Content

Title：	Organized Crime Prevention Act CH
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Legislative：	1. Promulgated on December 11, 1996 2. Amended to Article7 promulgated on July 20, 2016 3. Amended to Article2~4、7-1、8 and delete to 5、17、18 promulgated on April 19, 2017 4. Amended to Article2~3、12 promulgated on January 3, 2018 5. Amended to Article 3、4、6-1、7、8、13 promulgated on May 24, 2023

Article 1	The Organized Crime Prevention Act (hereinafter referred to as the "Act") is established to prevent organized criminal activities and to maintain social order and protect the interests of the public. Other laws may be applicable for activities not expressly regulated under this Act.
Article 2	The term “criminal organization” in this Act refers to a structured, permanent or profit-seeking organization formed by more than three persons involved in threats, violence, fraud, intimidation, or offenses that carry a maximum principal punishment of more than five years’ imprisonment. The term of “structured organization” described in the preceding paragraph shall mean an organization not arbitrarily formed to commit immediate offenses, for which its name, statue, ritual, permanent location, continuous participation or work allocation of members are not required to be definite.
Article 3	The person initiating, hosting, controlling or directing a criminal organization must be sentenced to imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than TWD 100,000,000 may be imposed; a participant of such criminal organization shall be sentenced to imprisonment for not less than six months but not more than five years; in addition thereto, a fine of not more than TWD 10,000,000 may be imposed. Nevertheless, where the level of participation is considered minor, the punishment may be reduced or omitted. Where a person using verbal, action, text or other methods to explicitly or implicitly express that he or she is a member of a criminal organization or is associated with a criminal organization or its members in order to demand others to perform any one of the following actions, such person shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than TWD 3,000,000 may be imposed: 1. To sell property, provide investment or shares of a commercial entity or abandon the right of business operation. 2. To cooperate in handling procedures for urban renewal and reconstruction. 3. To purchase products or pay labor remunerations. 4. To accept debts or accept the results of debt negotiations. The “criminal organization” described in the preceding paragraph is not required to be an existing one. The same applies if the action, as described in the second paragraph, is one of the following: 1. To cause a person to perform acts that are not obligatory, or to interfere with the exercise of his or her rights. 2. A gathering of three or more persons in a public place, or a place that the public must use to enter or exit, and such a gathering has been

	ordered by the civil servant in charge to disband more than three times and fails to do so. A person attempting to commit a crime as described in paragraph 2, or subparagraph 1 of the preceding paragraph, shall be penalized.
Article 4	A person recruiting others to join a criminal organization is sentenced to imprisonment for not less than six months but not more than five years; in addition thereto, a fine of not more than TWD 10,000,000 may be imposed. A person who intends to cause another person to commit a crime outside the territory of the R.O.C. and commits the crime, as described in the preceding paragraph, shall be punished with imprisonment for a term not less than one year and not more than seven years, and may also be fined up to TWD 20,000,000. Where an adult recruits' persons under the age of eighteen to join a criminal organization, the punishment described in the preceding two paragraphs shall be increased by up to one half. A person using threats, violence or other illegal methods to cause others to join a criminal organization or hinder its member from departing such organization is sentenced to imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than TWD 20,000,000 may be imposed. An attempt to commit an offense specified in the preceding four paragraphs is punishable.
Article 5	(Deleted)
Article 6	Any person not a member of a criminal organization but who has provided financial assistance to a participant of a criminal organization shall be punished with imprisonment of not less than six months but not more than five years concurrently with a fine of not less than ten million New Taiwan dollars.
Article 6-1	If a person, who is a civil servant, or an elected public official, commits a crime, as described in Article 3, Article 4, or Article 6, the punishment thereof shall be increased by up to one-half.
Article 7	If a person commits a crime, as described in Article 3, Article 4, Article 6, or Article 6-1, the property possessed by the organization, in which the said person participated, recruited, or financed, except for those that should be returned to the victims, should be confiscated. If the source of obtaining the property can not be legally established, any property obtained by an offender acting in contravention of Article 3 and Article 6-1 of this Act after participating in the criminal organization shall be confiscated subsequent to deducting the portion to be returned to the victims.
Article 7-1	Where a representative of a legal entity, an agent of a legal entity or a natural person, an employee or other workers committing the offenses described in Article 3 to Article 6 under the performance of duties, in addition to the punishments imposed on the actor, the legal entity and the natural person shall also be penalized for the fines described in the corresponding Articles accordingly. Nevertheless, this provision does not apply to legal entities or natural persons that have fulfilled their supervision responsibilities or have taken preventive actions against the occurrence of victims or offenses.
Article 8	When a person who has committed offences described in Article 3 or Article 6-1 and surrenders himself for trial and of his own accord dismisses or departs from his criminal organization, his punishment may be reduced or omitted. When a criminal organization is discovered due to the information provided by such person, his punishment may also be reduced or omitted. When a person makes a confession during both the investigation and previous trials, his punishment may be reduced. When a person has committed the offences described in Article 4, Article 6 or Article 6-1 and surrenders himself for trial, and a criminal organization under both Articles is discovered due to the information provided by that person, his punishment may also be reduced or remitted. When a person makes a confession during both the investigation and

