

# 矯正機關常見收容問題 Q&A

## Frequently Asked Questions about Correctional Facilities – Q&A



法務部矯正署

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## 壹、新收與執行事項

### 1.Admission Process

問 1-1、請問新收办理流程為何？

Q1-1: What is the process of admitting a new inmate?

答：

收容人新收办理流程原則如下：

- 一、查驗收監(所、校)應備文件，如押票、執行指揮書、收容書或交付書等，並核對人別及身分證明文件，確認是否無誤。
- 二、對新收者之身體、衣類及其攜帶物品作詳細檢查（女性收容人由女性管理員為之），必要時得採驗尿液，並得運用科技設備輔助。除經檢查核可准予機關內使用之物品外，其他如金錢、貴重物品及機關限制或禁止使用之物品，應交由機關代為保管，或通知親屬領回。
- 三、實施檢查，瞭解有無疾病或外傷。
- 四、告知應遵守事項，填載新收相關文件後配入舍房。

A:

New inmates are processed as follows upon arrival:

- 1.Required documents for admission to a prison (detention center or school), such as escort warrant, execution instruction, detention letter or referral letter, and new inmate's identification paper are examined to make sure they are correct.
- 2.The body, clothing and personal items of the new inmate are elaborately searched (female inmates will be searched by female correctional officers). If necessary, urine sample may be taken and technical equipment may be used to aid the examination. Except for permissible personal items that may be kept by inmates inside the facility, other items such as money, valuable items and restricted or banned items shall be placed under the custody of the correctional facility or retrieved by inmate's relatives.
- 3.Physical examination will be conducted to understand inmate's health conditions (any disease or injury).
- 4.Inmate is informed of the rules and assigned to his or her ward after filling out necessary admission documents.

問 1-2、新收收容人何時可以添購生活用品？

Q1-2:When can a new inmate start purchasing daily supplies inside the correctional facility?

答：

- 一、收容人進入矯正機關當天，即可購買生活必需用品。

二、矯正機關內備有個人盥洗用具、生活必需品及換洗衣褲等，供收容人及其親友選購。收容人親友可於接見室門市選購後，由機關送交給收容人；或寄送金錢予收容人，供其自行選購。

A:

1. Inmates are allowed to buy daily supplies on the day they are admitted to a correctional facility.
2. Correctional facilities provide personal toiletries, daily necessities and clothing for inmates and their relatives to purchase. Inmate's relatives can purchase those items at the shop inside the visitation room and give them to the inmates through the correctional facility or send money to inmates for them to buy stuff themselves.

問 1-3、機關提供給收容人的飲食、物品有哪些？不足者該如何準備？

Q1-3: What kinds of food and items are offered by correctional facilities? What can be done if they are inadequate?

答：

- 一、目前收容人三餐飲食，均由矯正機關按時提供；飲用水、制服褲(含夾克)、公用餐具等亦由機關供應。
- 二、收容人新入矯正機關時，機關均會發放基本生活物資(包含內衣褲、牙刷、牙膏、毛巾、衛生紙、香皂各 1 件)，若認有不足時，可由親友寄(送)入或自費購買。
- 三、收容人因經濟困難無力自備日常用品時，可向機關提出申請，經審核通過後由機關補助之。
- 四、收容人如急需日常用品時，亦可向機關提出申請，並依指定方式返還。
- 五、收容人日常生活用品如有特殊需求(如義肢、拐杖、假牙)，可向機關提出申請，經核准後由機關協助代購，或由親友自接見室送入，另亦可申請以郵寄包裹方式寄入。用品送入之方式請參閱「陸、送入金錢、飲食及物品相關事項」之問答。

A:

1. Currently correctional facilities provide three meals, drinking water, uniforms (including a jacket) and public tableware to inmates.
2. When an inmate first arrives at a correctional facility, the facility will dispense basic daily necessities (including underwear, toothbrush, toothpaste, towel, tissue paper and soap, one set each). If the supply is not enough, inmates can ask their relatives to send (bring) them the items or make purchase themselves.
3. Inmates with financial difficulties can apply to the facility for subsidy to buy additional daily supplies.

4. Inmates who urgently need daily necessities may apply to the correctional facility for a loan and return the item in a manner specified by the facility.
5. If an inmate has certain special needs (e.g. artificial limbs, crutches or dentures), he or she can apply to the facility for permission and the facility will make the purchase on behalf of the inmate, or the inmate's relatives can send the item through the reception desk or apply for permission to send the package by post. Refer to "6. Sending Money, Food and Supplies to Inmates" about ways to send items to inmates.

問 1-4、新收時，可攜入矯正機關的物品有哪些規定呢？

Q1-4: What are the rules for bringing items into the correctional facility by inmates upon arrival?

答：

- 一、矯正機關內場舍空間有限，新收攜入之物品以生活必需用品為限，且勿攜帶過量之物品。
- 二、金錢部分：收容人進入矯正機關，僅須負擔日常生活用品或健保看診掛號及部分負擔費用。另除購買電器用品外，並無大筆消費，故毋需攜入大筆金錢。
- 三、藥品部分：攜入藥品應以醫療需求為主，且須有完整藥袋、罹病醫院診斷證明、處方箋。另藥品須完整未拆封並附成分說明，經機關衛生科醫師檢查評估後，核准者將發還收容人使用。
- 四、生活用品部分：個人身分證件、內衣褲、健保卡、襪、毛巾、筆、肥皂、牙膏、牙刷、信封、信紙、衛生紙及圖書雜誌等得以攜入。被、床單、枕頭等限單人尺寸。又如攜入特殊物品（如義肢、義眼、假牙等），經檢查核准後，即可使用。
- 五、攜入衣物皆須送交檢查，原則如下：
  - (一) 檢查係以衣物之整體性及收容人需求性為前提。物品如有妨害機關秩序、影響戒護安全、夾帶違禁物品、不易或無法檢查、檢查後產生質變或破壞原有外觀與功能者，禁止攜入。
  - (二) 電器用品不得攜入。但經移監(所、校)、借提寄禁攜入者，確認無誤後，許其更換標籤後繼續使用。
  - (三) 衣褲、被、床單、枕頭、襪、毛巾等用品，須泡水並拆開檢查。
  - (四) 攜入物品，經檢查發現涉及違法情事時，機關將依法究辦。

A:

1. Space inside correctional facilities is limited. Thus items that can be brought into a facility by inmates are limited to daily necessities in moderate amount.
2. Money: Inmates in a correctional facility only need to pay for their daily supplies or registration fee and co-payment under National Health Insurance when they see a doctor. Unless they need to purchase electrical appliances, there is no need for inmates to carry a lot of money with them when they are admitted.

3. Medicine: Medicine brought into the correctional facility should be for medical needs and placed in an intact medicine bag that shows hospital diagnosis and prescription. In addition, the medicine must be sealed and come with ingredient description. Medicine will be returned to newly admitted inmates after they have been inspected and assessed by the doctor at the correctional facility.
4. Daily supplies: Personal items, including ID card, underwear, National Health Insurance card, socks, towels, pens, soaps, toothpaste, toothbrush, envelopes, letter paper, tissue paper, books and magazines, and single bed blanket, bed sheet and pillow are allowed to be brought in to the facilities. Special items, such as artificial limbs, artificial eyes and dentures can be used inside the facilities after inspection.
5. All clothes and items brought into the facilities will be inspected according to the following principles:
  - (1) Inspection is conducted based on dressing integrity and inmate's needs. Items that may adversely affect the order or security in the facilities, contain contrabands, are not easy to check or cannot be inspected, undergo qualitative change or have their original appearance and functions destroyed after inspection are not allowed to bring into the facilities.
  - (2) Inmates are not allowed to bring in electrical appliances. However when inmates are transferred from another prison (detention center or school) or returned by a court or prosecutors office, they may resume the use of electrical appliances already in use after changing the tags.
  - (3) Clothes, blankets, bed sheets, pillows, socks, towels and similar supplies must be unpacked and soaked in water for inspection purpose.
  - (4) If items brought in by inmates are found to be illegal, correctional facilities will take action according to laws.

問 1-5、成年受刑人發監執行地點是否得聲請至戶籍所在地矯正機關執行？

Q1-5: Can adult inmates who are sentenced to prison request to be sent to a correctional facility at the place of their household registration?

答：

成年受刑人執行地點原則係由案件繫屬檢察署依「法務部指定各監獄收容受刑人標準表」指揮至所轄鄰近之矯正機關執行。如受刑人欲聲請至戶籍所在地矯正機關執行，得於執行前具狀向原指揮執行檢察署聲請囑託他檢察署代為執行。

A:

In general, adult inmates who are sentenced to prison will be sent to a nearby correctional facility by the commanding prosecutors office in charge of their case in accordance with the "Ministry of Justice Standard for Number of Inmates Held by Each Prison." Inmates who

like to serve their sentence at the place of their household registration can file a request with the commanding prosecutors office before the execution takes place to entrust another prosecutors office to execute the sentence.

問 1-6、親友罹重病卻要入監服刑，請問何種情況下會被拒絕收監呢？

Q1-6:If a relative of mine is gravely ill but must serve a sentence, under what conditions will a prison decline to take in such an inmate?

答：

一、受刑人入監時有下列情形之一者，應拒絕收監：

- (一)有客觀事實足認其身心狀況欠缺辨識能力，致不能處理自己事務。
- (二)現罹患疾病，因執行而不能保其生命。
- (三)懷胎五月以上，或生產未滿二月。
- (四)罹患法定傳染病，因執行有引起群聚感染之虞。
- (五)衰老、身心障礙，不能於監獄自理生活。

二、入監時，應提供相關證明文件，如診斷證明書、病歷摘要、病理報告或其他檢驗報告等，供機關查考。

三、被拒絕收監者，由檢察官斟酌情形，送交醫院、監護人或其他適當處所。

A:

1.A prison may refuse to accept an inmate under any of the following conditions:

- (1)There are objective facts adequately showing that the individual lacks cognitive abilities to handle his/her own affairs due to his/her physical or mental conditions;
- (2)The individual is suffering from an illness that his/her life may be in danger while under imprisonment;
- (3)A female individual is pregnant for more than five months or has given birth less than two months earlier;
- (4)The individual suffers from a notifiable disease and his/her imprisonment may cause cluster infection; or
- (5)The individual suffers from senility, physical or mental disability, and cannot take care of himself/herself in prison.

2.An inmate in any of the conditions above should provide supporting documents, such as certificate of diagnosis, summary of medical record, pathology report or other test report upon arrival for the reference of the correctional facility.

3.Inmates who are not taken in by a facility will be sent to a hospital, placed under the custody of a guardian or sent to other appropriate places at the discretion of the prosecutor.

問 1-7、請問女性懷孕中，一定要入監服刑嗎？

**Q1-7: Must pregnant inmates serve their sentence in prison?**

答：

- 一、受刑人懷孕五月以上或生產未滿二月者，依規定辦理拒絕收監；如未符合上述條件者，則需入監服刑。
- 二、懷孕收容人進入矯正機關後，機關將安排於婦產科看診，以瞭解懷孕週數及胎兒健康情形。懷胎滿五月以上者，如符合保外待產要件，則由機關協助其辦理。

A:

1. A prison will not take in female inmates who are pregnant for more than five months or have given birth less than two months earlier according to regulations. Female inmates who do not meet the aforesaid conditions must serve their sentence in prison.
2. After a pregnant inmate is admitted into a correctional facility, the facility will arrange them to be seen by an obstetrician to learn about the length of her pregnancy and condition of the fetus. For inmates who are more than five months pregnant and meet the conditions for giving birth outside prison, the correctional facility will assist them in the application process.

**問 1-8、即將入監執行，卻檢查出疑似罹患肺結核，該怎麼辦？**

**Q1-8: What if an inmate is suspected of having tuberculosis right before he or she is about to start serving a sentence in prison?**

- 一、入監前如發現疑似罹患肺結核，可檢具相關資料向檢察官聲請延後執行，如檢察官駁回延後執行之聲請時，機關仍會予以收監。
- 二、入監時，應檢具相關疾病診斷證明書及肺結核就診手冊，由機關安排醫師診療，並依醫囑辦理隔離治療或相關就醫事宜。
- 三、如為確診個案，機關得視其病情陳報法務部矯正署核准後，移禁臺中監獄附設培德醫院(男性)或臺北監獄附設桃園分監(女性)接受治療處遇。

A:

1. An inmate who is suspected of having tuberculosis before he or she is admitted to prison can apply to the prosecutor for delaying the start of serving a sentence by submitting relevant documentation. However the correctional facility will still admit the inmate if the prosecutor rejects the application.
2. Upon arrival at the prison, an inmate suspected of having tuberculosis should show relevant certificate of diagnosis and TB treatment manual. The facility will arrange doctor's appointment for the inmate, and follow doctor's instruction to arrange quarantine or treatment.
3. If an inmate is confirmed to have tuberculosis, the facility may, in view of the inmate's health condition, report the case to the Agency of Corrections, and after obtaining the

Agency's approval, transfer the inmate to Taichung Prison Pei-De Hospital (male inmates) or Taipei Prison Taoyuan Branch (female inmates) to receive medical treatment.

## 貳、健保與醫療事項

### 2. Health Insurance and Medical Care

問 2-1、出境逾兩年致戶籍被除籍，對於收容人有何影響？

Q2-1:If an inmate's household registration is suspended for he or she has been out of the country for more than two years, how does the suspension affect the inmate?

答：

依全民健康保險法第 8 條規定，在臺無戶籍者，無法加入健保。未納入健保之收容人罹病時，接受公醫或自費門診治療。

A:

Pursuant to Article 8 of the National Health Insurance Act, a person who does not have a registered domicile in Taiwan is not eligible to enroll in National Health Insurance (NHI). Inmates without NHI can see a public health physician or pay to see other doctors.

問 2-2、被除籍之收容人，如何恢復戶籍，以辦理投保事宜？

Q2-2:How do inmates with household registration suspended restore their registration so they can enroll in National Health Insurance (NHI)?

答：

一、持中華民國護照入海關者：

(一)提供護照資料內頁(基本資料與相片頁)及最近一次蓋有海關入境章戳頁面之影本。

(二)收容人填寫委託戶政機關代為恢復戶籍於監獄之同意書 1 份。

二、非持中華民國護照入海關者：

(一)由收容人親友備妥收容人委託書、在監證明、2 吋彩色照片 1 張、身分證影本等文件，以及規費 400 元等，向內政部入出國及移民署各服務站申辦入國許可證副本，再寄予收容人。

(二)收容人填寫委託戶政機關代為恢復戶籍於監獄之同意書 1 份。

(三)收容人備齊上述文件，書寫報告提出申請經核准後，由機關函請所在地之戶政事務所恢復戶籍，再依規定辦理健保投保事宜。

A:

1.If the inmate entered Taiwan with Republic of China (Taiwan) passport:

(1)Provide a photocopy of the basic-data page of passport (photograph included) and a photocopy of the page that carries the latest entry stamp; and

(2) Fill out a consent form entrusting the household administration authority to restore his or her household registration while he or she is in prison.

2.If the inmate entered Taiwan without Republic of China (Taiwan) passport:

(1) Inmate's family prepares a power of attorney signed by the inmate, a certificate of imprisonment, a 2-inch color photo of inmate, a photocopy of inmate's ID card, and NT\$400 to apply to any service station of the National Immigration Agency for a copy of entry permit, and then mail the permit to the inmate;

(2) Inmate fills out a consent form entrusting the household administration authority to restore his or her household registration while he or she is in prison; and

(3) Inmate prepares the aforesaid documents and writes a report to the correctional facility to apply for approval. Then the correctional facility will write a letter to the local household administration office, asking them to restore inmate's household registration and handle the NHI enrollment matters according to rules.

問 2-3、收容人進入矯正機關後，會得到哪些醫療照護？

Q2-3:What kind of medical care is available to inmates after they enter a correctional facility?

答：

矯正機關提供之醫療照護，如下：

一、預防保健：實施健康檢查，對於罹慢性病或特殊疾病之收容人列冊追蹤。另對收容人實施衛生教育，預防疾病發生。

二、疾病治療：收容人身體不適，將由醫師診察治療，提供妥適的醫療照護。

三、傳染病防治：新收時，即實施傳染病血液篩檢（檢驗有無罹患愛滋病或梅毒）及胸部 X 光擴大篩檢，以達及早發現，及時治療之效。另各機關每年固定辦理 1 次擴大篩檢，以增加防治效能。

A:

Correctional facilities provide the following medical care to inmates:

1.Preventive health services: Carry out regular physical checkup, and track on inmates who have chronic illnesses or special diseases, and educate inmates on health promotion and disease prevention.

2.Treatment services: For inmates who may be ill, doctors will make diagnosis and provide treatment to make sure they receive proper medical care.

3.Infectious diseases prevention: Newly admitted inmates will receive blood test (to examine whether they have Acquired Immune Deficiency Syndrome or syphilis) and expanded chest X-ray to achieve the purpose of early diagnosis and early intervention. In addition, every correctional facility regularly holds expanded health screenings every year.

問 2-4、罹患慢性疾病者於矯正機關收容期間，可否獲得治療？

#### Q2-4: Are inmates with chronic illness able to receive treatment during incarceration?

答：

- 一、目前多數收容人已納入全民健保，醫療院所亦進入矯正機關開設各科門診。又無法使用健保醫療者，則由公醫看診，故收容人如有看診需要，可向場舍主管報告後掛號，即可獲得妥善治療。
- 二、慢性病者需長期服藥，可在機關內申請看診領藥。惟為利快速銜接治療，可向原治療醫院申請各類診斷書、病歷摘要及用藥紀錄等，提供機關參考。
- 三、如在矯正機關內無法妥善治療，醫師會建議安排戒護外醫或移送病監，親屬毋須過度擔心。病況嚴重時，機關亦會斟酌申請保外醫治，以應需求。

A:

1. Currently most inmates have been included in National Health Insurance (NHI) and hospitals have clinics set up in correctional facilities. Inmates who do not have NHI can see a public health physician by requesting their ward superintendent to make an appointment for them.
2. Inmates who have chronic illness and need to take medications on a long-term basis can apply to see a doctor and get their medications inside the correctional facility. However, to facilitate uninterrupted treatment, inmates can apply for certificates of diagnosis, summary of medical record and prescription record from previous hospitals for the reference of the correctional facility.
3. Relatives of inmates can rest assured that if an inmate is unable to receive proper treatment inside the correctional facility, the doctor will recommend the arrangement of out-of-prison treatment or transfer to in-facility medical ward. If an inmate is critically ill, the facility will also consider granting outside medical care on bail.

