

Content

Title :	Statute of Progressive Execution of Penalty CH
Announced Date :	1946.03.06
Amended Date :	2006.06.14
Legislative :	1.Promulgated on March 06, 1946 2.Amended on January 07, 1957 3.Amended on May 12, 1975 4.Amended on December 01, 1980 5.Amended on June 06, 1994 6.Amended on May 14, 1997 7.Amended on November 26, 1997 8.Amended on June 14, 2006

Chapter I General Provisions

Article 1	The Statute of Progressive Execution of Penalty is applicable to convicts subject to progressive treatment under Article 20 of the Prison Act.
Article 2	Matters for progressive treatment outside the provisions of the Statute shall be subject to the governing provisions of the Prison Act.

Chapter II Background Investigation and Classification of Prisoners

Article 3	An investigation should be conducted on new prisoners for an understanding of their personality , physical and mental conditions, past experiences, curriculum vitae, educational attainment, and other personal matters. The foregoing investigation procedure shall take less than two months.
Article 4	The personality and the physical and mental conditions of prisoners should be assessed pursuant to professional medical, psychological, educational, and sociological evaluation standards.
Article 5	In response to the investigation requirements, an application for perusing the case litigation transcripts of a prisoner may be filed with the court, and reports may be requested from autonomous organizations, police authorities, schools and other parties to which the prisoner is related or under which the prisoner has been employed or placed in protective custody.
Article 6	All matters under investigation shall be recorded in the investigation form.
Article 7	In order to prevent the escape, suicide attempts, violent behaviors, or other disciplinary violations of prisoners during their respective investigation periods, proper administration procedures should be implemented providing such do not obstruct the character investigation process.
Article 8	During the period of investigation, it is imperative to pay close attention to the language and behavior of the person(s) having contacts with prisoners. Discovery of any language or behavior affecting the personality or physical and mental conditions of prisoners should be reported immediately to the executive personnel.
Article 9	Prisoners under investigation should engage in work suitable to their

conditions; during which, their stamina, patience, industry, skills, and efficiency should be assessed to enable determination of a suitable work assignment.

- Article 10 Upon conclusion of a particular case investigation, the warden should immediately decide whether progressive treatment regulations are applicable to the particular prisoner. If so, the prisoner concerned should be duly notified of the purpose of the progressive treatment. If progressive treatment is not applicable, a pertinent report should be made to the Prison Affairs Committee.
- Article 11 Prisoners subject to progressive treatment shall be classified into first offenders, second offenders, and recidivists, and further sub-classified according to their ages, criminal convictions, sentence terms, and other information obtained during the investigation for proper treatment. The procedures for prisoner investigation and classification are subject to the discretion of the Ministry of Justice.
- Article 12 Level 1 and Level 2 prisoners are not subject to the classification defined in the preceding article.

Chapter III Progressive Treatment

- Article 13 The progressive treatment procedure is classified into four levels starting from Level 4 and gradually rising up to Level 1:
Level 4.
Level 3.
Level 2.
Level 1.
- Article 14 Prisoners manifesting a strong sense of responsibility and suitability for communal living conditions may, upon the resolution of the Prison Affairs Committee, be exempted from the provisions stated in the preceding article and be accelerated to the suitable level.
- Article 15 Prisoners shall wear identifying badges designating their respective level ranking.
- Article 16 Prisoners transferred from other prisons shall retain their original level.
- Article 17 A prisoner whose parole is revoked or who is apprehended after escaping from prison shall be regarded as a new prisoner.
- Article 18 If a prisoner is to be transferred to another prison, all progressive treatment related documents should be included in the prison transfer matters.

- Article 19 Progressive treatment is conducted pursuant to the imprisonment terms and classifications of prisoners; their respective responsibility scores are as tabulated below:

<div class="text-pre">

Type	Sentence	Level	Level	Level	Level	
	1	2	3	4		
	Score	Score	Score	Score		
1	Imprisonment of six months ~ less than 18 months	36	30	24	18	
2	Imprisonment of 18 months ~ less than 3 years	60	48	36	24	
3	Imprisonment of 3 years ~ less than 6 years	144	108	72	36	

