第五号に規定する電磁的記録以外の電磁的記録に係る第六十一条の二の罪
- (iii) the crimes prescribed under Articles 159 through 161 (Counterfeiting of Private Documents; Falsifying of Medical Certificates; Utterance of Counterfeit Private Documents) and the crime regarding electronic or magnetic records in Article 161-2 except those which fall within item (v) of the preceding Article;
- 四 第一百六十七条（私印偽造及び不正使用等）の罪及び同条第二項の罪の未遂罪
- (iv) the crimes prescribed under Article 167 (Counterfeiting or Unauthorized Use of Private Seals) and any attempt to commit the crimes prescribed under paragraph (2) of that Article;
- 五 第一百七十六条から第八十一条まで（強制わいせつ、強姦性交等、準強制わいせつ及び準強姦性交等、監護者わいせつ及び監護者性交等、未遂罪、強制わいせつ等致死傷）及び第八十四条（重婚）の罪
- (v) the crimes prescribed under Articles 176 through 181 (Indecency through Compulsion; Forcible Sexual Intercourse; Constructive Indecency through Compulsion and Constructive Forcible Sexual Intercourse; Indecency by a Person Having Custody of a Person under 18; Sexual Intercourse by a Person Having Custody of a Person under 18; Attempts; Indecency through Compulsion Causing Death or Injury) and 184 (Bigamy);
- 六 第一百九十八条（贈賄）の罪
- (vi) the crime prescribed under Article 198 (Active Bribery);
- 七 第一百九十九条（殺人）の罪及びその未遂罪
- (vii) the crime prescribed under Article 199 (Homicide) and attempt thereof;
- 八 第二百四条（傷害）及び第二百五条（傷害致死）の罪
- (viii) the crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);
- 九 第二百四条から第二百六条まで（業務上墮胎及び同致死傷、不同意墮胎、不同意墮胎致死傷）の罪
- (ix) the crimes prescribed under Articles 214 through 216 (Abortion through Professional Conduct; Causing Death or Injury thereof; Abortion without Consent; Abortion without Consent Causing Death or Injury);
- 十 第二百八条（保護責任者遺棄等）の罪及び同条の罪に係る第二百九条（遺棄等致死傷）の罪
- (x) the crime prescribed under Article 218 (Abandonment by a Person Responsible for Protection) and the crime prescribed under Article 219 (Abandonment Causing Death or Injury) in connection with the crime prescribed under Article 218;

十一 第二百二十条（逮捕及び監禁）及び第二百二十一条（逮捕等致死傷）の罪
(xi) the crimes prescribed under Articles 220 (Unlawful Capture; Unlawful Confinement) and 221 (Unlawful Capture or Unlawful Confinement Causing Death or Injury);

十二 第二百二十四条から第二百二十八条まで（未成年者略取及び誘拐、営利目的等略取及び誘拐、身の代金目的略取等、所在国外移送目的略取及び誘拐、人身売買、被略取者等所在国外移送、被略取者引渡し等、未遂罪）の罪

(xii) the crimes prescribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Human Trafficking; Transporting Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);

十三 第二百三十条（名誉毀損）の罪

(xiii) the crime prescribed under Article 230 (Defamation);

十四 第二百三十五条から第二百三十六条まで（窃盗、不動産侵奪、強盗）、第二百三十八条から第二百四十条まで（事後強盗、昏酔強盗、強盗致死傷）、第二百四十一条第一項及び第三項（強盗・強制性交等及び同致死）並びに第二百四十三条（未遂罪）の罪

(xiv) the crimes prescribed under Articles 235 through 236 (Theft; Taking Unlawful Possession of Real Estate; Robbery), Articles 238 through 240 (Constructive Robbery; Drug-Facilitated Robbery; Robbery Causing Death or Injury), paragraphs (1) and (3) of Article 241 (Robbery or Forcible Sexual Intercourse; Causing Death Thereby), and Article 243 (Attempts);

十五 第二百四十六条から第二百五十条まで（詐欺、電子計算機使用詐欺、背任、準詐欺、恐喝、未遂罪）の罪

(xv) the crimes prescribed under Articles 246 through 250 (Fraud; Computer Fraud; Breach of Duty of Loyalty; Constructive Fraud; Extortion; Attempts);

十六 第二百五十三条（業務上横領）の罪

(xvi) the crime prescribed under Article 253 (Embezzlement in the Pursuit of Social Activities);

十七 第二百五十六条第二項（盗品譲受け等）の罪

(xvii) the crimes prescribed under paragraph (2) of Article 256 (Acceptance of Stolen Property).

（国民以外の者の国外犯）

(Crimes Committed by Non-Japanese Nationals outside Japan)

第三条の二 この法律は、日本国外において日本国民に対して次に掲げる罪を犯した日本国民以外の者に適用する。

Article 3-2 This Code applies to any non-Japanese national who commits one of the following crimes against a Japanese national outside the territory of Japan:

一 第一百七十六条から第八十一条まで（強制わいせつ、強制性交等、準強制わいせつ及び準強制性交等、監護者わいせつ及び監護者性交等、未遂罪、強制わいせつ等致死傷）の罪

(i) the crimes prescribed under Articles 176 through 181 (Indecency through Compulsion; Forcible Sexual Intercourse; Constructive Indecency through Compulsion and Constructive Forcible Sexual Intercourse; Indecency by a Person Having Custody of a Person under 18; Sexual Intercourse by Person Having Custody of Person under 18; Attempts; Indecency through Compulsion Causing Death or Injury);

二 第一百九十九条（殺人）の罪及びその未遂罪

(ii) the crime prescribed under Articles 199 (Homicide) and attempt thereof;

三 第二百四条（傷害）及び第二百五条（傷害致死）の罪

(iii) the crimes prescribed under Articles 204 (Injury) and 205 (Injury Causing Death);

四 第二百二十条（逮捕及び監禁）及び第二百二十一条（逮捕等致死傷）の罪

(iv) the crimes prescribed under Articles 220 (Unlawful Capture and Confinement) and 221 (Unlawful Capture or Confinement Causing Death or Injury);

五 第二百二十四条から第二百二十八条まで（未成年者略取及び誘拐、営利目的等略取及び誘拐、身の代金目的略取等、所在国外移送目的略取及び誘拐、人身売買、被略取者等所在国外移送、被略取者引渡し等、未遂罪）の罪

(v) the crimes prescribed under Articles 224 through 228 (Kidnapping of Minors; Kidnapping for Profit; Kidnapping for Ransom; Kidnapping for Transportation out of a Country; Human Trafficking; Transporting Kidnapped Persons out of a Country; Delivery of Kidnapped Persons; Attempts);

六 第二百三十六条（強盗）、第二百三十八条から第二百四十条まで（事後強盗、昏酔強盗、強盗致死傷）並びに第二百四十一条第一項及び第三項（強盗・強制性交等及び同致死）の罪並びにこれらの罪（同条第一項の罪を除く。）の未遂罪

(vi) the crimes prescribed under Articles 236 (Robbery), 238 through 240 (Constructive Robbery; Drug-Facilitated Robbery; Robbery Causing Death or Injury), and paragraphs (1) and (3) of Article 241 (Robbery or Forcible Sexual Intercourse; Causing Death Thereby), as well as attempts of these crimes (excluding the crime prescribed in paragraph (1) of Article 241).

（公務員の国外犯）

(Crimes Committed by Public Employees outside Japan)

第四条 この法律は、日本国外において次に掲げる罪を犯した日本国の公務員に適用する。

Article 4 This Code applies to any public employees of Japan who commits one of the following crimes outside the territory of Japan:

一 第一百一条（看守者等による逃走援助）の罪及びその未遂罪

(i) the crime prescribed under Article 101 (Assistance in Escape by a Guard) as well as an attempt thereof;

二 第一百五十六条（虚偽公文書作成等）の罪

(ii) the crime prescribed under Article 156 (Making of False Official Documents);

三 第九十三条（公務員職権濫用）、第九十五条第二項（特別公務員暴行陵虐）及び第九十七条から第九十七条の四まで（収賄、受託収賄及び事前収賄、第三者供賄、加重収賄及び事後収賄、あっせん収賄）の罪並びに第九十五条第二項の罪に係る第九十六条（特別公務員職権濫用等致死傷）の罪

(iii) the crimes prescribed under Article 193 (Abuse of Authority by Public Employees), paragraph (2) of Article 195 (Assault and Cruelty by Specialized Public Employees) and Articles 197 through 197-4 (Acceptance of Bribes; Acceptance on a Request; Acceptance in Advance; Passing of Bribes to a Third Party; Aggravated Acceptance of Bribes; Acceptance after Resignation of Office; Acceptance for Exertion of Influence), and the crime prescribed under Article 196 (Abuse of Authority Causing Death or Injury by Specialized Public Employees) related to the crime prescribed in paragraph (2) of Article 195.

（条約による国外犯）

(Crimes Committed outside Japan Governed by a Treaty)

第四条の二 第二条から前条までに規定するもののほか、この法律は、日本国外において、第二編の罪であつて条約により日本国外において犯したときであつても罰すべきものとされているものを犯したすべての者に適用する。

Article 4-2 Beyond what is provided for in the provisions of Article 2 through the preceding Article, this Code also applies to anyone who commits those crimes outside the territory of Japan prescribed under Part II which are governed by a treaty even if committed outside the territory of Japan.

（外国判決の効力）

(Effect of Foreign Judgments)

第五条 外国において確定裁判を受けた者であつても、同一の行為について更に処罰することを妨げない。ただし、犯人が既に外国において言い渡された刑の全部又は一部の執行を受けたときは、刑の執行を減輕し、又は免除する。

Article 5 Even when a final and binding decision has been rendered by a foreign judiciary against the criminal act of a person, it does not preclude further punishment in Japan with regard to the same act; provided, however, that when the person has already served either the entire or part of the punishment abroad, the execution of the punishment is mitigated or remitted.

(刑の変更)

(Change in Punishments)

第六条 犯罪後の法律によって刑の変更があったときは、その軽いものによる。

Article 6 When a punishment is changed by law after the commission of a crime, the lesser punishment is applied.

(定義)

(Definitions)

第七条 この法律において「公務員」とは、国又は地方公共団体の職員その他法令により公務に従事する議員、委員その他の職員をいう。

Article 7 (1) The term "public employee" as used in this Code means a national or local government official, a member of an assembly or committee, or other employees engaged in the performance of public duties in accordance with laws and regulations.

2 この法律において「公務所」とは、官公庁その他公務員が職務を行う所をいう。

(2) The term "public office" as used in this Code means an office where public employees perform their duties.

第七条の二 この法律において「電磁的記録」とは、電子的方式、磁気的方式その他の知覚によっては認識することができない方式で作られる記録であって、電子計算機による情報処理の用に供されるものをいう。

Article 7-2 The term "electronic or magnetic record" as used in this Code means any record which is produced by electronic, magnetic or any other means unrecognizable by natural perceptive functions and is used for data-processing by a computer.

(他の法令の罪に対する適用)

(Application of General Provisions)

第八条 この編の規定は、他の法令の罪についても、適用する。ただし、その法令に特別の規定があるときは、この限りでない。

Article 8 The general provisions of this Part also apply to crimes for which punishments are provided by other laws and regulations, except when special provisions are provided in such laws and regulations.

第二章 刑

Chapter II Punishments

(刑の種類)

(Categories of Punishments)

第九条 死刑、懲役、禁錮、罰金、拘留及び科料を主刑とし、没収を付加刑とする。

Article 9 The principal punishments are categorized as the death penalty,

imprisonment, imprisonment without work, fine, penal detention and petty fine, with confiscation as a supplementary punishment.

(刑の軽重)

(Severity of Punishments)

第十条 主刑の軽重は、前条に規定する順序による。ただし、無期の禁錮と有期の懲役とでは禁錮を重い刑とし、有期の禁錮の長期が有期の懲役の長期の二倍を超えるときも、禁錮を重い刑とする。

Article 10 (1) The order of severity of the principal punishments are as according to the order in which they are provided for in the preceding Article; provided, however, that imprisonment without work for life is severer than imprisonment for a definite term, and imprisonment without work for a definite term is severer than imprisonment for a definite term when the maximum term prescribed for the former exceeds the term by twice as much as that prescribed for the latter.

2 同種の刑は、長期の長いもの又は多額の多いものを重い刑とし、長期又は多額が同じであるときは、短期の長いもの又は寡額の多いものを重い刑とする。

(2) Between punishments of the same type, the punishment prescribed with a higher maximum term or amount is severer; and when the maximum terms or amounts are equal, the punishment prescribed with the higher minimum term or amount is severer.

3 二個以上の死刑又は長期若しくは多額及び短期若しくは寡額が同じである同種の刑は、犯情によってその軽重を定める。

(3) Between death penalties or punishments of the same type which have equal maximum and minimum terms or amounts, the order of severity is determined in light of the circumstances of the crimes.

(死刑)

(Death Penalty)

第十一条 死刑は、刑事施設内において、絞首して執行する。

Article 11 (1) The death penalty is executed by hanging at a penal institution.

2 死刑の言渡しを受けた者は、その執行に至るまで刑事施設に拘置する。

(2) A person who has been sentenced to the death penalty is detained in a jail until their execution.

(懲役)

(Imprisonment)

第十二条 懲役は、無期及び有期とし、有期懲役は、一月以上二十年以下とする。

Article 12 (1) Imprisonment is either for life or with a definite term, and the definite term of imprisonment is not less than one month but not more than 20 years.

2 懲役は、刑事施設に拘置して所定の作業を行わせる。

(2) Imprisonment consists of confinement in a penal institution with assigned work.

(禁錮)

(Imprisonment without Work)

第十三条 禁錮は、無期及び有期とし、有期禁錮は、一月以上二十年以下とする。

Article 13 (1) Imprisonment without work is either for life or for a definite term, and a definite term of imprisonment without work is not less than one month but not more than 20 years.

2 禁錮は、刑事施設に拘置する。

(2) Imprisonment without work consists of confinement in a penal institution.

(有期の懲役及び禁錮の加減の限度)

(Limit of Aggravation and Mitigation)

第十四条 死刑又は無期の懲役若しくは禁錮を減輕して有期の懲役又は禁錮とする場合においては、その長期を三十年とする。

Article 14 (1) If the death penalty, or imprisonment or imprisonment without work for life is reduced to imprisonment or imprisonment without work for a definite term, its maximum term is 30 years.

2 有期の懲役又は禁錮を加重する場合においては三十年にまで上げることができ、これを減輕する場合においては一月未満に下げることができる。

(2) If imprisonment or imprisonment without work for a definite term is aggravated, the term may be extended to 30 years, and if it is reduced, the term may be reduced to less than one month.

(罰金)

(Fine)

第十五条 罰金は、一万円以上とする。ただし、これを減輕する場合においては、一万円未満に下げることができる。

Article 15 A fine is not less than 10,000 yen; provided, however, that if it is reduced, the amount may be reduced to less than 10,000 yen.

(拘留)

(Penal Detention)

第十六条 拘留は、一日以上三十日未満とし、刑事施設に拘置する。

Article 16 Penal detention consists of confinement in a penal institution for not less than 1 day but less than 30 days.

(科料)

(Petty Fine)

第十七条 科料は、千円以上一万円未満とする。

Article 17 A petty fine is not less than 1,000 yen but less than 10,000 yen.

(労役場留置)

(Detention in a Workhouse in lieu of Payment of Fines)

第十八条 罰金を完納することができない者は、一日以上二年以下の期間、労役場に留置する。

Article 18 (1) A person who defaults in payment of a fine in full is detained in a workhouse for a term of not less than one day but not more than two years.

2 科料を完納することができない者は、一日以上三十日以下の期間、労役場に留置する。

(2) A person who defaults in payment of a petty fine in full is detained in a workhouse for a term of not less than one day but not more than 30 days.

3 罰金を併科した場合又は罰金と科料とを併科した場合における留置の期間は、三年を超えることができない。科料を併科した場合における留置の期間は、六十日を超えることができない。

(3) When fines are imposed cumulatively or when a fine and a petty fine are imposed cumulatively, the term of detention may not exceed three years. When petty fines are imposed cumulatively, the term of detention may not exceed 60 days.

4 罰金又は科料の言渡しをするときは、その言渡しとともに、罰金又は科料を完納することができない場合における留置の期間を定めて言い渡さなければならない。

(4) When rendering a sentence of a fine or petty fine the court is to simultaneously determine and render a term of detention in the case of a default in the full payment thereof.

5 罰金については裁判が確定した後三十日以内、科料については裁判が確定した後十日以内は、本人の承諾がなければ留置の執行をすることができない。

(5) Without the consent of the sentenced person, confinement for default of a fine may not be executed within 30 days from the time when the decision has become final and binding, and confinement for default of a petty fine may not be executed within 10 days from the time when the decision has become final and binding.

6 罰金又は科料の一部を納付した者についての留置の日数は、その残額を留置一日の割合に相当する金額で除して得た日数（その日数に一日未満の端数を生じるときは、これを一日とする。）とする。

(6) When a person sentenced to a fine or petty fine has made a payment of part of the fine, the term of detention is calculated by dividing the amount of the unpaid payments by the amount corresponding to the ratio of one day of detention (a remainder less than one day is deemed as one whole day) reduced by a period of days in proportion to the amount of payments made for the fine or petty fine imposed.

(没収)

(Confiscation)

第十九条 次に掲げる物は、没収することができる。

Article 19 (1) The following objects may be confiscated:

一 犯罪行為を組成した物

(i) an object which is used as a key component of a criminal act;

二 犯罪行為の用に供し、又は供しようとした物

(ii) an object used or intended for use in the commission of a criminal act;

三 犯罪行為によって生じ、若しくはこれによって得た物又は犯罪行為の報酬として得た物

(iii) an object produced or acquired by means of a criminal act or an object acquired as reward for a criminal act;

四 前号に掲げる物の対価として得た物

(iv) an object received in exchange for the object set forth in the preceding item.

2 没収は、犯人以外の者に属しない物に限り、これを行うことができる。ただし、犯人以外の者に属する物であっても、犯罪の後にその者が情を知って取得したものであるときは、これを没収することができる。

(2) An object set forth in the preceding paragraph may only be confiscated if it does not belong to a person other than the criminal; provided, however, that it may be confiscated if a person other than the criminal acquires the object after the crime with knowledge of the applicability of the preceding items.

(追徴)

(Collection of Equivalent Value)

第十九条の二 前条第一項第三号又は第四号に掲げる物の全部又は一部を没収することができないときは、その価額を追徴することができる。

Article 19-2 When the whole or part of the object prescribed in items (iii) and (iv) of paragraph (1) of the preceding Article cannot be confiscated, a sum of money equivalent thereto may be collected.

(没収の制限)

(Restrictions on Confiscation)

第二十条 拘留又は科料のみに当たる罪については、特別の規定がなければ、没収を科することができない。ただし、第十九条第一項第一号に掲げる物の没収については、この限りでない。

Article 20 Confiscation cannot be imposed to crimes punishable only by penal detention or a petty fine, except when specifically provided for; provided, however, that this does not apply to the object set forth in item (i) of paragraph (1) of Article 19.

(未決勾留日数の本刑算入)

(Inclusion of Term of Pre-Sentencing Detention into Sentence)

第二十一条 未決勾留の日数は、その全部又は一部を本刑に算入することができる。

Article 21 The days spent in pre-sentencing detention may be included in whole or in part into the sentence imposed.

第三章 期間計算

Chapter III Calculation of the Period of Time

(期間の計算)

(Calculation of the Period of Time)

第二十二条 月又は年によって期間を定めたときは、暦に従って計算する。

Article 22 When a term is expressed in months or years, it is to be calculated in accordance with the calendar.

(刑期の計算)

(Calculation of the Term of Imprisonment)

第二十三条 刑期は、裁判が確定した日から起算する。

Article 23 (1) The term of imprisonment is calculated from the day on which such sentence becomes final and binding.

2 拘禁されていない日数は、裁判が確定した後であっても、刑期に算入しない。

(2) The days when the criminal is not actually confined is not to be included into the term of punishment, even if they are after the sentence has become final and binding.

(受刑等の初日及び釈放)

(First Day and Last Day of Imprisonment)

第二十四条 受刑の初日は、時間にかかわらず、一日として計算する。時効期間の初日についても、同様とする。

Article 24 (1) The first day of imprisonment is calculated as one whole day regardless of the number of hours actually imprisoned. The same applies to the first day of the period of prescription.

2 刑期が終了した場合における釈放は、その終了の日の翌日に行う。

(2) Final release from imprisonment takes place on the day after completion of the term of imprisonment.

第四章 刑の執行猶予

Chapter IV Suspended Execution of Sentence

(刑の全部の執行猶予)

(Suspended Execution of the Entire Sentence)

第二十五条 次に掲げる者が三年以下の懲役若しくは禁錮又は五十万円以下の罰金の言渡しを受けたときは、情状により、裁判が確定した日から一年以上五年以下の期間、その刑の全部の執行を猶予することができる。

Article 25 (1) When any one of the following persons has been sentenced to imprisonment or imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen, the execution of the entire sentence may be suspended in light of circumstances for a period of not less than 1 year but not more than 5 years from the day on which the sentence becomes final and binding.

一 前に禁錮以上の刑に処せられたことがない者

(i) a person not previously sentenced to imprisonment without work or a greater punishment;

二 前に禁錮以上の刑に処せられたことがあっても、その執行を終わった日又はその執行の免除を得た日から五年以内に禁錮以上の刑に処せられたことがない者

(ii) a person who, although previously sentenced to imprisonment without work or greater punishment, has not subsequently been sentenced to imprisonment without work or greater punishment within 5 years from the day on which execution of the former punishment was completed or remitted.

