

## Content

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- 3.Amended on April 29, 1991
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- 6.Amended on December 25, 2002
- 7.Amended on June 06, 2003
- 8.Amended on November 16, 2004
- 9.Amended on September 23, 2005
- 10.Amended on May 10, 2018 Enforcement Rules of the Prison serving Act, Article 26
- 11.Amended on July 15, 2020

### Chapter 1 General

**Article 1** These Enforcement Rules are established in accordance with Article 155 of the Prison Act (hereinafter "the Act").

**Article 2** In the execution of the Act, the competent authority and supervisory authority of the Act and the Prisons shall exercise care to the situations to the favor and disfavor of the prisoners.

**Article 3** The terms used in the Act and in these Enforcement Rules are defined as follows:

- 1. Prison: Referring to any prison under the Agency of Corrections, Ministry of Justice, including any branch or female unit set up by the prison.
- 2. Prison Official: Referring to the head of a Prison under the preceding subparagraph and the person authorized thereby.
- 3. Prison Officer: Referring to the relevant staff that processes activities of a Prison under Subparagraph 1.
- 4. Family members: Referring to persons who cohabit with a prisoner for the purpose of living together on a permanent basis in accordance with Articles 1122 and 1123 of the Civil Code.
- 5. Nearest relatives: Referring to the prisoner's spouse, lineal family, non-lineal family within 3 degrees of kinship, marital family within 2 degrees of kinship.

**Article 4** Paragraph 2, Article 3 of the Act is not applicable to prisoners who continue to face detentions or are subjected to labor services commuted from a fine, during incarceration, after completion of the sentence or after parole.

**Article 5** The terms "strict demarcation" and "separate imprisonment" in the Act are defined as follows:

- 1. Strict Demarcation: Referring to the isolation and demarcation of prisoners by buildings, different floors in the same building or walls inside Prison.
- 2. Separate Imprisonment: Referring to the isolation of prisoners in different quarters, workshops or assigned areas.

**Article 6** In accordance with Paragraph 3, Article 6 of the Act, the supervisory

authority shall gradually establish reasonable adjustment guidelines in response to factors such as the conditions of the premises of each Prison.

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Article 7	<p>Any request for visit by any person or media in accordance with Article 8 of the Act shall be filed in writing. The written format under the preceding paragraph shall be established by the supervisory authority. Prisons shall plan the visitors' routes carefully in advance to avoid infringement upon prisoners' privacy or other interests. Prisons shall give below notice before any person's or media's visit and shall ask the visitors to comply with the following:</p> <ol style="list-style-type: none"><li>1. Provide identification documents and cooperate with inspections performed in accordance with Article 21 of the Act.</li><li>2. Wear proper cloths and follow order, without agitation or loud voices.</li><li>3. Do not bring or use communications, video-recording, photographing or audio-recording equipment without the Prison's approval.</li><li>4. Follow the visitor's routes without unauthorized action or loiter.</li><li>5. It is prohibited to converse with or pass any object to and from any prisoner.</li><li>6. Do not breach any relevant control measure or disposition of the Prison.</li><li>7. No other act that jeopardizes the order or security of the Prison or the interests of the prisoners is allowed.</li></ol> <p>The Prison may stop the visit by any visitor who breaches the preceding paragraph.</p> <p>Any visitor below the age of 18 shall be accompanied by a legal representative, a guardian, a teacher or other appropriate adult.</p>
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Article 8	<p>Any media seeking interview in accordance with Article 8 of the Act shall file a written application and the interview shall be subjected to the Prison's approval. The written format shall be established by the supervisory authority. When the interview is requested by an overseas media or if the interview will be published overseas, the Prison shall seek the approval of the supervisory authority. If the media interviews involve any Prison Official or individual prisoner, the Prison shall acquire the interviewee's consent. During interview by media, the Prison may adopt proper measures to maintain the integrity and interests of the prisoners and relevant staff. If the target or detail of the media interview involves youth or juvenile, sexual offense, domestic violence, illness or other matters about which media coverage is restricted or prohibited by law, the regulations shall be complied with. Media interview may be stopped if it creates an impact on the security or order of the Prison. After a media interview is made and before it is published, prior notice shall be given to the Prison or the prisoners. If the coverage is inconsistent with the interview details or facts, the Prison or prisoners may ask the media to make corrections or to make clarifications in a proper manner.</p>
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## Chapter 2 Prison Admission