#### 問 2-5、收容或執行期間，倘有服用藥物之需求時，如何處理？

#### Q2-5: What happens when an inmate needs to take medications during detention or incarceration period?

答：

- 一、二代健保實施後，已有醫療院所進入矯正機關開設門診，如因罹患疾病有須服用藥物者，得於機關內門診就醫，並依醫囑服用藥物。
- 二、收容人進入機關時得攜帶藥品，藥品應備有完整之藥袋包裝或處方箋可供辨識，藥袋包裝之標載應包括病患姓名、藥品名稱、藥品單位含量及數量、藥品用法及用量、醫療機構或藥局之名稱及地址、調劑者姓名以及調劑或交付日期，經機關核對後發給使用。須施打胰島素者，應備妥診斷證明書、處方箋、針具及須使用之藥品。

三、在機關經醫師診治認有必要使用之藥品，卻無法於機關取得者，得填具申請表，向機關申請由親友送入藥品。外袋包裝需完整未經拆封，並有完整標示之藥袋、診斷證明書或處方箋等，以收容人本人之藥品為限。

四、送入方式：收容人親屬得以郵寄、經由機關指定時間、地點送入，或其他經機關許可之方式送入。並須備妥處方箋及相關證明文件，依機關規定之程序申請核准後始得送入。

五、藥品若不符前揭規定，無衛生福利部食品藥物管理署許可字號、或有標示不明及包裝破損等情形時，矯正機關將會拒收。

六、拒收藥品之處理原則：

(一)收容人得自費將藥品寄至指定處所，或請親友至機關領回。

(二)如收容人不為處理，機關得將藥品逕為銷毀，或為其他適當之處理。

A:

1.Since the implementation of the second-generation national health insurance program, hospitals have been setting up clinics in correctional facilities. If inmates get ill and need to take medications, they will be able to see a doctor inside the facility and take medications as instructed by the doctor.

2.Inmates can bring medications with them upon arrival at the correctional facility. However those medications must be placed in an intact medicine bag or come with the prescription for identification purpose. The medicine bag should indicate patient name, name, unit content and quantity of medication, use instruction and dosage, name and address of medical institution or pharmacy, name of pharmacist and date of preparation or delivery. Correctional facilities will check the information and return the medicine bag to inmates afterwards. Inmates who need insulin shots must prepare certificate of diagnosis, prescription, needle and the drug.

3.If a medicine prescribed by a correctional facility doctor is not available at the facility, inmates can fill out an application form for approval to let their relatives send the medicine. The medicine sent by inmate's relatives must be placed in intact and unopened outer bag and comes with fully labeled medicine bag, certificate of diagnosis or prescription, and the medicine is to be used by the inmate only.

4.How to send medicine: The relatives of inmates can send medicine by post, or deliver it in person at the time and place designated by the facility, or by other ways permitted by the facility. However inmate's relatives must first apply for approval by submitting prescription and relevant supporting documents according to the established procedure before sending the medicine.

5.If a medicine does not conform to the aforementioned requirements, or does not come with a permit number of Taiwan Food and Drug Administration, or has unclear label or torn package, the correctional facility will reject the delivery.

6.How rejected medicines are handled:

(1)Inmates can mail the medicines to an address designated by them at their own cost or ask their relatives to pick it up at the facility.

(2)If inmates do not take any action, the facility may destroy the medicine or dispose it by other appropriate means.

問 2-5-1、收容或執行期間，倘有使用藥品之需求時，取得藥品之管道？

答：收容人於收容或執行期間，倘有使用藥品需求時，取得藥品管道如下：

一、新收攜入：收容人進入機關時，自身攜帶藥品。

二、機關取得：收容人於機關內門診就醫或戒護外醫，經醫師診治後取得藥品。

三、外界送入：收容人填具申請表向機關申請，由外界送入藥品。(僅限因現罹患疾病，在機關經醫師診治認有必要使用，於機關無法取得之藥品；或入機關前經醫師診治取得且有急迫性須繼續使用之藥品)

問 2-5-2、收容人攜帶藥品進入機關執行或收容，應注意哪些規範？

答：

一、攜帶藥品範圍：限收容人本人之藥品。

二、包裝與標示：

(一)應備有完整之藥袋包裝或處方箋可供辨識，且藥品未經拆封或更換容器。

(二)藥袋包裝之標示應包括病患姓名、藥品名稱、藥品單位含量及數量、用法及用量、醫療機構或藥局之名稱、地址、電話號碼、調劑(或交付)日期、警語。

三、效期規定：藥品須於醫師原定之給藥期間及保存期限內；倘逾原給藥期間，但仍於保存有效期限內者，得經機關評估核准後發給使用。

四、拒收藥品：

(一)藥品若不符前揭第一項至第三項規定(如非本人藥品、已拆封或包裝破損、標示不明、已過保存期限等)，機關應予拒收。

(二)拒收之藥品，應通知收容人限期處理、交由其指定之人領回、由收容人自費寄至指定之處所；如收容人逾期不為處理，機關得將藥品逕為毀棄或為其他適當之處理。

問 2-5-3、收容人執行或收容期間，因甫入機關有急迫性須繼續使用藥品，或機關無法提供，欲申請由外界送入，其申請條件與程序為何？

答：

一、申請條件：收容人現罹患疾病，且符合以下情形之一者，得填具申請表提出申請：

(一)在機關經醫師診治認有必要使用之藥品，無法於機關取得者。

(二)入機關前經醫師診治取得之藥品，有急迫性須繼續使用者。

二、審核程序：收容人提出申請後，經機關評估確認符合申請條件，核准後始得送入。

三、外界送入之藥品，應符合以下規定：

(一)限收容人本人之藥品。

(二)應備有完整之藥袋包裝或處方箋可供辨識，且藥品未經拆封或更換容器。

藥袋包裝之標示應包括病患姓名、藥品名稱、藥品單位含量及數量、用法及用量、醫療機構或藥局之名稱、地址、電話號碼、調劑(或交付)日期、警語，經機關核對後發給使用。

(三)藥品效期須於醫師原定之給藥期間及保存期限內；倘逾原給藥期間，但仍於保存有效期限內者，機關得於評估核准後發給使用。

四、拒收藥品：

(一)藥品若不符前揭第一項至第三項規定(如非本人藥品、已拆封或包裝破損、標示不明、已過保存期限等)，或未依規定提出申請者，機關應予拒收。

(二)拒收之藥品，機關應退回送入人並告知退回之具體理由。藥品之送入人經通知後拒絕領回、逾期未領回，或無法聯繫本人領回者，機關應公告六個月，屆滿後仍無人領取時，予以毀棄。

備註：送入之方式(詳如 Q&A「陸、送入金錢、飲食及物品相關事項」之問 6-5)：

一、外界送入財物，應繳驗身分證明文件，登記姓名、身分證明文件字號、聯絡電話、住居所或聯絡地址、收受收容人之姓名及編號、與收容人關係、送入物品之種類、數量。收容人得填具申請表，向機關繳驗前項身分證明文件及登記資料。

二、循寄入方式為之者，機關應先發給許可文件或標誌，由送入人於寄入時，將該許可之文件或標誌黏貼於包裹外盒。

三、經由機關許可之其他方式送入。

**問 2-6、矯正機關內收容人是否納入健保？需要繳交健保費用嗎？**

**Q2-6: Do inmates in correctional facilities have NHI coverage? Do they need to pay for the insurance?**

答：

矯正機關收容人納入健保分析：

- 一、四類三目(由法務部補助保險費)：執行期間逾 2 個月之受刑人、受戒治人、感化教育學生及刑法第 91 條之 1 強制治療受處分人，保險費由中央矯正主管機關全額補助。
- 二、非四類三目(自行付費納保)：被告、受觀察勒戒人、少觀所收容少年、民事被管收入及應執行期間 2 個月以下之受刑人。
- 三、不符保險資格，無法納保：不符全民健康保險法第 8 條規定之本國籍收容人，以及不符全民健康保險法第 9 條規定之外籍收容人。又外籍收容人若領有居留證且在臺居留期間滿六個月者(以移民署資料為準)，得納入健保。

A:

National health insurance status of inmates at correctional facilities:

1. Inmates classified under Category 4, Item 3 (the Ministry of Justice will subsidize the premiums): For prisoners serving sentence, individuals receiving rehab (detoxification) treatment, juvenile receiving reformatory education and individuals subjected to compulsory rehab (detoxification) treatment pursuant to Article 91-1 of the Criminal Code who have been at a correctional facility for more than two months, their NHI premiums will be paid fully by the central corrections authority.
2. Inmates not classified under Category 4, Item 3 (need to pay NHI premiums on their own): Defendants, rehab inmates under observation, juvenile inmates held at juvenile detention houses, civil detainees and prisoners whose sentence is less than two months.
3. Inmates who are not eligible to enroll in NHI: Domestic inmates who do not meet the provisions of Article 8 and foreign inmates who do not meet the provisions of Article 9 of the National Health Insurance Act. However foreign inmates who have obtained resident permits and have resided in Taiwan for 6 months or longer (based on the data of National Immigration Agency) are eligible to enroll in NHI.

問 2-7、具有健保的收容人看診是否需要繳費？費用如何處理？

Q2-7: Do inmates with national health insurance (NHI) need to pay when they see doctors? What are the expenses?

答：

一、收容人負擔看診費用，如下：

- (一)掛號費：機關內門診 0 至 100 元不等，依醫院訂價而異。
- (二)部分負擔費用：依全民健康保險保險對象收容於矯正機關者就醫管理辦法第 7 條第 1 項規定，依基層醫療單位層級計收。另依全民健康保險法第 48 條規定，凡重大傷病、分娩及山地離島地區免部分負擔。
- (三)住院費：依住院時間負擔 10%至 30%。住院時間愈久，負擔比率愈高。

二、收容人無法繳納掛號費或部分負擔費用時，矯正機關將會由其保管金或勞作金中持續扣款、催繳或通知其家人繳費。收容人出監(所、校)仍有欠費者，則由合作醫院(診所)催繳。

A:

1. Inmates need to pay the following expenses when they see a doctor:

(1) Registration fee: Registration fee of clinic inside correctional facilities range from 0 to NT\$100, depending on the fees set by the hospital.

(2) Co-payment: Co-payment of clinics inside correctional facilities will be charged at the level of primary health institutions in accordance with Paragraph 1, Article 7 of the Regulations Governing Medical Services for Insured of the National Health Insurance Held at Correctional Facilities. In addition, pursuant to Article 48 of the National Health Insurance Act, co-payments are exempted for NHI insureds who have major illness or injury, undergo child delivery or receive medical care in mountainous regions or outlying islands.

(3) Hospitalization expenses: Co-payment for hospitalization range from 10% - 30% of the expenses. The longer the length of hospital stay, the higher the ratio.

2. If inmates cannot afford to pay registration fee or co-payment, correctional facilities will deduct the amount from inmates' safekeeping account or labor income, demand payment from the inmate or inform inmates' relatives to pay the bills. If an inmate has not paid up the bills when he or she is released or discharged, the cooperative hospital (clinic) will take over the collection.

問 2-8、收容人入矯正機關前健保費用有欠繳情形，法務部是否會代繳？

Q2-8: For inmates who owe premiums on national health insurance (NHI) before entering a correctional facility, will the Ministry of Justice pay the premiums on their behalf?

答：

一、在矯正機關接受刑之執行、保安處分或保護處分，且期間逾 2 個月之收容人(屬四類三目收容人)，其保險費由中央矯正主管機關全額補助。但不論係屬四類三目收容人或其他保險類別之收容人，其入矯正機關前之健保費如有欠費情形時，法務部均不會代繳。

二、四類三目收容人如因欠費遭鎖卡，健保署將於其入矯正機關後予以解卡，不致影響其入機關後使用健保醫療之權益。

A:

1. For inmates who are serving a sentence, are subjected to rehabilitative measure or protective measure for a duration of longer than two months (inmates classified under Category 4, Item 3), their NHI premiums will be fully subsidized by the central corrections

authority (Ministry of Justice). However, the Ministry of Justice will not pay for premiums owed by inmates before they enter a correctional facility, regardless whether the inmate is classified under Category 4, Item 3 or other categories.

2.If inmates classified under Category 4, Item 3 have their national health insurance suspended due to premium payments in arrears, the National Health Insurance Administration will have their coverage reinstated after they enter a correctional facility so their healthcare benefits will not be affected.

### 問 2-9、沒有納入健保的收容人如何就醫？費用由誰負擔？

Q2-9: How do inmates without national health insurance (NHI) seek medical treatment? Who will pay for their expenses?

答：

- 一、受刑之執行 2 個月以下，且符合健保資格者，應自行持續納保，並繳交保費，以免健保中斷。如已加保未領卡或卡片遺失、毀損等，入機關前應儘速補辦健保卡，以維權益。
- 二、收容人如不符全民健康保險法保險資格致無法加入健保者，於矯正機關內罹病時，機關會另行延聘醫師提供診療，或由合作醫療院所提供公益門診。惟如有戒送醫院診治之情形者，費用由收容人自行負擔。至於符合清寒補助條件者，可申請醫療補助。
- 三、具有全民健康保險法保險資格之收容人，因刻正申辦而無健保卡、辦理投保中、不在保或積欠健保費用遭暫行停止保險給付時，得先以健保身分就醫，後續由健保署各分區業務組及矯正機關，輔導其納保或辦理欠費分期繳納等措施。

A:

- 1.Inmates who serve a sentence of less than two months and are eligible to enroll in NHI should maintain their insurance and pay premiums to avoid coverage disruption. Inmates who have enrolled in NHI but have not picked up the NHI card or whose NHI card is missing or damaged are advised to get their card before entering the correctional facility in order to uphold their interests.
- 2.For inmates who are not eligible to enroll in NHI according to the National Health Insurance Act and become ill while being held in the correctional facility, the facility will engage a doctor to provide treatment or the cooperative hospital will provide free services. However if an inmate must be escorted to an outside hospital for treatment, the inmate shall pay for the expenses incurred. Inmates who are qualified to apply for subsidy due to financial difficulty may apply for medical subsidy.
- 3.For inmates who are eligible to enroll in NHI but are in the process of making an application and do not have a NHI card yet, or currently are not covered or have coverage

suspended due to premium payments in arrears, they may receive medical treatment as an NHI insured first. Subsequently the regional division of National Health Insurance Administration and the correctional facility will help the inmate to enroll in NHI or arrange installment payments for premiums owed.

問 2-10、收容人無力負擔醫療費用時，卻罹患疾病需要就醫時，如何處理？

Q2-10: What happens if an inmate cannot afford to see a doctor?

答：

依照全民健康保險法之規定，收容人就醫時應自行負擔掛號費用，以及門診、急診或住院等相關醫療費用，收容人如有經濟困難，無力向醫療機構繳納其應自行負擔之費用者，得循下列方式辦理：

一、符合全民健康保險經濟困難認定標準規定情形者，得檢具相關資料，向全民健康保險紓困基金申請無息貸款。

二、向執行機關提出申請，由機關委請醫療機構或醫師診治：

(一)申請期限：接受診治前或接受診治後三個月內。

(二)應備文件：最近一年內村（里）長所開具之清寒證明、低收入戶或中低收入戶證明文件等資料。

(三)收容人之經濟困難狀況於認定之日起六個月後仍未改善，仍有就醫需求者，須重新提出申請。

(四)經認定符合經濟困難無力支應醫療費用之收容人，於接受診治療程結束後六個月內，其保管金或勞作金得支付醫療費用者，機關得自保管金或勞作金扣繳。

(五)有下列情形之一者，機關將追繳為收容人延請醫療機構或醫師施行醫療衍生之費用：

1. 提供不實之資料。
2. 隱匿或拒絕提供機關要求之資料。
3. 以詐術或其他不正當方法取得證明文件。

A:

According to the National Health Insurance Act, inmates should pay registration fees and some expenses of outpatient services, emergency or inpatient care. Inmates who have financial difficulty and cannot afford to pay their portion of the medical expenses to medical institutions may resort to the following remedies:

1. Inmates who meet the NHI criteria for “financial difficulty” may prepare relevant documentation to apply for an interest-free NHI relief fund loan; or
2. Apply to the correctional facility for arranging treatment at a medical institution or by a doctor:

(1) Application period: Within three months before or after receiving treatment.

- (2)Required documents: A certificate of financial status issued by the chief of village within one year and certificate of low or middle income household.
- (3)If an inmate's financial status has not improved six months after he or she has been determined to have financial difficulty, the inmate must reapply.
- (4)For inmates who are determined to meet the financial difficulty criteria and unable to pay for their medical expenses, if their safekeeping account or labor income may be used to pay for the expenses within six month after their treatment session is over, correctional facilities may deduct the expenses from their safekeeping account or labor income.
- (5)In case of any of the following circumstances, correctional facilities may recover from inmates the expenses incurred in the medical services rendered by a medical institution or doctor engaged by the facilities for inmates:
  - a. The inmate provides false information.
  - b. The inmate conceals or refuses to provide information requested by the facility.
  - c. The inmate obtains supporting documents by fraud or other illicit means.

問 2-11、收到機關公文告知應繳交醫療費用，要如何處理？

Q2-11: What should an inmate do when he or she receives a notice from the correctional facility to pay medical expenses?

答：

- 一、目前矯正機關內備有各類健保門診，但看診時仍需自費負擔掛號費及部分負擔費用。不具健保資格的收容人除公醫門診外，其餘醫療亦需自費，如收到相關催繳公文，應依限繳納。
- 二、收容人親友得將醫療費用送入予該收容人，俾利辦理相關醫療扣款事宜。送入之方式請參閱「陸、送入金錢、飲食及物品相關事項」。

A:

- 1.Currently all correctional facilities have clinics that accept National Health Insurance (NHI). However inmates with NHI still need to pay registration fee and co-payment when they see a doctor inside the facility. Inmates without NHI will have to pay for their medical expenses unless they are seen by a public health physician. Thus when inmates receive a notice to pay, they should make payment before the specified deadline.
- 2.Inmate's relatives may send inmates money to pay for their medical expenses. Refer to "6. Sending Money, Food and Supplies to Inmates" about ways to send money or items to inmates.

問 2-12、收容人於何種情形下可以戒護外醫？會通知親屬嗎？

**Q2-12: Under what conditions can inmates receive medical treatment outside correctional facilities? Will their relatives be notified?**

答：

- 一、收容人現罹疾病，經醫師診療，如診斷(依實際病情需要、醫護人員、醫療設備等因素)在機關內不能為適當醫治者，得由醫師開立建議轉診單，或由收容人提出自費外醫報告，經核可後戒送外醫。
- 二、收容人住院或依病情需要，機關會通知親屬前往探視（禁止接見收容人應經案件繫屬院檢同意）。各項侵入性檢查、手術亦須親屬配合前往醫院，簽署同意書。
- 三、探視親屬需攜帶身分證明文件，並於規定接見時間內前往醫院探視。

A:

1. When an inmate is ill and determined by a doctor inside the correctional facility (based on the inmate's condition, the availability of medical personnel and equipment, etc.) that the inmate will not be able to receive proper care inside the facility, the doctor can write a referral sheet or the inmate can submit a self-pay medical service report. The inmate can then seek outside medical care under escort after obtaining approval.
2. When inmates seeking outside medical care are hospitalized or have certain health conditions, the correctional facility will notify their relatives to pay a visit (for inmates who are held incommunicado, the consent of the court or prosecutors' office that handles their case is required). When such inmates need to receive invasive examinations or operations, their relatives should visit the hospital as instructed to sign a consent form.
3. When making hospital visits, relatives of inmates must show their ID card and visit at the specified time.