2 前に禁錮以上の刑に処せられたことがあってもその刑の全部の執行を猶予された者が一年以下の懲役又は禁錮の言渡しを受け、情状に特に酌量すべきものがあるときも、前項と同様とする。ただし、次条第一項の規定により保護観察に付せられ、その期間内に更に罪を犯した者については、この限りでない。

(2) When a person, who has been sentenced to imprisonment without work or a heavier punishment and has been granted suspension of execution of the entire sentence, is sentenced subsequently to imprisonment or imprisonment without work for not more than 1 year and there are circumstances especially favorable to the person, the person may be granted suspension of execution of the sentence as with the persons prescribed in the preceding paragraph; provided, however, that the same does not apply to a person who has been placed under probation pursuant to the provision of paragraph (1) of the following Article and commits a crime again within the term of such probation.

(刑の全部の執行猶予中の保護観察)

(Probation During Suspended Execution of the Entire Sentence)

第二十五条の二 前条第一項の場合においては猶予の期間中保護観察に付することができ、同条第二項の場合においては猶予の期間中保護観察に付する。

Article 25-2 (1) In cases prescribed in paragraph (1) of the preceding Article, the subject person may be placed under probation during the period of suspended execution of the sentence; and in cases prescribed in paragraph (2) of that Article, that person is placed under probation through the period of suspended execution of the sentence.

2 前項の規定により付せられた保護観察は、行政官庁の処分によって仮に解除することができる。

(2) Probation placed pursuant to the provisions of the preceding paragraph may be provisionally cancelled by a disposition of a government agency.

3 前項の規定により保護観察を仮に解除されたときは、前条第二項ただし書及び第二十六条の二第二号の規定の適用については、その処分を取り消されるまでの間は、保護観察に付せられなかったものとみなす。

(3) When probation is provisionally cancelled pursuant to the provisions of the preceding paragraph, the person, for the purpose of the provisions of the proviso of paragraph (2) of the preceding Article and of item (ii) of Article 26-2, is deemed not to be under probation until the provisional cancellation is revoked.

(刑の全部の執行猶予の必要的取消し)

(Mandatory Revocation of Suspended Execution of the Entire Sentence)

第二十六条 次に掲げる場合においては、刑の全部の執行猶予の言渡しを取り消さなければならない。ただし、第三号の場合において、猶予の言渡しを受けた者が第二十五条第一項第二号に掲げる者であるとき、又は次条第三号に該当するときは、この限りでない。

Article 26 Suspended execution of the entire sentence must be revoked in the following cases; provided, however, that item (iii) does not apply when the subject person is a person set forth in item (ii) of paragraph (1) of Article 25 or falls under item (iii) of the following Article:

一 猶予の期間内に更に罪を犯して禁錮以上の刑に処せられ、その刑の全部について執行猶予の言渡しがなくとき。

(i) when a further crime is committed within the term of suspension and imprisonment without work or a greater punishment is imposed for the crime, and the subject person is not granted suspension of execution of such sentence in whole;

二 猶予の言渡し前に犯した他の罪について禁錮以上の刑に処せられ、その刑の全部について執行猶予の言渡しがなくとき。

(ii) when the person who was granted suspension is sentenced to imprisonment without work or a greater punishment for a crime committed before such grant, and is not granted suspension of execution of such sentence in whole.

三 猶予の言渡し前に他の罪について禁錮以上の刑に処せられたことが発覚したとき。

(iii) when it is discovered that, before a person was granted a suspended execution of sentence for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime before such grant.

(刑の全部の執行猶予の裁量的取消し)

(Discretionary Revocation of Suspended Execution of the Sentence in Whole)

第二十六条の二 次に掲げる場合においては、刑の全部の執行猶予の言渡しを取り消すことができる。

Article 26-2 Suspended execution of the entire sentence may be revoked in the following cases:

一 猶予の期間内に更に罪を犯し、罰金に処せられたとき。

(i) when a further crime is committed within the term of suspension and a fine is imposed for the crime;

二 第二十五条の二第一項の規定により保護観察に付せられた者が遵守すべき事項を遵守せず、その情状が重いとき。

(ii) when a person placed under probation in accordance with the provisions of paragraph (1) of Article 25-2 fails to observe any of the conditions of the probation and the circumstances related to such failure are serious;

三 猶予の言渡し前に他の罪について禁錮以上の刑に処せられ、その刑の全部の執行を猶予されたことが発覚したとき。

(iii) when it is discovered that, before a person was granted suspension for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime and granted suspension of execution of such sentence in whole.

(刑の全部の執行猶予の取消しの場合における他の刑の執行猶予の取消し)

(Revocation of Concurrent Suspended Execution of the Sentence in Case of a Revocation of Suspended Execution of the Entire Sentence)

第二十六条の三 前二条の規定により禁錮以上の刑の全部の執行猶予の言渡しを取り消したときは、執行猶予中の他の禁錮以上の刑についても、その猶予の言渡しを取り消さなければならない。

Article 26-3 When a suspended execution of the sentence to imprisonment without work or a greater punishment in whole is revoked pursuant to the provisions of the preceding two Articles, the concurrent suspended execution of another sentence to imprisonment without work or a greater punishment must also be revoked.

(刑の全部の執行猶予の猶予期間経過の効果)

(Effect of Elapsing of Period of Suspended Execution of the Entire Sentence)

第二十七条 刑の全部の執行猶予の言渡しを取り消されることなくその猶予の期間を経過したときは、刑の言渡しは、効力を失う。

Article 27 When the entire period of suspended execution of the sentence in whole progresses without rescission, the sentence ceases to be effective.

(刑の一部の執行猶予)

(Suspended Execution of Part of a Sentence)

第二十七条の二 次に掲げる者が三年以下の懲役又は禁錮の言渡しを受けた場合において、犯情の軽重及び犯人の境遇その他の情状を考慮して、再び犯罪をすることを防ぐために必要であり、かつ、相当であると認められるときは、一年以上五年以下の期間、その刑の一部の執行を猶予することができる。

Article 27-2 (1) When any one of the following persons has been sentenced to imprisonment or imprisonment without work for not more than 3 years, the execution of the sentence in part may be suspended for a period of not less than 1 year but not more than 5 years if it is found that such suspension is necessary and reasonable to prevent the person from committing another crime, in consideration of the severity of the circumstances of the crime, circumstances of the criminal and other relevant circumstances:

一 前に禁錮以上の刑に処せられたことがない者

(i) a person not previously sentenced to imprisonment without work or a greater punishment;

二 前に禁錮以上の刑に処せられたことがあっても、その刑の全部の執行を猶予された者

(ii) a person who, although previously sentenced to imprisonment without work or a greater punishment, has been granted suspension of execution of the entire sentence;

三 前に禁錮以上の刑に処せられたことがあっても、その執行を終わった日又はその執行の免除を得た日から五年以内に禁錮以上の刑に処せられたことがない者

(iii) a person who, although previously sentenced to imprisonment without work or a greater punishment, has not subsequently been sentenced to imprisonment without work or a greater punishment within 5 years from the day on which execution of the former punishment was completed or remitted.

2 前項の規定によりその一部の執行を猶予された刑については、そのうち執行が猶予されなかった部分の期間を執行し、当該部分の期間の執行を終わった日又はその執行を受けることがなくなった日から、その猶予の期間を起算する。

(2) With regard to a punishment for which the suspension of execution in part was granted pursuant to the provisions of the preceding paragraph, the period of such suspension is calculated from the day on which the execution of the portion of the term for which the suspension of execution was not granted is completed, or the day on which the subject person becomes no longer subject to the execution of such sentence.

3 前項の規定にかかわらず、その刑のうち執行が猶予されなかった部分の期間の執行を終わり、又はその執行を受けることがなくなった時において他に執行すべき懲役又は禁錮があるときは、第一項の規定による猶予の期間は、その執行すべき懲役若しくは禁錮の執行を終わった日又はその執行を受けることがなくなった日から起算する。

(3) Notwithstanding the provision of the preceding paragraph, if the person has another sentence to imprisonment or imprisonment without work to be executed at the time when the portion of the term for which the suspension of

execution was not granted is completed or the person becomes no longer subject to the execution of such sentence, the period of suspension granted pursuant to the provisions of paragraph (1) is calculated from the day on which the execution of the imprisonment or imprisonment without work to be executed is completed or the day on which the person becomes no longer subject to the execution of such sentence.

(刑の一部の執行猶予中の保護観察)

(Probation During the Partial Suspended Execution of the Sentence)

第二十七条の三 前条第一項の場合においては、猶予の期間中保護観察に付することができる。

Article 27-3 (1) In cases prescribed in paragraph (1) of the preceding Article, the subject person may be placed under probation during the period of suspended execution of the sentence.

2 前項の規定により付せられた保護観察は、行政官庁の処分によって仮に解除することができる。

(2) The probation placed pursuant to the provision of the preceding paragraph may be provisionally cancelled by a disposition of a government agency.

3 前項の規定により保護観察を仮に解除されたときは、第二十七条の五第二号の規定の適用については、その処分を取り消されるまでの間は、保護観察に付せられなかったものとみなす。

(3) When the probation is provisionally cancelled pursuant to the provision of the preceding paragraph, the person, for the purpose of the provisions of item (ii) of Article 27-5, is not deemed to be under probation until the provisional cancellation is revoked.

(刑の一部の執行猶予の必要的取消し)

(Mandatory Revocation of Suspended Execution of Part of the Sentence)

第二十七条の四 次に掲げる場合においては、刑の一部の執行猶予の言渡しを取り消さなければならない。ただし、第三号の場合において、猶予の言渡しを受けた者が第二十七条の二第一項第三号に掲げる者であるときは、この限りでない。

Article 27-4 Suspended execution of part of the sentence is revoked in the following cases; provided, however, that item (iii) does not apply when the subject person is a person set forth in item (iii) of paragraph (1) of Article 27-2:

一 猶予の言渡し後に更に罪を犯し、禁錮以上の刑に処せられたとき。

(i) when a further crime is committed after the suspended execution of the sentence is granted and imprisonment without work or a greater punishment is imposed for the crime;

二 猶予の言渡し前に犯した他の罪について禁錮以上の刑に処せられたとき。

(ii) when the person who was granted a suspended sentence to imprisonment without work or a greater punishment for a crime committed before such

grant;

三 猶予の言渡し前に他の罪について禁錮以上の刑に処せられ、その刑の全部について執行猶予の言渡しがなかったことが発覚したとき。

(iii) when it is discovered that, before a person was granted suspension for a crime, the person had been sentenced to imprisonment without work or a greater punishment for another crime and no suspension of execution was granted for the entire sentence.

(刑の一部の執行猶予の裁量的取消し)

(Discretionary Revocation of Suspended Execution of Part of a Sentence)

第二十七条の五 次に掲げる場合においては、刑の一部の執行猶予の言渡しを取り消すことができる。

Article 27-5 Suspended execution of part of the sentence may be revoked in the following cases:

一 猶予の言渡し後に更に罪を犯し、罰金に処せられたとき。

(i) when a further crime is committed after the suspended execution is granted and a fine is imposed for the crime;

二 第二十七条の三第一項の規定により保護観察に付せられた者が遵守すべき事項を遵守しなかったとき。

(ii) when a person placed under probation pursuant to the provision of paragraph (1) of Article 27-3 fails to observe any of the conditions of the probation.

(刑の一部の執行猶予の取消しの場合における他の刑の執行猶予の取消し)

(Revocation of Concurrent Suspended Executions of Sentences in Case of Revocation of Suspended Execution of Part of a Sentence)

第二十七条の六 前二条の規定により刑の一部の執行猶予の言渡しを取り消したときは、執行猶予中の他の禁錮以上の刑についても、その猶予の言渡しを取り消さなければならない。

Article 27-6 When a suspension of execution of the sentence in part is revoked pursuant to the provisions of the preceding two Articles, the concurrent suspension of execution of another sentence to imprisonment without work or a greater punishment is also revoked.

(刑の一部の執行猶予の猶予期間経過の効果)

(Effect of an Elapsed Period of a Suspended Execution of Part of a Sentence)

第二十七条の七 刑の一部の執行猶予の言渡しを取り消されることなくその猶予の期間を経過したときは、その懲役又は禁錮を執行が猶予されなかった部分の期間を刑期とする懲役又は禁錮に減輕する。この場合においては、当該部分の期間の執行を終わった日又はその執行を受けることがなくなった日において、刑の執行を受け終わったものとする。

Article 27-7 When a period of suspended execution of the sentence in part elapses without rescission, the imprisonment or imprisonment without work is mitigated to the imprisonment or imprisonment without work with the term of imprisonment equal to the portion of the term for which the suspension of execution was not granted. In this case, the subject person is deemed to have served the punishment and completed the execution on the day the execution of such portion of the term is completed or the person becomes no longer subject to the execution of such sentence.

第五章 仮釈放 Chapter V Parole

(仮釈放)

(Parole)

第二十八条 懲役又は禁錮に処せられた者に改悛の状があるときは、有期刑についてはその刑期の三分の一を、無期刑については十年を経過した後、行政官庁の処分によって仮に釈放することができる。

Article 28 When a person sentenced to imprisonment or imprisonment without work evinces signs of substantial reformation, the person may be paroled by a disposition of a government agency after that person has served one-third of the definite term sentenced or 10 years in the case of a life imprisonment.

(仮釈放の取消し)

(Revocation of Parole)

第二十九条 次に掲げる場合においては、仮釈放の処分を取り消すことができる。

Article 29 (1) Parole may be revoked in the following cases:

一 仮釈放中に更に罪を犯し、罰金以上の刑に処せられたとき。

(i) when a further crime is committed within the period of parole and a fine or greater punishment is imposed for the crime;

二 仮釈放前に犯した他の罪について罰金以上の刑に処せられたとき。

(ii) when a fine or greater punishment is imposed for a crime committed before the parole;

三 仮釈放前に他の罪について罰金以上の刑に処せられた者に対し、その刑の執行をすべきとき。

(iii) when a fine or greater punishment is imposed for another crime before the parole is implemented;

四 仮釈放中に遵守すべき事項を遵守しなかったとき。

(iv) when the person fails to observe any of the conditions of the parole.

2 刑の一部の執行猶予の言渡しを受け、その刑について仮釈放の処分を受けた場合において、当該仮釈放中に当該執行猶予の言渡しを取り消されたときは、その処分は、効力を失う。

(2) When a person is granted a suspended execution of the sentence in part and receives a disposition of parole for the crime, and such suspended execution is revoked during such parole, such disposition ceases to be effective.

3 仮釈放の処分を取り消したとき、又は前項の規定により仮釈放の処分が効力を失ったときは、釈放中の日数は、刑期に算入しない。

(3) When a parole is revoked, or a disposition of parole ceases to be effective pursuant to the provision of the preceding paragraph, the number of days during the parole is not to be included into the term of imprisonment.

(仮出場)

(Provisional Release)

第三十条 拘留に処せられた者は、情状により、いつでも、行政官庁の処分によって仮に出場を許すことができる。

Article 30 (1) A person under penal detention may be provisionally released by a disposition of a government agency at any time when circumstances so warrant.

2 罰金又は料金を完納することができないため留置された者も、前項と同様とする。

(2) The same applies to a person under detention owing to payment default of a fine or petty fine.

第六章 刑の時効及び刑の消滅

Chapter VI Prescription and Extinction of Punishment

(刑の時効)

(Prescription of Sentence)

第三十一条 刑（死刑を除く。）の言渡しを受けた者は、時効によりその執行の免除を得る。

Article 31 Prescription is to have the effect of remitting the sentence (excluding the death penalty) of a person who has been sentenced to punishment.

(時効の期間)

(Period of Prescription)

第三十二条 時効は、刑の言渡しが確定した後、次の期間その執行を受けないことによって完成する。

Article 32 Prescription takes effect when a punishment has not been executed within any of the following terms after a sentence has become final and binding:

一 無期の懲役又は禁錮については三十年

(i) thirty years for life imprisonment or imprisonment without work;

二 十年以上の有期の懲役又は禁錮については二十年

(ii) twenty years for imprisonment or imprisonment without work for a definite term of 10 years or more;

三 三年以上十年未満の懲役又は禁錮については十年

(iii) ten years for imprisonment or imprisonment without work for a definite term of 3 years or more but less than 10 years;

四 三年未満の懲役又は禁錮については五年

(iv) five years for imprisonment or imprisonment without work for a definite term of less than 3 years;

五 罰金については三年

(v) three years for a fine;

六 拘留、科料及び没収については一年

(vi) one year for a penal detention, a petty fine and confiscation.

(時効の停止)

(Suspension of Prescription)

第三十三条 時効は、法令により執行を猶予し、又は停止した期間内は、進行しない。

Article 33 Prescription is not to run while execution of the sentence is suspended or stayed in accordance with laws and regulations.

(時効の中断)

(Renewal of Prescription)

第三十四条 懲役、禁錮及び拘留の時効は、刑の言渡しを受けた者をその執行のために拘束することによって中断する。

Article 34 (1) The period of prescription of imprisonment, imprisonment without work or penal detention is interrupted when the sentenced person is in custody for the purpose of execution of the punishment.

2 罰金、科料及び没収の時効は、執行行為をすることによって中断する。

(2) The period of prescription of a fine, petty fine or confiscation is interrupted when an act of execution takes place.

(刑の消滅)

(Extinction of Punishment)

第三十四条の二 禁錮以上の刑の執行を終わり又はその執行の免除を得た者が罰金以上の刑に処せられないで十年を経過したときは、刑の言渡しは、効力を失う。罰金以下の刑の執行を終わり又はその執行の免除を得た者が罰金以上の刑に処せられないで五年を経過したときも、同様とする。

Article 34-2 (1) When ten years have passed since a person completed the imprisonment without work or a greater punishment or the person had such punishment remitted without another sentence of a fine or a greater punishment being imposed, the sentence ceases to have effect. The same applies when five years have passed since a person completed a sentence equal to or less than a punishment or had the execution of such punishment remitted without another sentence to a fine or a greater punishment being imposed.

2 刑の免除の言渡しを受けた者が、その言渡しが確定した後、罰金以上の刑に処せられないで二年を経過したときは、刑の免除の言渡しは、効力を失う。

(2) In the case of a person who was sentenced to a remitted punishment without being further sentenced to a fine or a greater punishment during a period of two years since such sentence became final and binding, the sentence ceases to have effect.

第七章 犯罪の不成立及び刑の減免

Chapter VII Actions not Constituting Crimes and Reduction or Remission of Punishment

(正当行為)

(Justifiable Acts)

第三十五条 法令又は正当な業務による行為は、罰しない。

Article 35 An act performed in accordance with laws and regulations or in the pursuit of lawful business is not punishable.

(正当防衛)

(Self-Defense)

第三十六条 急迫不正の侵害に対して、自己又は他人の権利を防衛するため、やむを得ずにした行為は、罰しない。

Article 36 (1) An act a person was compelled to take to protect the rights of oneself or any other person against imminent and unlawful infringement is not punishable.

2 防衛の程度を超えた行為は、情状により、その刑を減輕し、又は免除することができる。

(2) An act exceeding the limits of self-defense may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

(緊急避難)

(Necessity)

第三十七条 自己又は他人の生命、身体、自由又は財産に対する現在の危難を避けるため、やむを得ずにした行為は、これによって生じた害が避けようとした害の程度を超えなかった場合に限り、罰しない。ただし、その程度を超えた行為は、情状により、その刑を減輕し、又は免除することができる。

Article 37 (1) An act a person was compelled to take to avert a present danger to the life, body, liberty or property of oneself or any other person is not punishable only when the harm produced by such act does not exceed the harm to be averted; provided, however, that an act causing excessive harm may lead to the punishment being reduced or may exculpate the offender in light of the circumstances.

2 前項の規定は、業務上特別の義務がある者には、適用しない。

(2) The preceding paragraph does not apply to a person under special professional obligation.

(故意)

(Intent)

第三十八条 罪を犯す意思がない行為は、罰しない。ただし、法律に特別の規定がある場合は、この限りでない。

Article 38 (1) An act performed without the intent to commit a crime is not punishable; provided, however, that the same does not apply unless otherwise specially provided for by law.

2 重い罪に当たるべき行為をしたのに、行為の時にその重い罪に当たることとなる事実を知らなかった者は、その重い罪によって処断することはできない。

(2) When a person who commits a crime was not aware of the fact that the crime constituted a greater crime, the person is not be punished for the greater crime.

3 法律を知らなかったとしても、そのことによって、罪を犯す意思がなかったとすることはできない。ただし、情状により、その刑を減輕することができる。

(3) A person lacking knowledge of law does not mean a lack of intention to commit a crime; provided, however, the punishment may be reduced in light of the circumstances.

(心神喪失及び心神耗弱)

(Insanity and Diminished Capacity)

第三十九条 心神喪失者の行為は、罰しない。

Article 39 (1) Actions due to insanity is not subject to punishment.

2 心神耗弱者の行為は、その刑を減輕する。

(2) An act of diminished capacity leads to the punishment being reduced.

第四十条 削除

Article 40 Deleted.

(責任年齢)

(Punishable Age)

第四十一条 十四歳に満たない者の行為は、罰しない。

Article 41 An act of a person less than 14 years of age is not punishable.

(自首等)

(Self-Denunciation)

第四十二条 罪を犯した者が捜査機関に発覚する前に自首したときは、その刑を減輕することができる。

Article 42 (1) The punishment of a person who committed a crime and self-

denounces themselves before being discovered as a suspect by an investigative authority may be reduced.

2 告訴がなければ公訴を提起することができない罪について、告訴をすることができる者に対して自己の犯罪事実を告げ、その措置にゆだねたときも、前項と同様とする。

(2) The preceding paragraph also applies with respect to a crime which cannot be prosecuted without a criminal complaint, and to a person who surrendered themselves to a person who has a right to make the criminal complaint.

第八章 未遂罪

Chapter VIII Attempts

(未遂減免)

(Reduction or Exculpation of Punishments for Attempts)

第四十三条 犯罪の実行に着手してこれを遂げなかった者は、その刑を減輕することができる。ただし、自己の意思により犯罪を中止したときは、その刑を減輕し、又は免除する。

Article 43 The punishment of a person who commences a crime without completing it may be reduced; provided, however, that voluntary abandonment of commission of the crime, leads to the punishment being reduced or the offender being exculpated.