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Article 9	Admission of a prisoner without execution writ shall be rejected; if the judgment or other required document is missing, a notice for supplemental submission may be given.
Article 10	"New admission" provided in Paragraph 1, Article 11 of the Act refers to the admission of a prisoner by a Prison in accordance with Article 10 of the Act and excludes the transfer of any prisoner from another prison in accordance with Article 17 of the Act.
Article 11	The individual treatment plans for prisoners under Paragraph 3, Article 11 of the Act shall be drafted by the investigation team set up by the Prison after prisoners are admitted, submitted to the investigation review meetings for review and executed by relevant unit staff; the plans shall also be provided to the prisoners. The same shall be applicable in the case of amendment to any individual treatment plan.

Article 12	When admission is rejected in accordance with Paragraph 1, Article 13 of the Act, the Prison shall specify the reason and handle the situation in accordance with Paragraph 6 of the same Article.
Article 13	<p>Prisoners shall be numbered following admission. A prisoner identity book shall be established with information of their names and places of origin.</p> <p>The identity book and the information of names and places of origin under the preceding paragraph may be prepared in writing, in the electronic version or in other proper manners.</p>

### Chapter 3 Imprisonment

Article 14	When a Prison assigns living quarters in accordance with Paragraph 2, Article 16 of the Act as required for its management, due care shall be exercised to the provisions under Paragraph 2, Article 6 of the Act to avoid bullying.
Article 15	<p>Prisons shall divide the prisoners' prison areas into correction areas, workshops, living quarters or other specific areas based the nature of the activities.</p> <p>Prisons shall assign areas based on the facilities inside Prisons to manage edification of prisoners by area; edification, processing, security and relevant staff inside Prisons shall be assigned to form guidance groups by area to execute matters related to the management, edification and other treatments of the prisoners.</p> <p>The guidance groups under the preceding paragraph shall meet at least once every month to study reasonable and fair treatment methods for the management, edification, counseling and other important affairs of the respective areas and to execute accordingly.</p> <p>Prisons shall invite members of the guidance groups by area to organize whole-prison general meetings of guidance groups every quarter to process the affairs under the preceding paragraph.</p>
Article 16	<p>Prisons shall arrange prisoners' work, edification, entertainment, food, medical care, sports and other living routines.</p> <p>The schedules for the routines under the preceding paragraph shall be published by Prisons in proper manners for prisoners' information.</p>
Article 17	<p>When mild measures are granted in accordance with each subparagraph of Paragraph 1, Article 19 of the Act, reference shall be made to diagnosis certificate, proof of physical or mental disability, health examination report or relevant medical prescription documents; the physical and mental status of the prisoner shall be evaluated by a physician before determination of mild measures. If required, the Prison may seek assistance with the evaluation by other professionals.</p> <p>In the event under the preceding paragraph, the Prison shall submit relevant information and lists to the supervisory authority for approval. If the supervisory authority sees incompatibility, normal measures shall be reinstated.</p> <p>Documents under Paragraph 1 shall be issued less than 3 months ago, unless a clear validity period is stated.</p>

### Chapter 4 Custody and Security

Article 18	<p>To achieve the purpose of strict custody and security under Paragraph 1, Article 21 of the Act, Prisons shall make proper arrangements based on the nature of guarding, sentinel, patrolling, management and inspection functions.</p> <p>Access to guarded areas shall be subjected to inspection. However, inspection may be waived in emergency situations or due to special events with the Prison Official's approval.</p> <p>Objects brought by Prison Officers or persons granted access to guarded areas by Prisons shall be placed in the locations designated by the Prisons, except objects that are allowed to be brought in by law or permission, or objects that are needed for the purposes of accessing guarded areas.</p> <p>If any person under the preceding paragraph has any of the following</p>
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events, the Prison may prevent the person from entering the guarded area or order the person to leave:

1. Refusal or evasion of inspection.
  2. Bringing or using communications, photographing, video-recording or audio-recording equipment without authorization.
  3. Drunkenness, suspected drunkenness or anomaly in physical or mental status.
  4. Evasion, interference with or refusal of anti-epidemic measures adopted by the Prison in accordance with epidemic prevention legislations.
  5. Other acts that jeopardize the order or security of the Prison.
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Article 19 “Contraband” referred to under Paragraphs 1 and 3, Article 14, Paragraph 2, Article 72 and Paragraph 1, Article 74 of the Act, refers to any object that is prohibited or restricted from use in Prison. The supervisory authority may establish the types of contraband and the control rules in consideration of order, security and management factors. Prisons shall publish the contrabands and the control rules under the preceding paragraph in proper manners for the knowledge of prisoners, Prison Officers and other persons granted access to guarded areas.

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Article 20 To maintain the order and security of Prisons, prisons may require that prisoners wear certain outfits to facilitate identification.

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Article 21 When the use of a guard instrument is approved under Paragraph 1, Article 24 of the Act, the dates, start and end time for the use of guard instrument on the prisoner, the reason for the use and the type and quantity of guard instrument used shall be recorded in the guard instrument record form, which shall be submitted to the Prison Official for approval.  
Prison Officers shall observe the behavior of the prisoners at all times and shall stop the use of guard instruments when they are not necessary.

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Article 22 “Riot” referred to under Paragraph 3, Article 23 of the Act means one of the following collective acts by 3 or more prisoners through means of violence or threat and resulting in the loss of security and management control in a Prison or rendering normal operation impossible:  
1. Occupation of important facilities.  
2. Control over Prison controlled keys, communications or other important security equipment.  
3. Seize the aggressive equipment or other important equipment.  
4. Hold prisoners, Prison Officers or other staff under duress.  
5. Causing death or major injury to staff.  
6. Other act that seriously jeopardizes the order or security of the Prison.

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“Commotion” referred to under Paragraph 3, Article 23 and Subparagraph 3, Paragraph 1, Article 25 of the Act, refers to any act or omission by 3 or more prisoners that jeopardizes the order or security of a Prison, which scale has exceeded general act of violence or disturbance of order and which act has not stopped despite an order, but not yet reaching the situation of a riot.

Whether or not a situation under the preceding two paragraphs has reached a level where guard instruments should continue to be used in accordance with Paragraph 3, Article 23 of the Act shall be decided by the Prison in consideration of each situation; such use shall not exceed the necessary extent.

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Article 23 Prisons shall follow Paragraph 1, Article 26 of the Act and maintain contact with the police authority or other relevant authorities. If required, Prisons may establish contact, support or assistance related programs or measures to facilitate actual operation.

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## Chapter 5 Work

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Article 24 In organizing work or occupational training under Article 31 of the Act, Prisons may procure prisoners with special knowledge or skills to assist with relevant work or occupational training affairs.

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Article 25 Prisons may contract public or private authorities (institutions),

organizations or individuals for labor services or production of finished products in accordance with Article 34 of the Act and applicable legislations.

Article 26 In undertaking processing work commissioned to Prisons under Article 34 of the Act, public solicitations for commissioned processing suppliers shall be organized regularly. Due care shall be exercised to the supplier's finances, contract performance capabilities and the market prices of the processed products in order to acquire reasonable prices for commissioned processing.

Before contracting commissioned processing work, trials may be conducted first to test the suitability of the work and the efficiency of the workforce.

Article 27 In implementing self-operation, commissioned processing work, contracting work, designated external work or other work, Prisons may set up price evaluation meetings for finished products of self-operation and contracted work to evaluate relevant prices, which shall be submitted to the Prison Officials for approval before implementation. In the event of the preceding paragraph, Prisons may first send staff to verify prices to provide reference for price evaluation by the price evaluation meetings under the preceding paragraph.

Article 28 Before the implementation of the amended Article 23 of the Open Prison Act, Article 37 of the Act applies mutatis mutandis to the distribution of work income for prisoners in the open prison. Before the implementation of the amended Article 57-1 of the Rehabilitative Disposition Execution Act, Article 37 of the Act applies mutatis mutandis to the distribution of work income for sanctioned parties under compulsory labor.