	previous trials, his punishment may be reduced.
Article 9	A civil servant or elected official who has knowledge and evidence of a criminal organization and has provided cover for it shall be punished with imprisonment of not less than five years but not more than twelve years.
Article 10	Any party supplying information of unlawful acts leading to the conviction of an offender under this Act shall be entitled to a reward. The issuing procedures for and amount of the reward shall be prescribed by the Executive Yuan.
Article 11	The identity of an informer referred to in Article 10 shall be kept confidential. The Public Prosecution and the Police Force shall seal and keep the identification details of an informer in safe custody. The said information shall be kept isolated and not be disclosed as part of any evidence for judicial examination. Any public official who has disclosed or revealed the identity of an informer or any information or particulars capable of identifying the informer shall be punished with imprisonment of not less than one year but not more than seven years.
Article 12	Any information containing the name, sex, age, place of birth, profession, personal identification number, place of residence or any other information capable of identifying the offender or witness referred to in this Act shall be sealed and kept separate by the prosecutor or the judge and is not subject to review or examination. The inquisition report of a witness may only be included as part of the evidence where it is prepared before a judge or a prosecutor in accordance with the procedure set forth in the Code of Criminal Procedure. Where the facts of the case may subject the victim or the witness to violence, coercion, intimidation or other retaliatory actions, the presiding judge or the prosecution may exercise its discretion according to the law or according to the victim's or the witness' petition objecting to the demand by counsel for the accused to question or cross examine the said witness or the victim and to bar the counsel for the accused from reviewing, copying, or video taping any information or documents capable of identifying the said victim or witness. The presiding judge or the prosecutor shall recite the meaning of the evidentiary report or the documentation to the accused for opinion and confirmation. The questioning, cross-examination or confrontation of a criminal organization victim during an investigation or trial may be conducted outside the court upon request or virtute officii or may be undertaken by using audiovisual telecommunications equipment or other appropriate methods to separate the victim from the defendant. Any criminal organization victim located outside the country may be questioned, cross-examined through audiovisual telecommunications equipment in an ROC embassy or representative office. Other additional measures or laws for the protection of informers, victims, and the witnesses may be enacted.
Article 13	If a person commits a crime, as described in this Act, has been rendered a judgment of guilty and becomes final may not register as a candidate for public office.
Article 14	Where candidate(s) nominated by a political party during elections of public office held after this Act comes into force has/have been convicted by a court of committing a criminal offense as set forth in this Act within five years after their/his enrollment as candidate(s), their/his political party shall be fined not less than ten million New Taiwan dollars but not more than fifty million New Taiwan dollars for each nomination. Any vacancy resulting from the circumstances set out in the preceding paragraph shall not be refilled by the political party acquiring the vacancy through minimum office appointment from the above kind of public election. The punishment referred to in the preceding two paragraphs shall be prescribed and established by the responsible election authority.

Article 15	To prevent international organized criminal activities, the government or its delegate may sing cooperative treaties or agreements with foreign governments, institutions or international associations which practice the principle of reciprocity.
Article 16	The provisions contained in Articles 10 to 12 of this Act shall be applicable mutatis mudantis by a military court involved in the investigation and conviction of organized criminal activities.
Article 17	(Deleted)
Article 18	(Deleted)
Article 19	This Act shall become effective from the date of promulgation.

Data Source：Laws and Regulations Retrieving System