**問 2-13、收容人可否指定戒護外醫時間及醫療院所呢？**

**Q2-13: Can inmates designate the time and the hospital when they have been approved to seek outside medical care under escort?**

答：

- 一、按全民健康保險法及全民健康保險保險對象收容於矯正機關者就醫管理辦法規定，收容人戒護移送醫療院所就醫之時間及處所，由矯正機關依其就醫需求及安全管理之必要指定之；收容人不得自行指定。爰此，收容人如有戒護外醫需求，不論住院或門診，均係由機關指定就醫時間及醫療院所。
- 二、收容人戒護住院時，優先安排入住於戒護病房；無戒護病房時，以入住於健保病房為原則。醫院不得向收容人收取病房費用差額。

A:

1. According to the National Health Insurance Act and the Regulations Governing Medical Services for Insured of the National Health Insurance Held at Correctional Facilities, when and where inmates may seek outside medical care under escort will be determined by the correctional facility based on the medical needs of inmates and security management needs, for which inmates cannot designate on their own. Thus when an inmate has the need to seek outside medical care, be it inpatient or outpatient services, the time and the hospital will be determined by the correctional facility.
2. When an inmate needs to be hospitalized outside the correctional facility, the inmate should be arranged to stay in the guarded ward. If the hospital does not have a guarded ward, the inmate should be arranged to stay in a NHI room, and the hospital may not charge the inmate additional costs for room upgrade.

**問 2-14、請問受刑人保外醫治條件及申請程序為何？**

**Q2-14: What are the criteria and application procedure for prisoners to seek out-of-prison medical treatment on bail?**

答：

一、保外醫治之條件：

- (一) 受刑人受傷或罹患疾病，經戒送醫療機構或病監醫治後，仍不能或無法為適當之醫治者，監獄得報請監督機關參酌醫囑後核准保外醫治；其有緊急情形時，監獄得先行准予保外醫治，再報請法務部矯正署備查。
- (二) 懷胎五月以上或生產未滿二月者，得準用前條之一般保外醫治規定。

二、保外醫治程序可分為一般保外醫治及緊急保外醫治等 2 種，分述如下：

- (一) 一般保外醫治：機關檢附診斷書等證明文件，陳報法務部矯正署，經審核核准後，通知受刑人親屬至檢察署辦理具保相關事宜。
- (二) 緊急保外醫治：機關檢附診斷書、病危通知書等證明文件，由機關首長核定，並函請檢察署依職權處分，再通知受刑人親屬至檢察署辦理具保相關事宜，完成後函報法務部矯正署備查。

三、受刑人保外醫治條件、辦理程序及審查作業流程：

- (一) 受刑人病況符合監獄行刑法第 63 條規定，且符合「受刑人保外醫治審核基準及管理辦法」第 3 條第 1 項所列各款情形之一者，監獄得報請法務部矯正署核准其保外醫治：

1. 罹患致死率高疾病，恐因執行而不能保其生命。
2. 衰老或有客觀事實足認其身心障礙嚴重而無法自理生活，在監難獲適當醫治照護。
3. 病情嚴重必須長期在監外住院治療。
4. 肢體障礙嚴重，必須長期在監外復健。

5. 病情複雜，難以控制，隨時有致死之危險。
6. 罹患法定傳染病，在監難以適當隔離治療。

(二)機關辦理程序與審查：

1. 各矯正機關於陳報保外醫治前，須戒送受刑人至醫療機構就診或住院，取得相關證明文件（診斷書、病歷摘要），並先參酌醫囑，以及評估下列各種情形：

- (1)病況嚴重性
- (2)疾病治療計畫
- (3)生活自理能力
- (4)親友照顧能力或社福機構安置規劃。

2. 在前項評估中，必要時，監獄得委請其他專業機關（構）、團體或個人協助評估。
3. 受刑人向監獄請求保外醫治者，監獄需交由醫事人員，依其病況是否符合「受刑人保外醫治審核基準及管理辦法」第 3 條第 1 項所列各款情形之一者、於陳報保外醫治前，須戒送受刑人至醫療機構就診或住院，取得診斷書、病歷摘要等相關證明文件，並參酌醫囑評估其病況嚴重性、疾病治療計畫、生活自理能力等規定審酌辦理，並將處理結果通知受刑人。

(三)綜合上開情形判斷是否符合監獄行刑法第 63 條之保外醫治構成要件。又除有緊急情形得由機關核准辦理先行保外醫治外，其餘依法均須由機關陳報「保外醫治報告表」，詳述其病況、疾病治療計畫、生活自理能力、親友照顧能力或社福機構安置計畫等，由法務部矯正署審核辦理。

四、被告如罹重病，在所內不能為適當之治療，由機關檢具診斷書等資料，報請該管法院裁定，或檢察官處理。是以，被告尚無保外醫治之適用。

A:

1.Criteria for seeking out-of-prison medical treatment on bail:

(1)When an injured or ill prisoner is sent to an outside hospital or in-house patient ward for treatment under escort but is still unable to receive proper care, the prison may report the case (including doctor's recommendations) to the supervisory agency seeking approval to allow the prisoner to receive out-of-prison medical treatment on bail. In case of emergency, the prison can approve out-of-prison treatment on bail first and then report the case to the Agency of Corrections for reference.

(2)The provisions on general out-of-prison medical treatment on bail in the preceding paragraph apply to female prisoners who are pregnant for more than five months or have given birth less than two months earlier.

2.There are two procedures for out-of-prison medical treatment on bail – general and emergency:

(1)General procedure: The correctional facility prepares related supporting documents, such as certificate of diagnosis and report to the Agency of Corrections for approval. If the

application is approved, the correctional facility will notify the relatives of prisoner to carry out the bail formality at prosecutors office.

(2)Emergency procedure – The correctional facility prepares supporting documents, such as certificate of diagnosis and critical condition notice, for approval by the head of the facility, and sends a letter to the prosecutors office, requesting the office to take action by its vested authority, and then notifies relatives of the prisoner to carry out the bail formality at prosecutors office. After all steps are completed, the correctional facility will file a report to the Agency of Corrections for reference.

3.The criteria, operating procedure and review process for prisoners to receive out-of-prison medical treatment on bail:

(1)For prisoners whose health condition meets the provisions of Article 63 of the Prison Act and meets a situation under any subparagraph of Paragraph 1, Article3of the Regulations Governing Review Standards and Management of Prisoners Receiving Out-of-Prison Medical Treatment on Bail, the prison may request the approval of the Agency of Corrections for prisoners to receive out-of-prison medical treatment on bail:

- a. The prisoner is contracted with a disease with high fatality rate that his or her life may be endangered if incarceration continues.
- b. The prisoner suffers from senility or there are objective facts indicating that he or she has severe physical or mental disability and cannot take care of himself/herself in prison and will not receive proper medical care in prison.
- c. The prisoner is gravely ill that he or she must be hospitalized and treated outside the prison on a long-term basis.
- d. The prisoner has severe physical disabilities that he or she must undergo rehabilitation therapy outside the prison on a long-term basis.
- e. The prisoner’s health condition is complex and hard to manage that he or she faces the risk of death at any time.
- f. The prisoner has a notifiable disease and it is difficult for him or her to receive treatment in isolation in prison.

(2)Operating procedure and review:

a. Before a correctional facility reports out-of-prison medical treatment on bail for a prisoner, it must escort the prisoner to a medical institution for treatment or hospitalization and obtains relevant supporting documents (e.g. certificate of diagnosis, summary of medical record), and take reference of doctor’s recommendations and evaluate the following conditions:

- (a) Severity of health condition;
- (b) Treatment plan;
- (c) Prisoner’s self-care ability; and

- (d) Family's ability to care for the prisoner or placement planning of the social welfare organization.
- b. When necessary, the prison can engage other professional agencies (institutions), groups or individuals to assist in the aforementioned evaluation.
- c. When a prisoner requests out-of-prison medical treatment on bail, the prison should let medical staff determine whether prisoner's health condition meets any of the conditions under the subparagraphs of Paragraph 1, Article 3 of the Regulations Governing Review Standards and Management of Prisoners Receiving Out-of-Prison Medical Treatment on Bail. Before reporting the case to the Agency of Corrections, the prison must escort the prisoner to a medical institution for treatment or hospitalization and obtains relevant supporting documents, such as certificate of diagnosis and summary of medical record, and consider doctor's evaluation of the prisoner's health condition, treatment plan, and prisoner's self-care ability, and notify the prisoner of the review results.
- (3) After determining whether prisoner's health condition meets the criteria for out-of-prison medical treatment on bail under Article 63 of the Prison Act, the prison shall submit an "Out-of-Prison Medical Treatment on Bail Report", which details the prisoner's health condition, treatment plan, self-care ability, family's ability to care for the prisoner or placement planning of the social welfare organization, to the Agency of Corrections for deliberation and approval. In the event of an emergency, the prison may approve out-of-prison medical treatment on bail before reporting the case to the Agency of Corrections.
4. If a defendant under detention is gravely ill that he or she is unable to receive proper treatment inside the correctional facility, the facility will prepare certificate of diagnosis or other documents to the court or the prosecutor for a decision. Thus the provisions of out-of-prison medical treatment on bail do not apply to defendants.

問 2-15、受刑人保外醫治期間，應行注意事項為何？

Q2-15: How should prisoners behave themselves when they receive out-of-prison medical treatment on bail?

答：

一、保外醫治受刑人於保外醫治期間應遵守下列事項：

(一)不得有違反法令之行為。

(二)應依照醫囑接受治療。

(三)不得無故擅離或變更原醫療機構或處所。如因病情治療或照護需要時，得檢附相關證明文件，向原執行監獄申請核准變更醫療機構或處所。但情況急迫時，保外醫治受刑人得先自行變更，並於五日內陳報原執行監獄並申請核准。

(四)應主動與監獄保持聯繫，不得無故失聯。

- (五)於監獄訪察人員訪視時，應就其健康、就醫或照護、居住、生活狀況等情形提出報告，並提供醫院診斷書等證明文件。
- (六)除維持日常居住及生活所必需外，未經監獄核准，不得從事與治療目的不符或顯然無關之活動。
- (七)不得對被害人、告訴人、告發人、證人或其他利害關係人實施危害、恐嚇、騷擾、跟蹤、糾纏或其他不法行為。
- (八)其他經監獄認為應遵守之事項。

二、監獄對於保外醫治受刑人違反上述所列各項應遵守事項之處理方式：

- (一)保外醫治受刑人違反上述所列應遵守事項者，監獄應先以書面命其限期改善，屆期未改善者，監獄得報請法務部矯正署廢止其保外醫治核准。
- (二)但是，保外醫治受刑人違反上述所列應遵守事項，其情節重大，或經醫事人員評估其病況已治癒或改善，未依監獄指定之期日至檢察署報到等情形之一者，監獄得逕行報請法務部矯正署廢止其保外醫治核准。

三、保外醫治期間不計入刑期。未痊癒者，每月應檢附診斷書，由監獄視病情需要辦理展延。

四、保外醫治期間，經醫事人員評估其病況已治癒或改善時，應依監獄指定之期日至檢察署報到，再返回機關執行殘餘刑期。

A:

1. Prisoners who receive out-of-prison medical treatment on bail shall observe the following rules:

- (1) May not act in a way that violates laws or regulations.
- (2) Receive treatment according to doctor's instructions.
- (3) May not leave or change the medical institution or facility for receiving out-of-prison treatment without justification. If such change is necessary for treatment or care purposes, the prisoner may submit relevant supporting documents to the prison where he or she was incarcerated to apply for change of medical institution or facility. However if the situation is urgent, the prisoner may make the change first and apply to the prison for approval within 5 days.
- (4) Actively keep in touch with the prison and must not be out of reach without justification.
- (5) When a prison officer visits, make a report on his or her health, treatment or care received, and living conditions and provide the officer with supporting documents, such as hospital's certificate of diagnosis.
- (6) Unless it is necessary for maintaining daily life, do not engage in activities that are inconsistent with or apparently irrelevant to the purpose of treatment.
- (7) Do not harm, intimate, harass, stalk, bother, or otherwise act unlawfully against victims, complainants, informants, witnesses and other interested parties.

- (8)Observe other matters deemed necessary by the prison.
- 2.Prison's actions when a prisoner on bail for medical treatment violates any of the aforementioned rules:
- (1)When a prisoner on bail for medical treatment violates any of the aforementioned rules, the prison should first order the prisoner in writing to take corrective actions within a given period of time. Should the prisoner fail to do so, the prison may request the Agency of Corrections to rescind the approval for receiving out-of-prison medical treatment on bail.
- (2)However if the prisoner's violation is of serious nature or if it is determined by medical staff that the prisoner's illness is cured or has improved, or if the prisoner fails to report to the prosecutors office on the date designated by the prison, the prison may proceed to request the Agency of Corrections to rescind the approval for receiving out-of-prison medical treatment on bail.
- 3.The period of out-of-prison medical treatment on bail will not be counted as time served. Prisoners on bail who are not yet recovered shall submit a certificate of diagnosis every month and the prison may grant an extension in light of prisoner's health condition.
- 4.While a prisoner is on bail for medical treatment, if it is assessed and determined by medical staff that the prisoner's illness is cured or has improved, the prisoner shall report to the prosecutors office on the date designated by the prison and then go back to prison to serve his or her remaining sentence.

問 2-16、受刑人保外醫治期間死亡，其親屬應辦事項為何？

Q2-16: If a prisoner dies while out on bail for medical treatment, what should his or her relatives do?

答：

- 一、持死亡證明書及相關證明文件，向管轄之地檢署辦理交保金領回事宜。
- 二、持死亡證明書前往受刑人執行之矯正機關，辦理受刑人保外醫治死亡之查核程序，以及除籍手續。

A:

- 1.Present the prisoner's death certificate and relevant supporting documents to the prosecutors office of jurisdiction to claim the bail money back.
- 2.Present the prisoner's death certificate to the correctional facility that used to hold the prisoner to carry out death verification procedure and de-registration formality.

## 參、金錢使用與保管事項

### 3. Use and Safekeeping of Money

問 3-1、入矯正機關執行時，可否購買物品？有限制規定嗎？

Q3-1: Can inmates buy stuff at correctional facilities when they first arrive? Are there any restrictions?

答：

- 一、入矯正機關執行時，攜帶之金錢應交由機關代為保管，並給予保管金及勞作金手摺，用以登載機關內之購物及其他支出紀錄。
- 二、收容人向矯正機關消費合作社申購之物品種類區分為「一般性物品」（食品類）與「非一般性物品」（電器、電池、棉被等非食品類）。販售物品價目明細表詳列各項物品品名與售價，以低於市價販售，並於機關接見室及場舍公開，使外界及收容人知悉。
- 三、矯正機關基於維護秩序與安全，一般性物品每人每日消費以新臺幣（以下同）300 元為限。另年節（指端午節、中秋節當日及除夕至初三）每日消費金額以 600 元為限。又當日消費金額未達上限者，不得累計合併使用。
- 四、非一般性物品消費金額分別超過 300 元及 600 元時，須分別經教區科員及機關首長核准後，始能購買。

A:

1. When inmates first arrive at correctional facilities, they need to turn over the money with them to the facilities for safekeeping. Inmates will be given a Safekeeping Account Book and a Labor Wage Book to record shopping and other expenses incurred in the facility.
2. Items sold at the cooperatives inside correctional facilities are classified into “general items (food) and “non-general items” (non-food items like electrical appliances, batteries, blankets....., etc.). A price list that details the names of items for sale and their prices, which are lower than the market prices, are posted in the visitation room and housing areas for the information of inmates and visitors.
3. For the sake of maintaining order and security, daily purchase of general items by inmates is limited to NT\$300 per person. On special holidays (on the day of Dragon Boat Festival, the day of Mid-Autumn Festival, and from Chinese New Year’s Eve to January 3 on lunar calendar), the daily spending limit is NT\$600 per person. Unused quota for daily spending may not be carried over.
4. When the cost of non-general items exceeds NT\$300 or NT\$600, inmates must obtain the approval of the educational block officer and the head of correctional facility before making a purchase.

問 3-2、想要領回保管物品或保管金，該如何申請？

Q3-2: How to apply for retrieval of personal items or money under safekeeping?

答：

一、申請方式與程序：

(一)收容人或其親屬親自申請：由收容人或其親屬向機關提出申請，詳填領出物品名稱、指定領回人與使用理由，經核准後，確認相關證明文件、印章、委託書及核對領回保管金（保管物品）金額（品項、數量）無誤後，當面點交並簽名具領。

(二)利用網路申請：請至「法務部便民服務線上申辦系統」（網址：<https://eservice.moj.gov.tw/>）申請，機關接收後將申請案件轉送承辦人員，審核確認收容人或其親屬相關證明文件、印章及委託書影本無誤後，郵遞通知申請人到機關領回保管金（保管物品）。

二、禁見被告申請領回保管物品，經法院或檢察署同意後，按程序一之（一）辦理。

三、申請領回保管金或保管物品，收容人仍在矯正機關內者，應經其書面同意；收容人離開矯正機關者，領回人並應備妥該收容人委託書及相關證明文件。

A:

1.Application and procedures:

(1)Apply in person by inmate or inmate's family: Inmate or inmate's family submits an application to the correctional facility, detailing name of belonging, person designated to pick up the item and reason for use. After an approval is granted, the facility will verify relevant supporting documents, chops, power of attorney and amount (item and quantity) of money (belongings), and hand it over to the applicant in person and ask the applicant to sign for the receipt of money (belongings).

(2)Apply online: Go to Ministry of Justice's online application system (<https://eservice.moj.gov.tw/>) to make application. After receiving the application, the correctional facility will forward the case to the staff in charge. The staff will review the supporting documents, chops and power of attorney submitted by the inmate or inmate's family, and notify the applicant by post to come retrieve inmate's money (belongings) from the correctional facility.

2.When defendants to be held incommunicado apply for retrieval of items under safekeeping, they may follow the procedure1(1) after obtaining the consent of the court or prosecutors office.

3.When applying for retrieval of an inmate's money or belongings under safekeeping, a written consent of the inmate is required if the inmate is still at the correctional facility; if

the inmate has left the correctional facility, the person retrieving the money or belongings must present inmate's power of attorney and relevant supporting documents.

問 3-3、收容人離開矯正機關時沒錢返家，該怎麼辦？

Q3-3: What can be done if an inmate does not have money to go home upon release?

答：

收容人釋放前，倘返鄉車資不足，得向機關申請出監旅費資助，經審查核准後，填具「收據」，由更生保護會資助返鄉旅費；如為身心障礙，經評估無法自行返家者，由機關先行聯繫其親友至機關接返，倘屬無法自理生活，且無家可歸者，則聯繫更生保護會或社政單位協助安置事宜。

A:

If an inmate knows before release that he or she will not have enough money to pay for the fare to go home, the inmate can ask for the assistance of travel expenses from the correctional facility and fill out the receipt before release. After review and approval, the inmate shall fill out a "Receipt" and Taiwan After-Care Association will fund inmate's trip back home. In case an inmate is disabled and deemed unable to go home on his or her own following evaluation, the correctional facility should contact his or her relatives to come pick up the inmate. If an inmate is unable to take care of him or herself and has no home to return to, the correctional facility should contact the After-Care Association or the social affairs agency to assist in placement matters.

## 肆、各類接見相關事項

### 4. Visitation

問 4-1、收容人進入矯正機關後，何時可以辦理接見？

Q4-1: When can inmates meet visitors after they enter a correctional facility?