4	Imprisonment of 6 years ~ less than 9 years	180	144	108	72
5	Imprisonment of 9 years ~ less than 12 years	216	180	144	108
6	Imprisonment of 12 years ~ less than 15 years	252	216	180	144
7	Imprisonment of 15 years ~ less than 18 years	288	252	216	180
8	Imprisonment of 18 years ~ less than 21 years	324	288	252	216
9	Imprisonment of 21 years ~ less than 24 years	360	324	288	252
10	Imprisonment of 24 years ~ less than 27 years	396	360	324	288
11	Imprisonment of 27 years ~ less than 30 years	432	396	360	324
12	Imprisonment of 30 years ~ less than 33 years	468	432	396	360
13	Imprisonment of 33 years ~ less than 36 years	504	468	432	396
14	Imprisonment of 36 years ~ less than 39 years	540	504	468	432
15	Minimum imprisonment of 39 years	576	540	504	468
16	Life sentence	612	576	540	504

</div>

The responsibility scores shown on the foregoing table shall be reduced a third in the case of juvenile prisoner scores.

The responsibility scores of prisoners who are recidivists shall be based on the table presented in paragraph 1; however, responsibility scores shall be increased by a third per level ranking of prisoners.

The responsibility scores of prisoners whose parole is revoked shall be based on the table presented in paragraph 1; however, responsibility scores shall be increased by 50% per level ranking of prisoners.

Article 19-1

Where a prisoner commits a crime before the implementation of the amended Article 77 of the Criminal Code instituted on November 28, 1997, the progressive treatment responsibility scores regulated in the amended Article 19 of the Statute instituted on June 8, 1994 shall be applicable. However, where actions are concluded or the consequences of the crime occur after November 28, 1997, the progressive treatment responsibility score of the prisoner shall be governed by the provisions of the amended Article 19 of the Statute instituted on November 28, 1997.

Where the factors causing the revocation of a prisoner's parole occurred prior to the implementation of the amended Article 79-1 of the Criminal Code instituted on November 28, 1997, the progressive treatment

responsibility score of said prisoner for the remaining period of his/her sentence after the parole revocation shall be governed by the amended Article 19 of the Statute instituted on June 8, 1994. However, where actions of the underlying factor are concluded or the consequences of the crime occur after November 28, 1997, the progressive treatment responsibility score of the prisoner shall be governed by the provisions of the amended Article 19 of the Statute instituted on November 28, 1997.

Article 19-2 The progressive treatment responsibility scores of recidivists convicted in the period after the enforcement of the amendment of Article 77 of the Criminal Code on November 28, 1997 and before the enforcement of the amendment of Article 77 of the Criminal Code on July 1, 2006 shall be based on the amended Article 19 of the Statute instituted on November 28, 1997. However, where actions are concluded or the consequences of the crime occur after July 1, 2006, the progressive treatment responsibility score of the prisoner shall be governed by the provisions of the amended Article 19 of the Statute instituted on July 1, 2006.

Where the factors causing the revocation of a prisoner's parole occurred within the period after the implementation of the amended Article 79-1 of the Criminal Code instituted on November 28, 1997 and before the implementation of the amended Article 79-1 of the Criminal Code instituted on July 1, 2006, the progressive treatment responsibility scores of said prisoner for the remaining period of the prisoner's sentence shall be governed by the provisions of the amended Article 19 of the Statute instituted on November 28, 1997. However, where actions of the underlying factor are concluded or the consequences of the crime occur after July 1, 2006, the progressive treatment responsibility score of the prisoner shall be governed by the provisions of the amended Article 19 of the Statute instituted on July 1, 2006.

Article 20 The monthly score of each level of prisoners shall be recorded according to the following standards:

1. Ordinary prisoners:
 - (1) maximum education and instruction score of 4 points.
 - (2) maximum labor score of 4 points.
 - (3) Maximum conduct score of 4 points.
2. Juvenile prisoners:
 - (1) maximum education and instruction score of 5 points.
 - (2) maximum conduct score of 4 points.
 - (3) maximum labor score of 3 points.

Article 21 The score acquired by each level prisoner shall be used to write off his/her existing responsibility score to enable the prisoner to advance to a higher level.

Once the responsibility score for a particular level has been fully written off and the prisoner still has excess scores, the excess scores shall be included in the score of the next level.

Article 22 Level advance decision should be made before the last day of the month in which the prisoner is due for advancement.

The prisoner concerned shall be notified of the aforementioned decision.