## Chapter 6 Edification, Culture and Entertainment

Article 29 Collective, group or individual counseling referred to under Paragraph 3, Article 40 of the Act shall be organized in the following manners:  
1. Collective counseling: Counseling by community through lectures, speeches, audio-visual materials or in other proper manners.  
2. Group counseling: Counseling provided by category based on common treatment requirements through group lectures, teamwork, group discussions or in other proper manners.  
3. Individual counseling: Provided by counselors targeting prisoners' individual situations through sessions or in other proper manners. Counseling in the preceding paragraph shall be provided in proper locations and records shall be made.

Article 30 Prisons may provide edification programs that are helpful to prisoners' social lives and personality development, either on their own or by inviting external organizations or individuals. Prisons may ask prisoners with special knowledge to assist with the participation, implementation or guidance of relevant edification affairs.

Article 31 Prisons shall organize various activities either on their own or together with external partners and shall exercise care to the protection of the privacy of prisoners and Family.

Article 32 Prisons shall respect prisoners' religious freedom and shall not force prisoners to participate in religious activities or engage in religion-related acts. Prisons shall allow prisoners to worship in reasonable manners in accordance with their religious beliefs and maintain the prisoners' needs for religious beliefs.

Article 33 The supervisory authority shall establish a plan in accordance with Article 42 of the Act for the promotion of mediation and repair to facilitate execution by Prisons.

Article 34 Prisons shall provide proper information equipment in accordance with Paragraph 4, Article 44 of the Act, including relevant photocopying

equipment, for prisoners' use through applications and at their own cost.

Article 35 In providing radio, television facilities, information equipment or audio-visual equipment to implement edification in accordance with Paragraph 1, Article 45 of the Act, Prisons shall perform careful review to the materials or contents, and shall follow intellectual property protection and applicable legislations.

Article 36 Prisons shall follow Paragraph 3, Article 45 of the Act and adopt proper and necessary measures in relation to special needs, such as visual and audio needs, of prisoners with physical or mental disabilities. Prisons may provide proper assistance to the prisoners who have difficulty understanding relevant affairs of Prisons due to lack of understanding of Mandarin or other reasons.

## Chapter 7 Provisions and Supplies

Article 37 Food nutrition for prisoners shall be sufficient to meet their health requirements and the quality shall meet health standards; meals shall be prepared and supplied at proper times, and sufficient drinking water shall be provided. Food for ill or old-aged prisoners may be adjusted based on health or medical requirements. The same shall be applicable to food brought into the Prison by the prisoners who are unable to prepare their own food, or food for children born inside Prison. In preparing the food under the preceding two paragraphs, Prisons may refer to the food guidelines and suggestions published by the Health Promotion Administration, Ministry of Health and Welfare; also nutritionists may be consulted as required.

Article 38 In providing clothes, bedding, objects and other tools in accordance with Paragraph 1, Article 46 of the Act, Prisons shall not breach applicable health, environmental protection legislations or other legislations.

Article 39 The supervisory authority shall determine the colors and styles of the outfits that prisoners are obliged to wear in accordance with Article 20; and the outfits shall meet sanitary and health requirements by using materials that satisfy cooling, ventilation or warmth requirements. If required due to temperature or health, with Prisons' approvals, prisoners may use their own clothes, hats, socks, beddings and proper warmth-keeping objects or those sent to them.

Article 40 Prisoners who lack daily necessities due to financial difficulties may ask Prisons to provide them; the supervisory authority shall establish the standards for determination of financial difficulties and the items and quantities to be provided. Prisoners with urgent needs for daily necessities may ask Prisons to provide them and Prisons may ask prisoners to return the same objects, pay prices or return the objects in other manners when the causes of urgency cease to exist. If non-disposable daily necessities are provided to multiple prisoners for use, Prisons shall exercise care to maintain hygiene and sanitation.