答：

收容人（禁止接見收容人除外）於進入矯正機關，完成新收程序確認身分後，即可於規定接見辦理時間內辦理接見。

A:

Inmates (except for inmates who are held incommunicado) can start meeting visitors at specified time after they have completed identity verification and admission process.

問 4-2、機關辦理接見的時間為何？連續假日或國定例假日可以接見嗎？

Q4-2: What are the visitation hours? Can inmates be visited on consecutive holidays or weekends or other public holidays?

答：

- 一、矯正機關辦理接見係依行政院人事行政總處每年公告之「中華民國政府機關辦公日曆表」之上班日辦理接見。
- 二、為便利無法於上班日辦理接見之民眾，國定例假日或其他休息日之接見，得由機關每月擇定至少 1 日國定例假日辦理接見，或於不同國定例假日分 2 次半日辦理。辦理之日期，機關將預先以公告於機關全球資訊網網頁、接見室之布告欄等適當方式對外公開。
- 三、外役監獄或自主監外作業因工作時間及性質特殊，接見辦理時間由機關視工作情形自行訂定。

A:

1. Correctional facilities allow visitors on business days in accordance with the “Official Work Calendar for Government Agencies” published every year by the Directorate-General of Personnel Administration, Executive Yuan.
2. To make it convenient for people who are unable to visit their relatives held in correctional facilities on business days but on weekends, public holidays or other days off, correctional facilities may select at least one weekend or public holiday, or two half-days on two different weekends and public holidays every month to allow visitation. Correctional facilities will post the dates of weekends or public holidays open for visitation on their

website and the bulletin board in visitation room, or make the dates public by other appropriate means in advance.

3. Due to working hours and special nature of open prisons and autonomous external work, time to visit inmates in those places will be set by respective correctional facility in view of their work situation.

#### 問 4-3、請問如何辦理接見，流程為何？

#### Q4-3: What is the visitation process?

答：

一、接見办理流程原則如下，實際仍以各機關公告(布)為準：

- (一)至服務台抽取號碼牌及填寫申請單。
- (二)持身分證明文件至接見室登記窗口辦理。
- (三)準備身分證明文件等候接見（依梯次等候）。
- (四)窗口接見（接見過程中不得使用通訊、錄影或錄音器材）。

二、攜帶證件：國民身分證、汽機車駕照、戶籍謄本或戶口名簿(未領有國民身分證之 5 歲以上兒童)、健保卡、護照或足資證明其身分之文件（須載有出生日期、身分證字號、住址、照片等資料）；外籍人士除前述文件外，亦可提出居留證、入出境證明其一文件。又如收容人接見對象，法規定有限制規定者，應攜帶足供辨識與收容人關係之身分證明文件。

三、接見每次以 3 人為限，被許可接見者並得攜帶未滿 12 歲之兒童，兒童人數不計入前開人數限制。

A:

1. The visitation process is as follows in principle, but the actual process announced (published) by each correctional facility shall prevail:

- (1) Pick up a number at the service counter and fill out an application form.
- (2) Present ID and register at the window of visitation room.
- (3) Prepare ID and wait for call (wait in groups).
- (4) Visit at the window (no communication, video or audio recording equipment may be used during the visit).

2. Required ID: National ID Card, driver's license, household registration transcript or household registry (for children over 5 years old without a National ID Card), National Health Insurance Card, passport or other documents that suffice to prove identity (which contains date of birth, ID No., address and photograph); foreign visitors can show passport, resident permit or certificate of entry and exit dates in addition to the aforementioned documents. If the visitors of an inmate are restricted according to law, the visitor must present documents that suffice to show his or her relationship with the inmate.

3. An inmate may meet no more than 3 visitors at a time. Visitors can bring children under 12 years of age who are not counted toward the aforementioned limit of visitors.

問 4-4、如何查詢收容人是否收容在矯正機關，或是否可以辦理接見？

Q4-4: How to inquire whether an inmate is held at a certain correctional facility, or whether the inmate can meet visitors?

答：

- 一、矯正機關於收容人新收後，均會寄發「收容人入監（所、校）通知單」，告知接見相關規定，並提醒收容人親屬慎防詐騙電話。
- 二、由於矯正機關提供收容人個人資料須受「個人資料保護法」規範，故於收容人入機關時，機關均請渠等自行填寫「收容人資料開放查詢意願表」，倘為勾選同意欄位者，始得提供查詢；另涉及個人隱私（如罪名、刑期、出監日期等）之資料部分，仍請逕詢收容人為宜。

A:

1. After admitting a new inmate, the correctional facility will send an “Inmate Admission & Orientation Notice”, which informs the inmate’s relatives of visitation rules and reminds them to beware of phone scams.
2. Because the personal data of inmates that may be provided by correctional facilities are subject to the Personal Information Protection Act, every inmate will be asked to fill out a “Consent to Make Personal Information Available for Inquiries” upon admission, and only information under the fields that have been checked by the inmate as consent will be made available for inquiries. For information that involves personal privacy (e.g. offense committed, term of sentence, and release date...., etc.), visitors should ask the inmates directly.

問 4-5、機關拒絕民眾接見之理由為何？

Q4-5: What are the reasons by which a correctional facility may refuse the request to visit an inmate?

答：

機關拒絕接見之理由如下：

- 一、未攜帶身分證明文件、未依規定登記相關資料或非屬收容人得接見之對象。
- 二、收容人接見次數已達上限。
- 三、收容人拒絕接見。
- 四、請求接見者或收容人為經法院或檢察官依刑事訴訟法規定禁止接見之對象。
- 五、有妨害機關秩序或安全之行為。

六、其他法規規定應限制或禁止接見者。

A:

Reasons for refusing the visit request include:

- 1.The visitor did not bring any identification document, did not register relevant data as required, or is not a person that the inmate is allowed to meet.
- 2.The number of visits the inmate may have has reached its limit.
- 3.The inmate declines to see the visitor.
- 4.The person requesting a visit with the inmate is prohibited to visit or the inmate is held incommunicado by order of the court or prosecutor in accordance with the Code of Criminal Procedure.
- 5.The visitor acts in a way that disrupts the order or security of the correctional facility.
- 6.Visitation should be restricted or prohibited according to other rules and regulations.

問 4-6、機關中止民眾接見之理由為何？

Q4-6: What are the reasons why a correctional facility terminates a visit?

答：

接見過程中發現有妨害機關秩序或安全之情形，或接見人使用通訊、錄影或錄音器材時，戒護人員得中止接見。

A:

When a correctional facility discovers situations that disrupt the order or security of the facility or the visitor uses communication, video and audio recording equipment during the visitation, the guard may terminate the visit.

問 4-7、收容人身分類別不同，接見次數限制及對象分別為何？

Q4-7: What are the limits on number of visits and visitors for inmates at different levels?

答：

一、第四級受刑人接見以每星期 1 次為原則（任 1 天）；第三級受刑人每星期接見 1 次或 2 次；第二級受刑人接見以每 3 日 1 次為原則；第一級受刑人接見次數不予限制，但不得影響監獄管理及監獄紀律；至於不適用累進處遇之受刑人，接見以每星期 1 次為原則。對象部分，第四級受刑人得准與其親屬接見。第三級以上之受刑人，在不妨害教化的範圍內，得准其與非親屬接見；至於不適用累進處遇之受刑人，其接見對象除法規另有規定或依受刑人意願拒絕外，監獄不為限制或禁止。

二、被告（除禁止接見者外）及民事被管收人每日得接見 1 次；對象原則上並無限制。

- 三、受觀察勒戒人每週得接見 1 次(任 1 天)；對象除有特別理由經勒戒處所長官許可，得與其他人為之外，以配偶、直系血親為限。但有妨礙觀察勒戒處分之執行或受觀察勒戒人之利益者，得禁止或限制之。
- 四、受戒治人每週得接見 1 次(任 1 天)；對象為最近親屬及家屬；於進入心理輔導期後，得與非親屬、家屬接見，但以有益於戒治處分之執行為限，且須報經機關首長許可，始得開放接見。
- 五、受感化教育少年每週接見不得逾 2 次(任 2 天)；對象為親友，但有妨礙感化(矯正)教育之執行或學生的利益者，得禁止之。
- 六、收容少年接見次數不予限制，但不得影響機關之管理及紀律；對象為親友，但有礙於案情之調查與收容少年之利益者，得不許其接見。
- 七、以週計算者係指星期日起至星期六止。另以日計算者則包含國定例假日。

A:

1. Level 4 prisoners may have one visit per week in principle (any day of the week); Level 3 prisoners may have one or two visits per week; Level 2 prisoners may have a visit once every 3 days in principle; Level 1 prisoners may have unlimited number of visits, which however should not adversely affect prison management and discipline. Prisoners to whom progressive treatment does not apply may have one visit per week in principle. As for visitors, Level 4 prisoners may meet their relatives. Prisoners at other levels may be allowed to meet non-relatives, provided such visit does not adversely affect the prisoner's edification. For prisoners to whom progressive treatment does not apply, the prison will not limit or prohibit the visit of any visitors, unless such a visitor is otherwise regulated or the prisoner declines to meet with such a visitor.
2. Defendants (except for defendants who are held incommunicado) and civil detainees may have one visit per day and there are no restrictions on their visitors.
3. Delinquents under rehab and observation may have one visit per week (any day of the week); their visitors are limited to spouse and lineal relatives, but exceptions can be allowed if there are special reasons and head of the rehab center has given approval. However visitation may be prohibited or restricted if the visit interferes with delinquent's rehabilitation or hinders his or her benefits.
4. Individuals receiving rehabilitation (detoxification) treatment may have one visit per week (any day of the week); their visitors are limited to their closest relatives and family members, but they may also see non-relatives and non-family members after they enter the period of psychological guidance, provided such visit benefits the abuser's rehabilitation and the head of correctional facilities has given permission.
5. Juveniles inmates ~~subjected to reformatory education~~ may have no more than two visits per week (any 2 days of the week); visitors are limited to friends and relatives. Visitation

may be prohibited if it interferes with student's edification (correction) education or disbenefits the student.

6. There are no limits on the number of visits juvenile inmates may receive. However visitation may not adversely affect management and discipline of the correctional facility. Juvenile inmates may receive the visits of friends and relatives. But visitation may be prohibited if it interferes with the investigation of the case and disbenefits the juvenile.
7. A week starts from Sunday and ends on Saturday. Days of the week include weekends and public holidays.

**問 4-8、同居人或同性伴侶可以家屬身分與收容人接見嗎？**

**Q4-8: Can the live-in companion or same-sex partner of inmates visit inmates as a family member?**

答：

- 一、所稱家屬係依民法第 1123 條規定，同家之人，除家長外，均屬家屬。雖非親屬而以「永久共同生活」為目的同居一家者，視為家屬。
- 二、證明家屬關係，應提出足資證明之文件或由機關以調查資料認定。
- 三、民眾如以收容人家屬身分前往矯正機關申辦接見，可檢具國民身分證或戶籍資料、雙方家長切結證明、同戶籍之戶口名簿（戶籍謄本）、村鄰里長證明書或其他可資證明之文件等，作為證明文件並提出申請，經機關認定雙方關係後，即可以家屬身分辦理接見。

A:

1. Pursuant to Article 1123 of the Civil Code, persons belong to the same house are, except the head of the house, the members of the house. Persons who are not relatives but who live in the same household with the object of maintaining the common living permanently are deemed to be the members of the house.
2. To show family member relationship, visitors must present viable supporting documents or be accepted as family member by the correctional facility following investigation.
3. When a person applies at a correctional facility to visit an inmate as inmate's family member, the person can present his or her National ID Card or household registration record, affidavit signed by the parents of both the visitor and the inmate, household registry (or household registration transcript) that show the visitor and the inmate live in the same household, certificate issued by village head or other documents that suffice to show their relationship, and make application. The person can then visit the inmate as a family member after the correctional facility has checked their relationship.

**問 4-9、收容人離婚，前岳父母或前夫（妻）是否可以陪同其婚生子女接見？**

**Q4-9: For divorced inmates, can ex-in-laws or ex-spouse accompany their children to visit the inmate?**

答：

- 一、為維繫收容人親情網絡，促進家庭正向關係連結，收容人前配偶或曾具姻親關係之人陪同收容人子女申辦接見，機關得依相關法規或基於職權審查核准。但收容人拒絕接見者，不在此限。
- 二、機關基於職權審查時，申辦接見者請出示身分證明文件，另機關將查閱戶口名簿或戶籍謄本備註欄位之記載，確定該子女之父母欄位，與前來辦理接見者雙方之關係，於確認關係無誤後，依職權准予辦理接見。

A:

- 1.To help inmates maintain their family network and promote positive family relationships, when children of a divorced inmate request a visit in the company of inmate's former spouse or persons who were once related to the inmate by marriage, correctional facilities may, by law or by their authority, review the request and give approval, unless inmate decline to meet the visitors.
- 2.When a correctional facility reviews the visit request, the visitors must show their ID. The facility will also check the notations in household registry or household registration transcript to ascertain the child visitor's parents and relationship between the visitors and the inmate, and allow the visitation by authority.

**問 4-10、為何禁止接見被告不能辦理接見？如何得知其解除禁見而申請接見呢？**

**Q4-10: Why some inmates are held incommunicado (not allowed visitation)? How do we know if the ban has been lifted?**

答：

- 一、依刑事訴訟法規定，法院如認為被告有因接見而致其有脫逃或湮滅、偽造、變造證據或勾串共犯或證人之虞者，得依檢察官之聲請或依職權命被告禁止接見。但遇有急迫情形時，檢察官得先為必要之處分，並即時陳報法院核准。
- 二、禁止接見被告如獲解除禁見，即可辦理接見，被告可寄信或申請使用通訊設備接見通知親屬至機關辦理接見。

A:

- 1.Pursuant to the Code of Criminal Procedure, if a court deems that the meeting with visitors raises the concern that the defendant may escape or destroy, forge, or alter evidence or conspire with a co-offender or witness, the court may, upon the claim of the public prosecutor or by authority, prohibit the meeting. In case of emergency, the public prosecutor may take necessary actions first, then promptly report to the court for approval.

2. Defendants who are held incommunicado may start to meet visitors once their ban is lifted, upon which, defendants can send a letter to their relatives to come visit them or apply to conduct a visit via communication devices.

問 4-11、家裡發生重大事情，可否另外申辦接見？

Q4-11: Can inmates apply for additional visits when something happens to their families?

答：

收容人家裡如發生重大事情(如發生變故、家人病危或喪亡等)，得申請使用通訊設備接見，以即時聯繫；另家屬前往機關辦理一般接見時，可向機關說明事由，由機關酌情延長接見時間、辦理增加接見或為其他彈性調整措施。

A:

When something happens to an inmate's family (e.g. something unfortunate happens, or a family member is gravely ill or has passed away....., etc.), the inmate may apply for visitation using communication devices so he or she can contact family members right away. In addition, when family members request to visit an inmate at the correctional facility, they can explain the situation to the facility and the facility can consider extending the duration of visit, increasing the number of visits or making other flexible arrangements.

問 4-12、夫妻或直系血親在不同機關收容，是否可以辦理接見？

Q4-12: If the spouse or lineal relatives are held at different correctional facilities, can they visit each other?

答：

一、收容人之配偶或直系血親另收容於矯正機關，得檢具相關證明文件向所在機關提出使用通訊設備接見之申請。

二、任一方收容人如經法院或檢察官依刑事訴訟法規定禁止接見者，機關將拒絕其申請。

A:

1.If the spouse or a lineal relative of an inmate is held at another correctional facility, they can prepare relevant supporting documents and apply to their correctional facility to conduct a visit via communication devices.

2.However, if the inmate on either side is held incommunicado as determined by the court or the prosecutor in accordance with the Code of Criminal Procedure, the correctional facility may reject inmate's application.

問 4-13、請問什麼是使用通訊設備接見？申辦規定為何？

Q4-13: What is "conducting visits via communication devices"? What are the rules for application?

答：

一、為便利收容人與其家屬、最近親屬、律師、辯護人或其他具特定情形之人接見，矯正機關設置電話設備、遠距接見設備或其他通訊設備，提供其等即時聯繫。

二、申辦之對象、條件、申請程序、次數、時間、人數、梯次、通訊方式、拒絕或中止接見事由、收費及其他應遵行事項，規範於監獄及看守所辦理使用通訊設備接見辦法及機關公布之資訊。

三、申請人及理由：

(一)收容人提出申請之法定理由：

1. 收容人家屬或最近親屬喪亡或有生命危險。
2. 收容人家屬或最近親屬最近 3 個月，均未與其接見及通信。
3. 收容人配偶或直系血親另收容於矯正機關。
4. 收容人請求與所屬國或地區之外交、領事人員或可代表其國家或地區之人員接見。
5. 機關基於人道考量，或認有助於機關管理之必要。

(二)請求接見者提出申請之法定理由：

1. 家屬或最近親屬。
2. 律師或辯護人。
3. 前二項以外之人，有下列情事之一：
  - (1) 年滿 65 歲或未滿 12 歲。
  - (2) 疑似或罹患傳染病防治法所定之疾病。
  - (3) 罹患全民健康保險保險對象免自行負擔費用辦法所定之重大傷病。
  - (4) 具身心障礙情形。
  - (5) 本人或其財物，因遭受災害防救法所定災難而造成禍害。
  - (6) 因收容人之家屬或最近親屬喪亡或有生命危險。
  - (7) 收容人所屬國或地區之外交、領事人員或可代表其國家或地區之人員。
  - (8) 其他經機關認有重大或特殊之情形。

四、接見次數及時間：收容人使用通訊設備接見，以每月 2 次為原則(排除因收容人家屬或最近親屬喪亡或有生命危險、與外交或領事人員接見、與律師或辯護人接見、因個人或財物遭受災害或其他機關認有必要等情形)。每次以 30 分鐘為限。但機關認有必要時，得調整加減次數或時間。

五、接見人數：使用遠距設備接見，每次至多 2 人。其他通訊方式，機關得視通訊方式或接見空間限制，調整同時接見之人數。

六、程序及方式：

(一)申請人須於規定之期間檢具相關文件(詳如(二)及(三)之說明)，向收容人所在機關提出申請或至「法務部矯正署便民服務入口網」(<https://service.mjac.moj.gov.tw>)線上申請。申請單可向收容人所在機關索取，或至機關全球資訊網站下載使用。

(二)提出申請期間：

申請人及理由		提出申請期間	
收容人提出	家屬或最近親屬喪亡或有生命危險	家屬或最近親屬喪亡後 1 個月內或有生命危險之情形後 7 日內	
	家屬或最近親屬最近 3 個月，均未與其接見及通信	請求接見日之前 7 日至前 2 日提出	
	配偶或直系血親另收容於矯正機關	請求接見日之前 7 日至前 2 日提出	
	請求與所屬國或地區之外交、領事人員或可代表其國家或地區之人員接見	請求接見日之前 7 日至前 2 日提出	
	機關基於人道考量，或認有助於機關管理之必要	依實際需要提出	
請求接見者提出	家屬或最近親屬	請求接見日之前 7 日至前 2 日提出	
	律師或辯護人	請求接見日之前 7 日至前 2 日提出	
	前二項以外之人，有下列情事之一	年滿 65 歲或未滿 12 歲	請求接見日之前 7 日至前 2 日提出
		疑似或罹患傳染病防治法所定之疾病	請求接見日之前 7 日至前 2 日提出
		罹患全民健康保險保險對象免自行負擔費用辦法所定之重大傷病	請求接見日之前 7 日至前 2 日提出
		具身心障礙情形	請求接見日之前 7 日至前 2 日提出
		本人或其財物，因遭受災害防救法所定災難而造成禍害	請求接見日之前 7 日至前 2 日提出