Article 23 Prisoners whose levels are advanced should be advised of the treatment of their new levels and instructed to abide by the responsibilities pertaining to the new level.

Article 24 Although the responsibility score is not fully written off, providing that the remaining score is under 10% and the prisoner has previously achieved the highest behavioral conduct score, upon the discretion of the warden, the prisoner may be granted provisional advancement to the next level. Where the prisoner manifests an excellent score in the month of advancement, advancement shall be finalized; otherwise, the prisoner's rating shall be reverted to the previous level.

Article 25 A standardized scorekeeping sheet should be distributed to prisoners to enable them to keep track of their monthly scores.

Chapter IV Confinement and Prison Security

Article 26	Level 4 and Level 3 prisoners should be confined in solitary cells, except under imperative circumstances wherein this provision shall not be applicable.
Article 27	Prisoners rated Level 2 or higher shall be placed in communal areas during daytime but confined in solitary cells at night.
Article 28	<p>Level 1 prisoners should be placed in special sections and entitled to the following privileges:</p> <ol style="list-style-type: none"> 1. Living quarters with unlocked doors; 2. No extra monitoring surveillance; 3. Permission for conjugal time with spouse and sharing time with direct kin within designated quarters and periods; <p>The enforcement rules of the three subparagraphs of the preceding paragraph are subject to the discretion of the Ministry of Justice.</p>
Article 28-1	<p>Prisoners having determinate imprisonment terms and whose progressive treatment reaches Level 3 or higher shall be entitled to abridgement of term should the prisoner achieves a monthly total score of 10 or more. Abridgement shall be instituted under the following standards:</p> <ol style="list-style-type: none"> 1. For Level 3 prisoners, for each month score is achieved, term shall be reduced by two days. 2. For Level 2 prisoners, for each month score is achieved, term shall be reduced by four days. 3. For Level 1 prisoners, for each month score is achieved, term shall be reduced by six days. <p>The imprisonment term abridgement provided in the preceding paragraph shall be subject to the resolution of the Prison Affairs Committee. Prisoners concerned shall be informed after resolution and the appertaining report shall be forwarded to the Ministry of Justice for record purposes.</p> <p>The progressive treatment and parole matters of a prisoner whose term is abridged shall be assessed based on the abridged term of the prisoner. Upon the release of a prisoner who has served his/her full abridged term, the prison warden shall issue due notification of the actual completion date of said prisoner' s service to the prosecutor in charge of the prisoner' s case.</p>
Article 29	<p>If the lineal relatives by blood of a Level 1 juvenile prisoner shall be critically ill or shall encounter other grave incidents, a petition for a temporary limited period of prison leave may be filed with the Prison Affairs Committee.</p> <p>Where the juvenile prisoner granted prison leave under the foregoing reasons shall fail to return to his/her respective prison facility within the prescribed deadline, the period that prisoner has spent outside the prison shall not be counted in his/her service period.</p>
Article 30	The prison warden may allow the prisoners working in the respective workshops to elect a number of well-respected, trustworthy Level 2 prisoners to, upon the confirmation of the prison warden, attend to workshop matters and engage in other essential duties. Maximum number of elects shall be two prisoners per workshop.
Article 31	Level 2 prisoners shall be assigned to facility cleaning, sweeping, and tidying duties at least once a month without compensation.
Article 32	Except under special circumstances or reasons, prison authorities are not authorized to frisk Level 1 prisoners or search and inspect their quarters.
Article 33	A Level 1 prisoner whose behavior does not violate the prison disciplinary regulations shall be allowed to socialize and granted freedom to stroll within designated prison grounds during break periods.
Article 34	<p>Level 1 prisoners shall be allowed to elect among themselves representatives who shall aid the maintenance of general discipline and express their aspirations on their behalf.</p> <p>Prisoners may elect to a maximum of three representatives and submit names of the representatives to the warden for confirmation.</p>

Article 35	<p>Level 1 prisoners have a joint responsibility towards the warden to maintain cleanliness and tidiness within their living quarters and peace and order among Level 1 prisoners.</p> <p>Where the aforementioned prisoners fail to fulfill the aforementioned responsibility, upon an approbation resolution of the Prison Affairs Committee, one or a number of privileges granted in this Chapter shall be entirely or partially suspended for a defined period of time.</p>
------------	--

