

Content

Title :	1975 Criminal Commutation Act CH
Announced Date :	1975.06.05
Legislative :	1.The full text of 15 Articles promulgated by Presidential Order (64) Tai-Tung (1)-Yi-Tzu No.2482 on June 5, 1975, and enacted on July 14, 1975

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| Article 1 | This Act is enacted to commemorate the late president Jiang's behest of kind and benevolent affection towards the citizens, giving convicted offenders the opportunity to reform and correct their behavior. |
| Article 2 | <p>Unless otherwise provided for by this Act, those offenders who were convicted prior to April 16, 1975 shall have sentences reduced pursuant to the following provisions:</p> <p>1. Category A:</p> <p>(1) Death penalty is commuted to life imprisonment.</p> <p>(2) Life imprisonment is commuted to 15 years of fixed-term imprisonment.</p> <p>(3) Fixed-term imprisonment, detention or fine shall have 1/3 of the sentence commuted or amount reduced.</p> <p>2. Category B:</p> <p>(1) Death penalty is commuted to life imprisonment.</p> <p>(2) Life imprisonment is commuted to 10 years of fixed-term imprisonment.</p> <p>(3) Fixed-term imprisonment, detention or fine shall have 1/2 of the sentence commuted or amount reduced.</p> <p>Offenders who are on suspended sentence or parole should also receive commuted sentences in accordance with the preceding Paragraph.</p> |
| Article 3 | <p>Punishments for criminal offenses as stipulated in the following are not commuted:</p> <p>1. Participating in the Communist party and the offenses stipulated in Article 2, Paragraph 1 of the Act Governing the Punishment of Rebellion.</p> <p>2. The offenses as stipulated in Article 4 and Article 5 of the Anti-Corruption Act During the Period of Suppressing Communist Rebellion.</p> <p>3. The offenses as stipulated in Article 2, Paragraph 1 of the Act Governing the Punishment of Banditry, and in Article 84 of the Criminal Code of the Armed Forces.</p> <p>4. The offenses as stipulated in Article 223; Article 271, Paragraph 1 and Article 272, Paragraph 1 of the Criminal Code.</p> |
| Article 4 | <p>Punishments for criminal offenses as stipulated in the following that deserve commutation in accordance with this Act shall be commuted in accordance with the provisions in Article 2, Paragraph 1, Subparagraph 1, Category A of this Act:</p> <p>1. The offenses as stipulated in Article 2 to Article 7 of the Act Governing the Punishment of Rebellion.</p> <p>2. The offenses as stipulated in Article 6, Article 7, and Article 13 to Article 16 of the Anti-Corruption Act During the Period of Suppressing Communist Rebellion.</p> <p>3. The offenses as stipulated in Article 5 to Article 9, Article 14, and Article 15 of the Narcotics Elimination Act During the Period of Suppressing Communist Rebellion.</p> <p>4. The offenses as stipulated in Article 1, Paragraph 3 to Paragraph 5; Article 2 and Article 3 of the Penal Act of Offenses Against National Currency.</p> <p>5. The offenses as stipulated in Article 2, Paragraph 2, and Paragraph 3 and Article 3 to Article 6 of the Act Governing the Punishment of Banditry.</p> <p>Offenses not stipulated in the preceding Paragraphs that deserve commutation in accordance with this act shall be commuted in accordance</p> |

with the provisions in Article 2, Paragraph 1, Subparagraph 2, Category B of this Act.

Article 5	Punishments to be commuted in accordance with this Act that have been commuted in conformity with other Acts shall be commuted again based on their previously commuted sentence. Offenders, who received pronounced sentences with a severity of fixed-term imprisonment or more, and have received final and binding commuted sentence in accordance with the 1971 Criminal Commutation Act, but then commit offenses again, shall not be commuted in accordance with this Act. However, those who commit offenses due to negligence are not subject to this restriction.
Article 6	Punishments for offenses deserving commutation in accordance with this Act and a final judgment has yet to be rendered shall receive commutation when the judgment is rendered. Pursuant to the preceding paragraph, the judgment shall contain in its main content the original sentence and the commuted sentence. A
Article 7	Punishments for offenses deserving commutation in accordance with this Act that already have final and binding judgment rendered, but have not been enforced, or are in the process of enforcement shall have petitions submitted to the court, or military court most recently adjudicating the case by the prosecutor, the military prosecutor, or the offender receiving commutation for judgment. Pursuant to the preceding Paragraph, if the original military court has been abolished or has genuine difficulties, its superior military court may designate another military court for judgment.
Article 8	Punishments for offenses committed that originally had maximum sentences of less than three years of imprisonment that deserve commutation in accordance with this Act, and the commuted sentences are for less than six months imprisonment, or detention, then the conversion standard for the commutable fines should also be pronounced during the delivery of the commutation judgment.
Article 9	Punishments for multiple offenses that have final judgment for commutation and with execution terms yet to be determined shall be commuted respectively pursuant to the provisions of Article 2, and Article 4 to Article 7 of this Act, then apply Article 51 of the Criminal Code for the appropriate execution terms. Punishments for multiple offenses that have final judgment for commutation and have execution terms determined shall be re-determined for appropriate execution terms in accordance with the preceding paragraph. The remainder of the punishments for offenses that deserve commutation, as stipulated in Article 54 of the Criminal Code shall be determined in the same way.
Article 10	Punishments for multiple offenses that have final judgment for commutation and non-commutation shall have sentences determined pursuant to the provisions of Article 2, Article 4 to Article 7 and Article 9 of this Act for the offenses that deserve commutation, then, together with the non-commuted sentences, have Article 51 of the Criminal Code applied for determining applicable execution terms.
Article 11	The detention durations and punishments that have been executed prior to commutation are to be converted as or counted towards served commuted sentences. However, if the time served before a commutation judgment reaching the prison has exceeded the full term of punishment after the conversion or calculation, the exceeding portion shall not be credited. The dollar amount paid for the fine prior to commutation shall be counted towards the fine amount due after commutation. However, if the dollar amount paid for the fine is higher than the commuted fine, the amount in excess shall not be credited. The first Paragraph, concerning the conversion of detained duration for time served, is also applicable to offenders whose original sentence of life imprisonment have been commuted to fixed-term imprisonment in accordance with the provisions of this Act.

Article 12	Punishments for offenses deserving commutation in accordance with this Act, whose punishment includes deprivation of civil rights, shall be resented in accordance with the commutation terms of the principal punishment. Its re-determined minimum length shall not be less than one year.
Article 13	Offenders with pronounced sentences of fixed-term imprisonment or more and have received commutation pursuant to the provisions of this Act, who served out their execution terms or served partial terms and were pardoned for the remaining terms, will have their commutation judgment revoked and must serve out their original execution terms, if they committed additional offenses within five years and received fixed-term imprisonment sentences or more. However, the time served or the detention durations must be deducted from the fixed-term imprisonment sentence. The provision of the preceding Paragraph is not applicable to those who commit crimes of negligence. Petition for revocation of commutation judgment pursuant to the provision of the first Paragraph must be submitted for judgment by a prosecutor, or a military prosecutor to the court or the military court most recently adjudicating the case. Provisions of Article 7, Paragraph 2 are applicable to conditions defined in the preceding Paragraph.
Article 14	This Act is not applicable to those receiving Rehabilitative Education.
Article 15	This Act shall become effective as of July 14, 1975.