	因收容人之家屬或最近親屬喪亡或有生命危險	家屬或最近親屬喪亡後 1 個月內或有生命危險之情形後 7 日內
	係收容人所屬國或地區之外交、領事人員或可代表其國家或地區之人員	請求接見日之前 7 日至前 2 日提出
	其他經機關認有重大或特殊之情形	依實際需要提出

(三)應備證明文件：

申請人及理由		應備證明文件
收容人提出	家屬或最近親屬喪亡或有生命危險	家屬或最近親屬最近 1 月內死亡，或最近 7 日內病危之證明文件
	家屬或最近親屬最近 3 個月，均未與其接見及通信	與接見對象之關係證明文件
	配偶或直系血親另收容於矯正機關	與接見對象之關係證明文件
	請求與所屬國或地區之外交、領事人員或可代表其國家或地區之人員接見	接見對象之身分證明文件(如無法提供時，機關得逕以調查之資料認定之)
	機關基於人道考量，或認有助於機關管理之必要	機關通知之應備文件
請求接見者提出	家屬或最近親屬	身分證明文件及其與收容人之關係證明文件
	律師或辯護人	身分證明文件及受收容人委任或洽談委任事宜之相關證明文件
	前二項以外之人，	身分證明文件
	年滿 65 歲或未滿 12 歲 疑似或罹患傳染病防治法所定之疾病	身分證明文件及疑似或罹患傳染病相關文件

有下列情事之一	罹患全民健康保險保險對象免自行負擔費用辦法所定之重大傷病	身分證明文件及罹患重大傷病相關文件
	具身心障礙情形	身分證明文件及身心障礙相關文件
	本人或其財物，因遭受災害防救法所定災難而造成禍害	身分證明文件及足資證明受災之文件
	因收容人之家屬或最近親屬喪亡或有生命危險	家屬或最近親屬最近 1 月內死亡，或最近 7 日內病危之證明文件
	係收容人所屬國或地區之外交、領事人員或可代表其國家或地區之人員	身分證明文件及其他相關證明文件
	其他經機關認有重大或特殊之情形	機關通知之應備文件

(四)機關於審查後，將以電話、電子郵件或其他適當方式通知，申請人應依機關指定時間及通訊方式辦理接見；申請人亦可於申請接見日之前 1 日電洽機關查詢。

(五)通訊方式以使用電話設備及其他經收容人所在機關指定之通訊設備為限。

(六)如經機關許可使用遠距設備接見，接見人應依排定接見時間，持身分證明文件親至許可辦理遠距接見之機關辦理遠距接見。

(七)申請人因故無法完成使用通訊設備接見，請以電話聯繫機關取消；如未依機關指定之時間及通訊方式辦理接見，最近 6 個月內達 3 次以上者，機關自最近一次未辦理接見日起 3 個月內得拒絕申請。

七、有下列情形之一者，機關得拒絕收容人或請求接見者申請使用通訊設備接見：

(一)收容人表示拒絕與請求接見者接見。

(二)收容人或請求接見者未依使用通訊設備接見之規定辦理。

(三)請求接見者未依機關指定之時間及通訊方式辦理接見，最近 6 個月內達 3 次以上者，機關自最近一次未辦理接見日起 3 個月內得拒絕之。

(四)收容人或請求接見者係經法院或檢察官依刑事訴訟法規定禁止接見之對象。

(五)依監獄行刑法、羈押法或其他法規，機關得對於請求接見者拒絕接見。

八、接見過程中有下列情形之一時，機關得中止接見：

(一)非被許可接見者為接見。

(二)被許可接見者使用非指定之通訊設備接見，或未經許可於接見中為攝影、錄影、錄音或使用其他影音設施。

(三)被許可接見者為謾罵喧鬧，或破壞接見處所或其設備，不聽制止。

(四)被許可接見者規避、妨害或拒絕機關依規定所為之監看或聽聞。

(五)收容人或被許可接見者有妨害機關安全或秩序之行為。

A:

1. To make it more convenient for inmates to meet with their family members, nearest relatives, attorneys, defense counsels and other people under special circumstances, correctional facilities have installed telephone equipment, remote visit equipment, or other types of communication devices for them to communicate with each other in a timely manner.

2. Who can apply for visits via communication devices, application conditions, procedures, number and duration of visits, duration, number of visitors, schedule, means of communication, reasons for rejecting or terminating a visit, charges, and other rules to abide by are stipulated in the Regulations for Conducting Visits via Communication Devices in Prisons and Detention Centers and other rules announced by correctional facilities.

3. Applicants and reasons:

(1) Legal reasons for inmates to make an application:

a. A family member or nearest relative of the inmate recently passed away or is in a life-threatening situation.

b. The inmate's family members or nearest relatives have not visited and corresponded with the inmate for the past three months.

c. The inmate's spouse or lineal relative is held at a correctional facility.

d. The inmate requests to meet diplomatic and consular personnel from their country or region or personnel that may represent their country or region.

e. The correctional facility does so based on humanitarian consideration or deems it helpful for facility management.

(2) Legal reasons for individuals to make an application:

a. Family members or nearest relatives.

b. Attorneys or defense counsels.

c. Individuals other than those specified in the preceding two paragraphs having one of the following situations:

(a) The individual is aged 65 or older or under the age of 12;

- (b) The individual may be or is infected with a disease defined in the Communicable Disease Control Act.
  - (c) The individual suffers from a major illness or injury defined in the Regulations Governing the Exemption of the National Health Insurance Beneficiaries from the Co-Payment.
  - (d) The individual has physical or mental disabilities.
  - (e) The individual or the property thereof suffers damage in a disaster defined in the Disaster Prevention and Protection Act.
  - (f) The individual requests a visit because a family member or nearest relative of the inmate recently passes away or is in a life-threatening situation.
  - (g) The individual is one of the diplomatic and consular personnel from the inmate's country or region or one of the personnel that may represent the inmate's country or region.
  - (h) Other circumstances deemed major or extraordinary by the facility.
4. Number and duration of visits: An inmate may conduct visits via communication devices twice per month (excluding visits conducted for reason of family member or nearest relative recently passed away or is in life-threatening situation, meeting with diplomatic or consular personnel, meeting with attorney or defense counsel, the visitor or the property thereof suffers damage in a disaster, or other situations deemed necessary by the facility). Each visit shall be limited to 30 minutes. However the facility may increase or decrease the number or duration of visit if it deems necessary.
5. Number of visitors: When visit is conducted via remote visit equipment, there shall be no more than 2 visitors. For other means of communications, the facility may adjust the number of visitors depending on the means of communication or spatial limitations.
6. Application procedures and methods:
- (1) Applicants must submit required documents to the facility where the inmate is held during a specified period (see descriptions in (2) and (3) below), or apply online from the Convenience Service Portal of the Agency of Corrections, Ministry of Justice (<https://service.mjac.moj.gov.tw>). The application form is available at correctional facilities or may be downloaded from the websites of correctional facilities.
- (2) Application time:

Applicant and reason		Application period
Applied by inmate	A family member or nearest relative of the inmate recently passes away or is in a life-threatening situation	Within one month after death of the family member or nearest relative or within 7 days after the family member or nearest relative falls into a lifethreatening situation

	The inmate's family members or nearest relatives have not visited and corresponded with the inmate for the past three months	Within 7 to 2 days before the requested day of visit
	The inmate's spouse or lineal relative is held at a correctional facility	Within 7 to 2 days before the requested day of visit
	The inmate requests to meet diplomatic and consular personnel from their country or region or personnel that may represent their country or region	Within 7 to 2 days before the requested day of visit
	The correctional facility does so based on humanitarian consideration or deems it helpful for facility management	Based on actual needs
Applied by individual	Family members or nearest relatives	Within 7 to 2 days before the requested day of visit

	Attorneys or defense counsel	Within 7 to 2 days before the requested day of visit
Individuals other than those specified in the preceding two paragraphs having one of the	The individual is aged 65 or older or under the age of 12	Within 7 to 2 days before the requested day of visit
	The individual may be or is infected with a disease defined in the Communicable Disease Control Act	Within 7 to 2 days before the requested day of visit

following situations	The individual suffers from a major illness or injury defined in the Regulations Governing the Exemption of the National Health Insurance Beneficiaries from the Co-Payment	Within 7 to 2 days before the requested day of visit
	The individual has physical or mental disabilities	Within 7 to 2 days before the requested day of visit
	The individual or the property thereof suffers damage in a disaster defined in the Disaster Prevention and Protection Act	Within 7 to 2 days before the requested day of visit
	The individual requests a visit because a family member or nearest relative of the inmate recently passes away or is in a life-threatening situation	With one month after the death of the inmate's family member or nearest relative or within 7 days after the family member or nearest relative falls into a life-threatening situation
	The individual is one of the diplomatic and consular personnel from the inmate's country or region or one of the personnel that may represent the inmate's country or region	before the  Within 7 to 2 days requested day of visit

	Other circumstances deemed major or extraordinary by the facility	Based on actual needs.
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(3) Required documents:

Applicant and reason		Required documents
Applied by inmate	A family member or nearest relative of the inmate recently passes away or is in a life-threatening situation	Documents evidencing that the inmate's family member or nearest relative has passed away within the past month or that the family member or nearest relative has been in a critical condition within the past 7 days
	The inmate's family members or nearest relatives have not visited and corresponded with the inmate for the past three months	Documents evidencing relationship with the visitor
	The inmate's spouse or lineal relative is held at a correctional facility	Documents evidencing relationship with the visitor
	The inmate requests to meet diplomatic and consular personnel from their country or region or personnel that may represent their country or region	Documents evidencing the identity of visitor (when such documents cannot be provided, the facility may determine the identity thereof based on the data collected during an investigation)
	The correctional facility does so based on humanitarian	Documents required by the facility

	consideration or deems it helpful for facility management	
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Applied by individuals	Family members or nearest relatives		Documents evidencing visitor's identity and relationship with the inmate
	Attorneys or defense counsel		Documents evidencing visitor's identity and that the visitor is authorized by the inmate or they have been negotiating matters related to authorization
	Individuals other than those specified in the preceding two paragraphs having one of the following situations	The individual is aged 65 or older or under the age of 12	Documents evidencing visitor's identity
		The individual may be or is infected with a disease defined in the Communicable Disease Control Act	Documents evidencing visitor's identity and that he/she may be or is infected with a communicable disease
		The individual suffers from a major illness or injury defined in the Regulations Governing the Exemption of the National Health Insurance Beneficiaries from the Co-Payment	Documents evidencing visitor's identity and that he/she suffers from a major illness and injury
		The individual has physical or mental disabilities	Documents evidencing visitor's identity and that he/she has physical or mental disabilities

		The individual or the property thereof suffers damage in a disaster defined in the Disaster Prevention and Protection Act	Documents evidencing visitor's identity and proof sufficient to establish the damage suffered
		The individual requests a visit because A family member or nearest relative of the inmate recently passes away or is in a life-threatening situation	Documents evidencing that the inmate's family member or nearest relative has passed away within the past month or that the family member or nearest relative has been in a critical condition within the past seven days
		The individual is one of the diplomatic and consular personnel from the inmate's country or region or one of the personnel that may represent the inmate's country or region	Documents evidencing visitor's identity and other relevant supporting documents
		Other circumstances deemed major or extraordinary by the facility	Documents required by the facility

- (4) The correctional facility will notify the applicants of the review results by phone, email or other appropriate means, and applicants should conduct visit in accordance with the time and means of communication designated by the facility. Applicants can also call the facility one day before the requested day of visit to inquire whether the application has been approved.
- (5) The means of communication shall be limited to telephone and other communication devices designated by the facility where the inmate is held.
- (6) If the correctional facility allows the use of remote visit equipment, the visitor should bring ID document to the designated facility at the scheduled time to make remote visit.

- (7) If the applicant cannot conduct visit via communication equipment as scheduled, he or she should call the facility to cancel the visit. If an individual has failed to conduct visits according to the time and means of communication designated by the facility three times or more over the past six months, the facility may reject his or her application within three months starting from the day of the most recent missed visit.
7. In the event of any of the following circumstances, correctional facilities may reject the application of an inmate or individual to conduct a visit via communication devices:
- (1) The inmate declines to meet with the visitor.
  - (2) The inmate or the individual requesting the visitor fails to follow the rules for conducting visit via communication devices.
  - (3) The individual requesting the visit has failed to conduct visits according to the time and means of communication designated by the facility three times or more over the past six months, and the facility may reject his or her application within three months starting from the day of the most recent missed visit.
  - (4) The inmate or the individual requesting the visit is prohibited by the court or the prosecutor from meeting visitors or the inmate in accordance with the Code of Criminal Procedure.
  - (5) The facility may reject visit requested by an individual in accordance with the Prison Act, Detention Act, or other laws and regulations
8. Any of the following circumstances occurs during a visit, the facility may terminate the visit:
- (1) The visitor is not approved for a visit.
  - (2) The individual approved for a visit uses a communication device other than those designated, or takes photographs, makes video or audio recording or uses any other audio-visual equipment without permission.
  - (3) The individual approved for a visit uses abusive language, makes a clamor, or destroys the venue or equipment and refuses to stop such acts when asked to.
  - (4) The individual approved for a visit avoids, hinders, or refuses the monitoring or listening performed by the facility according to the law.
  - (5) The inmate or the individual approved for a visit behaves in a way that adversely affects
  - (6) the order or security of the facility.

問 4-14、請問要接見收容人，可以事先預約嗎？

Q4-14: Can we make an appointment to visit an inmate in advance?

答：

為縮短收容人配偶、家屬或親屬辦理接見時現場等候之時間，民眾可於現場完成接見登記後，預約下次接見時間，或事先電話洽詢矯正機關，或登入法務部矯正署便民服務入口網申辦。申辦細節詳如問 4-15 及問 4-16 之內容。

A:

To shorten the waiting time, visitors can, after completing an in-person visit, make an appointment for the next visit, or call the correctional facility in advance, or log onto the Convenience Service Portal of the Agency of Corrections, Ministry of Justice (<https://service.mjac.moj.gov.tw>) to make an appointment. For details, refer to Q4-15 and Q4-16.

#### 問 4-15、如何辦理網路預約接見？

##### Q4-15: How to make a visitation appointment on line?

答：

一、一般接見可至網路預約。請至法務部矯正署便民服務入口網 (<https://service.mjac.moj.gov.tw>) 進行線上預約。

二、申請對象：收容人之配偶、家屬或親屬。

三、預約時間：預約接見日之前 7 日 0 時起至前 2 日下午 15 時止，但截止日若遇國定例假日或其他休息日，則提前至該例假日或休息日前 1 上班日截止。

四、完成預約手續者，可於接見前一日以前揭電話或網址確認是否預約成功。

五、申請人無法於預約日期及時段辦理接見者，至遲應於預約接見日之前 1 日下午 15 時前以網路或電話取消預約。如遇例假日或國定假日，應提前至該例假日或國定假日前 1 上班日取消預約。

六、預約接見服務不適用國定例假日或其他休息日接見。

七、完成預約手續者，請於預約接見時間前 30 分鐘，持身分證明文件(如身分證、駕照，外國人請持居留證或護照)，辦理報到登記手續後，依申請之時段辦理接見。

八、預約接見申請人應完成該次接見後，始得辦理下一次預約登記。

九、辦理預約接見時應以真實身分登錄，經查有偽造(謊報)身分者，取消使用此項服務之資格。另申請人未依預約時間完成該次接見 6 個月內達 3 次以上者，自最近 1 次預約接見日起 3 個月內暫停受理預約。

A:

1.For regular visits, visitors can make an appointment online from the Convenience Service Portal of the Agency of Corrections, Ministry of Justice (<https://service.mjac.moj.gov.tw>).

2.Eligible applicants: Inmate's spouse, family members or relatives.

3.The time for making an appointment for inmate visitation starts from 0:00 the seventh day prior to the date of planned visit to 15:00 two days prior to the date of planned visit. If the

deadline falls on a public holiday or other days off, the application deadline shall be moved early to one working day preceding the public holiday or day off.

4. After completing the application, the applicant should call or go on the website on the day before the planned visit to find out whether the appointment is approved or not.
5. An applicant who is unable to make the visit at the appointed time and date should cancel the appointment online or by phone no later than 15:00 one day before the planned visit. If the day before the planned visit falls on a weekend or public holiday, the appointment should be cancelled one working day before the weekend or public holiday.
6. The online appointment service does not apply to visits on public holidays or other days off.
7. After confirming the appointment, the applicant should bring identification documents (e.g. National ID Card, driver's license, or resident permit or passport (for foreigners) and appear at the correctional facility at least 30 minutes before the appointed time to complete the registration formalities.
8. An applicant may not make another visitation appointment until the current visit is completed.
9. An applicant shall use his or her real identity when making an appointment. An applicant who is found to fake (or lie) about his or her identity will be disqualified for the service. If an applicant fails to show up at the appointed time more than three times accumulatively within six months, the application for visitation appointment from the same applicant will not be accepted for three months starting from the latest appointment date.

#### 問 4-16、如何辦理現場預約接見？

##### Q4-6: How to make onsite visitation appointment?

答：

- 一、申辦對象：以收容人之配偶、家屬或親屬，且曾至矯正機關辦理一般接見 1 次以上者為限。
- 二、現場預約接見申請時間，以預約接見日之前 7 日 0 時起至前 2 日下午 15 時止，但截止日若遇國定例假日或其他休息日，則提前至該例假日或休息日前 1 上班日截止，且應完成當日接見登記後，始得預約下一次接見辦理時間。
- 三、現場預約接見完成後，機關得提供預約接見完成單作為憑證，另申請人應於預約接見時間 30 分鐘前，持足資證明身分之文件，至收容人所在矯正機關辦理報到登記手續。
- 四、申請人無法於預約日期及時段前往機關辦理接見者，至遲應於預約接見日之前 1 日 15 時前以電話取消預約，如國定假日或其他休息日，應提前至該例假日或休息日前一日取消預約。

五、申請人未依預約時間完成該次接見，6個月內達3次以上者，自最近1次預約接見日起3個月內暫停受理現場預約接見。

六、現場預約接見不適用於國定例假日或其他休息日之接見服務。

A:

1. Eligible applicants: Limited to inmate's spouse, family members or relatives who have made a regular visit once or more times at the correctional facility.
2. An onsite appointment should be made from 0:00 the seventh day prior to the date of planned visit to 15:00 two days prior to the date of planned visit. If the deadline falls on a public holiday or other days off, the application deadline shall be moved early to one working day preceding the public holiday or day off.
3. After an onsite visitation appointment is made, the correctional facility may provide the applicant with a receipt, and the applicant should bring identification documents and appear
4. at the correctional facility at least 30 minutes before the appointed time to complete the registration formalities.
5. An applicant who is unable to make the visit at the appointed time and date should cancel the appointment by phone no later than 15:00 one day before the planned visit. If the day before the planned visit falls on public holidays or other days off, the appointment should be cancelled one day before public holidays or other days off 5. If an applicant fails to show up at the appointed time more than three times accumulatively within six months, the onsite application for visitation appointment from the same applicant will not be accepted for three months from the latest appointment date.
6. The onsite appointment service does not apply to visits on public holidays or other days off.

