

臺灣臺中地方檢察署查扣毒品半成品與先驅原料 及化學品庫房入庫須知第二點、第五點修正對照表

修正規定	現行規定	說 明
<p>二、毒品庫存放之物品，須符合下列規定：</p> <p>（一）含有毒品成分之半成品、毒品危害防制條例所列管之第四級毒品之毒品先驅原料及製毒工廠查扣之化學品為優先。</p> <p>（二）淨重合計須達五十公斤以上。</p> <p>（三）不得為符合國家標準 CNS15030 分類之危害性化學品，亦不得為毒性及關注化學物質管理法規範之毒性、關注化學物質。但經臺灣高等檢察署（以下簡稱臺高檢署）委託之專業處理機構或概括選任之鑑定機關認定得入庫者，不在此限。</p> <p>（四）移送機關應出具毒品鑑驗報告。</p> <p><u>各檢察署之扣押物品雖不符合前項第一款或第二款之規定，惟事實上難以自行保管，且認有必要時，得以專案敘明理由並檢附相關資料佐證後，向本署提出申請，由本署出具意見陳報</u></p>	<p>二、毒品庫存放之物品，須符合下列規定：</p> <p>（一）含有毒品成分之半成品、毒品危害防制條例所列管第四級毒品之毒品先驅原料及製毒工廠查扣之化學品為優先。</p> <p>（二）淨重合計須達五十公斤以上。</p> <p>（三）不得為符合國家標準 CNS15030 分類之危害性化學品，亦不得為毒性及關注化學物質管理法規範之毒性、關注化學物質。但經臺灣高等檢察署（以下簡稱臺高檢署）委託之專業處理機構或概括選任之鑑定機關<u>（構）</u>認定得入庫者，不受此限。</p> <p>（四）移送機關應出具毒品鑑驗報告。</p>	<p>擴大入庫標的並解決具特殊原因需辦理入庫，而未能符合本點第一款或第二款規定者，得經臺高檢署專案核准後辦理入庫，爰新增第二項規定。</p>

<p><u>臺高檢署審查，經臺高檢署核准其必要性後始得辦理入庫。</u></p>		
<p>五、下列情形扣案物品，得依檢察機關扣押贓證物處理規定及本須知辦理入庫：</p> <p>（一）以偵查中案件為原則，應由移送機關取得該管檢察署檢察官同意後，會同該管檢察署贓物庫人員辦理入庫。該管檢察署贓物庫人員應提供扣押物品清單予本署毒品庫管理人員備查。</p> <p>（二）法院審理中案件，經需求檢察署徵得審理法院同意後，得以專案檢附扣押物品清單、扣押物品彩色照片、鑑驗報告等相關文件，敘明理由向本署提出申請，由本署出具意見後陳報臺高檢署審查，經臺高檢署核准後辦理入庫。</p>	<p>五、下列情形扣案物品，得依檢察機關扣押贓證物處理規定及本須知辦理入庫：</p> <p>（一）以偵查中案件為原則，應由移送機關取得該管檢察署檢察官同意後，會同該管檢察署贓物庫人員辦理入庫。該管檢察署贓物庫人員應提供扣押物品清單予本署毒品庫管理人員備查。</p> <p>（二）法院審理中案件，經需求檢察署徵得審理法院同意後，得以專案檢附扣押物品清單、扣押物品彩色照片、鑑驗報告等相關文件，敘明理由向本署提出申請，由本署出具意見後陳報臺高檢署審查，經臺高檢署核准後辦理入庫。<u>但扣案物品係於毒品庫啟用前查獲者，於徵得審理法院同意後，即得辦理入庫。</u></p>	<p>毒品庫啟用前，各地方檢察署查獲之扣押物品，已依臺高檢署指示清理完畢，故第二款但書有關是類物品入庫規定，已無適用餘地，爰予刪除。</p>