(未遂罪)

(Attempts)

第四十四条 未遂を罰する場合は、各本条で定める。

Article 44 An attempt is punishable only when specifically so provided in the Article concerned.

第九章 併合罪

Chapter IX Consolidated Punishments

(併合罪)

(Consolidated Punishments)

第四十五条 確定裁判を経ていない二個以上の罪を併合罪とする。ある罪について禁錮以上の刑に処する確定裁判があったときは、その罪とその裁判が確定する前に犯した罪とに限り、併合罪とする。

Article 45 Two or more crimes which have been committed but for which no judgment has yet become final and binding are to constitute crimes for consolidated punishments. When a judgment imposing imprisonment without work or a greater punishment becomes final and binding for a crime, only that crime and other crimes committed before such judgment became final and binding constitute crimes for a consolidated punishment.

(併科の制限)

(Restriction on Cumulative Imposition of Punishments)

第四十六条 併合罪のうちの一つの罪について死刑に処するときは、他の刑を科さない。ただし、没収は、この限りでない。

Article 46 (1) When a death penalty is rendered for one of the crimes for consolidated punishments, no other punishments except confiscation may be imposed.

2 併合罪のうちの一つの罪について無期の懲役又は禁錮に処するときも、他の刑を科さない。ただし、罰金、科料及び没収は、この限りでない。

(2) When a punishment of life imprisonment or imprisonment without work is to be rendered for one of the crimes for consolidated punishment, no other punishment except a fine, petty fine and confiscation may be imposed.

(有期の懲役及び禁錮の加重)

(Aggravation of Punishment)

第四十七条 併合罪のうち二個以上の罪について有期の懲役又は禁錮に処するときは、その最も重い罪について定めた刑の長期にその二分の一を加えたものを長期とする。ただし、それぞれの罪について定めた刑の長期の合計を超えることはできない。

Article 47 When the crimes for consolidated punishment include two or more crimes punishable by imprisonment or imprisonment without work for a definite term, the maximum term of the punishment to be imposed for such crimes is the term obtained by adding half of the maximum term prescribed for the crime of the severest punishment, but not exceeding the total of the maximum terms of the punishments prescribed for each of the crimes.

(罰金の併科等)

(Cumulative Imposition of Fines)

第四十八条 罰金と他の刑とは、併科する。ただし、第四十六条第一項の場合は、この限りでない。

Article 48 (1) A fine and other punishments are imposed cumulatively, except in the case prescribed in paragraph (1) of Article 46.

2 併合罪のうち二個以上の罪について罰金に処するときは、それぞれの罪について定めた罰金の多額の合計以下で処断する。

(2) The maximum amount of a fine to be imposed for a crime for consolidated punishment is not to exceed the total of the maximum amount of the fine prescribed for each crime.

(没収の付加)

(Addition of Confiscation)

第四十九条 併合罪のうち重い罪について没収を科さない場合であっても、他の罪に

ついて没収の事由があるときは、これを付加することができる。

Article 49 (1) With respect to the crimes for consolidated punishment, even when confiscation is not imposed for the crime of the severest punishment, confiscation may be imposed for the other crimes if there are grounds to do so.

2 二個以上の没収は、併科する。

(2) Two or more confiscations are imposed cumulatively.

(余罪の処理)

(Managing Uncharged Offences)

第五十条 併合罪のうち既に確定裁判を経た罪とまだ確定裁判を経ていない罪とがあるときは、確定裁判を経ていない罪について更に処断する。

Article 50 When the punishment for one of the crimes for consolidated punishment has become final and binding, a punishment is rendered to the other crimes.

(併合罪に係る二個以上の刑の執行)

(Execution of Two or More Punishments Pertaining to Consolidated Punishments)

第五十一条 併合罪について二個以上の裁判があったときは、その刑を併せて執行する。ただし、死刑を執行すべきときは、没収を除き、他の刑を執行せず、無期の懲役又は禁錮を執行すべきときは、罰金、科料及び没収を除き、他の刑を執行しない。

Article 51 (1) When two or more punishments have been rendered in regard to the crimes for consolidated punishment, the punishments are executed cumulatively; provided, however, that when the death penalty is to be executed, no other punishment except confiscation is executed, and when imprisonment or imprisonment without work for life is to be executed, no other punishment except a fine, petty fine and confiscation is executed.

2 前項の場合における有期の懲役又は禁錮の執行は、その最も重い罪について定めた刑の長期にその二分の一を加えたものを超えることができない。

(2) When two or more punishments of imprisonment or imprisonment without work for a definite term are executed in accordance with the preceding paragraph, the maximum term to be executed may not exceed the term obtained by adding half of the maximum term prescribed for the crime of the greatest punishment.

(一部に大赦があった場合の措置)

(General Amnesty for One of the Crimes for Consolidated Punishments)

第五十二条 併合罪について処断された者がその一部の罪につき大赦を受けたときは、他の罪について改めて刑を定める。

Article 52 When a person who has been sentenced for crimes for consolidated punishment is granted general amnesty for any of such crimes, the punishment

to be executed for the other crimes is redetermined.

(拘留及び科料の併科)

(Cumulative Imposition of Penal Detention or Petty Fines)

第五十三条 拘留又は科料と他の刑とは、併科する。ただし、第四十六条の場合は、この限りでない。

Article 53 (1) Penal detention or a petty fine is imposed cumulatively with other punishments; provided, however, that the same does not apply in the cases prescribed for in Article 46.

2 二個以上の拘留又は科料は、併科する。

(2) Two or more penal detentions or petty fines are imposed cumulatively.

(一個の行為が二個以上の罪名に触れる場合等の処理)

(An Act Constituting for more than one Crime)

第五十四条 一個の行為が二個以上の罪名に触れ、又は犯罪の手段若しくは結果である行為が他の罪名に触れるときは、その最も重い刑により処断する。

Article 54 (1) When a single act constitutes two or more separate crimes, or when an act as the means or results of a crime constitutes another crime, the most severest punishment prescribed for such crimes is imposed.

2 第四十九条第二項の規定は、前項の場合にも、適用する。

(2) The provision of paragraph (2) of Article 49 applies in the case prescribed for in the preceding paragraph.

第五十五条 削除

Article 55 Deleted.

第十章 累犯

Chapter X Repeated Convictions

(再犯)

(Recidivist Offenses)

第五十六条 懲役に処せられた者がその執行を終わった日又はその執行の免除を得た日から五年以内に更に罪を犯した場合において、その者を有期懲役に処するときは、再犯とする。

Article 56 (1) If a person sentenced to imprisonment, reoffends within five years from the day on which the authorities have finished executing that sentence or the person was granted a discharge from its execution, and the person is sentenced to a definite term of imprisonment, this crime constitutes a recidivist offense.

2 懲役に当たる罪と同質の罪により死刑に処せられた者がその執行の免除を得た日又は減刑により懲役に減輕されてその執行を終わった日若しくはその執行の免除を得た

日から五年以内に更に罪を犯した場合において、その者を有期懲役に処するときも、前項と同様とする。

(2) The preceding paragraph also applies if a person sentenced to the death penalty for a crime for which imprisonment is prescribed as an alternative punishment commits a crime again within five years from the day on which the person was granted a discharge from the execution of that sentence or, from the day on which the authorities have finished executing the reduced sentence imposed after the death penalty was reduced to imprisonment, and the person is to be sentenced to a definite term of imprisonment.

3 併合罪について処断された者が、その併合罪のうち懲役に処すべき罪があったのに、その罪が最も重い罪でなかったため懲役に処せられなかったものであるときは、再犯に関する規定の適用については、懲役に処せられたものとみなす。

(3) If a person has been sentenced to consolidated punishment for crimes in which one of the crimes was punishable by imprisonment, but was not sentenced to imprisonment because the crime that was punishable by imprisonment was not the severest, the person is deemed to have been sentenced to imprisonment as regards to the application of provisions related to a recidivist offense.

(再犯加重)

(Increased Weight of Recidivist Offenses)

第五十七条 再犯の刑は、その罪について定めた懲役の長期の二倍以下とする。

Article 57 The maximum term of punishment for a recidivist offense is to be less than twice the maximum term of imprisonment prescribed for the crime in question.

第五十八条 削除

Article 58 Deleted.

(三犯以上の累犯)

(Third or Further Repeated Offenses)

第五十九条 三犯以上の者についても、再犯の例による。

Article 59 A person to be sentenced for a third or further offense is dealt with as with the recidivist offense.

第十一章 共犯

Chapter XI Complicity

(共同正犯)

(Co-Principals)

第六十条 二人以上共同して犯罪を実行した者は、すべて正犯とする。

Article 60 Two or more persons who commit a crime in joint action are all principals.

(教唆)

(Inducement)

第六十一条 人を教唆して犯罪を実行させた者には、正犯の刑を科する。

Article 61 (1) A person who is induced by another person to commit a crime is dealt with in sentencing as the principal offender.

2 教唆者を教唆した者についても、前項と同様とする。

(2) The same applies to a person who was involved in inducing the inducer.

(幫助)

(Accessoryship)

第六十二条 正犯を幫助した者は、従犯とする。

Article 62 (1) A person who aids the principal offender is an accessory.

2 従犯を教唆した者には、従犯の刑を科する。

(2) A person who induced an accessory is dealt with in sentencing as an accessory.

(従犯減輕)

(Reduced Punishment for Accessories)

第六十三条 従犯の刑は、正犯の刑を減輕する。

Article 63 The punishment of an accessory is to be reduced from the punishment for the principal.

(教唆及び幫助の処罰の制限)

(Exception of Punishment for Inducement and Accessoryship)

第六十四条 拘留又は科料のみに処すべき罪の教唆者及び従犯は、特別の規定がなければ、罰しない。

Article 64 A person who induces or aids a crime subject only to penal detention or a petty fine is not punished for a crime except as otherwise specially provided.

(身分犯の共犯)

(Complicity and Status)

第六十五条 犯人の身分によって構成すべき犯罪行為に加功したときは、身分のない者であっても、共犯とする。

Article 65 (1) When a person collaborates in a criminal act in which the status of the criminal establishes the criminal's punishability, the person is an accomplice even without such status.

2 身分によって特に刑の軽重があるときは、身分のない者には通常の刑を科する。

(2) When the severity of a punishment varies depending upon whether or not a

criminal has a certain status, a normal punishment is imposed on a person without such status.

第十二章 酌量減輕

Chapter XII Reduction of Punishment in Light of Extenuating Circumstances

(酌量減輕)

(Reduction of Punishment in Light of Extenuating Circumstances)

第六十六条 犯罪の情状に酌量すべきものがあるときは、その刑を減輕することができる。

Article 66 Punishment may be reduced in light of the extenuating circumstances of a crime.

(法律上の加減と酌量減輕)

(Statutory Aggravation or Reduction and Reduction in Light of Extenuating Circumstances)

第六十七条 法律上刑を加重し、又は減輕する場合であっても、酌量減輕をすることができる。

Article 67 Even if the punishment is aggravated or reduced in accordance with a statute, it may be reduced in light of circumstances.

第十三章 加重減輕の方法

Chapter XIII Rules for Aggravation and Reduction

(法律上の減輕の方法)

(Rules for Statutory Reduction)

第六十八条 法律上刑を減輕すべき一個又は二個以上の事由があるときは、次の例による。

Article 68 When there are one or more statutory grounds for reduction of punishment, the following rules apply:

一 死刑を減輕するときは、無期の懲役若しくは禁錮又は十年以上の懲役若しくは禁錮とする。

(i) when the death penalty is to be reduced, it is reduced to imprisonment or imprisonment without work either for life or for a definite term of not less than 10 years;

二 無期の懲役又は禁錮を減輕するときは、七年以上の有期の懲役又は禁錮とする。

(ii) when imprisonment or imprisonment without work for life is to be reduced, it is reduced to imprisonment or imprisonment without work for a definite term of not less than 7 years;

三 有期の懲役又は禁錮を減輕するときは、その長期及び短期の二分の一を減ずる。

(iii) when imprisonment or imprisonment without work for a definite term is to be reduced, its maximum and minimum term of punishment is reduced by one half;

四 罰金を減軽するときは、その多額及び寡額の二分の一を減ずる。

(iv) when a fine is to be reduced, its maximum and minimum amount is reduced by one half;

五 拘留を減軽するときは、その長期の二分の一を減ずる。

(v) when a penal detention is to be reduced, the maximum term is reduced by one half;

六 科料を減軽するときは、その多額の二分の一を減ずる。

(vi) when a petty fine is to be reduced, the maximum amount is reduced by one half.

(法律上の減軽と刑の選択)

(Statutory Reduction and Choice of Several Punishments)

第六十九条 法律上刑を減軽すべき場合において、各本条に二個以上の刑名があるときは、まず適用する刑を定めて、その刑を減軽する。

Article 69 When a statutory reduction of punishment is to be made in a case where two or more types of punishments are prescribed in the applicable provision, it is made after the types of punishments to be imposed have been determined.

(端数の切捨て)

(Rounding down Fractions)

第七十条 懲役、禁錮又は拘留を減軽することにより一日に満たない端数が生じたときは、これを切り捨てる。

Article 70 When a fraction of less than one day remains as a result of reduction of the imprisonment or imprisonment without work, or penal detention, such fraction is rounded down.

(酌量減軽の方法)

(Rules for Reduction of Punishment in Light of Extenuating Circumstances)

第七十一条 酌量減軽をするときも、第六十八条及び前条の例による。

Article 71 The rules prescribed in Article 68 and the preceding Article also apply when a reduction is to be made in light of extenuating circumstances.

(加重減軽の順序)

(Order of Aggravation and Reduction)

第七十二条 同時に刑を加重し、又は減軽するときは、次の順序による。

Article 72 When a punishment is to be aggravated or reduced in the same case, the following order applies:

- 一 再犯加重
(i) an aggravation for a recidivist offense;
- 二 法律上の減軽
(ii) a statutory reduction;
- 三 併合罪の加重
(iii) an aggravation for consolidated punishment;
- 四 酌量減軽
(iv) a reduction in light of extenuating circumstances.

第二編 罪

Part II CRIMES

第一章 削除

Chapter I Deleted

第七十三条から第七十六条まで 削除
Article 73, 74, 75 and 76 Deleted

第二章 内乱に関する罪

Chapter II Crimes Related to Insurrection

(内乱)

(Insurrection)

第七十七条 国の統治機構を破壊し、又はその領土において国権を排除して権力を行使し、その他憲法の定める統治の基本秩序を壊乱することを目的として暴動をした者は、内乱の罪とし、次の区別に従って処断する。

Article 77 (1) A person who participates in a riot for the purpose of overthrowing the government, usurping the territorial sovereignty of the State, or otherwise subverting constitutional order, thereby committing the crime of insurrection is sentenced according to the following distinctions:

一 首謀者は、死刑又は無期禁錮に処する。

(i) the ringleader is punished by death penalty or life imprisonment without work;

二 謀議に参加し、又は群衆を指揮した者は無期又は三年以上の禁錮に処し、その他諸般の職務に従事した者は一年以上十年以下の禁錮に処する。

(ii) the person who participates in a plot or directs a mob is punished by imprisonment without work either for life or for a definite term of not less than 3 years; a person who performs other leading functions is punished by imprisonment without work for not less than 1 year but not more than 10 years;

三 付和随行し、その他単に暴動に参加した者は、三年以下の禁錮に処する。

(iii) the person who merely follows others or otherwise merely joins in the riot

is punished by imprisonment without work for not more than 3 years.

2 前項の罪の未遂は、罰する。ただし、同項第三号に規定する者については、この限りでない。

(2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished; provided, however, that the same does not apply to a person provided for in item (iii) of the same paragraph.

(予備及び陰謀)

(Preparations; Plots)

第七十八条 内乱の予備又は陰謀をした者は、一年以上十年以下の禁錮に処する。

Article 78 A person who prepares for or plots an insurrection is punished by imprisonment without work for not less than 1 year but not more than 10 years.

(内乱等幫助)

(Aiding or Abetting an Insurrection)

第七十九条 兵器、資金若しくは食糧を供給し、又はその他の行為により、前二条の罪を幫助した者は、七年以下の禁錮に処する。

Article 79 A person who aids the commission of any of the crimes prescribed under the preceding two Articles by the supply of arms, funds or food, or by any other act, is punished by imprisonment without work for not more than 7 years.

(自首による刑の免除)

(Self-Denunciation)

第八十条 前二条の罪を犯した者であっても、暴動に至る前に自首したときは、その刑を免除する。

Article 80 A person who, after committing any of the crimes prescribed under the preceding two Articles, self-denounces themselves before participating in the riot, is exculpated.

第三章 外患に関する罪

Chapter III Crimes Related to Foreign Aggression

(外患誘致)

(Instigation of Foreign Aggression)

第八十一条 外国と通謀して日本国に対し武力を行使させた者は、死刑に処する。

Article 81 A person who conspires with a foreign state and thereby causes the state to exercise armed force against Japan is punished by the death penalty.

(外患援助)

(Assistance to the Enemy)

第八十二条 日本国に対して外国から武力の行使があつたときに、これに加担して、その軍務に服し、その他これに軍事上の利益を与えた者は、死刑又は無期若しくは二年以上の懲役に処する。

Article 82 When a foreign state takes military action against Japan, a person who sides with the foreign state by providing military service to such state, or otherwise gives military advantage to such state, is sentenced to the death penalty or imprisonment either for life or for a definite term of not less than 2 years.

第八十三条から第八十六条まで 削除

Article 83, 84, 85 and 86 Deleted.

(未遂罪)

(Attempts)

第八十七条 第八十一条及び第八十二条の罪の未遂は、罰する。

Article 87 Any attempt to commit the crimes prescribed under Articles 81 and 82 is punished.

(予備及び陰謀)

(Preparations; Plots)

第八十八条 第八十一条又は第八十二条の罪の予備又は陰謀をした者は、一年以上十年以下の懲役に処する。

Article 88 A person who prepares for or plots any of the crimes prescribed under Articles 81 and 82 is punished by imprisonment for not less than 1 year but not more than 10 years.

第八十九条 削除

Article 89 Deleted.

第四章 国交に関する罪

Chapter IV Crimes Concerning Diplomatic Relations

第九十条及び第九十一条 削除

Article 90 and 91 Deleted.

(外国国章損壊等)

(Damage to a Foreign National Flag)

第九十二条 外国に対して侮辱を加える目的で、その国の国旗その他の国章を損壊し、除去し、又は汚損した者は、二年以下の懲役又は二十万円以下の罰金に処する。

Article 92 (1) A person who damages, removes or defiles the national flag or other national emblem of a foreign state for the purpose of insulting the foreign

state is punished by imprisonment for not more than 2 years or a fine of not more than 200,000 yen.

2 前項の罪は、外国政府の請求がなければ公訴を提起することができない。

(2) The crime prescribed under the preceding paragraph is not to be prosecuted without the request of the government of such state.

(私戦予備及び陰謀)

(Preparations or Plots for Private War)

第九十三条 外国に対して私的に戦闘行為をする目的で、その予備又は陰謀をした者は、三月以上五年以下の禁錮に処する。ただし、自首した者は、その刑を免除する。

Article 93 A person who prepares or plots to wage war privately upon a foreign state is punished by imprisonment without work for not less than 3 months but not more than 5 years; provided, however, that the person who self-denounces is exculpated.

(中立命令違反)

(Violations of Neutrality Orders)

第九十四条 外国が交戦している際に、局外中立に関する命令に違反した者は、三年以下の禁錮又は五十万円以下の罰金に処する。

Article 94 A person who violates an order of neutrality in a war between foreign states is punished by imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen.

第五章 公務の執行を妨害する罪

Chapter V Crimes of Obstructing the Performance of Public Duty

(公務執行妨害及び職務強要)

(Obstructing or Compelling Performance of Public Duty)

第九十五条 公務員が職務を執行するに当たり、これに対して暴行又は脅迫を加えた者は、三年以下の懲役若しくは禁錮又は五十万円以下の罰金に処する。

Article 95 (1) A person who assaults or uses intimidation against a public employee in the performance of public duty is punished by imprisonment or imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen.

2 公務員に、ある処分をさせ、若しくはさせないため、又はその職を辞させるために、暴行又は脅迫を加えた者も、前項と同様とする。

(2) The same applies to a person who assaults or uses intimidation against a public employee in order to cause the employee to make a certain disposition or not as an employee or to cause the employee to resign.

(封印等破棄)

(Destruction of Seals)

第九十六条 公務員が施した封印若しくは差押えの表示を損壊し、又はその他の方法によりその封印若しくは差押えの表示に係る命令若しくは処分を無効にした者は、三年以下の懲役若しくは二百五十万円以下の罰金に処し、又はこれを併科する。

Article 96 A person who damages a seal or a mark of attachment which has been affixed by a public employee or by any other means impairs the seal or an order or disposition regarding the mark of attachment is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

(強制執行妨害目的財産損壊等)

(Damage of Subject Property for Obstruction of Compulsory Execution)

第九十六条の二 強制執行を妨害する目的で、次の各号のいずれかに該当する行為をした者は、三年以下の懲役若しくは二百五十万円以下の罰金に処し、又はこれを併科する。情を知って、第三号に規定する譲渡又は権利の設定の相手方となった者も、同様とする。

Article 96-2 A person who engages in any of the following acts for the purpose of obstructing compulsory execution is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both; the same applies to a person who became aware of the circumstances, and became the other party to the transfer or the creation of rights prescribed in item (iii):

一 強制執行を受け、若しくは受けるべき財産を隠匿し、損壊し、若しくはその譲渡を仮装し、又は債務の負担を仮装する行為

(i) concealing, damaging, or faking a transfer of the property for which compulsory execution has been carried out or is to be carried out, or falsifying the burden of debts;

二 強制執行を受け、又は受けるべき財産について、その現状を改変して、価値を減損し、又は強制執行の費用を増大させる行為

(ii) altering the existing status of the property for which compulsory execution has been carried out or is to be carried out, thereby reducing its value, or increasing the expenses for compulsory execution;

三 金銭執行を受けるべき財産について、無償その他の不利益な条件で、譲渡をし、又は権利の設定をする行為

(iii) making a transfer of, or creating rights on, the property for which execution of a monetary claim is to be carried out, under disadvantageous conditions such as without compensation.