## 伍、發受書信相關事項

### V. Correspondence

問 5-1、進入矯正機關後，何時可以發受書信？

Q5-1: When can inmates start receiving and sending letters after entering a correctional facility?

答：

收容人進入矯正機關後，除禁止通信之被告外，於完成新收程序，配入場舍後即可發受書信。

A:

Except for inmates who are denied correspondence, inmates held at correctional facilities may send and receive letters right after they have completed the admission process and assigned a ward.

問 5-2、請問收容人因故無法自行書寫，如何發信？

Q5-2: What can inmates do if for some reasons they cannot write letters?

答：

- 一、視覺、聽覺或語言障礙受刑人，得使用手語、點字或其他適當輔助方式。
- 二、收容人不識字或因故不能書寫信件者，得徵得其他收容人或適當之人同意後代為書寫，經本人確認並簽名或按捺指印後依規定發送。

A:

1. Prisons with visual, hearing or speech disability can use sign language, Braille or other appropriate aids to help them draft letters.
2. If an inmate is illiterate or cannot write letters for some reason, he or she can solicit the help of other inmates or somebody appropriate to draft a letter. The letter will be sent out according to rules after it is confirmed and signed or fingerprinted by the inmate.

問 5-3、請問各類收容人發受書信之對象規定為何？

Q5-3: Whom can inmates have correspondence with?

答：

- 一、第四級受刑人得准其與親屬發受書信。第三級以上之受刑人，於不妨害教化之範圍內，得准其與非親屬發受書信；至於不適用累進處遇之受刑人，其通信對象除法律另有規定或依受刑人意願拒絕外，原則不予限制或禁止。
- 二、被告及民事被管收入發受書信對象為任何人，但有特別理由時，法院或檢察官得限制被告發受書信之對象。

三、受戒治人得與最近親屬、家屬發受書信；於進入心理輔導期後，受戒治人得與非親屬、家屬發受書信，但以有益於其戒治處分之執行，且須報經機關首長許可者為限。

四、受觀察勒戒人發受書信對象原則以配偶、直系血親為限。但有特別理由經勒戒處所長官許可，得與其他人為之。惟如有妨礙觀察勒戒處分之執行或受觀察勒戒人之利益者，得禁止或限制之。

五、收容少年發受書信對象為親友。

六、感化教育少年及少年矯正學校學生發受書信對象為親友。

A:

1.Level 4 prisoners can have correspondence (communication by letters) with relatives. Prisoners at other levels are allowed to have correspondence with non-relatives, provided the correspondence does not adversely affect the prisoner's edification. For prisoners to whom progressive treatment does not apply, the prison will not limit or deny inmates correspondence with anybody in principle, except where it is otherwise stipulated by law or where the prisoner voluntarily refuses correspondence.

2.Defendants and civil detainees can have correspondence with anybody. However with special reasons, the court or the prosecutor may restrict who can have correspondence with the defendant.

3.Drug abusers receiving rehabilitation (detoxification) treatment may have correspondence with nearest relatives and family members. They may also have correspondence with nonrelatives and non-family members after they enter the period of psychological guidance, provided such correspondence benefits the inmate's rehabilitation and the head of correctional facilities has given permission.

4.Delinquents under rehab and observation may have correspondence with spouse and lineal relatives only, but exceptions may be allowed if there are special reasons and head of the rehab center has given permission. However an inmate's correspondence with any person may be denied or restricted if it interferes with inmate's rehabilitation or disbenefits the inmate.

5.Juvenile inmates may have correspondence with friends and relatives.

6.Juveniles subjected to reformatory education and students of juvenile correction schools can have correspondence with friends and relatives.

問 5-4、同居人或同性伴侶可以家屬身分與收容人發受書信嗎？

Q5-4: Can the live-in companion or same-sex partner of inmates have correspondence with inmates as a family member?

答：

- 一、所稱家屬係依民法第 1123 條規定，同家之人，除家長外，均屬家屬。雖非親屬而以「永久共同生活」為目的同居一家者，視為家屬。
- 二、證明家屬關係，應提出足資證明之文件或由機關以調查資料認定。
- 三、民眾如以家屬身分與收容人發受書信，可檢具雙方家長切結證明、同戶籍之戶口名簿（戶籍謄本）、村鄰里長證明書或其他證明文件等，作為證明文件並提出申請，經機關認定關係後，即可以家屬身分與收容人發受書信。

A:

1. Pursuant to Article 1123 of the Civil Code, persons belong to the same house are, except the head of the house, the members of the house. Persons who are not relatives but who live in the same household with the object of maintaining the common living permanently are deemed to be the members of the house.
2. To show family member relationship with an inmate, the person must present viable supporting documents or be accepted as family member by the correctional facility following investigation.
3. When a person applies to obtain permission to correspond with an inmate as inmate's family member, the person should present an affidavit signed by the parents of both the person and the inmate, household registry (or household registration transcript) that show the person and the inmate live in the same household, certificate issued by the chief of village or other documents that suffice to show their relationship. The person can then have correspondence with the inmate as a family member after the correctional facility has determined their relationship.

## 陸、送入金錢、飲食及物品相關事項

### 6. Sending Money, Food and Supplies to Inmates

問 6-1、有哪些人可以辦理送入金錢、飲食及物品？

Q6-1: Who are allowed to send money, food and items to inmates?

答：

一、外界得辦理送入金錢、飲食及物品之人員，如下：

- (一)收容人最近親屬、家屬。
- (二)機關認為必要且適當之人。
- (三)收容人提出之人。

二、最近親屬係指配偶、三親等血親及二親等姻親等親屬。

三、機關認為有送入財物之必要且適當之人，例如律師、辯護人或其他經機關審認確有送入財物必要且適當者。

四、收容人提出之人，應以書面提出，並以 3 人為限，變更時，亦同。

A:

1. Outside parties who may send money, food and items to inmates include the following:

- (1) Inmate's nearest relatives and family members;
- (2) Persons deemed necessary and appropriate by the correctional facility; and
- (3) Persons requested by the inmate.

2. "Nearest relatives" refer to inmate's spouse, lineal family and non-lineal family within 3 degrees of kinship, and relatives by marriage within 2 degrees of kinship.

3. Persons deemed necessary and appropriate by the correctional facility include, for example, lawyers, legal counsels, or other persons reviewed and deemed necessary and appropriate for sending things to inmates.

4. For persons requested by an inmate, the request must be made in writing and is limited to 3 persons. The same applies when an inmate requests a change of such persons.

問 6-2、若要送入金錢予收容人，有何規定？

Q6-2: What are the rules for sending money to inmates?

答：

一、送入金錢之種類以現金(新臺幣)、中華郵政股份有限公司所簽發之匯票、國內其他金融機構簽發之本票為限。

二、每一送入人對個別收容人每日限一次，每次以一萬元(新臺幣)為限。但因繳交醫療費用或有其他特別之事由，經機關長官許可者，不在此限。若收容人保管金總額已逾十萬元，機關得限制送入金錢之次數及額度。

三、送入金錢，得以經由機關指定櫃台送入、寄入或其他經監督機關許可之方式。

循寄入方式為之者，以現金袋(指郵局報值郵件或保價郵件)、匯票或本票為限。

- (一)經由機關指定櫃台送入：由送入人至接見室填寫申請單，將欲送入之金錢與申請單交予經辦人員，於領取收據時，確認交寄金額是否正確即可。
- (二)以現金袋、郵政匯票或本票以掛號寄入：至郵局購買現金袋或郵政匯票(應指明受款人姓名)，或開立本票(應指明受款人姓名)，並於信封上詳細記載收容人姓名、編號、所屬場舍及送入人姓名、聯絡電話，以掛號寄入。經收容人當面點清簽收，寄款收據交由收容人收執保管。
- (三)監督機關為配合各項便民措施，得開發其他外界送入金錢之方式，例如監督機關規劃指定之線上匯款系統等。

A:

- 1.The types of money that can be sent to inmates are limited to cash (NTD), money orders issued by Chunghwa Post and cashier's checks issued by other financial institutions in Taiwan.
- 2.Each sender can send money to an inmate once a day, which is limited to NT\$10,000 each time, unless the money is for paying medical expenses or for other special purposes and it is otherwise approved by a senior official of the correctional facility. When the total amount of an inmate's money in safekeeping account exceeds NT\$100,000, the facility may limit the number of times and the amount of money sent to the inmate.
- 3.Money sent to an inmate may be dropped off or mailed in at/to a counter designated by the correctional facility, or delivered by other means permitted by the supervisory agency. Money mailed to the facility is limited to cash put in an envelope (value-declared or insured mail of post office), money orders and cashier's checks.
  - (1)Drop-off at designated counter: The sender goes to the visitation room, fills out an application, and gives the money and the application form to the staff. The sender should check whether the amount of money shown on the receipt given to him or her is correct.
  - (2)Registered mail of cash envelope, postal draft or postal note: Sender should purchase a cash envelope or money order (indicate recipient's name) at a post office or purchase a cashier's check (indicate recipient's name), and state on the envelope inmate's name, number and cell number and sender's name and telephone, and send the letter by registered mail. Upon receipt, the letter will be given to and opened, counted and signed for receipt by inmate. The mail receipt will be kept by inmate.
  - (3)For the sake of providing convenient civic services, the supervisory agency may develop other ways for outside parties to send money to inmates. For example, the supervisory agency may plan the use of designated online remittance systems.

問 6-3、若要送入飲食予收容人，有何規定？

### Q6-3: What are the rules for sending food to inmates?

答：

一、送入飲食，種類以菜餚、水果、糕點及餅乾為限。

二、送入飲食之次數：

(一)依外界對受刑人及被告送入金錢與飲食及必需物品辦法之規定，被告每日收受一次，受刑人每三日收受一次。但經法院、檢察官裁定被告禁止受授物件之被告，機關將依院檢所為禁止之對象、範圍及期間進行管制。

(二)送入人每日以一次，並以一人為限。但送入人為同一矯正機關收容人之最近親屬或家屬者，不在此限。

(三)依觀察勒戒處分執行條例規定，外界不得送入飲食予受觀察、勒戒人。依戒治處分執行條例規定，外界不得送入飲食予受戒治人，但農曆除夕至初五、一月一日至二日、母親節、端午節、父親節及中秋節得送入飲食，請依機關於接見室或機關全球資訊網網站上之公告時間為準。

(四)其他身分收容人，依外界對受刑人及被告送入金錢與飲食及必需物品辦法第 12 條規定辦理。

三、送入飲食之方式，以經由機關指定櫃台送入為限。

A:

1.The types of food that can be sent to inmates are limited to staple food, dishes, fruits, and crackers or cookies.

2.Frequency:

(1)According to the Regulations Governing Delivery of Money, Food, and Necessities by Outside Parties to Prisoners and Defendants, a defendant may receive food sent from outside once per day, while a prison inmate is allowed once every three days. But for defendants who are prohibited from sending or receiving things to or from outsides by court or prosecutor, the correctional facility will implement control over the target, extent and duration of prohibition ordered by court or prosecutor.

(2)Each outside party is allowed to send food once per day, and to one inmate only. However the foregoing does not apply when the sender is a nearest relative or family member of inmates at the same correctional facility.

(3)According to the Act of Execution of Rehabilitation Treatment, no food may be sent to rehab inmates under observation. According to the Act of Execution of Drug Abuse Treatment, no food may be sent to individuals undergoing rehabilitation (detoxification) treatment. However, food may be delivered to them from Chinese New Year's Eve and the first five days of Chinese lunar calendar, January 1 and 2, Mother's Day, Dragon Boat Festival, Father's Day, and Mid-Autumn Festival. The actual time and date will be governed by that posted by the correctional facility in its visitation room or on its website.

(4)As for the rules for other types of inmates, Article 12 of the Regulations Governing Delivery of Money, Food, and Necessities by Outside Parties to Prisoners and Defendants shall apply.

3.Food for inmates should be sent to the counter designated by the facility.

問 6-4、若要送入必需物品予收容人，有何規定？

Q6-4: What are the rules for sending necessities to inmates?

答：

一、送入必需物品，每一送入人對個別收容人每月限一次，種類及數量限制如下：  
被、毯、床單、枕頭、肥皂、牙膏、牙刷及毛巾，每次以一件為限；衣、褲、帽、襪、內衣及內褲，每次以三件為限；圖書雜誌，每次以三本為限；信封五十個、信紙一百張、郵票總面額三百元，筆三支、親友照片三張。另，眼鏡、全民健康保險保險憑證等身分識別文件，依收容人實際需求送入。

二、送入之必需物品，如收容人所有之數量顯超出個人生活所需，或圍於保管處所及收容人生活空間，機關長官得限制或禁止送入。

三、送入之方式如下：

(一)外界送入財物，應繳驗身分證明文件，登記姓名、身分證明文件字號、聯絡電話、住居所或聯絡地址、收受收容人之姓名及編號、與收容人關係、送入物品之種類、數量。收容人得填具申請表，向機關繳驗前項身分證明文件及登記資料。

(二)循寄入方式為之者，由機關先發給許可文件或標誌，再由送入人於寄入時，將該許可之文件或標誌黏貼於包裹外盒。

(三)經由機關許可之其他方式送入。

A:

1.Each sender is only allowed to send necessities to the same inmate once per month. The limitations on the types and quantity thereof are as follows: one piece each time for quilts, blankets, bed sheets, pillows, soaps, toothpaste, toothbrushes, and towels; no more than three pieces or pairs each time for tops, pants, hats, socks, undergarments, and underpants; no more than three books or magazines each time; no more than fifty envelopes, one hundred pieces of writing paper, NT\$300 worth of stamps, and three pens or pencils each time; no more than three photographs of relatives or friends each time. Other items such as glasses, NHI card and other identity documents can be sent depending on the actual needs of inmate.

2.If the quantity of the necessities owned by an inmate apparently exceeds the amount an individual would need in daily life, or such necessities occupy the place for safekeeping

and living space of inmates, the senior officials may restrict or prohibit the delivery of necessities.

3.How to send necessities to inmates:

(1)A person who sends things to an inmate must provide his/her identity document for verification, and must register his/her name, identity document number, telephone, residence or mailing address, name of the inmate to receive the things and inmate's assigned number, relationship with the inmate, and the types and quantity of items sent. An inmate may submit an application to the correctional facility to provide the identity document and registration data mentioned above for verification.

(2)If necessities are sent in by post, sender should first obtain a permit or label from the correctional facility, and stick the permit or label to the exterior of the package to be mailed.

(3)Send in by other ways permitted by the facility.

問 6-5、若要送入非問 6-4 之必需物品予收容人，有何規定？

Q6-4: What are the rules for sending things that are not necessities mentioned in Q6-3 to inmates?

答：

一、收容人得填具申請表，向機關申請由外界送入以下物品：

- (一)報紙或點字讀物。
- (二)宗教信仰有關之物品或典籍。
- (三)教化輔導處遇所需使用之物品。
- (四)因衰老、身心障礙、罹病或其他生活所需使用之輔具。
- (五)收容人子女所需食物、衣類及必需用品。
- (六)因罹患疾病，在機關經醫師診治認有必要使用，於機關無法取得之藥品；或入機關前經醫師診治取得且有急迫性須繼續使用之藥品。
- (七)其他經機關長官許可之財物。

二、送入之方式如下：

- (一)外界送入財物，應繳驗身分證明文件，登記姓名、身分證明文件字號、聯絡電話、住居所或聯絡地址、收受收容人之姓名及編號、與收容人關係、送入物品之種類、數量。收容人得填具申請表，向機關繳驗前項身分證明文件及登記資料。
- (二)循寄入方式為之者，機關應先發給許可文件或標誌，由送入人於寄入時，將該許可之文件或標誌黏貼於包裹外盒。
- (三)經由機關許可之其他方式送入。

A:

1. Inmates may fill out an application form, applying to the correctional facility to have the following things delivered to them from outside;

- (1) Newspapers or Braille reading materials.
- (2) Items or books related to religious beliefs.
- (3) Items required for edification, counseling, or treatment.
- (4) Assistive devices needed due to senility, physical or mental disabilities, illness, or other daily needs
- (5) Food, clothing, and necessities needed by the children of inmates.
- (6) Medicine that is deemed necessary for inmate's illness by a physician after diagnosis and treatment but is not available in the facility; or medicine already prescribed by a physician and taken by the inmate prior to entering the correctional facility, where its continued use by the inmate is urgent.
- (7) Other things permitted by senior officials of the correctional facility.

2. How to send things to inmates:

- (1) A person who sends things to an inmate must provide his/her identity document for verification, and must register his/her name, identity document number, telephone, residence or mailing address, name of the inmate to receive the things and inmate's assigned number, relationship with the inmate, and the types and quantity of items sent. An inmate may submit an application to the correctional facility to provide the identity document and registration data mentioned above for verification.
- (2) If things are mailed in, sender should first obtain a permit or label from the correctional facility, and stick the permit or label to the exterior of the package to be mailed.
- (3) Send in by other ways permitted by the facility.

問 6-6、機關拒絕民眾送入金錢、飲食或物品之理由為何？

Q6-5: What are the reasons for a facility to refuse the money, food or items sent to inmates?

答：

有下列情形之一，機關認有妨害機關秩序或安全，得限制或禁止送入金錢、飲食或物品：

- 一、未依外界對受刑人及被告送入金錢與飲食及必需物品辦法有關時間、種類、數量（額）、次數、程序等規定辦理。
- 二、送入之財物，無法施以檢查、經機關檢查後發現夾帶違禁物品、或經檢查後可能造成變質無法食（使）用。
- 三、送入之財物，屬易腐敗、有危險性、有害或不適於保管、或有妨礙衛生疑慮。
- 四、送入之財物經機關檢查後發現夾帶違禁物品。

五、送入經食品安全衛生主管機關認有違反食品良好衛生規範準則，且尚未改善之食品業者飲食。

六、依監獄行刑法、羈押法或其他法規所定不得或不宜送入之情形。

七、有事實足認有其他妨害機關秩序或安全之情事。

A:

In case of any of the following circumstances which the facility deems that it adversely affects the order or security of the facility, the facility may restrict or prohibit the delivery of money, food or items to inmates:

- 1.The delivery does not comply with the provisions of the Regulations Governing Delivery of Money, Food, and Necessities by Outside Parties to Prisoners and Defendants with regard to time, types, quantities (amount), frequency, and procedures.
- 2.The things delivered cannot be inspected, or is found to contain contraband after an inspection, or is likely to spoil or deteriorate and consequently unable to be consumed or used after an inspection
- 3.The things delivered are perishable, dangerous, harmful, unsuitable for storage, or cause sanitation concern.
- 4.The things sent are found to contain contrabands after inspection by the correctional facility.
- 5.The food sent is prepared by a food business that is deemed to have violated the Regulations on Good Hygiene Practice for Food by the food safety and sanitation authority and has not made improvements.
- 6.The delivery is prohibited or improper in accordance with the Prison Act, Detention Act, or other laws and regulations.
- 7.Other circumstances with facts sufficient to show that that it will adversely affect the order or security of the facility.