Chapter V Work

Article 36	Upon completion of the investigation procedure of the prisoners, work shall be assigned to the prisoners.
Article 37	Level 4 and Level 3 prisoners are not allowed to transfer to another line of work; however, where the treatment or other circumstances should make such transfer imperative, this restriction shall not apply.
Article 38	Level 4 prisoners shall be granted freedom to spend a fifth of their monthly work labor or service earnings; whereas Level 3 prisoners shall be granted freedom to spend a fourth of their earnings.
Article 39	Level 2 prisoners may use their own work tools that they may purchase using the earnings of their labor.
Article 40	<p>Level 2 prisoners possessing skill expertise and achieving excellent work performances may be appointed to serve as the work instructor' s aide.</p> <p>The aforementioned prisoners are allowed to attend to their own work outside the prescribed work period; however, maximum length of the extra work period shall be two hours per day.</p>
Article 41	Level 2 prisoners shall be granted freedom to spend a third of their monthly labor earnings.
Article 42	Level 2 prisoners who have become adept in their work shall be allowed to transfer to another line of work.
Article 43	Level 1 prisoners shall be allowed to work without surveillance.
Article 44	Level 1 prisoners possessing skill expertise and achieving excellent work performances may be appointed to serve as the aide of work instructor or supervisor.
Article 45	Level 1 prisoners shall be granted freedom to spend half of their monthly work labor or service earnings.
Article 46	The provisions of Article 39, Article 40 Paragraph 2 and Article 42 shall likewise be applicable mutatis mutandis to Level 1 prisoners.

Chapter VI Edification and Education

Article 47	Individual counseling shall be provided to Level 1 and Level 4 prisoners.
Article 48	Prisoners rated Level 3 or higher shall be allowed to listen to the radio or audio recorders.
Article 49	<p>Prisoners rated Level 2 or higher shall be allowed to congregate; however, the congregation privilege shall be limited to once a month for Level 2 prisoners and twice a month for Level 1 prisoners.</p> <p>The aforementioned limitation is not applicable to juvenile prisoners.</p> <p>The warden and the Edification and Education Section staff workers should be present during these congregation periods.</p>
Article 50	<p>Level 1 prisoners shall be granted library use and book perusal privileges.</p> <p>Libraries shall be furnished with suitable newspapers and magazines for perusal.</p>
Article 51	Prisoners rated Level 2 or higher shall be allowed to read personal

reading materials providing such materials do not violate the disciplinary regulations of the prison. The same shall be true for prisoners rated Level 3 or lower where such privilege shall be essential to the edification and education of the prisoners.

Article 52 Prisoners rated Level 2 or higher shall be allowed to compete in skill competition games or sports meets; however, such privilege shall be limited to once a month for Level 2 prisoners and twice a month for Level 1 prisoners.
The aforementioned limitations shall not be applicable to juvenile prisoners.

Article 53 Prisoners rated Level 2 or higher shall be allowed to post pictures of their families inside their solitary quarters; moreover, such privilege may be extended to authorize posting pictures of individuals other than their immediate families should such be essential to the edification and education of the prisoners.

Chapter VII Visitation and Correspondences

Article 54 Level 4 prisoners shall be allowed to receive visitations of and to correspond with their family members.

Article 55 Prisoners rated Level 3 or higher shall be allowed to receive visitations of and to correspond with individuals other than family members providing such visitations or correspondences shall not obstruct the edification and education of the prisoners.

Article 56 The frequency and number of visitation and correspondence privileges of the respective level prisoners shall be as follows:
1. For Level 4 prisoners, once a week.
2. For Level 3 prisoners, once or twice a week.
3. For Level 2 prisoners, once in every three days.
4. For Level 1 prisoners, no limitations.

Article 57 Prisoners rated Level 2 or lower shall receive visitors in the visitation room.
Prisoners rated Level 1 shall be entitled to receive visitors at suitable or appropriate locations.

Article 58 Prisoners rated Level 2 or higher may receive visitors without surveillance.

Article 59 The warden may lift the restrictions defined in this Chapter for prisoners where the warden shall deem it necessary for the implementation of edification and education or other matters of the prisoners.

Chapter VIII Provisions

Article 60 Nourishments and other essential health provisions to prisoners shall be provided without discrimination of prisoner level rating.

Article 61 Level 1 prisoners shall be allowed to wear ordinary attire.