(強制執行行為妨害等)

(Obstruction of Acts of Compulsory Execution)

第九十六条の三 偽計又は威力を用いて、立入り、占有者の確認その他の強制執行の行為を妨害した者は、三年以下の懲役若しくは二百五十万円以下の罰金に処し、又はこれを併科する。

Article 96-3 (1) A person who, by the use of fraudulent means or force, enters the real estate and obstructs confirmation by the possessor and other acts of compulsory execution is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

2 強制執行の申立てをさせず又はその申立てを取り下げさせる目的で、申立権者又はその代理人に対して暴行又は脅迫を加えた者も、前項と同様とする。

(2) The same applies to a person who commits an assault or intimidation against a person eligible to file a petition for compulsory execution or an agent thereof, for the purpose of having the eligible person refrain from filing the petition or having that person withdraw the petition.

(強制執行関係売却妨害)

(Obstruction of Sale Related to Compulsory Execution)

第九十六条の四 偽計又は威力を用いて、強制執行において行われ、又は行われるべき売却の公正を害すべき行為をした者は、三年以下の懲役若しくは二百五十万円以下の罰金に処し、又はこれを併科する。

Article 96-4 A person who, by the use of fraudulent means or force, commits an act which impairs the fairness of a sale which has been made or is to be made through compulsory execution, is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

(加重封印等破棄等)

(Aggravated Destruction of Seals)

第九十六条の五 報酬を得、又は得させる目的で、人の債務に関して、第九十六条から前条までの罪を犯した者は、五年以下の懲役若しくは五百万円以下の罰金に処し、又はこれを併科する。

Article 96-5 A person who, for the purpose of obtaining or having another person obtain reward, commits any of the crimes prescribed in Article 96 through the preceding Article in connection with debts of another person is punished by imprisonment for not more than 5 years or a fine of not more than 5,000,000 yen, or both.

(公契約関係競売等妨害)

(Obstruction of Auctions Related to Public Contracts)

第九十六条の六 偽計又は威力を用いて、公の競売又は入札で契約を締結するためのものの公正を害すべき行為をした者は、三年以下の懲役若しくは二百五十万円以下の罰金に処し、又はこれを併科する。

Article 96-6 (1) A person who, by the use of fraudulent means or force, commits an act which impairs the fairness of a public auction or bid held for concluding a contract, is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen, or both.

- 2 公正な価格を害し又は不正な利益を得る目的で、談合した者も、前項と同様とする。
(2) The same applies to a person who colludes for the purpose of preventing a fair determination of price or acquiring a wrongful gain.

第六章 逃走の罪

Chapter VI Crimes of Escape

(逃走)

(Escape)

第九十七条 裁判の執行により拘禁された既決又は未決の者が逃走したときは、一年以下の懲役に処する。

Article 97 When a sentenced or unsentenced person confined on a judge's order escapes, imprisonment for not more than 1 year is imposed.

(加重逃走)

(Aggravated Escape)

第九十八条 前条に規定する者又は勾引状の執行を受けた者が拘禁場若しくは拘束のための器具を損壊し、暴行若しくは脅迫をし、又は二人以上通謀して、逃走したときは、三月以上五年以下の懲役に処する。

Article 98 When a person who is provided for in the preceding Article or held under a subpoena escapes either by damaging the facilities or instruments of restraint for confinement, by committing an act of assault or intimidation, or in conspiracy with two or more persons, imprisonment for not less than 3 months but not more than 5 years is imposed.

(被拘禁者奪取)

(Removal of Detainees)

第九十九条 法令により拘禁された者を奪取した者は、三月以上五年以下の懲役に処する。

Article 99 A person who removes a detained or confined person in accordance with the laws and regulations from authorities is punished by imprisonment for not less than 3 months but not more than 5 years.

(逃走援助)

(Assistance in Escape)

第一百条 法令により拘禁された者を逃走させる目的で、器具を提供し、その他逃走を容易にすべき行為をした者は、三年以下の懲役に処する。

Article 100 (1) A person who provides the confined person with tools or instruments or performs any act which would facilitate the confined person's escape for the purpose of facilitating an escape of a person detained or confined in accordance with laws and regulations is punished by imprisonment for not

more than 3 years.

2 前項の目的で、暴行又は脅迫をした者は、三月以上五年以下の懲役に処する。

(2) A person who assaults or uses intimidation for the purposes prescribed in the preceding paragraph is punished by imprisonment for not less than 3 months but not more than 5 years.

(看守者等による逃走援助)

(Guards Assisting in Escape)

第百一条 法令により拘禁された者を看守し又は護送する者がその拘禁された者を逃走させたときは、一年以上十年以下の懲役に処する。

Article 101 When a person, guarding or escorting another detained or confined person in accordance with laws and regulations aids the detainee's escape, imprisonment for not less than 1 year but not more than 10 years is imposed.

(未遂罪)

(Attempts)

第百二条 この章の罪の未遂は、罰する。

Article 102 An attempt to commit the crimes prescribed under this Chapter is punished.

第七章 犯人蔵匿及び証拠隠滅の罪

Chapter VII Crimes of Harboring Criminals and Suppressing Evidence

(犯人蔵匿等)

(Harboring of Criminals)

第百三条 罰金以上の刑に当たる罪を犯した者又は拘禁中に逃走した者を蔵匿し、又は隠避させた者は、三年以下の懲役又は三十万円以下の罰金に処する。

Article 103 A person who harbors or enables the escape of another person who has either committed a crime punishable with a fine or a severer punishment or has escaped from confinement, is punished by imprisonment for not more than 3 years or a fine of not more than 300,000 yen.

(証拠隠滅等)

(Suppression of Evidence)

第百四条 他人の刑事事件に関する証拠を隠滅し、偽造し、若しくは変造し、又は偽造若しくは変造の証拠を使用した者は、三年以下の懲役又は三十万円以下の罰金に処する。

Article 104 A person who spoils, damages, counterfeits or alters evidence relating to a criminal case of another person, or who uses counterfeit or altered evidence, is punished by imprisonment for not more than 3 years or a fine of not more than 300,000 yen.

(親族による犯罪に関する特例)

(Special Provision for Crimes by Relatives)

第百五条 前二条の罪については、犯人又は逃走した者の親族がこれらの者の利益のために犯したときは、その刑を免除することができる。

Article 105 When a crime prescribed under the preceding two Articles is committed for the benefit of the criminal or fugitive by a relative of such person, the relative may be exempted.

(証人等威迫)

(Intimidation of Witnesses)

第百五条の二 自己若しくは他人の刑事事件の捜査若しくは審判に必要な知識を有すると認められる者又はその親族に対し、当該事件に関して、正当な理由がないのに面会を強請し、又は強談威迫の行為をした者は、二年以下の懲役又は三十万円以下の罰金に処する。

Article 105-2 A person in relation to their own criminal case or the criminal case of another person, forcibly demands without just cause a meeting with, or uses intimidation against any person who is considered to have knowledge necessary for the investigation or trial of the criminal case, or a relative of that person, is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.

第八章 騒乱の罪

Chapter VIII Crimes of Disturbance

(騒乱)

(Disturbance)

第百六条 多衆で集合して暴行又は脅迫をした者は、騒乱の罪とし、次の区別に従って処断する。

Article 106 A person who assembles in a crowd and assaults or uses intimidation thereby committing the crime of disturbance is sentenced according to the following distinctions:

一 首謀者は、一年以上十年以下の懲役又は禁錮に処する。

(i) the ringleader is punished by imprisonment or imprisonment without work for not less than 1 year but not more than 10 years;

二 他人を指揮し、又は他人に率先して勢いを助けた者は、六月以上七年以下の懲役又は禁錮に処する。

(ii) the person who directs others or initiates in stirring up others is punished by imprisonment with or without work for not less than 6 months but not more than 7 years;

三 付和随行した者は、十万円以下の罰金に処する。

(iii) a person who merely follows others is punished by a fine of not more than 100,000 yen.

(多衆不解散)

(Failure to Disperse)

第百七条 暴行又は脅迫をするため多衆が集合した場合において、権限のある公務員から解散の命令を三回以上受けたにもかかわらず、なお解散しなかったときは、首謀者は三年以下の懲役又は禁錮に処し、その他の者は十万円以下の罰金に処する。

Article 107 When a crowd assembles for the purpose of assaulting or using intimidation and refuses to disperse after being ordered three times or more to disperse by a public employee with authority, the ringleader is punished by imprisonment or imprisonment without work for not more than 3 years and the others by a fine of not more than 100,000 yen.

第九章 放火及び失火の罪

Chapter IX Crimes of Arson and Fire Caused through Negligence

(現住建造物等放火)

(Arson of Inhabited Buildings)

第百八条 放火して、現に人が住居に使用し又は現に人がいる建造物、汽車、電車、艦船又は鉱坑を焼損した者は、死刑又は無期若しくは五年以上の懲役に処する。

Article 108 A person who sets fire to and burns a building, train, tram, vessel or mine which is being used as a dwelling or for which a person is actually present is punished by the death penalty or imprisonment for life or for a definite term of not less than 5 years.

(非現住建造物等放火)

(Arson of Uninhabited Buildings)

第百九条 放火して、現に人が住居に使用せず、かつ、現に人がいない建造物、艦船又は鉱坑を焼損した者は、二年以上の有期懲役に処する。

Article 109 (1) A person who sets fire to and burns a building, vessel, or mine not being used as dwelling or in which persons are not actually present is punished by imprisonment for a definite term of not less than 2 years.

2 前項の物が自己の所有に係るときは、六月以上七年以下の懲役に処する。ただし、公共の危険を生じなかったときは、罰しない。

(2) When the object prescribed in the preceding paragraph belongs to the offender, imprisonment for not less than 6 months but not more than 7 years is imposed; provided, however, that if there is no resulting danger to the public, such act is not punishable.

(建造物等以外放火)

(Setting Fire to Objects Other than Structures)

第百十条 放火して、前二条に規定する物以外の物を焼損し、よって公共の危険を生じさせた者は、一年以上十年以下の懲役に処する。

Article 110 (1) A person who sets fire to and burns any object not provided for in the preceding two Articles and thereby endangers the public is punished by imprisonment for not less than 1 year but not more than 10 years.

2 前項の物が自己の所有に係るときは、一年以下の懲役又は十万円以下の罰金に処する。

(2) When the object prescribed for in the preceding paragraph belongs to the offender, imprisonment for not more than 1 year or a fine of not more than 100,000 yen is imposed.

(延焼)

(Spread of Fire to Structures)

第百十一条 第百九条第二項又は前条第二項の罪を犯し、よって第百八条又は第百九条第一項に規定する物に延焼させたときは、三月以上十年以下の懲役に処する。

Article 111 (1) As a result of commission of the crime prescribed under paragraph (2) of Article 109 or paragraph (2) of the preceding Article, if a fire spreads to and burns any object provided in Article 108 or paragraph (1) of Article 109, imprisonment for not less than 3 months but not more than 10 years is imposed.

2 前条第二項の罪を犯し、よって同条第一項に規定する物に延焼させたときは、三年以下の懲役に処する。

(2) As a result of commission of the crime prescribed under paragraph (2) of the preceding Article, if a fire spreads to and burns any object prescribed in paragraph (1) of that Article, imprisonment for not more than 3 years is imposed.

(未遂罪)

(Attempts)

第百十二条 第百八条及び第百九条第一項の罪の未遂は、罰する。

Article 112 Any attempt to commit the crimes prescribed under Article 108 and paragraph (1) of Article 109 is punished.

(予備)

(Preparations)

第百十三条 第百八条又は第百九条第一項の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。ただし、情状により、その刑を免除することができる。

Article 113 A person with the intention of committing a crime prescribed under Article 108 or paragraph (1) of Article 109, is punished by imprisonment for not more than 2 years; provided, however, that the person may be exempted in

light of circumstances.

(消火妨害)

(Obstruction to Fire Fighting)

第百十四条 火災の際に、消火用の物を隠匿し、若しくは損壊し、又はその他の方法により、消火を妨害した者は、一年以上十年以下の懲役に処する。

Article 114 In the event of a fire, a person who obstructs fire-fighting by concealing or damaging a fire-fighting equipment or by any other means, is punished by imprisonment for not less than 1 year but not more than 10 years.

(差押え等に係る自己の物に関する特例)

(Special Provision for Offender's Own Objects related to Attachment)

第百十五条 第百九条第一項及び第百十条第一項に規定する物が自己の所有に係るものであっても、差押えを受け、物権を負担し、賃貸し、又は保険に付したものである場合において、これを焼損したときは、他人の物を焼損した者の例による。

Article 115 Even when the object prescribed in paragraph (1) of Article 109 or paragraph (1) of Article 110 belongs to an offender, the offender is dealt with as an offender who has burned another person's object when the object is subject to attachment, encumbrance, lease or insurance.

(失火)

(Fire Caused through Negligence)

第百十六条 失火により、第百八条に規定する物又は他人の所有に係る第百九条に規定する物を焼損した者は、五十万円以下の罰金に処する。

Article 116 (1) A person who causes a fire through negligence and thereby burns the object provided for in Article 108 or the object provided for in Article 109 which belongs to another person is punished by a fine of not more than 500,000 yen.

2 失火により、第百九条に規定する物であって自己の所有に係るもの又は第百十条に規定する物を焼損し、よって公共の危険を生じさせた者も、前項と同様とする。

(2) The same applies to a person who causes a fire through negligence and thereby burns any of the person's own objects provided for in Article 109 or any object provided for in Article 110 and thereby endangers the public.

(激発物破裂)

(Detonating of Explosives)

第百十七条 火薬、ボイラーその他の激発すべき物を破裂させて、第百八条に規定する物又は他人の所有に係る第百九条に規定する物を損壊した者は、放火の例による。第百九条に規定する物であって自己の所有に係るもの又は第百十条に規定する物を損壊し、よって公共の危険を生じさせた者も、同様とする。

Article 117 (1) A person who damages the object prescribed in Article 108 or the

object prescribed in Article 109 which belongs to another person by detonating gunpowder, a steam-boiler or other explosive objects is dealt with in the same manner as in the case of committing arson. The same also applies to a person who damages the object prescribed in Article 109 which belongs to the person or the object prescribed in Article 110 and thereby endangers the public.

2 前項の行為が過失によるときは、失火の例による。

(2) When an act provided for in the preceding paragraph is caused through negligence, it is dealt with in the same manner as in the case of fire caused through negligence.

(業務上失火等)

(Fire Caused due to Negligence in the Pursuit of Social Activities)

第百十七条の二 第百十六条又は前条第一項の行為が業務上必要な注意を怠ったことによるとき、又は重大な過失によるときは、三年以下の禁錮又は百五十万円以下の罰金に処する。

Article 117-2 When an act prescribed in Article 116 or in paragraph (1) of the preceding Article is committed as a result of a failure to exercise necessary care in the pursuit of social activities or due to gross negligence, imprisonment without work for not more than 3 years or a fine of not more than 1,500,000 yen is imposed.

(ガス漏出等及び同致死傷)

(Gas Leaks Causing Death or Injury)

第百十八条 ガス、電気又は蒸気を漏出させ、流出させ、又は遮断し、よって人の生命、身体又は財産に危険を生じさせた者は、三年以下の懲役又は十万円以下の罰金に処する。

Article 118 (1) A person who causes gas, electricity, or steam to leak or flow out or to be cut off and thereby endangers the life, body or property of another person is punished by imprisonment for not more than 3 years or a fine of not more than 100,000 yen.

2 ガス、電気又は蒸気を漏出させ、流出させ、又は遮断し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

(2) A person who causes gas, electricity or steam to leak or flow out or to be cut off and thereby causes the death or injury of another person is sentenced to the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

第十章 出水及び水利に関する罪

Chapter X Crimes Related to Floods and Water Management

(現住建造物等浸害)

(Damage to Inhabited Buildings by Flood)

第百十九条 出水させて、現に人が住居に使用し又は現に人がいる建造物、汽車、電車又は鉱坑を浸害した者は、死刑又は無期若しくは三年以上の懲役に処する。

Article 119 A person who causes a flood to damage a building, train, tram, or a mine that is being used as a dwelling or in which a person is actually present is punished by the death penalty or imprisonment for life or for a definite term of not less than 3 years.

(非現住建造物等浸害)

(Damage to Other Objects by Flood)

第百二十条 出水させて、前条に規定する物以外の物を浸害し、よって公共の危険を生じさせた者は、一年以上十年以下の懲役に処する。

Article 120 (1) A person who causes a flood to damage any object not provided in the preceding Article and thereby endangers the public is punished by imprisonment for not less than 1 year but not more than 10 years.

2 浸害した物が自己の所有に係るときは、その物が差押えを受け、物権を負担し、賃貸し、又は保険に付したものである場合に限り、前項の例による。

(2) When the object damaged by a flood belongs to the offender, the provision of the preceding paragraph applies only when the object is subject to attachment, encumbrance, lease or insurance.

(水防妨害)

(Obstructing Flood Prevention Measures)

第百二十一条 水害の際に、水防用の物を隠匿し、若しくは損壊し、又はその他の方法により、水防を妨害した者は、一年以上十年以下の懲役に処する。

Article 121 In the event of a flood, a person who obstructs flood prevention by concealing or damaging flood prevention equipment or by any other means, is punished by imprisonment for not less than one year but not more than 10 years.

(過失建造物等浸害)

(Flood Damage Caused due to Negligence)

第百二十二条 過失により出水させて、第百十九条に規定する物を浸害した者又は第百二十条に規定する物を浸害し、よって公共の危険を生じさせた者は、二十万円以下の罰金に処する。

Article 122 A person who causes a flood due to negligence either to damage an object provided for in Article 119 or to damage an object provided for in Article 120 and thereby endangers the public, is punished by a fine of not more than 200,000 yen.

(水利妨害及び出水危険)

(Obstruction to Water Management)

第二百二十三条 堤防を決壊させ、水門を破壊し、その他水利の妨害となるべき行為又は出水させるべき行為をした者は、二年以下の懲役若しくは禁錮又は二十万円以下の罰金に処する。

Article 123 A person who causes an embankment to collapse, destroys a water gate or commits any other acts to obstruct water management or to cause a flood is punished by imprisonment or imprisonment without work for not more than 2 years or a fine of not more than 200,000 yen.

第十一章 往来を妨害する罪

Chapter XI Crimes of Obstruction of Traffic

(往来妨害及び同致死傷)

(Obstruction of Traffic Thereby Causing Death or Injury)

第二百二十四条 陸路、水路又は橋を損壊し、又は閉塞して往来の妨害を生じさせた者は、二年以下の懲役又は二十万円以下の罰金に処する。

Article 124 (1) A person who obstructs the flow of traffic by damaging, or blocking a road, waterway or bridge is punished by imprisonment for not more than 2 years or a fine of not more than 200,000 yen.

2 前項の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

(2) A person who commits a crime prescribed under the preceding paragraph, and thereby causes the death or injury to another person is dealt with by the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

(往来危険)

(Traffic Hazards)

第二百二十五条 鉄道若しくはその標識を損壊し、又はその他の方法により、汽車又は電車の往来の危険を生じさせた者は、二年以上の有期懲役に処する。

Article 125 (1) A person who creates a traffic hazard for a train or tram by damaging a railway track or railway sign, or by any other means, is punished by imprisonment for a definite term of not less than two years.

2 灯台若しくは浮標を損壊し、又はその他の方法により、艦船の往来の危険を生じさせた者も、前項と同様とする。

(2) The same applies to a person who creates a traffic hazard for a vessel by damaging a lighthouse or a buoy, or by any other means.

(汽車転覆等及び同致死)

(Overturning of Trains Causing Death)

第二百二十六条 現に人がいる汽車又は電車を転覆させ、又は破壊した者は、無期又は三

年以上の懲役に処する。

Article 126 (1) A person who overturns or destroys a train or a tram in which a person is actually present is punished by imprisonment for life or for a definite term of not less than 3 years.

2 現に人がいる艦船を転覆させ、沈没させ、又は破壊した者も、前項と同様とする。

(2) The same applies to a person who capsizes, sinks or destroys a vessel in which a person is actually present.

3 前二項の罪を犯し、よって人を死亡させた者は、死刑又は無期懲役に処する。

(3) A person who committed a crime prescribed under the preceding two paragraphs, causing the death of another person is punished by the death penalty or life imprisonment.

(往来危険による汽車転覆等)

(Endangering Traffic by Overturning a Train)

第二百二十七条 第二百五条の罪を犯し、よって汽車若しくは電車を転覆させ、若しくは破壊し、又は艦船を転覆させ、沈没させ、若しくは破壊した者も、前条の例による。

Article 127 (1) A person who commits a crime prescribed under Article 125 and thereby overturns or destroys a train or a tram or capsizes, sinks or destroys a vessel is dealt with in the same manner as prescribed for in the preceding Article.

(未遂罪) -

(Attempts)

第二百二十八条 第二百二十四条第一項、第二百五条並びに第二百二十六条第一項及び第二項の罪の未遂は、罰する。

Article 128 Any attempt to commit the crimes prescribed under paragraph (1) of Articles 124, Article 125 and paragraphs (1) and (2) of Article 126 is punished.