問 6-7、機關一定期間內禁止民眾送入金錢、飲食或物品之規定為何？

Q6-7: What are the rules for prohibiting the delivery of money, food or items to an inmate during a certain period of time?

答：

- 一、外界送入財物，經檢查有夾帶違禁物品或有事實足認有嚴重妨害機關秩序或安全之虞者，機關得為必要之調查，並自調查之日起，禁止該送入人送入財物，最長不得逾三十日。
- 二、機關調查完畢後，確認有嚴重危害機關秩序或安全者，機關得自調查完畢之日起至多三個月內禁止該送入人送入財物。

三、禁止送入人送入財物之處分前，應給予受處分人陳述意見之機會，並作成書面行政處分，送達受處分人。

四、上開書面行政處分應載明受處分人之姓名、出生年月日、身分證統一號碼等個人資料、處分之主旨、事實、具體理由及其法令依據，以及不服處分提起救濟之方法、期間及受理機關等事項。

A:

1.If the items delivered by a sender are found to contain contrabands after an inspection, or there are facts sufficient to establish that the circumstance could adversely affect the order or security of the correctional facility, the correctional facility may conduct necessary investigation, and prohibit delivery of items by such sender starting from the date of investigation, which however may not exceed 30 days.

2.If it is deemed following the investigation that the circumstance will seriously endanger the order or security of the correctional facility, the correctional facility may prohibit delivery of items by said sender from the date the investigation is completed, up to three months.

3.Before a correctional facility makes the decision of prohibiting a person from delivering items to inmates during a certain period of time, the facility should give the person an opportunity to voice his/her opinion. The facility should then produce a written administrative decision and deliver same to that person.

4.The aforementioned written decision shall specify the respondent's name, date of birth, ID card number, the subject matter, facts, specific reasons and legal bases relating to the decision, remedies for objection with the decision, period for filing a relief, and the authority that will accept the filing.

問 6-8、可否送入電器用品予收容人使用？

Q6-8: Can electrical appliances be sent to inmates?

答：

經機關許可得持有個人電器用品之收容人，得向機關提出申請後購買，不得由外界送入電器用品。

A:

Inmates who have been permitted to hold electrical appliances personally may apply to the facility and then make purchase inside the facility. No electrical appliances may be sent in from outside.

問 6-9、可否在接見室購買食品送予收容人？

Q6-9: Can one buy food at visitation room and give them to an inmate?

答：

收容人親友可於接見室之門市部購買食品，由機關轉送予收容人，每次購物以新臺幣 2000 元為限。又電器、電池及香菸係屬矯正機關內限制使用之物品，並未開放供收容人親友選購。

A:

Inmate's friends and relatives can buy food at the shop of the visitation room and ask the facility to hand them over the inmate. The purchase each time is limited to NT\$2,000. Things such as electrical appliances, batteries, and cigarettes are subjected to restricted use in correctional facilities, and are not open for purchase by inmate's friends and relatives.

問 6-10、請問寄送包裹辦理程序與注意事項為何？

Q6-10: What are the procedures and things to note when sending packages to inmates?

答：

- 一、收容人應向機關提出申請及明細單，載明郵寄物品品名與數量，經機關核可後，將郵寄包裹明細單寄予指定之親友。
- 二、收容人親友得以郵寄方式，或經由機關指定櫃台送入。寄(送)入之物品應符合明細單上之物品品名與數量，並將明細單黏貼於包裹正面，以利查對。

A:

1. Inmates shall submit an application and an itemized list to the facility detailing the names and quantities of items that will be contained in the package, and after obtaining facility's approval, send the itemized list to a designated friend or relative.
2. Inmate's friend or relative can deliver the package by post or drop it off at a counter designated by the facility. Items mailed (sent) in shall be consistent with the names and quantities of items shown on the itemized list. The itemized list shall be pasted at the front of the package to facilitate checking.

## 柒、生活管理事項

### 7. Inmate Management

問 7-1、請問親屬調查表目的為何？填表內容會不會影響收容人呢？

Q7-1: What is the purpose of Family Survey Form? Will the information provided affect the inmate?

答：

為瞭解每位收容人之個別狀況，矯正機關會寄送「親屬調查表」，以瞭解收容人之身心狀況、家庭情形等相關資料，作為個別處遇之參考，填表內容不會對收容人產生不利影響。

A:

Correctional facilities will send to the family members of inmates a survey form to understand more about the physical and mental conditions and family situations of inmates, which will be used as reference in determining the rehabilitation program for each inmate. Information provided in the form will not produce any adverse effect on the inmate.

問 7-2、收容人可以抽菸嗎？有何相關規定？

Q7-2: What are the rules for inmate smoking on the premises of correctional facilities?

答：

一、矯正機關內懷胎期間、未滿 20 歲、依菸害防制法、監獄行刑法或其他矯正法規規定不得吸菸之收容人，機關禁止其吸菸；無上述情形之收容人，得於機關指定時間、處所吸菸，每日至多 10 支。

二、矯正機關雖有條件的准許收容人吸菸，但吸菸有礙健康，爰基於教化職責，仍應對收容人施以菸害防制、衛生教育及宣導，積極鼓勵收容人戒菸。

三、菸品應由合作社依市價販賣，或由機關代購，不得由外界送入或自行攜入。品牌及數量機關得酌予限制。

四、收容人為懷胎等機關依法應禁止吸菸者，或經調查為不吸菸者，不得購菸；無上述情形之收容人，購菸以二週 5 包為原則，購買金額由保管金或勞作金中扣除。

A:

1. Correctional facilities will prohibit pregnant inmates, inmates who are under 20 years of age, and inmates who are not allowed to smoke according to Tobacco Hazards Prevention Act, Prison Act or other corrections regulations to smoke. Other inmates are allowed to smoke up to 10 cigarettes a day during the time and at the place designated by the facility.

2. Although inmates are allowed to smoke cigarettes inside correctional facilities, the fact is smoking is harmful to your health. Based on the responsibility of inmate education and edification, correctional facilities still should educate inmates about and publicize the hazards of smoking, provide inmates with health education, and actively encourage inmates to quit smoking.
3. Cigarettes should be sold by the cooperative in the facility or purchased by the facility from outside on behalf of inmates. Cigarettes may not be sent in or brought in from outside. Correctional facilities may also limit the brands and quantities of cigarettes as deemed appropriate by them.
4. Pregnant inmates, inmates who should be prohibited from smoking according to law, and inmates who do not smoke as indicated in the survey form may not buy cigarettes. Other inmates are allowed to buy 5 packs of cigarettes every two weeks. The money spent on cigarettes will be deducted from inmate's safekeeping account or labor income.

問 7-3、收容人進入矯正機關，小孩或親屬無人照顧，如何尋求協助？

Q7-3: What kind of help can inmates get when they enter a correctional facility with no one to take care of their children or relatives?

答：

本署以函示及宣達事項向各矯正機關宣導於收容人新入監(所)時應確實辦理收容人未成年子女照顧協助需求宣導及調查工作，並於收容期間適時宣導。針對「受刑人、在押人或受保安處分人子女照顧協助調查表」填寫有 12 歲以下子女者，均應進一步確認其子女受照顧情形，說明調查工作之意旨、社政單位處理流程及疏於照顧兒少之法律責任，並實施個別晤談，以加強瞭解其家庭內兒童受照顧狀況，確保兒童之人身安全。各機關如遇收容人有未成年子女需協助照顧，應填具兒少保護案件通報表，並將該通報表以線上（社會安全網-關懷 e 起來：<https://ecare.mohw.gov.tw/>）或傳真方式通報其子女所在地之社政主管機關。收容人於矯正機關期間，家中子女或其他親屬遇有照顧協助之需求時，得自行書寫報告申請協助。

A:

The Agency of Corrections in its directions and announcements to correctional facilities instruct the facilities to inform newly admitted inmates about assistance available for their minor children and conduct related survey, and publicize the matter from time to time. For inmates who indicate in "Survey of Prisoners, Detainees or Persons under Rehabilitative Disposition Regarding Children Needing Care Assistance" that they have children under 12 years of age, facilities should question them further the current condition of the children, explain to them the purpose of survey, the working process of social services and the legal responsibility of parents who are negligent in taking care of their children. Facilities should

conduct interview of individual inmates to understand more about how their children are cared for in the family and ensure the safety of those children. If the facility knows an inmate has minor children who need care assistance, the facility should fill out a child protection case report and send the report to the local social services authority at where the child is located via <https://ecare.mohw.gov.tw/> or by fax. Inmates can also write a report to apply for assistance if they have children or relatives at home who need care assistance while they are incarcerated.

問 7-4、入矯正機關可以攜帶子女嗎？飲食及生活用品應如何處理？

Q7-4: Can inmates bring children into a correctional facility? How will their meals and living necessities be taken care of?

答：

- 一、依據監獄行刑法及羈押法之規定，入監(所)及在監(所)婦女請求攜帶未滿三歲之子女，監獄(看守所)得准許之。其中，殘餘刑期逾二個月之入監或在監婦女請求攜帶未滿三歲之子女，經監獄檢具相關資料通知子女戶籍所在地直轄市、縣(市)社會福利主管機關評估認符合子女最佳利益者，監獄得准許之。子女隨母入監(所)最多至滿三歲為止。但經社會福利主管機關評估，認在監(所)符合子女最佳利益者，最多得延長在監(所)安置期間至子女滿三歲六個月為止。
- 二、收容人攜帶子女之食物、衣類及必需用品等，均應自備；不能自備者，由矯正機關給予或供用之。
- 三、本署與民間企業攜手推動「強化矯正機關攜子入監處遇措施合作方案」，協助各矯正機關進行攜子入監各項處遇改善，參照兒童及少年福利機構設置標準相關規定，及盤點各矯正機關保育室空間及設施設備之現況，確保各機關保育室具備基礎需求之軟硬體設施(備)及教具(材)。

A:

1. According to the Prison Act and the Detention Act, the prison (detention center) may allow female inmates to bring their children under three years of age with them if so requested by the inmates. Where the remaining sentence of a female inmate arriving at the prison or already being imprisoned is more than two months and she requests to bring her children under three years of age with her, the prison may submit relevant information to the social welfare authority of the municipal or county (city) government at the location of the child's household registration. If the social welfare authority deems that it is in the best interest of the children after an evaluation, the prison may allow the request. Children residing in prison with their mothers may stay until they are three years old at the most. However, if it is deemed by the social welfare authority that it is in the best interest of the children to

stay in the prison longer, the prison may extend their stay until the children reach three years and six months of age.

2.The food, clothing, and necessary items for children of inmates brought into prison must be prepared by inmates. If an inmate is unable to provide such necessities, they may be provided by the correctional facility.

3.The Agency of Corrections teams up with private enterprises to promote the “Cooperation Program to Improve the Lives of Children Brought into Prison by Their Mothers.” The program assists correctional facilities in improving the lives of children brought into prison by their mothers, and takes inventory of the space, facilities and equipment of nursery in each correctional facility in reference to the Standards for Establishing Children and Youth Welfare Institutes to ensure the nursery at each facility has basic hardware, software and teaching aids (materials).

問 7-5、吃素的人進入矯正機關後，應該怎麼辦？

Q7-5: What can vegetarians do after they enter a correctional facility?

答：

收容人若因國籍或宗教信仰之不同，確有茹素需要，可向機關敘明原因，並提出茹素之申請，經核准後，由機關炊場烹煮素食的餐飲供應之。

A:

If an inmate is a vegetarian because of his or her nationality or religious belief, the inmate can give the facility the reasons and apply for vegetarian meals. If approved, the facility's kitchen will prepare vegetarian meals for the inmate.

問 7-6、收容人沒錢如何請律師打官司？

Q7-6: What can inmates do if they do not have money to hire a lawyer?

答：

一、可洽請財團法人法律扶助基金會(全國各縣市均設有分會)提供協助。

二、該會協助事項包含

(一)法律諮詢(現場面談、電話、視訊方式)。

(二)打官司(訴訟代理)。

(三)撰寫法律書狀。

(四)協助調解法律糾紛。

三、申請法律扶助資格：

經濟狀況(財產、所得)在一定額度以下(需符合該會無資力標準)。

四、申請法律扶助不審查經濟狀況的情形：

- (一)低收入戶、中低收入戶；特殊境遇家庭；符合消費者債務清理條例的債務人。
- (二)刑事辯護/少年輔佐案件：涉犯最輕本刑三年以上有期徒刑、高等法院管轄第一審之案件之審判程序；被告因神經系統構造及精神、心智功能損傷或不全，於偵查或審判程序無法為完全陳述；被告為原住民、於偵查或審判程序。
- 五、因在監、在押無法親自到場申請，可填寫書面申請書，並檢附相關資料寄至該會當地分會，或備妥委託書由他人代理申請，代理人最好熟悉案件事實，讓審查委員瞭解案情狀況。
- 六、申請時需攜帶以下文件：
  - (一)申請人身份證，如為代理人幫忙申請，則代理人應攜帶申請人及自己的身分證明文件。
  - (二)近三個月內全戶戶籍謄本或戶口名簿。(必要時請附相關的戶籍謄本)
  - (三)如果是低收入戶、中低收入戶或特殊境遇家庭，請攜帶當年度的證明文件。
  - (四)如無第(三)點的證明，請攜帶全戶(包含申請人、父母、配偶、子女與其他同財共居的親屬)的「財產歸屬資料清單」、「最近一年綜合所得稅各類所得資料清單」。(財產、所得清單須向各地國稅局申請，國稅局電話：0800-000-321)
  - (五)訴訟案件相關資料。
- 七、申請法律扶助之結果通知：分會受理案件後，約 3 至 5 個工作天內完成審查，並寄發通知書。如果對審查結果不滿意，可以在收到通知書後 30 天內申請覆議
- 八、申請法律扶助原則上一年准予扶助案件以「三件」為限。
- 九、通過法律扶助申請，費用負擔之情形如下：
  - (一)申請法律扶助並通過該會准予「全部扶助」時，就不需要支付律師費。
  - (二)申請人因為經濟狀況稍微好一點，審查委員決定「部分扶助」時，則需要負擔一部分的律師費與訴訟相關的必要費用。
  - (三)申請人的案件在扶助過程中或是案件結束後，發生需要繳納跟訴訟相關的必要費用時(例如：裁判費、證人日費旅費、鑑定費、政府規費等)，可以向該會申請支付，由審查委員會決定是否同意。

A:

1. Inmates can ask the Legal Aid Foundation (LAF, with stations in each city and county) to provide assistance.
2. Legal aid services provided by LAF include:
  - (1) Legal counseling (interview in person, over the phone or through video conference).
  - (2) Represent clients in lawsuits (legal counsel).
  - (3) Write legal pleadings.
  - (4) Assist in the mediation of legal disputes.
3. Eligibility for legal aid:

Based on financial condition (assets and income) under a certain amount (meet LAD's financial eligibility criteria).

4.LAF will not review the financial condition of the following applicants:

(1)Low, middle-to-low income households; families in hardship; debtors that meet the provisions of Consumer Debt Clearance Act.

(2)Criminal defense/juvenile assistance cases: Suspects of felony punishable by a minimum sentence of not less than three years' imprisonment or suspects under trial in the first instance of high court, defendants who are unable to make a complete statement during investigation or trial process due to impairment or deficiencies of neurological system or structure, or psychological or mental functions; defendants with indigenous identity during investigation or trial process.

5.If a person is in prison or held in detention that he or she is unable to apply for legal aid service in person, the person can fill out an application and send it together with relevant documents to a local branch of the LAF, or sign a letter of authorization, entrusting an agent to apply for legal aid on his or her behalf. It is best that the agent is familiar with the applicant's case for that will help the review committee understand more about the case.

6.Documents required for application:

(1)Applicant's ID; if applied through an agent, the agent should bring the ID of both the applicant and the agent.

(2)Complete household registration transcript or household registry issued in the past three months (if necessary, submit relevant household registration transcript).

(3)In case of low-income, medium-to-low income household or family in hardship, bring supporting documents for the year.

(4)If the applicant does not have any supporting documents mentioned in (3), bring the List of Properties and Income Schedule for income tax return of the most recent year of the entire household (including applicant, parents, spouse, children and other family members sharing the same properties and living together). (Applicants must apply to the National Taxation Bureau (toll-free number: 0800-000-321) for the lists of properties and income).

(5)Case related information.

7.Notice of legal aid application result: After a LAF office accepts an application, it takes about 3-5 working days for it to complete the review and the office will mail a notice to the applicant afterwards. If the applicant is dissatisfied with the review result, the applicant can file an appeal in 30 days after receiving the notice.

8.LAF will grant legal aid up to "three cases" to the same applicant in the same year.

9.Costs borne by legal aid recipients are as follows:

(1)If LAF grants "full aid" to an applicant, the aid recipient does not need to pay attorney's fees.

(2)If the LAF committee decides the grant of “partial aid” because the applicant’s financial condition has improved slightly, the aid recipient will be asked to pay a portion of the legal fees and costs.

(3)If the applicant’s case incurs suit related expenses while receiving aid or after the case is over (e.g. court costs, witness fees, examination fees, government fees), the applicant can apply to LAF for payment subsidy and LAF’s review committee will decide whether to grant the request or not.

問 7-7、進入矯正機關，會供應熱水洗澡嗎？

Q7-7: Is there hot water for shower at correctional facilities?

答：

目前各矯正機關於冬季期間(每年 12 月 1 日起至次年 2 月底止)每一開封日，會供應收容人適當溫度之熱水沐浴(少年、女性、65 歲以上高齡收容人、病舍病人及其他具有特殊保健需求之收容人則為全年度每日提供熱水沐浴)。其他時段(每年 3 月 1 日至 11 月 30 日止)則以每週 2 次，或於氣溫低於攝氏 20 度之開封日供應之，以維護收容人衛生保健之需求。

A:

Currently correctional facilities provide hot water shower for inmates every weekday of winter season (from December 1 every year to the end of February the following year). During other time periods (from March 1 to November 30 every year), facilities provide hot water shower twice a week or on days when the temperature falls below 20°C to maintain the health and sanitation needs of inmates. For juvenile, female and elderly inmates over 65 years of age, inmates in patient ward and other inmates with special healthcare needs, hot water shower is available every day of the year.

問 7-8、請問在矯正機關內，可以看電視或聽收音機嗎？

Q7-8: Can inmates watch TV or listen to radio at correctional facilities?

答：

經監獄或看守所許可，受刑人或被告得持有個人之收音機、電視機或視聽器材為收聽、收看。

A:

If permitted by the prison or detention center, prisoners or defendants can keep personal radio, TV or audio-video equipment.

問 7-9、進入矯正機關後，多少人用一間舍房？會限制用水或用電嗎？

Q7-9: How many inmates are held in a cell? Is there restriction on the use of water or electricity?