## Chapter 8 Sanitation and Health Care

Article 41 Prisons shall exercise care to environmental health. Each Prison shall determine the period of regular environment health inspection in accordance with Article 51 of the Act based on the local situations. Such inspection shall be performed at least twice every year. Prisons may ask local health, environmental protection authorities (agencies) or relevant authorities (agencies) to assist with the environmental health inspection under the preceding paragraph and may undertake required and feasible improvement measures immediately or gradually based on the requirements of health, environmental protection or other relevant equipment (facilities). Prisoners shall cooperate with environmental cleaning work in Prisons to maintain public and personal hygiene.

Article 42	In requiring prisoners to take showers, shave and cut hairs in accordance with Article 53 of the Act, Prisons shall follow the principle of maintaining public hygiene and personal health.
Article 43	<p>To promote self-management of prisoners' health in accordance with Paragraph 1, Article 55 of the Act, Prisons shall implement health education and may ask local health competent authorities or medical institutions to provide assistance.</p> <p>Aside from the controlled pharmaceutical products, prescriptions or the results of observations by Prisons Officers, where due care shall be exercised to the safekeeping and use of pharmaceutical products by specific prisoners, Prisons may promote regulations for self-management of health in accordance with Paragraph 1, Article 55 of the Act and allow prisoners to manage and use their pharmaceutical products.</p> <p>When a prisoner asks to purchase any low-risk medical equipment or health product or for such equipment or product to be sent into Prison at the prisoner's own cost in accordance with Paragraph 5, Article 55 of the Act, none of such equipment or product shall be provided for others' use.</p>
Article 44	<p>When a prisoner or the nearest relatives or family members thereof seeks health examination inside Prison in accordance with Paragraph 3, Article 55 of the Act, the following shall be complied with:</p> <ol style="list-style-type: none"> <li>1. A written statement shall be made to provide the reason of application, the medical staff that the prisoner wishes to engage, and it shall attach with documents showing a physician's evaluation that the examination is required.</li> <li>2. Following review and approval by the Prison, the prisoner or the nearest relatives or family members thereof may engage the medical staff to perform health examination inside Prison at the prisoner's own cost.</li> <li>3. In accessing the Prison to provide medical services, the medical staff engaged at the prisoner's cost shall present practice license and supporting document showing approval to practice outside his/her practice site to the Prison; if required, the Prison may make verification with the practice site.</li> <li>4. The medical staff engaged at the prisoner's cost shall prepare and maintain records in accordance with the Medical Care Act and applicable medical staff regulations and the inspection records shall be delivered to the Prison for safekeeping. Any inspection report issued shall be consistent with medical professionalism and shall record the results of the examination.</li> <li>5. The medical institution that employs the medical staff shall issue a receipt for the cost required for the implementation of health examination provided at the prisoner's cost for payment by the prisoner's nearest relatives or family members in principle; if required, the Prison may pay such cost out of the prisoner's money under safekeeping or labor wage.</li> <li>6. The Prison shall determine the time, location and manner of health examination to be performed in Prison by medical staff engaged at the prisoner's cost based on the nature and actual situation.</li> </ol>
Article 45	<p>When a prisoner is sent to the hospital, the symptoms shall be provided truthfully; the prisoner shall follow the treatment instructed and shall not ask the physician to add any text that is irrelevant to the illness. If the prisoner seeks any disposition or special treatment that is not required for the treatment, the physician shall refuse such request.</p>
Article 46	<p>"Relevant information" referred to in Article 64 of the Act includes medical requirements and the care program and schedule.</p> <p>When a Prison is unable to release the prisoner on bail, to another person's custody or with limitation on residence in accordance with Article 63 of the Act, it shall give notice to the municipal or county (city) social welfare competent authority in accordance with Article 64 of the Act for placement by referral or other necessary dispositions. If no reply is received after a certain period, the Prison shall send a reminder.</p> <p>The Prison shall submit documents and information about the placement under the preceding paragraph based on the reply from the municipal or</p>

county (city) social welfare competent authority to the prosecutor for the release of the prisoner; notice shall also be given to the social welfare competent authority with jurisdiction to the prisoner to be escorted to the specific placement location to complete takeover. If required, the Prison may send staff to escort the prisoner.