(過失往来危険)

(Traffic Hazards due to Negligence)

第二百二十九条 過失により、汽車、電車若しくは艦船の往来の危険を生じさせ、又は汽車若しくは電車を転覆させ、若しくは破壊し、若しくは艦船を転覆させ、沈没させ、若しくは破壊した者は、三十万円以下の罰金に処する。

Article 129 (1) A person who, due to negligence, creates a traffic hazard for the passage of a train, tram or vessel, or overturns or destroys a train or tram, or capsizes, sinks or destroys a vessel is punished by a fine of not more than 300,000 yen.

2 その業務に従事する者が前項の罪を犯したときは、三年以下の禁錮又は五十万円以下の罰金に処する。

(2) When a person commits the crime prescribed under the preceding paragraph through professional conduct, imprisonment without work for not more than 3

years or a fine of not more than 500,000 yen is imposed.

第十二章 住居を侵す罪

Chapter XII Crimes of Breaking into a Residence

(住居侵入等)

(Breaking into a Residence)

第三百十条 正当な理由がないのに、人の住居若しくは人の看守する邸宅、建造物若しくは艦船に侵入し、又は要求を受けたにもかかわらずこれらの場所から退去しなかった者は、三年以下の懲役又は十万円以下の罰金に処する。

Article 130 A person who, without just cause, breaks into a residence of another person or into the premises, building or vessel guarded by another person, or who refuses to leave such a place upon demand is punished by imprisonment for not more than 3 years or a fine of not more than 100,000 yen.

第三百十一条 削除

Article 131 Deleted.

(未遂罪)

(Attempts)

第三百十二条 第三百十条の罪の未遂は、罰する。

Article 132 Any attempt to commit the crimes prescribed under Article 130 is punished.

第十三章 秘密を侵す罪

Chapter XIII Crimes of Violating Confidentiality

(信書開封)

(Unlawful Opening of Letters)

第三百十三条 正当な理由がないのに、封をしてある信書を開けた者は、一年以下の懲役又は二十万円以下の罰金に処する。

Article 133 A person who opens a sealed letter without just cause is punished by imprisonment for not more than 1 year or a fine of not more than 200,000 yen.

(秘密漏示)

(Unlawful Disclosure of Confidential Information)

第三百十四条 医師、薬剤師、医薬品販売業者、助産師、弁護士、弁護人、公証人又はこれらの職にあった者が、正当な理由がないのに、その業務上取り扱ったことについて知り得た人の秘密を漏らしたときは、六月以下の懲役又は十万円以下の罰金に処する。

Article 134 (1) When a physician, pharmacist, pharmaceuticals distributor,

midwife, attorney, defense counsel, notary public or any other person formerly engaged in such profession, without just cause, discloses another person's confidential information which has come to be known in the course of such profession, imprisonment for not more than 6 months or a fine of not more than 100,000 yen is imposed.

2 宗教、祈祷若しくは祭祀の職にある者又はこれらの職にあった者が、正当な理由がないのに、その業務上取り扱ったことについて知り得た人の秘密を漏らしたときも、前項と同様とする。

(2) The same applies when a person who is or was engaged in a religious occupation, without just cause, discloses another person's confidential information which has come to be known in the course of such religious activities.

(親告罪)

(Offense Subject to Complaint)

第百三十五条 この章の罪は、告訴がなければ公訴を提起することができない。

Article 135 The crimes prescribed under this Chapter is prosecuted only upon complaint.

第十四章 あへん煙に関する罪

Chapter XIV Crimes Related to Smoking Opium

(あへん煙輸入等)

(Importing Opium for Smoking)

第百三十六条 あへん煙を輸入し、製造し、販売し、又は販売の目的で所持した者は、六月以上七年以下の懲役に処する。

Article 136 A person who imports, manufactures or sells opium for smoking or possesses it for the purpose of sale is punished by imprisonment for not less than 6 months but not more than 7 years.

(あへん煙吸食器具輸入等)

(Importing Implements for Smoking Opium)

第百三十七条 あへん煙を吸食する器具を輸入し、製造し、販売し、又は販売の目的で所持した者は、三月以上五年以下の懲役に処する。

Article 137 A person who imports, manufactures or sells an implement for smoking opium, or possesses it for the purpose of sale is punished by imprisonment for not less than 3 months but not more than 5 years.

(税関職員によるあへん煙輸入等)

(Importing Opium by Custom Officials for Smoking)

第百三十八条 税関職員が、あへん煙又はあへん煙を吸食するための器具を輸入し、又

はこれらの輸入を許したときは、一年以上十年以下の懲役に処する。

Article 138 When a customs official imports or permits the import of opium for smoking or an implement for smoking opium, imprisonment for not less than 1 year but not more than 10 years is imposed.

(あへん煙吸食及び場所提供)

(Smoking and Providing Places for Smoking Opium)

第百三十九条 あへん煙を吸食した者は、三年以下の懲役に処する。

Article 139 (1) A person who smokes opium is punished by imprisonment for not more than 3 years.

2 あへん煙の吸食のため建物又は室を提供して利益を図った者は、六月以上七年以下の懲役に処する。

(2) A person who for the purpose of making profit provides a building or room for smoking opium is punished by imprisonment for not less than 6 months but not more than 7 years.

(あへん煙等所持)

(Possession of Opium for Smoking)

第百四十条 あへん煙又はあへん煙を吸食するための器具を所持した者は、一年以下の懲役に処する。

Article 140 A person who possesses opium for smoking or an implement for smoking opium is punished by imprisonment for not more than 1 year.

(未遂罪)

(Attempts)

第百四十一条 この章の罪の未遂は、罰する。

Article 141 Any attempt to commit the crimes prescribed under this Chapter are punished.

第十五章 飲料水に関する罪

Chapter XV Crimes Related to Drinking Water

(浄水汚染)

(Pollution of Drinking Water)

第百四十二条 人の飲料に供する浄水を汚染し、よって使用することができないようにした者は、六月以下の懲役又は十万円以下の罰金に処する。

Article 142 A person who pollutes water which is intended for human consumption, rendering the water undrinkable is punished by imprisonment for not more than 6 months or a fine of not more than 100,000 yen.

(水道汚染)

(Pollution of Water Supplies)

第四百三十三条 水道により公衆に供給する飲料の浄水又はその水源を汚染し、よって使用することができないようにした者は、六月以上七年以下の懲役に処する。

Article 143 A person who pollutes the water intended for drinking supplied to the public by a water supply system, or who pollutes the source thereof, rendering the water undrinkable, is punished by imprisonment for not less than 6 months but not more than 7 years.

(浄水毒物等混入)

(Pollution of Drinking Water with Poisonous Materials)

第四百四十四条 人の飲料に供する浄水に毒物その他の人の健康を害すべき物を混入した者は、三年以下の懲役に処する。

Article 144 A person who pollutes drinking water with poisonous materials or any other substance harming human health is punished by imprisonment for not more than 3 years.

(浄水汚染等致死傷)

(Pollution of Drinking Water Causing Death or Injury)

第四百五十五条 前三条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

Article 145 A person who commits a crime prescribed under the preceding three Articles and thereby causes the death or injury of another person is dealt with by the punishment prescribed for the crimes of injury or the preceding paragraph whichever is greater.

(水道毒物等混入及び同致死)

(Pollution of Water Supplies with Poisonous Materials and Causing Death)

第四百六十六条 水道により公衆に供給する飲料の浄水又はその水源に毒物その他の人の健康を害すべき物を混入した者は、二年以上の有期懲役に処する。よって人を死亡させた者は、死刑又は無期若しくは五年以上の懲役に処する。

Article 146 A person who pollutes water which is supplied to the public for drinking purposes or a water supply system with poisonous materials or any other substance harming human health, is punished by imprisonment for a definite term of not less than 2 years. If it thereby causes the death of another person, the offender is punished by the death penalty or imprisonment for life or for a definite term of not less than 5 years.

(水道損壊及び閉塞)

(Damage or Obstruction of a Water Supply System)

第四百七十七条 公衆の飲料に供する浄水の水道を損壊し、又は閉塞した者は、一年以上十年以下の懲役に処する。

Article 147 A person who damages or obstructs a water supply system is punished by imprisonment for not less than 1 year but not more than 10 years.

第十六章 通貨偽造の罪

Chapter XVI Crimes of Counterfeiting of Currency

(通貨偽造及び行使等)

(Counterfeiting of Currency or Uttering of Counterfeit Currency)

第四百四十八条 行使の目的で、通用する貨幣、紙幣又は銀行券を偽造し、又は変造した者は、無期又は三年以上の懲役に処する。

Article 148 (1) A person who counterfeits or alters a current coin, bank note or bill for the purpose of uttering is punished by imprisonment for life or for a definite term of not less than 3 years.

2 偽造又は変造の貨幣、紙幣又は銀行券を行使し、又は行使の目的で人に交付し、若しくは輸入した者も、前項と同様とする。

(2) The same applies to a person who utters, or delivers or imports for the purpose of uttering, a counterfeited or altered coin, bank note or bill.

(外国通貨偽造及び行使等)

(Counterfeiting of Foreign Currency or Uttering of Foreign Currency)

第四百四十九条 行使の目的で、日本国内に流通している外国の貨幣、紙幣又は銀行券を偽造し、又は変造した者は、二年以上の有期懲役に処する。

Article 149 (1) A person who counterfeits or alters a foreign coin, bank note or bill which is used in transaction in Japan for the purpose of uttering is punished by imprisonment for a definite term of not less than 2 years.

2 偽造又は変造の外国の貨幣、紙幣又は銀行券を行使し、又は行使の目的で人に交付し、若しくは輸入した者も、前項と同様とする。

(2) The same applies to a person who utters, or delivers or imports for the purpose of uttering, a counterfeit or altered foreign coin, bank note or bill.

(偽造通貨等取得)

(Acquisition of Counterfeit Currency)

第四百五十条 行使の目的で、偽造又は変造の貨幣、紙幣又は銀行券を取得した者は、三年以下の懲役に処する。

Article 150 A person, who acquires a counterfeit or altered coin, bank note or bill for the purpose of uttering, is punished by imprisonment for not more than 3 years.

(未遂罪)

(Attempts)

第四百五十一条 前三条の罪の未遂は、罰する。

Article 151 Any attempt to commit the crimes prescribed under the preceding three Articles is punished.

(取得後知情行使等)

(Uttering of Counterfeit Currency with Knowledge after Acquisition)

第百五十二条 貨幣、紙幣又は銀行券を取得した後に、それが偽造又は変造のものであることを知って、これを行使し、又は行使の目的で人に交付した者は、その額面価格の三倍以下の罰金又は科料に処する。ただし、二千元以下にすることはできない。

Article 152 After acquiring a coin, bank note or bill, a person who utters or passes it to another person for the purpose of uttering thereof, with the knowledge that it is counterfeit or altered, is punished by a fine or petty fine of not more than three times the face value thereof; provided, however, that the petty fine is not less than 2,000 yen.

(通貨偽造等準備)

(Preparations of Implements for Currency Counterfeited)

第百五十三条 貨幣、紙幣又は銀行券の偽造又は変造の用に供する目的で、器械又は原料を準備した者は、三月以上五年以下の懲役に処する。

Article 153 A person who prepares implements or materials for the purpose of counterfeiting or altering a coin, bank note or bill is punished by imprisonment for not less than 3 months but not more than 5 years.

第十七章 文書偽造の罪

Chapter XVII Crimes of Counterfeiting of Documents

(詔書偽造等)

(Counterfeit of Imperial or State Documents)

第百五十四条 行使の目的で、御璽、国璽若しくは御名を使用して詔書その他の文書を偽造し、又は偽造した御璽、国璽若しくは御名を使用して詔書その他の文書を偽造した者は、無期又は三年以上の懲役に処する。

Article 154 (1) For the purpose of uttering, a person who counterfeits an Imperial Rescript or other official imperial document with the Imperial Seal, State Seal or Imperial Signature, or counterfeits an Imperial Rescript or other official imperial document with a counterfeit Imperial Seal, State Seal or Imperial Signature, is punished by imprisonment for life or for a definite term of not less than three years.

2 御璽若しくは国璽を押し又は御名を署した詔書その他の文書を変造した者も、前項と同様とする。

(2) The same applies to a person who alters an Imperial Rescript or other official imperial document bearing the Imperial Seal, the State Seal or the Imperial Signature.

(公文書偽造等)

(Counterfeiting of Official Documents)

第百五十五条 行使の目的で、公務所若しくは公務員の印章若しくは署名を使用して公務所若しくは公務員の作成すべき文書若しくは図画を偽造し、又は偽造した公務所若しくは公務員の印章若しくは署名を使用して公務所若しくは公務員の作成すべき文書若しくは図画を偽造した者は、一年以上十年以下の懲役に処する。

Article 155 (1) For the purpose of uttering, a person who counterfeits using the seal or signature of a public office or a public employee, a document or drawing to be prepared by a public office or a public employee, or counterfeits, using a counterfeited seal or signature of such public office or public employee, a document or drawing to be prepared by a public office or a public employee, is punished by imprisonment for not less than 1 year but not more than 10 years.

2 公務所又は公務員が押印し又は署名した文書又は図画を変造した者も、前項と同様とする。

(2) The same applies to a person who alters a document or drawing bearing the seal or signature of a public office or a public employee.

3 前二項に規定するもののほか、公務所若しくは公務員の作成すべき文書若しくは図画を偽造し、又は公務所若しくは公務員が作成した文書若しくは図画を変造した者は、三年以下の懲役又は二十万円以下の罰金に処する。

(3) Beyond what are provided for in the preceding two paragraphs, a person who counterfeits a document or drawing to be made by a public office or a public employee or who alters a document or drawing which has been prepared by a public office or a public employee is punished by imprisonment for not more than 3 years or a fine of not more than 200,000 yen.

(虚偽公文書作成等)

(Making of False Official Documents)

第百五十六条 公務員が、その職務に関し、行使の目的で、虚偽の文書若しくは図画を作成し、又は文書若しくは図画を変造したときは、印章又は署名の有無により区別して、前二条の例による。

Article 156 In connection with their official duty, if a public employee makes a false official document or drawing, or alters an official document or drawing, for the purpose of uttering, is dealt with in the same manner as prescribed in the preceding two Articles, depending on whether or not the document bears a seal or signature.

(公正証書原本不実記載等)

(False Entries in the Original of Notarized Deeds)

第百五十七条 公務員に対し虚偽の申立てをして、登記簿、戸籍簿その他の権利若しくは義務に関する公正証書の原本に不実の記載をさせ、又は権利若しくは義務に関する

公正証書の原本として用いられる電磁的記録に不実の記録をさせた者は、五年以下の懲役又は五十万円以下の罰金に処する。

Article 157 (1) A person, who makes a false statement before a public employee and thereby causes the employee to make a false entry in the registry, family register book or the original of notarized deeds relating to other rights or duties, or creates a false record on the electronic or magnetic record to be used as the original of a notarized deed relating to rights or duties, is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.

2 公務員に対し虚偽の申立てをして、免状、鑑札又は旅券に不実の記載をさせた者は、一年以下の懲役又は二十万円以下の罰金に処する。

(2) A person, who makes a false statement before a public employee and thereby causes the employee to make a false entry in a license, permit or passport, is punished by imprisonment for not more than 1 year or a fine of not more than 200,000 yen.

3 前二項の罪の未遂は、罰する。

(3) Any attempt to commit the crimes prescribed under the preceding two paragraphs is punished.

(偽造公文書行使等)

(Uttering Counterfeit Official Documents)

第百五十八条 第百五十四条から前条までの文書若しくは図画を行使し、又は前条第一項の電磁的記録を公正証書の原本としての用に供した者は、その文書若しくは図画を偽造し、若しくは変造し、虚偽の文書若しくは図画を作成し、又は不実の記載若しくは記録をさせた者と同じの刑に処する。

Article 158 (1) A person, who utters a document or drawing prescribed for in the preceding four Articles or provides the electronic or magnetic record prescribed in paragraph (1) of the preceding Article for use as the original of a notarized deed, is punished by the same penalty as a person who counterfeits or alters a document or drawing, makes a false document or drawing, or causes a false entry or record to be made.

2 前項の罪の未遂は、罰する。

(2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

(私文書偽造等)

(Counterfeiting Private Documents)

第百五十九条 行使の目的で、他人の印章若しくは署名を使用して権利、義務若しくは事実証明に関する文書若しくは図画を偽造し、又は偽造した他人の印章若しくは署名を使用して権利、義務若しくは事実証明に関する文書若しくは図画を偽造した者は、三月以上五年以下の懲役に処する。

Article 159 (1) A person who, for the purpose of uttering, counterfeits, with the

use of a seal or signature of another person, a document or drawing relating to rights, duties or certification of facts or counterfeits a document or drawing relating to rights, duties or certification of facts with the use of a counterfeit seal or signature of another person, is punished by imprisonment for not less than 3 months but not more than 5 years.

2 他人が押印し又は署名した権利、義務又は事実証明に関する文書又は図画を変造した者も、前項と同様とする。

(2) The same applies to a person who alters a document or drawing bearing the seal or signature of another person and relating to rights, duties or certification of facts.

3 前二項に規定するもののほか、権利、義務又は事実証明に関する文書又は図画を偽造し、又は変造した者は、一年以下の懲役又は十万円以下の罰金に処する。

(3) Beyond what are provided for in the preceding two paragraphs, a person who counterfeits or alters a document or drawing relating to rights, duties or certification of facts is punished by imprisonment for not more than 1 year or a fine of not more than 100,000 yen.

(虚偽診断書等作成)

(Falsifying Medical Certificates)

第一百六十条 医師が公務所に提出すべき診断書、検案書又は死亡証書に虚偽の記載をしたときは、三年以下の禁錮又は三十万円以下の罰金に処する。

Article 160 When a physician makes a false entry in a medical certificate, an autopsy report or a death certificate to be submitted to a public office, imprisonment without work for not more than 3 years or a fine of not more than 300,000 yen is imposed.

(偽造私文書等行使)

(Uttering Counterfeit Private Documents)

第一百六十一条 前二条の文書又は図画を行使した者は、その文書若しくは図画を偽造し、若しくは変造し、又は虚偽の記載をした者同一の刑に処する。

Article 161 (1) A person who utters a document or drawing prescribed in the preceding two Articles is punished by the same penalty as a person who counterfeits or alters a document or drawing or makes a false entry.

2 前項の罪の未遂は、罰する。

(2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

(電磁的記録不正作出及び供用)

(Unauthorized Creation of Electronic or Magnetic Records)

第一百六十一条の二 人の事務処理を誤らせる目的で、その事務処理の用に供する権利、義務又は事実証明に関する電磁的記録を不正に作った者は、五年以下の懲役又は五十

万円以下の罰金に処する。

Article 161-2 (1) With the intent to bring about error in the processing of matters of another person, a person who unlawfully creates an electronic or magnetic record without due authorization which is for use in such improper processing and is related to rights, duties or certification of facts, is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.

2 前項の罪が公務所又は公務員により作られるべき電磁的記録に係るときは、十年以下の懲役又は百万円以下の罰金に処する。

(2) When the crime prescribed under the preceding paragraph is committed in relation to an electronic or magnetic record to be created by a public office or a public employee, the offender is punished by imprisonment for not more than 10 years or a fine of not more than 1,000,000 yen is imposed.

3 不正に作られた権利、義務又は事実証明に関する電磁的記録を、第一項の目的で、人の事務処理の用に供した者は、その電磁的記録を不正に作った者と同一の刑に処する。

(3) A person who, with the intent prescribed in paragraph (1), puts an electronic or magnetic record created without due authorization and related to rights, duties or certification of facts into use for the processing of matters of another person is punished by the same penalty as the person who created such an electronic or magnetic record.

4 前項の罪の未遂は、罰する。

(4) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

第十八章 有価証券偽造の罪

Chapter XVIII Crimes of Counterfeiting of Securities

(有価証券偽造等)

(Counterfeiting of Securities)

第百六十二条 行使の目的で、公債証書、官庁の証券、会社の株券その他の有価証券を偽造し、又は変造した者は、三月以上十年以下の懲役に処する。

Article 162 (1) For the purpose of uttering, a person who counterfeits or alters a public bond, securities of a government agency, share certificate of a corporation or other securities is punished by imprisonment for not less than 3 months but not more than 10 years.

2 行使の目的で、有価証券に虚偽の記入をした者も、前項と同様とする。

(2) The same applies to a person who, for the purpose of uttering, makes a false entry in a security.

(偽造有価証券行使等)

(Uttering Counterfeit Securities)

第百六十三条 偽造若しくは変造の有価証券又は虚偽の記入がある有価証券を行使し、又は行使の目的で人に交付し、若しくは輸入した者は、三月以上十年以下の懲役に処する。

Article 163 (1) A person who utters a counterfeit or altered security or security in which a false entry has been made, or who, for the purpose of uttering, delivers to another person or imports such security, is punished by imprisonment for not less than 3 months but not more than 10 years.

2 前項の罪の未遂は、罰する。

(2) Any attempt to commit the crimes prescribed under the preceding paragraph is punished.

第十八章の二 支払用カード電磁的記録に関する罪

Chapter XVIII-2 Crimes Related to Electronic or Magnetic Records of Payment Cards

(支払用カード電磁的記録不正作出等)

(Unauthorized Creation of Electronic or Magnetic Records of Payment Cards)

第百六十三条の二 人の財産上の事務処理を誤らせる目的で、その事務処理の用に供する電磁的記録であって、クレジットカードその他の代金又は料金の支払用のカードを構成するものを不正に作った者は、十年以下の懲役又は百万円以下の罰金に処する。預貯金の引出用のカードを構成する電磁的記録を不正に作った者も、同様とする。

Article 163-2 (1) For the purpose of bringing about an error in the processing of the financial affairs of another person, a person who creates without due authorization an electronic or magnetic record which is intended for the use in such processing error encoded in a credit card or other cards for the payment of charges for goods or services, is punished by imprisonment for not more than 10 years or a fine of not more than 1,000,000 yen. The same applies to a person who creates without due authorization an electronic or magnetic record which is encoded in a card for withdrawal of money.