Article 62 Level 1 prisoners shall be allowed to paint or draw or have potted plants inside their living quarters; the same privilege shall be granted to juvenile prisoners rated Level 2 or lower.

Article 63 Level 1 prisoners shall be entitled to choose whether to use the common tableware available or other tableware; the same privilege shall be granted to juvenile prisoners rated Level 2 or lower.

Article 64 Objects which prisoners are granted freedom of usage under the Statute shall be limited to the authorized items of the Ministry of Justice.
The specific types and quantities of the aforementioned items shall be subject to the discretion of the prison warden.

Chapter IX Assessment of Progressive Treatment Measures

Article 65	<p>The prison authorities shall organize the Screening Committee on Progressive Corrective Measures for the assessment of progressive treatment matters submitted to the resolution of the Prison Affairs Committee.</p> <p>The Screening Committee on Progressive Corrective Measures assesses the prisoners' personalities, physical and mental conditions, past experiences, educational attainments, and moral character rating, and deals with the prisoner classification and the level promotion or demotion procedures of prisoners; moreover, the screening committee is entitled to conduct direct interviews with the prisoners.</p>
Article 66	<p>The Screening Committee on Progressive Corrective Measures is composed of the heads of the Edification and Education Section, Investigation and Classification Section, Work Section, Sanitation and Health Section, Security Section, and Women' s Prison, with the Section Chief of the Edification and Education Section assuming the position of chairperson and designating meeting secretary of the committee.</p>
Article 67	<p>Where the Screening Committee on Progressive Corrective Measures should find it necessary to subject a prisoner rated Level 2 or higher to solitary confinement, the committee shall submit proposal complete with supporting grounds to the warden for approval; however, such solitary confinement shall not exceed one month.</p>
Article 68	<p>The Screening Committee on Progressive Corrective Measures shall convene a meeting once a month; the assessment opinion of the committee shall be determined through a majority vote.</p> <p>The aforementioned assessment opinion should be reported to the warden immediately for presentation in the Prison Affairs Committee meeting.</p>

Chapter X Level Retention and Demotion

Article 69	<p>A prisoner violating disciplinary regulations shall be excluded from level promotion within two months pursuant to the conditions of actual circumstances; within which period, no scoring shall be counted. Should the prisoner commit another disciplinary regulation violation, prisoner shall be demoted.</p> <p>During the level promotion suspension period stated in the preceding paragraph, no sentence abridgement privilege may be granted; moreover, a prisoner receiving a demotion penalty shall not be entitled to any sentence abridgement privilege for a period of six months from the month of demotion.</p>
Article 70	<p>Where the warden shall deem the act of a prisoner due for promotion suspension pardonable, warden may hold announcement of his/her promotion suspension within a prescribed deadline; however, where the prisoner shall commit another disciplinary regulation violation within the designated period, the due announcement shall still be made.</p>
Article 71	<p>Where prisoners under promotion suspension penalty shall manifest acts of true remorse during the period of suspension, the suspension penalty of the prisoners may be cancelled.</p> <p>Where prisoners given a demotion penalty shall manifest acts of true remorse, prisoners may be reinstated to their prior levels even before the required scores have been achieved and new score counts shall be started for said prisoners.</p>
Article 72	<p>Where prisoners retained to the same level shall disrupt the prison peace and order, the prisoners shall be demoted.</p>
Article 73	<p>Where a prisoner rated in the lowest level shall disrupt the prison peace and order, and where said prisoner is deemed unsuitable for progressive treatment, progressive enforcement shall not be applied.</p>
Article 74	<p>The disciplinary actions instituted in this Chapter are resolved in the meeting of the Prison Affairs Committee.</p>

Chapter XI Parole

Article 75	Where a Level 1 prisoner is found eligible for legal parole, the appertaining petition should be filed with the competent authorities as soon as possible.
Article 76	Where a Level 2 prisoner is found suitable for community life and eligible for legal parole, the appertaining petition should be filed with the competent authorities.
Article 76-1	The Enforcement Rules for the Statute shall be subject to the discretion of the Ministry of Justice.

Chapter XII Addendum

Article 77	The Statute shall take effect immediately upon promulgation. Amendments of Article 19, Article 19-1 and Article 19-2 of the Statute instituted on May 19, 2006 shall take effect on July 1, 2006.
------------	---