## Chapter 9 Visits and Correspondence

- Article 47      Prisoners with visual, hearing or speech disabilities may use sign language, braille or other proper assisting methods during visits and correspondence.  
Prisoners who are illiterate or who cannot write letters due to any reason may seek the consent of and ask other prisoners or proper persons to write letters on their behalves; such letters shall be sent in accordance with the regulations after the confirmation and affixation of signatures or fingerprints by the prisoners.

## Chapter 10 Rewards, Punishments and Indemnification

- Article 48      Prisons may implement necessary segregations of relevant prisoners in accordance with Paragraph 4, Article 87 of the Act in order to investigate breaches of rules by prisoners, however, the segregation periods shall not exceed the extent required. During the segregation period, the edification, supplies, sanitation and medical care, visits and correspondence and other treatments for relevant prisoners shall remain compliant with applicable provisions of the Act.

## Chapter 11 Petition and Complaint

- Article 49      When a Prison reaches a decision or execution in accordance with Paragraph 3, Article 93 of the Act, it shall give notice to the complaint review committee.  
Article 50      In case of complaint in accordance with Article 110 of the Act between any prisoner and the supervisory authority, aside from the relevant provisions referred to in such Article that shall apply mutatis mutandis, the complaint review information shall not include any information that is not related to the complaint, such as the offense, prison term, times of offense or prior breach records; the complaint review committee of the supervisory authority shall investigate evidence based on its authority and shall not be bound by the claims of the complainant.

## Chapter 12 Parole

- Article 51      During maintenance or cancellation of any prisoner's parole, if the Prison discovers that the parole should be or may be cancelled in accordance with Article 78 of the Criminal Code or Article 74-3 of the Rehabilitative Disposition Execution Act, the Prison shall only cancel the parole and shall not engage in further handling.  
Article 52      When a Prison receives an execution writ related to the change of prison sentence for any prisoner who has been released under parole in accordance with Paragraph 1, Article 120 of the Act, the parole should be re-calculated, if parole is not available for the newly-included prison term in accordance with Paragraph 2, Article 115 of the Act, a report shall be made to the Ministry of Justice to cancel the original parole.  
Article 53      If a prisoner's parole is cancelled in accordance with Paragraph 1, Article 120 of the Act and if subsequent parole is granted for any remaining period of the parole in accordance with the second part of Paragraph 3, Article 120 of the Act, the Prison shall give notice to the probation execution authority by providing documents related to the probation period already executed under previous parole specified in the original execution writ for setoff against the parole and probation period.  
Article 54      "Before release from Prison" provided in Paragraph 4, Article 120 of the Act refers to the situation in which the prisoner has not left the Prison, including when a prisoner is having subsequent execution of

detention inside the Prison or performing labor services commuted from a fine and therefore has not left the Prison; “a material breach of rule” provided in the provision refers to when a prisoner has any act that jeopardizes the order or security of the Prison under Paragraph 1, Article 86 of the Act and is subjected to transfer to a housing area for rule breakers in accordance with Subparagraph 4, Paragraph 1 of the same Article.

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### **Chapter 13 Release and Protection**

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- Article 55      The parole certificate under Paragraph 3, Article 138 of the Act shall specify the prisoner’s name, identification document number, date and number of parole approval, start and end date of parole period and other designated details.  
When a Prison releases a prisoner in accordance with Paragraph 3, Article 138 of the Act, the probation execution authority shall be notified on the date of release. The Prison Officer shall also provide the prisoner released on parole matters of compliance during the parole period, make a record and procure signature by the prisoner.
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- Article 56      When a prisoner is released, his/her name, place of origin, photograph, fingerprint and other physical features shall be verified.
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### **Chapter 14 Death**

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- Article 57      Prisons shall seek from local government authorities, the facilities and locations for the placement of ashes following cremation of deceased prisoners in accordance with Article 144 of the Act.
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### **Chapter 15 Miscellaneous**

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- Article 58      These Enforcement Rules may apply mutatis mutandis to the sentence-execution relating to juvenile prisoners, people subjected to reformatory education, people subjected to compulsory labor and people under drug rehabilitation treatment carried out by the juvenile correction schools, juvenile reform schools, technical training centers and drug rehabilitation centers.
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- Article 59      These Enforcement Rules shall take effect as of July 15, 2020.
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