2 不正に作られた前項の電磁的記録を、同項の目的で、人の財産上の事務処理の用に供した者も、同項と同様とする。

(2) For the purpose prescribed in the preceding paragraph, a person who puts an unlawfully created electronic or magnetic record prescribed in the same paragraph into use for processing of the financial affairs of another person, is dealt with in the same way prescribed in the same paragraph.

3 不正に作られた第一項の電磁的記録をその構成部分とするカードを、同項の目的で、譲り渡し、貸し渡し、又は輸入した者も、同項と同様とする。

(3) A person who, for the purpose prescribed in paragraph (1), transfers, lends or imports a card encoded with an unlawful electronic or magnetic record prescribed in the same paragraph, is dealt with in the same way prescribed in

the same paragraph.

(不正電磁的記録カード所持)

(Possession of Payment Cards with Unauthorized Electronic or Magnetic Records)

第百六十三条の三 前条第一項の目的で、同条第三項のカードを所持した者は、五年以下の懲役又は五十万円以下の罰金に処する。

Article 163-3 A person who, for the purpose prescribed in paragraph (1) of the preceding Article, possesses the card prescribed in paragraph (3) of the same Article, is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.

(支払用カード電磁的記録不正作出準備)

(Preparation for Unauthorized Creation of Electronic or Magnetic Records of Payment Cards)

第百六十三条の四 第百六十三条の二第一項の犯罪行為の用に供する目的で、同項の電磁的記録の情報を取得した者は、三年以下の懲役又は五十万円以下の罰金に処する。情を知って、その情報を提供した者も、同様とする。

Article 163-4 (1) For the purpose of use in the commission of a criminal act prescribed in paragraph (1) of Article 163-2, a person who obtains information for the electronic or magnetic record prescribed in the same paragraph, is punished by imprisonment for not more than 3 years or a fine of not more than 500,000 yen. The same applies to a person who, knowing the purpose of the obtainer, provides the information.

2 不正に取得された第百六十三条の二第一項の電磁的記録の情報を、前項の目的で保管した者も、同項と同様とする。

(2) For the purpose prescribed for in the preceding paragraph, a person who stores the illegally obtained information of an electronic or magnetic record prescribed in paragraph (1) of Article 163-2, is dealt with in the same way prescribed in the preceding paragraph.

3 第一項の目的で、器械又は原料を準備した者も、同項と同様とする。

(3) For the purpose prescribed for in paragraph (1), a person who prepares instruments or materials, is dealt with in the same way prescribed in the same paragraph.

(未遂罪)

(Attempts)

第百六十三条の五 第百六十三条の二及び前条第一項の罪の未遂は、罰する。

Article 163-5 Any attempt to commit the crimes prescribed under Article 163-2 and paragraph (1) of the preceding Article is punished.

第十九章 印章偽造の罪

Chapter XIX Crimes of Counterfeiting of Seals

(御璽偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of the Imperial Seal)

第百六十四条 行使の目的で、御璽、国璽又は御名を偽造した者は、二年以上の有期懲役に処する。

Article 164 (1) For the purpose of uttering, a person who counterfeits the Imperial Seal, State Seal or Imperial Signature, is punished by imprisonment for a definite term of not less than 2 years.

2 御璽、国璽若しくは御名を不正に使用し、又は偽造した御璽、国璽若しくは御名を使用した者も、前項と同様とする。

(2) The same applies to a person who without due authorization, uses the Imperial Seal, State Seal or Imperial Signature, or who uses a counterfeit Imperial Seal, State Seal or Imperial Signature.

(公印偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of Official Seals)

第百六十五条 行使の目的で、公務所又は公務員の印章又は署名を偽造した者は、三月以上五年以下の懲役に処する。

Article 165 (1) For the purpose of unauthorized use, a person who counterfeits the seal or signature of a public office or public employee is punished by imprisonment for not less than 3 months but not more than 5 years.

2 公務所若しくは公務員の印章若しくは署名を不正に使用し、又は偽造した公務所若しくは公務員の印章若しくは署名を使用した者も、前項と同様とする。

(2) The same applies to a person who, without due authorization uses the seal or signature of a public office or public employee, or who uses a counterfeit seal or signature of a public office or public employee.

(公記号偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of Official Marks)

第百六十六条 行使の目的で、公務所の記号を偽造した者は、三年以下の懲役に処する。

Article 166 (1) For the purpose of unauthorized use, a person who counterfeits the mark of a public office is punished by imprisonment for not more than 3 years.

2 公務所の記号を不正に使用し、又は偽造した公務所の記号を使用した者も、前項と同様とする。

(2) The same applies to a person who uses without due authorization the mark of a public office or who uses a counterfeit mark of a public office.

(私印偽造及び不正使用等)

(Counterfeiting or Unauthorized Use of Private Seals)

第百六十七条 行使の目的で、他人の印章又は署名を偽造した者は、三年以下の懲役に処する。

Article 167 (1) For the purpose of unauthorized use, a person who counterfeits the seal or signature of another person is punished by imprisonment for not more than 3 years.

2 他人の印章若しくは署名を不正に使用し、又は偽造した印章若しくは署名を使用した者も、前項と同様とする。

(2) The same applies to a person who without due authorization, uses the seal or signature of another person or who uses a counterfeit seal or signature of another person.

(未遂罪)

(Attempts)

第百六十八条 第百六十四条第二項、第百六十五条第二項、第百六十六条第二項及び前条第二項の罪の未遂は、罰する。

Article 168 Any attempt to commit the crimes prescribed under paragraph (2) of Article 164, paragraph (2) of Article 165, paragraph (2) of Article 166 and paragraph (2) of the preceding Article is punished.

第十九章の二 不正指令電磁的記録に関する罪

**Chapter XIX-2 Crimes Related to Electronic or Magnetic Records
Containing Unauthorized Commands**

(不正指令電磁的記録作成等)

(Making of Electronic or Magnetic Records Containing Unauthorized
Commands)

第百六十八条の二 正当な理由がないのに、人の電子計算機における実行の用に供する目的で、次に掲げる電磁的記録その他の記録を作成し、又は提供した者は、三年以下の懲役又は五十万円以下の罰金に処する。

Article 168-2 (1) A person who, without legitimate grounds, creates or provides any of the following records including electronic or magnetic records for the purpose of using them for executing commands on another person's computer is punished by imprisonment for not more than 3 years or a fine of not more than 500,000 yen:

一 人が電子計算機を使用するに際してその意図に沿うべき動作をさせず、又はその意図に反する動作をさせるべき不正な指令を与える電磁的記録

(i) electronic or magnetic records that give unauthorized commands to prevent a computer from performing functions in line with the user's intention or have it perform functions against the user's intention;

二 前号に掲げるもののほか、同号の不正な指令を記述した電磁的記録その他の記

録

(ii) beyond what is set forth in the preceding item, records including electronic or magnetic records in which unauthorized commands referred to in the same item are described.

2 正当な理由がないのに、前項第一号に掲げる電磁的記録を人の電子計算機における実行の用に供した者も、同項と同様とする。

(2) The same applies to a person who, without legitimate grounds, uses electronic or magnetic records set forth in item (i) of the preceding paragraph for the execution of commands on another person's computer.

3 前項の罪の未遂は、罰する。

(3) Any attempt to commit the crime referred to in the preceding paragraph is punished.

(不正指令電磁的記録取得等)

(Acquisition of Electronic or Magnetic Records Containing Unauthorized Commands)

第百六十八条の三 正当な理由がないのに、前条第一項の目的で、同項各号に掲げる電磁的記録その他の記録を取得し、又は保管した者は、二年以下の懲役又は三十万円以下の罰金に処する。

Article 168-3 A person who, without legitimate grounds, acquires or stores records including electronic or magnetic records set forth in the items of paragraph (1) of the preceding Article for the purpose referred to in the same paragraph is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.

第二十章 偽証の罪

Chapter XX Crimes of Perjury

(偽証)

(Perjury)

第百六十九条 法律により宣誓した証人が虚偽の陳述をしたときは、三月以上十年以下の懲役に処する。

Article 169 When a witness who has sworn in accordance with law gives false testimony, imprisonment for not less than 3 months but not more than 10 years is imposed.

(自白による刑の減免)

(Exemption of a Sentence Due to Confession)

第百七十条 前条の罪を犯した者が、その証言をした事件について、その裁判が確定する前又は懲戒処分が行われる前に自白したときは、その刑を減輕し、又は免除することができる。

Article 170 When a person who has committed the crime prescribed under the preceding Article confesses before a judgment becomes final and binding or before a disciplinary action is taken in the case in which the person testified, such confession may lead to the punishment being reduced or may exempt the offender from the punishment.

(虚偽鑑定等)

(False Expert Opinion or Interpreting)

第一百七十一条 法律により宣誓した鑑定人、通訳人又は翻訳人が虚偽の鑑定、通訳又は翻訳をしたときは、前二条の例による。

Article 171 An expert witness or interpreter who has sworn in accordance with laws and gives a false expert opinion or makes a false interpretation or translation is to be dealt with in the same manner as prescribed for in the preceding two Articles.

第二十一章 虚偽告訴の罪

Chapter XXI Crimes of False Accusations

(虚偽告訴等)

(False Accusations)

第一百七十二条 人に刑事又は懲戒の処分を受けさせる目的で、虚偽の告訴、告発その他の申告をした者は、三月以上十年以下の懲役に処する。

Article 172 A person who submits a false accusation, charge or other statements for the purpose of having a criminal punishment or disciplinary action imposed upon another person is punished by imprisonment for not less than 3 months but not more than 10 years.

(自白による刑の減免)

(Reduction of Punishment due to Confessions)

第一百七十三条 前条の罪を犯した者が、その申告をした事件について、その裁判が確定する前又は懲戒処分が行われる前に自白したときは、その刑を減輕し、又は免除することができる。

Article 173 When a person who has committed the crime prescribed under the preceding Article confesses before a judgment becomes final and binding or before a disciplinary action is taken, such confession may lead to the punishment being reduced or may exempt the offender from the punishment.

第二十二章 わいせつ、強姦性交等及び重婚の罪

Chapter XXII Crimes of Obscenity, Forcible Sexual Intercourse, and Bigamy

(公然わいせつ)

(Public Indecency)

第七十四条 公然とわいせつな行為をした者は、六月以下の懲役若しくは三十万円以下の罰金又は拘留若しくは科料に処する。

Article 174 A person who commits an indecent act in public is punished by imprisonment for not more than 6 months, a fine of not more than 300,000 yen, penal detention or a petty fine.

(わいせつ物頒布等)

(Distribution of Obscene Objects)

第七十五条 わいせつな文書、図画、電磁的記録に係る記録媒体その他の物を頒布し、又は公然と陳列した者は、二年以下の懲役若しくは二百五十万円以下の罰金若しくは科料に処し、又は懲役及び罰金を併科する。電気通信の送信によりわいせつな電磁的記録その他の記録を頒布した者も、同様とする。

Article 175 (1) A person who distributes or displays in public obscene objects such as documents, drawings or recording media contained in electronic or magnetic records is punished by imprisonment for not more than 2 years, a fine of not more than 2,500,000 yen or a petty fine, or both imprisonment and a fine. The same applies to a person who distributes obscene records including electronic or magnetic records through the transmission of telecommunications.

2 有償で頒布する目的で、前項の物を所持し、又は同項の電磁的記録を保管した者も、同項と同様とする。

(2) The same applies to a person who possesses the objects referred to in the preceding paragraph or stores electronic or magnetic records referred to in the same paragraph for the purpose of distributing them for a fee.

(強制わいせつ)

(Indecency through Compulsion)

第七十六条 十三歳以上の者に対し、暴行又は脅迫を用いてわいせつな行為をした者は、六月以上十年以下の懲役に処する。十三歳未満の者に対し、わいせつな行為をした者も、同様とする。

Article 176 A person who forcibly commits an indecent act through assault or intimidation upon another person of not less than thirteen years of age is punished by imprisonment for not less than 6 months but not more than 10 years. The same applies to a person who commits an indecent act upon another person under thirteen years of age.

(強制性交等)

(Forcible Sexual Intercourse)

第七十七条 十三歳以上の者に対し、暴行又は脅迫を用いて性交、肛門性交又は口腔性交（以下「性交等」という。）をした者は、強制性交等の罪とし、五年以上の有期

懲役に処する。十三歳未満の者に対し、性交等をした者も、同様とする。

Article 177 A person who, through assault or intimidation forcibly engages in vaginal intercourse, anal intercourse or oral intercourse (hereinafter referred to as "sexual intercourse") with another person of not less than thirteen years of age is guilty of the crime of forcible sexual intercourse, and is punished by imprisonment for a definite term of not less than 5 years. The same applies to a person who engages in sexual intercourse against another person under thirteen years of age.

(準強制わいせつ及び準強制性交等)

(Constructive Indecency through Compulsion; Constructive Forcible Sexual Intercourse)

第七十八條 人の心神喪失若しくは抗拒不能に乘じ、又は心神を喪失させ、若しくは抗拒不能にさせて、わいせつな行為をした者は、第七十六條の例による。

Article 178 (1) A person who engages in an indecent act upon another person by taking advantage of their unconscious state or inability to resist, or by causing the person to lose consciousness or have the inability to resist, is punished in the same manner as prescribed for in Article 176.

2 人の心神喪失若しくは抗拒不能に乘じ、又は心神を喪失させ、若しくは抗拒不能にさせて、性交等をした者は、前條の例による。

(2) A person who engages in sexual intercourse with another person by taking advantage of their unconscious state or inability to resist, or by causing the person to lose consciousness or have the inability to resist, is punished in the same manner as prescribed in the preceding Article.

(監護者わいせつ及び監護者性交等)

(Indecency by a Person Having Custody of a Person under 18; Sexual Intercourse by a Person Having Custody of a Person under 18)

第七十九條 十八歳未満の者に対し、その者を現に監護する者であることによる影響力があることに乘じてわいせつな行為をした者は、第七十六條の例による。

Article 179 (1) A person who commits an indecent act upon another person under eighteen years of age by taking advantage of the influence arising from the fact of having custody of that person is punished in the same manner as prescribed in Article 176.

2 十八歳未満の者に対し、その者を現に監護する者であることによる影響力があることに乘じて性交等をした者は、第七十七條の例による。

(2) A person who engages in sexual intercourse, etc. with another person under eighteen years of age by taking advantage of the influence arising from the fact of having custody of that person is punished in the same manner as prescribed in Article 177.

(未遂罪)

(Attempts)

第一百八十条 第一百七十六条から前条までの罪の未遂は、罰する。

Article 180 Any attempt to commit the crimes prescribed in Articles 176 through the preceding Article is punished.

(強制わいせつ等致死傷)

(Indecency through Compulsion Causing Death or Injury)

第一百八十一条 第一百七十六条、第一百七十八条第一項若しくは第一百七十九条第一項の罪又はこれらの罪の未遂罪を犯し、よって人を死傷させた者は、無期又は三年以上の懲役に処する。

Article 181 (1) A person who commits a crime prescribed under Article 176, paragraph (1) of Article 178, paragraph (1) of Article 179, or any attempt to commit the crimes mentioned above, and thereby causes the death or injury of another person is punished by imprisonment for life or for a definite term of not less than 3 years.

2 第一百七十七条、第一百七十八条第二項若しくは第一百七十九条第二項の罪又はこれらの罪の未遂罪を犯し、よって人を死傷させた者は、無期又は六年以上の懲役に処する。

(2) A person who commits a crime prescribed under Article 177, paragraph (2) of Article 178, paragraph (2) of Article 179, or any attempt to commit the crimes mentioned above, and thereby causes the death or injury of another person is punished by imprisonment for life or for a definite term of not less than 6 years.

(淫行勧誘)

(Inducement to Illicit Intercourse)

第一百八十二条 営利の目的で、淫行の常習のない女子を勧誘して姦淫させた者は、三年以下の懲役又は三十万円以下の罰金に処する。

Article 182 A person who, for the purpose of profit, induces a female who does not do so habitually to engage in sexual intercourse, is punished by imprisonment for not more than 3 years or a fine of not more than 300,000 yen.

第一百八十三条 削除

Article 183 Deleted.

(重婚)

(Bigamy)

第一百八十四条 配偶者のある者が重ねて婚姻をしたときは、二年以下の懲役に処する。その相手方となって婚姻をした者も、同様とする。

Article 184 When a married person enters into another marriage, imprisonment for not more than 2 years is imposed. The same applies to the other party who enters into such marriage.

第二十三章 賭博及び富くじに関する罪

Chapter XXIII Crimes Related to Gambling and Lotteries

(賭博)

(Gambling)

第百八十五条 賭博をした者は、五十万円以下の罰金又は科料に処する。ただし、一時の娯楽に供する物を賭けたにとどまるときは、この限りでない。

Article 185 A person who gambles is punished by a fine of not more than 500,000 yen or a petty fine; provided, however, that the same does not apply to a person who gambles occasionally provided for recreational amusement.

(常習賭博及び賭博場開張等凶利)

(Habitual Gambling; Running a Gambling Place for the Purpose of Gain)

第百八十六条 常習として賭博をした者は、三年以下の懲役に処する。

Article 186 (1) A person who habitually gambles is punished by imprisonment for not more than 3 years.

2 賭博場を開張し、又は博徒を結合して利益を図った者は、三月以上五年以下の懲役に処する。

(2) A person who, for the purpose of profit, runs a place for gambling or organizes a group of habitual gamblers is punished by imprisonment for not less than 3 months but not more than 5 years.

(富くじ発売等)

(Sale of Lotteries)

第百八十七条 富くじを発売した者は、二年以下の懲役又は百五十万円以下の罰金に処する。

Article 187 (1) A person who sells a lottery ticket is punished by imprisonment for not more than 2 years or a fine of not more than 1,500,000 yen.

2 富くじ発売の取次ぎをした者は、一年以下の懲役又は百万円以下の罰金に処する。

(2) A person who acts as an intermediary in the sale of a lottery ticket is punished by imprisonment for not more than 1 year or a fine of not more than 1,000,000 yen.

3 前二項に規定するもののほか、富くじを授受した者は、二十万円以下の罰金又は科料に処する。

(3) Beyond what are provided for in the preceding two paragraphs, a person who delivers or receives a lottery ticket is punished by a fine of not more than 200,000 yen or a petty fine.

第二十四章 礼拝所及び墳墓に関する罪

Chapter XXIV Crimes Related to Places of Worship and Graves

(礼拝所不敬及び説教等妨害)

(Desecrating Places of Worship; Interference with Religious Service)

第百八十八条 神祠、仏堂、墓所その他の礼拝所に対し、公然と不敬な行為をした者は、六月以下の懲役若しくは禁錮又は十万円以下の罰金に処する。

Article 188 (1) A person who openly desecrates a shrine, temple, cemetery or any other place of worship is punished by imprisonment or imprisonment without work for not more than 6 months or a fine of not more than 100,000 yen.

2 説教、礼拝又は葬式を妨害した者は、一年以下の懲役若しくは禁錮又は十万円以下の罰金に処する。

(2) A person who interferes with a sermon, worship or a funeral service is punished by imprisonment or imprisonment without work for not more than 1 year or a fine of not more than 100,000 yen.

(墳墓発掘)

(Excavation of Graves)

第百八十九条 墳墓を発掘した者は、二年以下の懲役に処する。

Article 189 A person who excavates a grave is punished by imprisonment for not more than 2 years.

(死体損壊等)

(Destruction of Corpses)

第百九十条 死体、遺骨、遺髪又は棺に納めてある物を損壊し、遺棄し、又は領得した者は、三年以下の懲役に処する。

Article 190 A person who damages, abandons or unlawfully possesses a corpse, the ashes or hair of a dead person, or an object placed in a coffin is punished by imprisonment for not more than 3 years.

(墳墓発掘死体損壊等)

(Excavation of Graves and Damaging Corpses)

第百九十一条 第百八十九条の罪を犯して、死体、遺骨、遺髪又は棺に納めてある物を損壊し、遺棄し、又は領得した者は、三月以上五年以下の懲役に処する。

Article 191 A person who commits the crime prescribed under Article 189 and damages, abandons or unlawfully possesses a corpse, the ashes or hairs of a dead person, or an object placed in a coffin is punished by imprisonment for not less than 3 months but not more than 5 years.

(変死者密葬)

(Secret Burial of Persons Dying from an Unnatural Death)

第百九十二条 検視を経ないで変死者を葬った者は、十万円以下の罰金又は科料に処する。

Article 192 A person who, without a postmortem examination, buries a person who died an unnatural death is punished by a fine of not more than 100,000 yen or a petty fine.

第二十五章 汚職の罪

Chapter XXV Crimes of Corruption

(公務員職権濫用)

(Abuse of Authority by Public Employees)

第百九十三条 公務員がその職権を濫用して、人に義務のないことを行わせ、又は権利の行使を妨害したときは、二年以下の懲役又は禁錮に処する。

Article 193 When a public employee abuses their authority and causes another person to perform an act which the person has no obligation to perform, or obstructs another person from exercising their right, imprisonment or imprisonment without work for not more than 2 years is imposed.

(特別公務員職権濫用)

(Abuse of Authority by Specialized Public Employees)

第百九十四条 裁判、検察若しくは警察の職務を行う者又はこれらの職務を補助する者がその職権を濫用して、人を逮捕し、又は監禁したときは、六月以上十年以下の懲役又は禁錮に処する。

Article 194 When a person performing or assisting in judicial, prosecutorial or police duties, abuses their authority and unlawfully captures or confines another, imprisonment or imprisonment without work for not less than 6 months but not more than 10 years is imposed.

(特別公務員暴行陵虐)

(Assault and Cruelty by Specialized Public Employees)

第百九十五条 裁判、検察若しくは警察の職務を行う者又はこれらの職務を補助する者が、その職務を行うに当たり、被告人、被疑者その他の者に対して暴行又は陵辱若しくは加虐の行為をしたときは、七年以下の懲役又は禁錮に処する。

Article 195 (1) When a person performing or assisting in judicial, prosecutorial or police duties commits, in the performance of their duties, an act of assault or physical or mental cruelty upon the accused, suspect or any other person, imprisonment or imprisonment without work for not more than 7 years is imposed.