臺灣臺中地方檢察署查扣毒品半成品與先驅原料及化學品庫房入庫流程圖修正對照表

修 正 規 定	現 行 規 定	說 明
<p>臺灣臺中地方檢察署查扣毒品半成品與先驅原料及化學品庫房入庫流程圖</p> <p>The revised flowchart starts with a box: '移送機關須先填妥「入庫申請暨審核表」並備齊相關證明文件送本署審查' (The transferring agency must first fill out the 'Warehouse Application and Review Form' and prepare related proof documents to send to this office for review). This leads to a decision diamond '本署核' (This office review). A dashed box to the left of the diamond contains the principle and exceptions: '原則:偵查中案件,符合第二點第一項規定者。例外:有難以自行保管之事實上原因或審理中案件→經以專案核准' (Principle: Cases under investigation, meeting the provisions of Item 1 of Point 2. Exception: Cases with factual reasons making self-storage difficult or cases under trial → approved by special project approval). From the diamond, the '合格' (Qualified) path leads down to '通知移送機關入庫' (Notify transferring agency to enter warehouse), and the '不合格' (Not qualified) path leads right to '通知補正' (Notify for correction). From '通知補正', the '無法補正' (Cannot be corrected) path leads up to '通知不予入庫' (Notify not to enter warehouse), and the '已補正' (Already corrected) path leads down back to the '本署核' diamond. After '通知移送機關入庫', a box '預約入庫時間' (Reserve warehouse time) leads down to '本署承辦人、該管地檢署承辦人及移送機關三方會同共同清點入庫證物' (The office handler, the prosecutor's office handler, and the transferring agency will jointly count the warehouse evidence). A dashed box to the left of this box contains two points: '1. 扣案證物應以適當容器盛裝,確實密封。2. 詳實標示物品名稱、重量(含容器)、扣押物品清單編號、該管檢察署名稱及保管字號。' (1. Seized evidence should be stored in appropriate containers, properly sealed. 2. Clearly label item name, weight (including container), seizure item list number, the name of the prosecutor's office, and the storage number). To the right of this box, a dashed box contains two points: '3. 應依檢察機關扣押贓證物處理規定及本須知辦理入庫。4. 提供扣押物品清單予本署毒品庫管理人員備查。' (3. Should follow the provisions for handling seized evidence by the prosecutor's office and this须知 to enter the warehouse. 4. Provide the seizure item list to the drug warehouse management personnel of this office for filing). This leads down to the final box: '本署承辦人每6個月造冊陳送臺高檢署核備,並副知該管檢察署,請該管檢察署據以核對存放之數量。' (The office handler will create a register every 6 months and submit it to the High Court for review, and also inform the prosecutor's office, requesting the prosecutor's office to check the quantity stored based on it). A dashed box at the bottom left contains the '備註' (Remarks): '一、本庫房所保管之入庫扣押物仍應由該管檢察署處分。二、各檢察署贓物庫承辦人應於該管檢察官核發處分命令後,1個月內辦理出庫,不得以難以處理等理由延滯出庫時間。' (Remarks: 1. The seized items stored in this warehouse should still be disposed of by the prosecutor's office. 2. The handler of the prosecutor's office's seized items warehouse should, after the prosecutor issues a disposal order, handle the exit within 1 month, and not delay the exit time with reasons like 'difficult to handle').</p> <p>備註： 一、本庫房所保管之入庫扣押物仍應由該管檢察署處分。 二、各檢察署贓物庫承辦人應於該管檢察官核發處分命令後，1個月內辦理出庫，不得以難以處理等理由延滯出庫時間。</p>	<p>臺灣臺中地方檢察署查扣毒品半成品與先驅原料及化學品庫房入庫流程圖</p> <p>The current flowchart follows the same structure as the revised one. It starts with '移送機關須先填妥「入庫申請暨審核表」並備齊相關證明文件送本署審查' (The transferring agency must first fill out the 'Warehouse Application and Review Form' and prepare related proof documents to send to this office for review). This leads to a decision diamond '本署核' (This office review). A dashed box to the left of the diamond contains the principle and exceptions: '原則:偵查中案件。例外:審判中案件→經以專案核准或毒品庫啟用前查獲者。' (Principle: Cases under investigation. Exception: Cases under trial → approved by special project approval or caught before the drug warehouse is activated). From the diamond, the '合格' (Qualified) path leads down to '通知移送機關入庫' (Notify transferring agency to enter warehouse), and the '不合格' (Not qualified) path leads right to '通知補正' (Notify for correction). From '通知補正', the '無法補正' (Cannot be corrected) path leads up to '通知不予入庫' (Notify not to enter warehouse), and the '已補正' (Already corrected) path leads down back to the '本署核' diamond. After '通知移送機關入庫', a box '預約入庫時間' (Reserve warehouse time) leads down to '本署承辦人、該管地檢署承辦人及移送機關三方會同共同清點入庫證物' (The office handler, the prosecutor's office handler, and the transferring agency will jointly count the warehouse evidence). A dashed box to the left of this box contains two points: '1. 扣案證物應以適當容器盛裝,確實密封。2. 詳實標示物品名稱、重量(含容器)、扣押物品清單編號、該管檢察署名稱及保管字號。' (1. Seized evidence should be stored in appropriate containers, properly sealed. 2. Clearly label item name, weight (including container), seizure item list number, the name of the prosecutor's office, and the storage number). To the right of this box, a dashed box contains two points: '3. 應依檢察機關扣押贓證物處理規定及本須知辦理入庫。4. 提供扣押物品清單予本署毒品庫管理人員備查。' (3. Should follow the provisions for handling seized evidence by the prosecutor's office and this须知 to enter the warehouse. 4. Provide the seizure item list to the drug warehouse management personnel of this office for filing). This leads down to the final box: '本署承辦人每6個月造冊陳送臺高檢署核備,並副知該管檢察署,請該管檢察署據以核對存放之數量。' (The office handler will create a register every 6 months and submit it to the High Court for review, and also inform the prosecutor's office, requesting the prosecutor's office to check the quantity stored based on it). A dashed box at the bottom left contains the '備註' (Remarks): '一、本庫房所保管之入庫扣押物仍應由該管檢察署處分。二、各檢察署贓物庫承辦人應於該管檢察官核發處分命令後,1個月內辦理出庫,不得以難以處理等理由延滯出庫時間。' (Remarks: 1. The seized items stored in this warehouse should still be disposed of by the prosecutor's office. 2. The handler of the prosecutor's office's seized items warehouse should, after the prosecutor issues a disposal order, handle the exit within 1 month, and not delay the exit time with reasons like 'difficult to handle').</p> <p>備註： 一、本庫房所保管之入庫扣押物仍應由該管檢察署處分。 二、各檢察署贓物庫承辦人應於該管檢察官核發處分命令後，1個月內辦理出庫，不得以難以處理等理由延滯出庫時間。</p>	<p>配合入庫須知新增第二點第二項及刪除第五點第二款但書，爰酌作文字修正。</p>