2 法令により拘禁された者を看守し又は護送する者がその拘禁された者に対して暴行又は陵辱若しくは加虐の行為をしたときも、前項と同様とする。

(2) The same applies when a person who is guarding or escorting another person detained or confined in accordance with laws and regulations commits an act of assault or physical or mental cruelty upon the person.

(特別公務員職権濫用等致死傷)

(Abuse of Authority Causing Death or Injury by Specialized Public Employees)

第百九十六条 前二条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

Article 196 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another person is dealt with by the punishment for the crimes of injury or the punishment prescribed in the preceding two Articles, whichever is severer.

(収賄、受託収賄及び事前収賄)

(Acceptance of Bribes; Acceptance upon Request; Acceptance in Advance of Assumption of Office)

第百九十七条 公務員が、その職務に関し、賄賂を收受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。この場合において、請託を受けたときは、七年以下の懲役に処する。

Article 197 (1) A public employee who accepts, solicits or promises to accept a bribe in connection with their duties is punished by imprisonment for not more than 5 years; and when the employee agrees to perform an act in response to a request, imprisonment for not more than 7 years is imposed.

2 公務員になろうとする者が、その担当すべき職務に関し、請託を受けて、賄賂を收受し、又はその要求若しくは約束をしたときは、公務員となった場合において、五年以下の懲役に処する。

(2) When a person to be appointed a public employee accepts, solicits or promises to accept a bribe in connection with a duty to be assumed with agreement to perform an act in response to a request, the person is punished by imprisonment for not more than 5 years in the event of appointment.

(第三者供賄)

(Passing of Bribes to a Third Party)

第百九十七条の二 公務員が、その職務に関し、請託を受けて、第三者に賄賂を供与させ、又はその供与の要求若しくは約束をしたときは、五年以下の懲役に処する。

Article 197-2 When a public employee, agreeing to perform an act in response to a request, is involved in a bribe in connection with the employee's duty to be given to a third party or solicits or promises such bribe to be given to a third party, imprisonment for not more than 5 years is imposed.

(加重収賄及び事後収賄)

(Aggravated Acceptance of Bribe; Its Acceptance after Resignation of Office)

第百九十七条の三 公務員が前二条の罪を犯し、よって不正な行為をし、又は相当の行為をしなかったときは、一年以上の有期懲役に処する。

Article 197-3 (1) When a public employee commits a crime prescribed under the preceding two Articles and consequently acts illegally or refrains from acting in the exercise of their duty, imprisonment for a definite term of not less than 1 year is imposed.

2 公務員が、その職務上不正な行為をしたこと又は相当の行為をしなかったことに関し、賄賂を収受し、若しくはその要求若しくは約束をし、又は第三者にこれを供与させ、若しくはその供与の要求若しくは約束をしたときも、前項と同様とする。

(2) The same applies when a public employee accepts, solicits or promises to accept a bribe, or is involved in a bribe to be given to a third party or solicits or promises a bribe to be given to a third party, in connection with having acted illegally or having refrained from acting in the exercise of the employee's duty.

3 公務員であった者が、その在職中に請託を受けて職務上不正な行為をしたこと又は相当の行為をしなかったことに関し、賄賂を収受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。

(3) When a person who resigned from the position of a public employee accepts, solicits or promises to accept a bribe in connection with having acted illegally or having refrained from acting in the exercise of their duty with agreement thereof in response to a request, the person is punished by imprisonment for not more than 5 years.

(あっせん収賄)

(Influence Peddling)

第百九十七条の四 公務員が請託を受け、他の公務員に職務上不正な行為をさせるように、又は相当の行為をさせないようにあっせんをすること又はしたことの報酬として、賄賂を収受し、又はその要求若しくは約束をしたときは、五年以下の懲役に処する。

Article 197-4 A public employee who accepts, solicits or promises to accept a bribe as consideration for the influence which the employee exerted or is to exert, in response to a request, upon another public employee so as to cause the other to act illegally or refrain from acting in the exercise of official duty is punished by imprisonment for not more than 5 years.

(没収及び追徴)

(Confiscation and Collection of a Sum of Equivalent Value)

第百九十七条の五 犯人又は情を知った第三者が収受した賄賂は、没収する。その全部又は一部を没収することができないときは、その価額を追徴する。

Article 197-5 A bribe accepted by an offender or by a third party with knowledge is confiscated. When the whole or a part of the bribe cannot be confiscated, an equivalent sum of money is collected.

(贈賄)

(Active Bribery)

第百九十八条 第百九十七条から第百九十七条の四までに規定する賄賂を供与し、又はその申込み若しくは約束をした者は、三年以下の懲役又は二百五十万円以下の罰金に処する。

Article 198 A person who gives, offers or promises to give a bribe provided for in Articles 197 through 197-4 is punished by imprisonment for not more than 3 years or a fine of not more than 2,500,000 yen.

第二十六章 殺人の罪

Chapter XXVI Crimes of Homicide

(殺人)

(Homicide)

第百九十九条 人を殺した者は、死刑又は無期若しくは五年以上の懲役に処する。

Article 199 A person who kills another person is punished by the death penalty or imprisonment for life or for a definite term of not less than 5 years.

第二百条 削除

Article 200 Deleted.

(予備)

(Preparation)

第二百一条 第百九十九条の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。ただし、情状により、その刑を免除することができる。

Article 201 A person who prepares for the commission of a crime prescribed under Article 199 is punished by imprisonment for not more than 2 years; provided, however, that the person may be exculpated in light of circumstances.

(自殺関与及び同意殺人)

(Participation in Assisted Suicide; Consensual Homicide)

第二百二条 人を教唆し若しくは幫助して自殺させ、又は人をその囑託を受け若しくはその承諾を得て殺した者は、六月以上七年以下の懲役又は禁錮に処する。

Article 202 A person who induces or aids another person to commit suicide, or kills another person at the other's request or with other's consent, is punished by imprisonment or imprisonment without work for not less than 6 months but not more than 7 years.

(未遂罪)

(Attempts)

第二百三条 第百九十九条及び前条の罪の未遂は、罰する。

Article 203 Any attempt to commit the crimes prescribed under Article 199 and the preceding Article is punished.

第二十七章 傷害の罪

Chapter XXVII Criminal Injury

(傷害)

(Injury)

第二百四条 人の身体を傷害した者は、十五年以下の懲役又は五十万円以下の罰金に処する。

Article 204 A person who causes another person to suffer injury is punished by imprisonment for not more than 15 years or a fine of not more than 500,000 yen.

(傷害致死)

(Injury Causing Death)

第二百五条 身体を傷害し、よって人を死亡させた者は、三年以上の有期懲役に処する。

Article 205 A person who causes another person to suffer injury resulting in death is punished by imprisonment for a definite term of not less than 3 years.

(現場助勢)

(Inciting Injury)

第二百六条 前二条の犯罪が行われるに当たり、現場において勢いを助けた者は、自ら人を傷害しなくても、一年以下の懲役又は十万円以下の罰金若しくは科料に処する。

Article 206 A person who incites the offender in the commission of a crime at the scene of a crime prescribed under the preceding two Articles, even if the person does not directly cause another person to suffer injury, the person is punished by imprisonment for not more than 1 year, a fine of not more than 100,000 yen or a petty fine.

(同時傷害の特例)

(Special Provision for Injury Caused by Multiple Attackers)

第二百七条 二人以上で暴行を加えて人を傷害した場合において、それぞれの暴行による傷害の軽重を知ることができず、又はその傷害を生じさせた者を知ることができないときは、共同して実行した者でなくても、共犯の例による。

Article 207 When two or more persons assault another person causing injury and it is impossible to know the relative extent of the injury caused by each individual offender or which offender caused the injury, the offenders are dealt with as co-principals even though they did not act in concert.

(暴行)

(Assault)

第二百八条 暴行を加えた者が人を傷害するに至らなかったときは、二年以下の懲役若

しくは三十万円以下の罰金又は拘留若しくは科料に処する。

Article 208 When a person assaults another person without injuring the other person, the person is punished by imprisonment for not more than 2 years, a fine of not more than 300,000 yen, penal detention or a petty fine.

(凶器準備集合及び結集)

(Unlawful Assembly with Weapons)

第二百八条の二 二人以上の者が他人の生命、身体又は財産に対し共同して害を加える目的で集合した場合において、凶器を準備して又はその準備があることを知って集合した者は、二年以下の懲役又は三十万円以下の罰金に処する。

Article 208-2 (1) When two or more persons assemble for the purpose of jointly harming the life, body or property of another person, any participant of the assembly who has prepared weapons or knows that weapons have been prepared, is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.

2 前項の場合において、凶器を準備して又はその準備があることを知って人を集合させた者は、三年以下の懲役に処する。

(2) In the case referred to in the preceding paragraph, a person who having prepared weapons or knowing that weapons have been prepared, causes others to assemble, is punished by imprisonment for not more than 3 years.

第二十八章 過失傷害の罪

Chapter XXVIII Crimes Causing Injury due to Negligence

(過失傷害)

(Causing Injury due to Negligence)

第二百九条 過失により人を傷害した者は、三十万円以下の罰金又は科料に処する。

Article 209 (1) A person who injures another person due to negligence is punished by a fine of not more than 300,000 yen or a petty fine.

2 前項の罪は、告訴がなければ公訴を提起することができない。

(2) The crime prescribed under the preceding paragraph is prosecuted only upon complaint.

(過失致死)

(Causing Death due to Negligence)

第二百十条 過失により人を死亡させた者は、五十万円以下の罰金に処する。

Article 210 A person who causes the death of another person due to negligence is punished by a fine of not more than 500,000 yen.

(業務上過失致死傷等)

(Causing Death or Injury due to Negligence in the Pursuit of Social Activities)

第二百十一条 業務上必要な注意を怠り、よって人を死傷させた者は、五年以下の懲役若しくは禁錮又は百万円以下の罰金に処する。重大な過失により人を死傷させた者も、同様とする。

Article 211 A person who fails to exercise due care required in the pursuit of social activities and thereby causes the death or injury of another person is punished by imprisonment or imprisonment without work for not more than 5 years or a fine of not more than 1,000,000 yen. The same applies to a person who due to gross negligence, causes the death or injury of another person.

第二十九章 墮胎の罪 Chapter XXIX Criminal Abortion

(墮胎)
(Abortion)

第二百十二条 妊娠中の女子が薬物を用い、又はその他の方法により、墮胎したときは、一年以下の懲役に処する。

Article 212 When a pregnant woman causes her own abortion by using drugs or any other means, imprisonment for not more than 1 year is imposed.

(同意墮胎及び同致死傷)
(Abortion with Consent; Causing Death or Injury)

第二百十三条 女子の囑託を受け、又はその承諾を得て墮胎させた者は、二年以下の懲役に処する。よって女子を死傷させた者は、三月以上五年以下の懲役に処する。

Article 213 At the request of a woman or with her consent, a person who causes her abortion, is punished by imprisonment for not more than 2 years. If the person thereby causes the death or injury of the woman, the person is punished by imprisonment for not less than 3 months but not more than 5 years.

(業務上墮胎及び同致死傷)
(Abortion through Professional Conduct; Causing Death or Injury)

第二百十四条 医師、助産師、薬剤師又は医薬品販売業者が女子の囑託を受け、又はその承諾を得て墮胎させたときは、三月以上五年以下の懲役に処する。よって女子を死傷させたときは、六月以上七年以下の懲役に処する。

Article 214 When a physician, midwife, pharmacist or pharmaceuticals distributor, at the request of a woman or with her consent, causes her abortion, imprisonment for not less than 3 months but not more than 5 years is imposed. If such person thereby causes the death or injury of the woman, imprisonment for not less than 6 months but not more than 7 years is imposed.

(不同意墮胎)
(Abortion without Consent)

第二百五十五条 女子の囑託を受けないで、又はその承諾を得ないで墮胎させた者は、六月以上七年以下の懲役に処する。

Article 215 (1) A person who, without the request or consent of the woman, causes her abortion, is punished by imprisonment for not less than 6 months but not more than 7 years.

2 前項の罪の未遂は、罰する。

(2) Any attempt to commit the crime prescribed under the preceding paragraph is punished.

(不同意墮胎致死傷)

(Abortion without Consent Causing Death or Injury)

第二百十六条 前条の罪を犯し、よって女子を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

Article 216 A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of the woman is dealt with by the punishment prescribed for either the crimes of injury or the preceding Article, whichever is greater.

第三十章 遺棄の罪

Chapter XXX Crimes of Abandonment

(遺棄)

(Abandonment)

第二百七条 老年、幼年、身体障害又は疾病のために扶助を必要とする者を遺棄した者は、一年以下の懲役に処する。

Article 217 A person who abandons another person of old age, a child, a person with a disability or illness in need of support is punished by imprisonment for not more than 1 year.

(保護責任者遺棄等)

(Abandonment by a Person Responsible for Their Care)

第二百十八条 老年者、幼年者、身体障害者又は病者を保護する責任のある者がこれらの者を遺棄し、又はその生存に必要な保護をしなかったときは、三月以上五年以下の懲役に処する。

Article 218 When a person who is responsible for the care of a person of old age, a child, a person with a disability or illness, abandons or fails to provide the necessary care to such person, the person is punished by imprisonment for not less than 3 months but not more than 5 years.

(遺棄等致死傷)

(Abandonment Causing Death or Injury)

第二百十九条 前二条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

Article 219 A person who commits a crime prescribed under the preceding two Articles and thereby causes the death or injury of another person, is dealt with by the punishment for either the crimes of injury or the punishment prescribed in the preceding Articles, whichever is severer.

第三十一章 逮捕及び監禁の罪

Chapter XXXI Crimes of Unlawful Capture and Confinement

(逮捕及び監禁)

(Unlawful Capture and Confinement)

第二百二十条 不法に人を逮捕し、又は監禁した者は、三月以上七年以下の懲役に処する。

Article 220 A person who unlawfully captures or confines another person is punished by imprisonment for not less than 3 months but not more than 7 years.

(逮捕等致死傷)

(Unlawful Capture or Confinement Causing Death or Injury)

第二百二十一条 前条の罪を犯し、よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

Article 221 A person who commits the crime prescribed under the preceding Article and thereby causes the death or injury of another person, is dealt with by the punishment for either the crimes of injury or the punishment prescribed in the preceding Article, whichever is severer.

第三十二章 脅迫の罪

Chapter XXXII Crimes of Intimidation

(脅迫)

(Intimidation)

第二百二十二条 生命、身体、自由、名誉又は財産に対し害を加える旨を告知して人を脅迫した者は、二年以下の懲役又は三十万円以下の罰金に処する。

Article 222 (1) A person who intimidates another person using a threat to harm the life, body, freedom, reputation or the person's property is punished by imprisonment for not more than 2 years or a fine of not more than 300,000 yen.
2 親族の生命、身体、自由、名誉又は財産に対し害を加える旨を告知して人を脅迫した者も、前項と同様とする。

(2) The same applies to a person who intimidates another person using a threat to harm the life, body, freedom, reputation or property of one's relatives.

(強要)

(Compulsion)

第二百二十三条 生命、身体、自由、名誉若しくは財産に対し害を加える旨を告知して脅迫し、又は暴行を用いて、人に義務のないことを行わせ、又は権利の行使を妨害した者は、三年以下の懲役に処する。

Article 223 (1) A person who intimidates another person using threat to harm the life, body, freedom, reputation or property of another person or by assault, causing the other person to perform an act which the person had no obligation to perform, or hinders the other person from exercising their own rights, is punished by imprisonment for not more than 3 years.

2 親族の生命、身体、自由、名誉又は財産に対し害を加える旨を告知して脅迫し、人に義務のないことを行わせ、又は権利の行使を妨害した者も、前項と同様とする。

(2) The same applies to a person who intimidates another person, using threat to harm the life, body, freedom, reputation or property of the relatives of the other person, causing the person to perform an act which the person has no obligation to perform, or hinders the person from exercising their rights.

3 前二項の罪の未遂は、罰する。

(3) Any attempt to commit the crimes prescribed under the preceding two paragraphs is punished.

第三十三章 略取、誘拐及び人身売買の罪

Chapter XXXIII Crimes of Kidnapping and Human Trafficking

(未成年者略取及び誘拐)

(Kidnapping of Minors)

第二百二十四条 未成年者を略取し、又は誘拐した者は、三月以上七年以下の懲役に処する。

Article 224 A person who kidnaps a minor using force or through enticement is punished by imprisonment for not less than 3 months but not more than 7 years.

(営利目的等略取及び誘拐)

(Kidnapping for Profit)

第二百二十五条 営利、わいせつ、結婚又は生命若しくは身体に対する加害の目的で、人を略取し、又は誘拐した者は、一年以上十年以下の懲役に処する。

Article 225 A person who kidnaps another person through the use of force or enticement for the purpose of profit, indecency, marriage or threat to the life or body is punished by imprisonment for not less than 1 year but not more than 10 years.

(身の代金目的略取等)

(Kidnapping for Ransom)

第二百二十五条の二 近親者その他略取され又は誘拐された者の安否を憂慮する者の憂慮に乗じてその財物を交付させる目的で、人を略取し、又は誘拐した者は、無期又は三年以上の懲役に処する。

Article 225-2 (1) A person who kidnaps another person through the use of force or enticement, for the purpose of causing the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to grant any property, taking advantage of such situation, is punished by imprisonment for life or for a definite term of not less than 3 years.

2 人を略取し又は誘拐した者が近親者その他略取され又は誘拐された者の安否を憂慮する者の憂慮に乗じて、その財物を交付させ、又はこれを要求する行為をしたときも、前項と同様とする。

(2) The same applies to a person, who having kidnapped another person through the use of force or enticement, causes or demands the kidnapped person's relatives or any other person who would be concerned about the kidnapped person's safety to grant any property, taking advantage of such situation.

(所在国外移送目的略取及び誘拐)

(Kidnapping for Transportation out of a Country)

第二百二十六条 所在国外に移送する目的で、人を略取し、又は誘拐した者は、二年以上の有期懲役に処する。

Article 226 A person who kidnaps another person through the use of force or enticement for the purpose of transporting another person from one country to another country is punished by imprisonment for a definite term of not less than 2 years.

(人身売買)

(Human Trafficking)

第二百二十六条の二 人を買収した者は、三月以上五年以下の懲役に処する。

Article 226-2 (1) A person who buys another person is punished by imprisonment for not less than 3 months but not more than 5 years.

2 未成年者を買収した者は、三月以上七年以下の懲役に処する。

(2) A person who buys a minor is punished by imprisonment for not less than 3 months but not more than 7 years.

3 営利、わいせつ、結婚又は生命若しくは身体に対する加害の目的で、人を買収した者は、一年以上十年以下の懲役に処する。

(3) A person who buys another person for the purpose of profit, indecency, marriage or threat to the life or body, is punished by imprisonment for not less than 1 year but not more than 10 years.

4 人を売り渡した者も、前項と同様とする。

(4) The preceding paragraph applies to a person who sells another person.

5 所在国外に移送する目的で、人を売買した者は、二年以上の有期懲役に処する。

(5) A person who sells or buys another person for the purpose of transporting them from one country to another country is punished by imprisonment for not less than 2 years.

(被略取者等所在国外移送)

(Transporting Kidnapped Persons out of a Country)

第二百二十六条の三 略取され、誘拐され、又は売買された者を所在国外に移送した者は、二年以上の有期懲役に処する。

Article 226-3 A person who transports a kidnapped person through the use of force or enticement or another person who has been bought or sold, from one country to another country, is punished by imprisonment for not less than 2 years.

(被略取者引渡し等)

(Delivery of Kidnapped Persons)

第二百二十七条 第二百二十四条、第二百二十五条又は前三条の罪を犯した者を幫助する目的で、略取され、誘拐され、又は売買された者を引き渡し、收受し、輸送し、蔵匿し、又は隠避させた者は、三月以上五年以下の懲役に処する。

Article 227 (1) For the purpose of aiding another person who has committed any of the crimes prescribed under Articles 224, 225 or the preceding three Articles, a person who delivers, receives, transports or hides a person who has been kidnapped through the use of force or enticement or has been bought or sold, is punished by imprisonment for not less than 3 months but not more than 5 years.

2 第二百二十五条の二第一項の罪を犯した者を幫助する目的で、略取され又は誘拐された者を引き渡し、收受し、輸送し、蔵匿し、又は隠避させた者は、一年以上十年以下の懲役に処する。

(2) For the purpose of aiding another person who has committed the crime prescribed under paragraph (1) of Article 225-2, a person who delivers, receives, transports or hides a person who has been kidnapped is punished by imprisonment for not less than 1 year but not more than 10 years.

3 営利、わいせつ又は生命若しくは身体に対する加害の目的で、略取され、誘拐され、又は売買された者を引き渡し、收受し、輸送し、又は蔵匿した者は、六月以上七年以下の懲役に処する。

(3) For the purpose of profit, indecency or threat to the life or body, a person who delivers, receives, transports or hides another person who has been kidnapped or sold, is punished by imprisonment for not less than 6 months but not more than 7 years.

4 第二百二十五条の二第一項の目的で、略取され又は誘拐された者を收受した者は、

二年以上の有期懲役に処する。略取され又は誘拐された者を収受した者が近親者その他略取され又は誘拐された者の安否を憂慮する者の憂慮に乗じて、その財物を交付させ、又はこれを要求する行為をしたときも、同様とする。

(4) For the purpose prescribed under paragraph (1) of Article 225-2, a person who receives another person who has been kidnapped is punished by imprisonment for a definite term of not less than 2 years. The same applies to a person, who has received a kidnapped person and causes or demands such person's relative or any other person who would be concerned about the safety of the kidnapped person to deliver any property, taking advantage of such situation.

(未遂罪)

(Attempts)

第二百二十八条 第二百二十四条、第二百二十五条、第二百二十五条の二第一項、第二百二十六条から第二百二十六条の三まで並びに前条第一項から第三項まで及び第四項前段の罪の未遂は、罰する。

Article 228 Any attempt to commit the crimes prescribed under Articles 224, 225, paragraph (1) of Article 225-2, Articles 226 through 226-3 and paragraphs (1) through (3) and the first sentence of paragraph (4) of the preceding Article is punished.

(解放による刑の減輕)

(Reduction of Punishment in the Case of Release)

第二百二十八条の二 第二百二十五条の二又は第二百二十七条第二項若しくは第四項の罪を犯した者が、公訴が提起される前に、略取され又は誘拐された者を安全な場所に解放したときは、その刑を減輕する。

Article 228-2 If a person who has committed the crime prescribed under Article 225-2 or paragraph (2) or (4) of Article 227 releases the kidnapped person in a safe location before being prosecuted, the punishment is reduced.

(身の代金目的略取等予備)

(Preparation for Kidnapping for Ransom)

第二百二十八条の三 第二百二十五条の二第一項の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。ただし、実行に着手する前に自首した者は、その刑を減輕し、又は免除する。

Article 228-3 A person who prepares for commission of the crime prescribed under paragraph (1) of Article 225-2 is punished by imprisonment for not more than 2 years; provided, however, that the punishment of the person who self-denounces before the person commences the crime is reduced or exculpated.

(親告罪)

(Offense Subject to Complaint)

第二百二十九条 第二百二十四条の罪及び同条の罪を幫助する目的で犯した第二百二十七条第一項の罪並びにこれらの罪の未遂罪は、告訴がなければ公訴を提起することができない。

Article 229 The crime prescribed under Article 224, the crime prescribed under paragraph (1) of Article 227 which is committed for the purpose of aiding the person who has committed the crime prescribed under Article 224, and the attempts to commit these crimes, are prosecuted only upon criminal complaint.

第三十四章 名誉に対する罪

Chapter XXXIV Crimes against Reputation

(名誉毀損)

(Defamation)

第二百三十条 公然と事実を摘示し、人の名誉を毀損した者は、その事実の有無にかかわらず、三年以下の懲役若しくは禁錮又は五十万円以下の罰金に処する。

Article 230 (1) A person who defames another person by making allegations in public, regardless of whether such facts are true or false, is punished by imprisonment or imprisonment without work for not more than 3 years or a fine of not more than 500,000 yen.

2 死者の名誉を毀損した者は、虚偽の事実を摘示することによってした場合でなければ、罰しない。

(2) A person who defames a dead person is not punished unless such defamation is based on a false facts.

(公共の利害に関する場合の特例)

(Special Provision for Matters Concerning Public Interest)

第二百三十条の二 前条第一項の行為が公共の利害に関する事実に係り、かつ、その目的が専ら公益を図ることにあったと認める場合には、事実の真否を判断し、真実であることの証明があったときは、これを罰しない。

Article 230-2 (1) When an act prescribed under paragraph (1) of the preceding Article is found to relate to matters of public interest and to have been conducted solely for the benefit of the public, the truth or falsity of the alleged facts are to be examined, and punishment is not imposed if they are proven to be true.

2 前項の規定の適用については、公訴が提起されるに至っていない人の犯罪行為に関する事実は、公共の利害に関する事実とみなす。

(2) In application of the preceding paragraph, matters concerning the criminal act of a person who has not been prosecuted is deemed to be matters of public interest.

3 前条第一項の行為が公務員又は公選による公務員の候補者に関する事実に係る場合には、事実の真否を判断し、真実であることの証明があったときは、これを罰しない。

(3) When the act prescribed under paragraph (1) of the preceding Article is made with regard to matters concerning a public employee or a candidate for election, punishment is not imposed if an inquiry into the truth or falsity of the alleged facts are made and they are proven to be true.

(侮辱)

(Insults)

第二百三十一条 事実を摘示しなくても、公然と人を侮辱した者は、拘留又は科料に処する。

Article 231 A person who insults another person in public, irrespective of whether the accusation alleges facts or not, the person is punished by penal detention or a petty fine.

(親告罪)

(Offense Subject to Complaint)

第二百三十二条 この章の罪は、告訴がなければ公訴を提起することができない。

Article 232 (1) The crimes prescribed under this Chapter are prosecuted only upon complaint.

2 告訴をすることができる者が天皇、皇后、太皇太后、皇太后又は皇嗣であるときは内閣総理大臣が、外国の君主又は大統領であるときはその国の代表者がそれぞれ代わって告訴を行う。

(2) If the person who is to make a complaint is the Emperor, Empress, Grand Empress Dowager, Empress Dowager or Imperial Heir, the Prime Minister is to file a complaint on their behalf, and when such person is the Sovereign or President of a foreign state, a representative of the State is to make a complaint on their behalf.

第三十五章 信用及び業務に対する罪

Chapter XXXV Crimes against Credibility and Business

(信用毀損及び業務妨害)

(Damage to Credibility; Obstruction of Business)

第二百三十三条 虚偽の風説を流布し、又は偽計を用いて、人の信用を毀損し、又はその業務を妨害した者は、三年以下の懲役又は五十万円以下の罰金に処する。

Article 233 A person who damages the credibility or obstructs the business of another person by spreading false rumors or by the use of fraudulent means is punished by imprisonment for not more than 3 years or a fine of not more than 500,000 yen.

(威力業務妨害)

(Forcible Obstruction of Business)

第二百三十四条 威力を用いて人の業務を妨害した者も、前条の例による。

Article 234 A person who obstructs the business of another person by force is dealt with in the same manner as prescribed under the preceding Article.

(電子計算機損壊等業務妨害)

(Obstruction of Business by Damaging a Computer)

第二百三十四条の二 人の業務に使用する電子計算機若しくはその用に供する電磁的記録を損壊し、若しくは人の業務に使用する電子計算機に虚偽の情報若しくは不正な指令を与え、又はその他の方法により、電子計算機に使用目的に沿うべき動作をさせず、又は使用目的に反する動作をさせて、人の業務を妨害した者は、五年以下の懲役又は百万円以下の罰金に処する。

Article 234-2 (1) A person who obstructs the business of another person by interfering with the operation of a computer utilized for the business of the other or by causing such computer to operate counter to the purpose of such utilization by damaging such computer or any electronic or magnetic record used by such computer, by inputting false data or giving unauthorized commands or by any other means, is punished by imprisonment for not more than 5 years or a fine of not more than 1,000,000 yen.

2 前項の罪の未遂は、罰する。

(2) Any attempt to commit the crime prescribed under the preceding paragraph is punished.

第三十六章 窃盗及び強盗の罪

Chapter XXXVI Crimes of Theft and Robbery

(窃盗)

(Theft)

第二百三十五条 他人の財物を窃取した者は、窃盗の罪とし、十年以下の懲役又は五十万円以下の罰金に処する。

Article 235 A person who steals the property of another person commits the crime of theft and is punished by imprisonment for not more than 10 years or a fine of not more than 500,000 yen.

(不動産侵奪)

(Usurpation of Real Estate)

第二百三十五条の二 他人の不動産を侵奪した者は、十年以下の懲役に処する。

Article 235-2 A person who usurps the real estate of another person is punished by imprisonment for not more than 10 years.

(強盗)

(Robbery)

第二百三十六条 暴行又は脅迫を用いて他人の財物を強取した者は、強盗の罪とし、五年以上の有期懲役に処する。

Article 236 (1) A person who robs the property of another person through the use of assault or intimidation is guilty of the crime of robbery and is punished by imprisonment for a definite term of not less than 5 years.

2 前項の方法により、財産上不法の利益を得、又は他人にこれを得させた者も、同項と同様とする。

(2) The same applies to a person who illegally obtains or causes another person to illegally obtain a profit by the means prescribed under the preceding paragraph.

(強盗予備)

(Preparation for Robbery)

第二百三十七条 強盗の罪を犯す目的で、その予備をした者は、二年以下の懲役に処する。

Article 237 A person who, with the intention of committing the crime of robbery prepared for the robbery, is punished by imprisonment for not more than 2 years.

(事後強盗)

(Constructive Robbery)

第二百三十八条 窃盗が、財物を得てこれを取り返されることを防ぎ、逮捕を免れ、又は罪跡を隠滅するために、暴行又は脅迫をしたときは、強盗として論ずる。

Article 238 When a person who has committed the crime of theft uses assault or intimidation in order to retain the stolen property, evade arrest or destroy evidence, the person is dealt with in the same manner as with robbery.

(昏酔強盗)

(Drug-Facilitated Robbery)

第二百三十九条 人を昏酔させてその財物を盗取した者は、強盗として論ずる。

Article 239 A person who steals the property of another person by causing the other person to become unconscious is dealt with in the same manner as with robbery.

(強盗致死傷)

(Robbery Causing Death or Injury)

第二百四十条 強盗が、人を負傷させたときは無期又は六年以上の懲役に処し、死亡させたときは死刑又は無期懲役に処する。

Article 240 When a person who has committed the crime of robbery which causes another person to suffer injury at the scene of the robbery, the person is punished by imprisonment for life or for a definite term of not less than 6 years,

and in the case of causing death, the death penalty or imprisonment for life is imposed.

(強盗・強制性交等及び同致死)

(Robbery; Forcible Sexual Intercourse; Causing Death Thereby)

第二百四十一条 強盗の罪若しくはその未遂罪を犯した者が強制性交等の罪（第一百七十九条第二項の罪を除く。以下この項において同じ。）若しくはその未遂罪をも犯したとき、又は強制性交等の罪若しくはその未遂罪を犯した者が強盗の罪若しくはその未遂罪をも犯したときは、無期又は七年以上の懲役に処する。

Article 241 (1) If a person who commits the crime of robbery or an attempt thereof also commits the crime of forcible sexual intercourse (excluding the crime prescribed under paragraph (2) of Article 179; hereinafter the same applies in this paragraph) or an attempt thereof, or a person who commits the crime of forcible sexual intercourse or an attempt thereof also commits the crime of robbery or an attempt thereof, that person is punished by imprisonment for life or for a definite term of not less than 7 years.

2 前項の場合のうち、その犯した罪がいずれも未遂罪であるときは、人を死傷させたときを除き、その刑を減輕することができる。ただし、自己の意思によりいずれかの犯罪を中止したときは、その刑を減輕し、又は免除する。

(2) In the case referred to in the preceding paragraph, if the crimes that were committed were attempted crimes, the punishment may be reduced, except when the person thereby causes the death or injury of another person; provided, however, that the voluntary abandonment of commission of either crime leads to the punishment being reduced or the offender being exempted.

3 第一項の罪に当たる行為により人を死亡させた者は、死刑又は無期懲役に処する。

(3) A person who, by commission of an act that constitutes the crime referred to in paragraph (1), causes the death of another person, is punished by the death penalty or life imprisonment.

(他人の占有等に係る自己の財物)

(Offender's Own Property)

第二百四十二条 自己の財物であっても、他人が占有し、又は公務所の命令により他人が看守するものであるときは、この章の罪については、他人の財物とみなす。

Article 242 With regard to the crimes prescribed under this Chapter, the offender's own property is deemed to be the property of another person when it is in the possession of another person or under the guard of another person in compliance with an order issued by a public office.

(未遂罪)

(Attempts)

第二百四十三条 第二百三十五条から第二百三十六条まで、第二百三十八条から第二百

四十条まで及び第二百四十一条第三項の罪の未遂は、罰する。

Article 243 Any attempt to commit the crimes prescribed under Articles 235 through 236, and 238 through 240, and paragraph (3) of Article 241 is punished.

(親族間の犯罪に関する特例)

(Special Provision for Theft Committed against Relatives)

第二百四十四条 配偶者、直系血族又は同居の親族との間で第二百三十五条の罪、第二百三十五条の二の罪又はこれらの罪の未遂罪を犯した者は、その刑を免除する。

Article 244 (1) A person who commits the crime prescribed under Article 235 or 235-2 or attempts thereof against a spouse, lineal blood relative or relative living together, is exculpated.

2 前項に規定する親族以外の親族との間で犯した同項に規定する罪は、告訴がなければ公訴を提起することができない。

(2) A person who commits the crime prescribed under the preceding paragraph against a relative other than those provided in the paragraph, is not prosecuted without a complaint.

3 前二項の規定は、親族でない共犯については、適用しない。

(3) The preceding two paragraphs do not apply to accomplices who are not relatives.

(電気)

(Electricity)

第二百四十五条 この章の罪については、電気は、財物とみなす。

Article 245 With regard to the crimes prescribed under this Chapter, electricity is deemed to be property.

第三十七章 詐欺及び恐喝の罪

Chapter XXXVII Crimes of Fraud and Extortion

(詐欺)

(Fraud)

第二百四十六条 人を欺いて財物を交付させた者は、十年以下の懲役に処する。

Article 246 (1) A person who defrauds another person of property is punished by imprisonment for not more than 10 years.

2 前項の方法により、財産上不法の利益を得、又は他人にこれを得させた者も、同項と同様とする。

(2) The same applies to a person who illegally obtains or causes another person to illegally obtain a profit by the means prescribed under the preceding paragraph.

(電子計算機使用詐欺)

(Computer Fraud)

第二百四十六条の二 前条に規定するもののほか、人の事務処理に使用する電子計算機に虚偽の情報若しくは不正な指令を与えて財産権の得喪若しくは変更に係る不実の電磁的記録を作り、又は財産権の得喪若しくは変更に係る虚偽の電磁的記録を人の事務処理の用に供して、財産上不法の利益を得、又は他人にこれを得させた者は、十年以下の懲役に処する。

Article 246-2 Beyond what are provided for in the provisions of the preceding Article, a person who illegally obtains or causes another person to illegally obtain a profit by creating a false electronic or magnetic record relating to acquisition, loss or alteration of property rights by inputting false data or giving unauthorized commands to a computer utilized for the business processes of another person, or by putting a false electronic or magnetic record relating to acquisition, loss or alteration of property rights into use for the business processes of another person, is punished by imprisonment for not more than 10 years.

(背任)

(Breach of Trust)

第二百四十七条 他人のためにその事務を処理する者が、自己若しくは第三者の利益を図り又は本人に損害を加える目的で、その任務に背く行為をし、本人に財産上の損害を加えたときは、五年以下の懲役又は五十万円以下の罰金に処する。

Article 247 When a person who is in charge of the affairs of another person, for the benefit of their own interest or the interest of a third party, or inflicting damage on another person, commits an act in breach of legal duty and causes the financial loss to another person, imprisonment for not more than 5 years or a fine of not more than 500,000 yen is imposed.

(準詐欺)

(Constructive Fraud)

第二百四十八条 未成年者の知慮浅薄又は人の心神耗弱に乗じて、その財物を交付させ、又は財産上不法の利益を得、若しくは他人にこれを得させた者は、十年以下の懲役に処する。

Article 248 A person who, by taking advantage of the inexperience in judgement of a minor or the intellectual disability of a person, causes them to deliver their property, or obtains or makes a third person to obtain an illegal profit, is punished by imprisonment for not more than 10 years.

(恐喝)

(Extortion)

第二百四十九条 人を恐喝して財物を交付させた者は、十年以下の懲役に処する。

Article 249 (1) A person who extorts another person to deliver property is punished by imprisonment for not more than 10 years.

2 前項の方法により、財産上不法の利益を得、又は他人にこれを得させた者も、同項と同様とする。

(2) The same applies to a person who illegally obtains or causes another person to illegally obtain a profit by the means prescribed under the preceding paragraph.

(未遂罪)

(Attempts)

第二百五十条 この章の罪の未遂は、罰する。

Article 250 Any attempt to commit the crimes prescribed under this Chapter is punished.

(準用)

(Application, Mutatis Mutandis)

第二百五十一条 第二百四十二条、第二百四十四条及び第二百四十五条の規定は、この章の罪について準用する。

Article 251 The provisions of Articles 242, 244 and 245 apply mutatis mutandis to the crimes prescribed under this Chapter.

第三十八章 横領の罪

Chapter XXXVIII Crimes of Embezzlement

(横領)

(Embezzlement)

第二百五十二条 自己の占有する他人の物を横領した者は、五年以下の懲役に処する。

Article 252 (1) A person who embezzles property in their possession which belongs to another person, is punished by imprisonment for not more than 5 years.

2 自己の物であっても、公務所から保管を命ぜられた場合において、これを横領した者も、前項と同様とする。

(2) The same applies to a person who embezzles their own property when the person has been ordered by a public office to hold the property in custody.

(業務上横領)

(Embezzlement in the Pursuit of Social Activities)

第二百五十三条 業務上自己の占有する他人の物を横領した者は、十年以下の懲役に処する。

Article 253 A person who embezzles property which belongs to another person in the pursuit of social activities, is punished by imprisonment for not more than

10 years.

(遺失物等横領)

(Embezzlement of Lost Property)

第二百五十四条 遺失物、漂流物その他占有を離れた他人の物を横領した者は、一年以下の懲役又は十万円以下の罰金若しくは科料に処する。

Article 254 A person, who embezzles lost property, drift property or any other property which belongs to another person and is in no one's possession, is punished by imprisonment for not more than 1 year, a fine of not more than 100,000 yen or a petty fine.

(準用)

(Application, Mutatis Mutandis)

第二百五十五条 第二百四十四条の規定は、この章の罪について準用する。

Article 255 The provisions of Article 244 apply mutatis mutandis to the crimes prescribed under this Chapter.

第三十九章 盗品等に関する罪

Chapter XXXIX Crimes Related to Stolen Property

(盗品譲受け等)

(Acceptance of Stolen Property)

第二百五十六条 盗品その他財産に対する罪に当たる行為によって領得された物を無償で譲り受けた者は、三年以下の懲役に処する。

Article 256 (1) A person who accepts free of charge stolen property or any other property obtained through an act equivalent to an offense against property is punished by imprisonment for not more than 3 years.

2 前項に規定する物を運搬し、保管し、若しくは有償で譲り受け、又はその有償の処分のあつせんをした者は、十年以下の懲役及び五十万円以下の罰金に処する。

(2) A person who transports, retains or receives with compensation or arranges disposal for compensation, property provided for in the preceding paragraph is punished by imprisonment for not more than 10 years and a fine of not more than 500,000 yen.

(親族等の中の犯罪に関する特例)

(Special Provision Concerning Crimes against Relatives)

第二百五十七条 配偶者との間又は直系血族、同居の親族若しくはこれらの者の配偶者との間で前条の罪を犯した者は、その刑を免除する。

Article 257 (1) A person who commits a crime prescribed under the preceding Article against a spouse, lineal blood relatives or relatives living together, or the spouse of such relatives, is exculpated.

2 前項の規定は、親族でない共犯については、適用しない。

(2) The preceding paragraph does not apply to accomplices who are not relatives.

第四十章 毀棄及び隠匿の罪

Chapter XL Crimes of Destruction and Concealment

(公用文書等毀棄)

(Damaging Documents for Government Use)

第二百五十八条 公務所の用に供する文書又は電磁的記録を毀棄した者は、三月以上七年以下の懲役に処する。

Article 258 A person who damages a document or an electronic or magnetic record in use by a public office is punished by imprisonment for not less than 3 months but not more than 7 years.

(私用文書等毀棄)

(Damaging Documents for Private Use)

第二百五十九条 権利又は義務に関する他人の文書又は電磁的記録を毀棄した者は、五年以下の懲役に処する。

Article 259 A person who damages a document or electronic or magnetic record of another person that concerns rights or duties is punished by imprisonment for not more than 5 years.

(建造物等損壊及び同致死傷)

(Damage to Buildings; Causing Death or Injury)

第二百六十条 他人の建造物又は艦船を損壊した者は、五年以下の懲役に処する。よって人を死傷させた者は、傷害の罪と比較して、重い刑により処断する。

Article 260 A person who damages a building or vessel of another person is punished by imprisonment for not more than 5 years. If such person thereby causes the death or injury of another person, the person is dealt with by the punishment for the crimes of injury or the punishment prescribed in the preceding paragraph, whichever is severer.

(器物損壊等)

(Damage to Property)

第二百六十一条 前三条に規定するもののほか、他人の物を損壊し、又は傷害した者は、三年以下の懲役又は三十万円以下の罰金若しくは科料に処する。

Article 261 A person who damages or injures property beyond what are prescribed under the preceding three Articles is punished by imprisonment for not more than 3 years, a fine of not more than 300,000 yen or a petty fine.

(自己の物の損壊等)

(Damage to the Offender's Property)

第二百六十二条 自己の物であっても、差押えを受け、物権を負担し、又は賃貸したものを損壊し、又は傷害したときは、前三条の例による。

Article 262 Even when the property prescribed for in the preceding three Articles belongs to the offender, the offender is dealt with as an offender who has damaged another person's property when the property has been attached, encumbered or leased.

(境界損壊)

(Damaging of Boundaries)

第二百六十二条の二 境界標を損壊し、移動し、若しくは除去し、又はその他の方法により、土地の境界を認識することができないようにした者は、五年以下の懲役又は五十万円以下の罰金に処する。

Article 262-2 A person who damages, moves or removes a boundary mark or otherwise makes a boundary unrecognizable is punished by imprisonment for not more than 5 years or a fine of not more than 500,000 yen.

(信書隠匿)

(Concealment of Letters)

第二百六十三条 他人の信書を隠匿した者は、六月以下の懲役若しくは禁錮又は十万円以下の罰金若しくは科料に処する。

Article 263 A person who conceals a letter of another person is punished by imprisonment or imprisonment for not more than 6 months, a fine of not more than 100,000 yen or a petty fine.

(親告罪)

(Offense Subject to Complaint)

第二百六十四条 第二百五十九条、第二百六十一条及び前条の罪は、告訴がなければ公訴を提起することができない。

Article 264 The crimes prescribed under Articles 259, 261 and the preceding Article is prosecuted only upon complaint.