答：

- 一、由於各矯正機關場舍隔局及建築型式不一，所以多少人同住一間，視舍房大小而定。
- 二、為落實節能減碳，並讓收容人從生活中養成珍惜資源的好習慣，避免水、電浪費，各機關皆訂有用水、電扇及電燈開啟時間之相關規定。
- 三、目前舍房裡裝有旋轉吊扇、排風扇或其他設備，以促進通風。用水方面，也會視生活作息需要定時供給，舍房內並備有儲水桶，供儲水使用。

A:

- 1.As the partitions and architectural design of every correctional facility differ, how many inmates live in the same cell depends on the size of the cell.
- 2.To practice energy conservation, help inmates form the good habit of cherishing resources, and prevent waste of water and electricity, every correctional facility has its rules for when water, electric fans and lights are available or on.
- 3.Currently every housing area in the correctional facility is installed with a ceiling fan, exhaust fan or other equipment to promote ventilation. Water is made available at fixed hours in view of the living needs of inmates. The housing areas are also equipped with water bucket to storage of water.

問 7-10、請問廁所是蹲式還是坐式？會有遮蔽嗎？

Q7-10: Are toilets in correctional facilities squat type or sitting type? Do they have partitions?

答：

為考量場舍環境衛生及預防各類傳染病，矯正機關舍房內之廁所以蹲式為原則，但部分場舍設有坐式馬桶，供老弱、罹病者或行動不便者使用。此外，廁所設有適當之遮蔽設施，以維收容人隱私及戒護安全之需求。

A:

In consideration of the environmental hygiene of housing areas and prevention of spread of communicable diseases, toilets in the housing areas of correctional facilities are squat type. However some housing areas have sitting toilet for use by elderly, ill or disabled inmates. In addition, toilets are properly partitioned to ensure the privacy of inmates and the order or security of the correctional facility.

問 7-11、收容人一天的生活情形為何？

Q7-11: What is inmate's daily life in correctional facility?

答：

- 一、為使收容人改悔向上，適應社會生活，矯正機關提供作業、教化(本仁愛之觀念與同情之心理，瞭解個別情況與需要，予以適當之矯正與輔導)、給養(為保健上之需要，提供足夠之主副食營養)、衛生(提供衛生設施，以維護收容人身心健康為目的，並經常實施衛生教育，教導其遵守公共及個人衛生，養成良好生活習慣)及醫治。收容人一天之生活即依照上述作業、教化、給養、衛生及醫治等項目排定其一天之生活作息。
- 二、收容人在矯正機關內是過著規律的生活，平日除固定之運動、用餐、休息時間外，機關還會安排各種作業、教化、教育、輔導、文康活動或職業訓練等課程。例假日收容人均在舍房內活動，如整理內務、閱讀書報、看電視、聽音樂等。
- 三、被告如未志願參加工場作業者，配住舍房，除出庭、運動、看病、接見時間出舍房外，其餘時間多在房內依作息時間閱讀書報、書寫書信或書狀、收聽收音機或收看電視等。

A:

- 1.To encourage inmates to reform and adapt to social life, correctional facilities furnish inmates with work, edification (understand the situations and needs of individual inmates based on kindness and empathy and provide them with suitable correction and guidance), provision (furnish sufficient nutrition in meals for health needs), sanitation (furnish sanitary facilities for the purpose of maintaining inmates' health, and constantly provide them with health education, teach them to observe public and personal hygiene, and develop good habits), and medical treatment. The everyday life of inmates is arranged in accordance with the aforementioned components of work, edification, provision, sanitation and medical treatment.
- 2.Inmates live a regular life in the correctional facilities. Their daily routines consist of exercise, meals and break time. The facilities will also arrange work, edification, education, guidance, and recreational activities or vocational training. During weekends, inmates move around in their housing area, tidying up their cells, reading newspapers, watching TV or listening to music.
- 3.Defendants who choose not to participate in workshop work, they stay in their rooms most of the time to read newspapers, write letters or pleadings, listen to radio or watch TV, unless they have court appearance, exercise, doctor's appointment or visitors.

問 7-12、在矯正機關內會被欺負嗎？如果被欺負該怎麼做？

Q7-12: Do inmates get bullied inside correctional facilities? What can they do if they get bullied?

答：

- 一、矯正機關內嚴禁有欺凌之情形，若收容人間有欺凌之情事發生，機關對加害者會依規定嚴懲，對受害者會予以關懷和輔導。

二、收容人倘被欺負時，可直接向其直屬管教人員報告，或投陳意見箱反應。另管教人員於接獲訊息後，將隨即進行真相之瞭解，若陳述屬實，則依相關規定處理。

A:

1. Correctional facilities strictly prohibit bullying, and will punish the perpetrator and comfort and counsel the victim if bullying happens between inmates.
2. An inmate who is being bullied can report directly to the correctional staff or drop a letter in the opinion box. Upon receiving a report, correctional officers will immediately find out the truth, and take necessary actions according to rules if the report is found true.

問 7-13、有人自稱是職員，告知可幫忙早日離開，但需交付費用，如何處理？

Q7-13: What to do if somebody claims he or she is a staff of the correctional facility and that he or she can help an inmate leave the facility early if we pay?

答：

若有人自稱是矯正機關職員，告知可以幫忙親屬早日離開機關，但須交付一筆費用打通關節，絕對係屬違法行為或電話詐騙，如有上述情事，請向矯正機關查詢求證或洽各機關政風室檢舉諮詢，以免受騙。

A:

If somebody calls to claim he or she works inside a correctional facility and can help inmates leave the facility early, but it takes money to pull some strings, such claim and deed are absolutely false and illegal, and it is a phone scam. If you receive such a call, call the correctional facility to verify or contact the anti-corruption office of the correctional facility to file a complaint.

問 7-14、如果擔心家人在矯正機關內過得不好？如何得知其近況？

Q7-14: How do we know how our loved ones are doing in the correctional facility?

答：

- 一、收容人親友可透過各類接見、通信、懇親會等方式，得知收容人在機關內之生活情形。
- 二、各矯正機關定期辦理收容人家屬參訪活動，並會派員引導及說明，家屬可藉由該活動，實際瞭解收容人生活環境。
- 三、收容人如有外醫住院、違規或移監者，機關均會主動通知家屬，請家屬寬心。

A:

1. Friends and relatives of inmates can learn how inmates are doing in the correctional facility through visitation, correspondence and family visit day.

2. Every correctional facility will arrange family visit activities on a regular basis, during which, the facility will assign staff to guide the families of inmates. Inmate's families can understand more about the living conditions of inmates through such activity.
3. When an inmate is hospitalized outside the facility, violates rules or is transferred to another prison, the correctional facility will notify inmate's families.

## 捌、作業與技能訓練相關事項

### 8. Works and Skill Training

問 8-1、收容人在矯正機關內是否需要作業？作業項目有哪些？

Q8-1: Are inmates required to work while in the correctional facility? What are the work programs?

答：

- 一、受刑人除罹患疾病、入監調查期間、戒護安全或法規別有規定者外，均應參加作業；被告得依其志願選擇參加作業與否。至於收容少年、學生、受觀察勒戒人及受戒治人等，則依其處遇需要，從事適當之教化活動、習藝或技能訓練等。
- 二、作業方式包含自營作業、委託加工作業、指定監外作業、視同作業等：
  - (一)自營作業：指由矯正機關依其特性發展具技術性及效益之作業項目，從自購原料、機具設備，到從事生產製造及行銷，均以自給自足、永續發展之理念營運。
  - (二)委託加工作業：指外界廠商委託矯正機關承製或代工產品，由於必須在矯正目的、機關安全及外界廠商需求間取得平衡，因此多為無戒護安全顧慮之作業項目為主。
  - (三)指定監外作業：指受刑人在非監獄管理之其他特定場所工作，其包含戒護監外作業及自主監外作業。
  - (四)視同作業：指受刑人協助機關內炊事、打掃、營繕、看護及其他由監獄指定之維持機關日常清潔及運作等作業。

A:

1. Prisoners should participate in work unless they suffer from a disease, are within the period of admission investigations, are placed under enhanced security, or where it is specified in other laws. Defendants in detention participate in work if they are so willing. As for juvenile inmates, students, delinquents under rehab and observation and individuals receiving rehabilitation (detoxification) treatment, they may participate in edification activities, learn crafts or receive skill training based on rehabilitation needs.
2. The types of work include work run by the correctional facility, processing work consigned by others, designated work outside prison, and comparable work.
  - (1) Work run by the correctional facility: These are work programs that are technical and cost effective, and developed by the correctional facility based on its characteristics. The program stresses self-sufficiency from the purchase of raw materials, machines and equipment to production, marketing and sales, and is guided by the concept of sustainable development.
  - (2) Processing work commissioned by others: These works refer to manufacturing or processing of products commissioned by outside businesses. As this type of work must

seek a balance between correction purpose, security of the facility and demand of the outside business, it is mostly works without security concern.

(3) Designated work outside prison: It means prisoners working in specific places that are not under prison control, including guarded external work and autonomous external work.

(4) Comparable work: Prisoners engaging in cooking, cleaning, repair and maintenance, caretaking, and other tasks assigned by the prison to maintain the daily cleaning and operations of the prison shall be regarded as work.

問 8-2、作業有領薪水嗎？勞作金（薪水）是否可以自由動支？

Q8-2: Do inmates get paid for their work? Can inmates draw on their labor income (salary) at will?

答：

一、凡參加作業之收容人均應給與勞作金，並依其實際作業時間及勞動能率合併計算給與之。

二、第四級、第三級、第二級、第一級受刑人得准其於每月所得作業勞作金五分之一、四分之一、三分之一、二分之一範圍內自由使用。惟收容人如有動用非自由使用勞作金之需求時，應敘明用途、品項、使用額度或其他事由，經機關長官核准後始得動支。

三、非自由使用部分則由矯正機關予協助儲蓄，於出監(所)時發還，做為日後更生之用。

A:

1. Inmates who work will receive labor income. The payment amount is calculated based on inmate's actual work time and labor productivity.

2. Level 4, Level 3, Level 2 and Level 1 prisoners may use freely 1/5, 1/4, 1/3 and 1/2 of their labor income generated every month respectively. However, when inmates need to draw on labor income that is not at their direct disposal, they should provide the prison with use purpose, items to purchase, amount needed or other information and may draw on their income after a senior prison official has given approval.

3. The portion of labor income which prisoners may not use freely will be saved by the prison on their behalf and returned to them upon release.

問 8-3、收容人可以參加職業訓練嗎？能否取得證照？

Q8-3: Can inmates attend vocational training? Can they receive license or certificate?

答：

- 一、矯正機關對於收容人之職業訓練非常重視，其目的是使收容人學得一技之長，俾利離開矯正機關後易於謀職。因此，收容人可以依其志趣報名參加職業訓練。
- 二、各矯正機關對於參加各職類技能訓練之收容人，除其他法令另有規定外，其遴選應符合下列條件：
  - (一)最近半年內無妨害監獄秩序或安全之行為而受懲罰。
  - (二)結訓後五年內合於報請假釋（免訓、停止執行）要件或期滿出矯正機關者。但有特殊情形經法務部矯正署核准者，不在此限。
  - (三)非隔離犯者。
- 三、矯正機關收容人之職業訓練分為考取證照技訓班及短期技訓班，如收容人參加考取證照技訓班，結訓後經參加勞動部勞動力發展署或其他專業機構舉辦之技能檢定合格，即可取得證照。

A:

1. Correctional facilities place high importance on the vocational training of inmates. The purpose is to enable them to learn a skill that will help them find a job more easily after they leave the facility. Thus inmates are allowed to enroll in vocational training programs based on their interests.
2. Unless it is otherwise provided by laws, correctional facilities will select inmates who meet the following criteria to attend training programs:
  - (1) Having not been punished for any act that disrupts the order or security of prison in the past six months;
  - (2) Will be eligible for parole (exemption from training or suspension of enforcement of sentence) or release from the correctional institution within five years after the completion of training, unless it is otherwise approved by the Agency of Corrections due to some special circumstances; and
  - (3) Not held in isolation.
3. Vocational training for inmates may be skill training courses for license/certification and short-term skill training course. Inmates who attend skill training courses for license/certification may receive a license/certificate after they have completed the course and passed the skill test offered by the Workforce Development Agency under the Ministry of Labor or other professional institutions.

問 8-4、機關是否有辦理就業宣導或職業介紹？

Q8-4: Do correctional facilities offer employment guidance or employment services?

答：

- 一、各矯正機關每月邀請勞動部勞動力發展署各分署或縣市政府就業服務機構或更生保護會各分會人員，蒞監辦理促進就業課程，提供即將出監之收容人就業資

訊、職業介紹宣導及就業輔導，以熟悉就業與職訓相關資訊，並配合勞動部「一案到底」就業服務，依出監收容人意願轉介公私立就業服務機構，俾利出獄後，謀職就業能無縫接軌。

二、收容人離開矯正機關後，可攜帶出監(所、校)證明，至戶籍所在地之更生保護會尋求協助，或親臨各地就業服務中心(站)櫃台或勞動部勞動力發展署網站，申請就業媒合、查詢職業技能訓練班別等，對於有意創業者，亦可向戶籍所在地之更生保護會尋求資源協助。

A:

1. Correctional facilities invite Workforce Development Agency, the employment service units of city or county governments, or personnel of the Taiwan After-Care Association every month to supervise the employability enhancement courses, provide inmates who will soon be released job information and guidance to help them get familiar with employment and vocational training information. Correctional facilities also coordinate with the “One Case by One Steward” employment service of the Ministry of Labor by referring released inmates to public or private employment service agencies based on their wishes. The aim is to help inmates find jobs immediately after release.
2. Inmates who are released can go to a local after-care association to seek assistance (they need to present their certificate of release) or visit a local employment service center (station) or the website of Workforce Development Agency to apply for job matching or inquire the availability of vocational training classes. Inmates who wish to start their own business can also seek resource assistance from the after-care association at the place of their household registration.

## 玖、返家探視相關事項

### 9. Home Visit

問 9-1、收容人親屬喪亡時，如何辦理返家奔喪？

Q9-1: How do inmates request home visit to attend the funeral of a relative?

答：

一、要件：收容人之祖父母、父母、配偶之父母、配偶、子女或兄弟姊妹喪亡時，得經機關長官核准戒護返家探視，並於 24 小時內返回；其在外期間，予以計算刑期。

二、應備文件：收容人如有返家奔喪的需要，應由收容人本人或其親友應填寫申請書向機關指定窗口申請，並檢附下列文件：

(一)死者之死亡證明書(或除戶之戶籍登記)。

(二)訃聞或其他足資證明喪葬日期及地點之文件。

(三)足資證明收容人與死者關係之戶政或其他相關文件(例如戶口名簿、戶籍謄本等)。

三、申請期間：於死者亡故日起至喪葬(出殯)前 2 日。

四、「法務部便民服務線上申辦系統」提供相關文件供下載使用。

(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>)(採憑證作業)

(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>)(採非憑證作業)

五、收容人若於矯正機關內已填具「申請電子戶籍謄本同意書」，同意機關代其列印電子戶籍謄本者，收容人親屬可免附收容人之戶政文件。

A:

1.Condition: In the event of the death of an inmate's grandparent, parent, parent of spouse, spouse, child, or sibling, the inmate may, with approval from senior officials of the correctional facility, go home for a visit under escort and then return to the facility within 24 hours. The duration of the visit will be counted as time served.

2.Required documents: When an inmate has the need to request to attend funeral, the inmate or their relatives should submit an application together with the following documents to a contact designated by the correctional facility:

(1)Death certificate (or certificate of household deregistration).

(2)Obituary notice or other documents that suffice to show the date and place of the funeral.

- (3) Household registration or other relevant documents (e.g. household registry or household registration transcript) that suffice to show the relationship between inmate and the deceased.
3. Application period: From the date the deceased passed away to two days before the scheduled funeral service (burial).
4. Relevant documents are available for download on the e-service system of the Ministry of Justice.  
<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>(Citizen Digital Certificate required)  
<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>(Citizen Digital Certificate not required)
5. If the inmate has filled out a “Consent Form for Application of Electronic Household Registration Transcript” at the correctional facility, agreeing that the facility can print out his or her e-household registration transcript, inmate’s relative need not submit the inmate’s household registration documents.

#### 問 9-2、收容人親屬病危時，如何申辦返家探視？

#### Q9-2: How do inmates request home visit to visit a gravely ill relative?

答：

- 一、要件：收容人之祖父母、父母、配偶之父母、配偶、子女或兄弟姊妹，有生命危險時，得經機關報請法務部矯正署核准戒護返家探視，並於 24 小時內返回；其在外期間，予以計算刑期。
- 二、應備文件：收容人如有病危返家探視的需要，應由收容人本人或其親友應填寫申請書向機關指定窗口申請，並檢附下列文件：
- (一) 醫療機構開立之診斷證明書。
- (二) 醫療機構開立之最近 3 日內病危通知書或其他足資證明病危之文件。
- (三) 足資證明收容人與探視對象關係之戶政或其他相關文件(例如戶口名簿、戶籍謄本等)。
- 三、申請期間：於醫療機構開立之病危通知書或其他足資證明生命危險文件之 3 日內。
- 四、「法務部便民服務線上申辦系統」提供相關文件供下載使用。  
<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>(採憑證作業)  
<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>(採非憑證作業)

五、收容人若於矯正機關內已填具「申請電子戶籍謄本同意書」，同意機關代其列印電子戶籍謄本者，收容人親友可免附收容人之戶政文件。

A:

1. Condition: In the event an inmate's grandparent, parent, parent of spouse, spouse, child, or sibling is in a life-threatening situation, the inmate may, with approval from the Agency of Corrections that is applied through the correctional facility, go home for a visit under escort and then return to the facility within 24 hours. The duration of the visit will be counted as time served.
2. Required documents: When an inmate need to go home and visit a critically ill relative, the inmate or their relatives should submit an application together with the following documents to a designated contact by the correctional facility:
  - (1) A certificate of diagnosis issued by a medical institution.
  - (2) Medical crisis notice issued by a medical institution in the past 3 days or other documents that suffice to show that the visitee is in critically ill condition.
  - (3) Household registration or other relevant documents (e.g. household registry or household registration transcript) that suffice to show the relationship between inmate and the visitee.
3. Application period: Within 3 days from the time a medical institution issues a medical crisis notice or other documents that suffice to show that the visitee's life is in danger.
4. Relevant documents are available on the e-service system of the Ministry of Justice.  
(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>)  
(Citizen Digital Certificate required)  
(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>) (Citizen Digital Certificate not required)
5. If the inmate has filled out a "Consent Form for Application of Electronic Household Registration Transcript" at the correctional facility, agreeing that the facility can print out his or her e-household registration transcript, inmate's relative need not submit the inmate's household registration documents.

問 9-3、收容人親屬因災害致遭受重大傷害時，如何申辦返家探視？

Q9-3: How do inmates request home visit to visit a relative who sustains serious injury in a disaster?

答：

- 一、要件：因災害防救法第 2 條第 1 款所列災害(例如風災、水災、震災、火災等)，致收容人之祖父母、父母、配偶之父母、配偶、子女或兄弟姊妹遭受重大傷害時，得經機關報請法務部矯正署核准戒護返家探視，並於 24 小時內返回；其在外期間，予以計算刑期。

二、應備文件：收容人如有災害返家探視的需要，應由收容人本人或其親友應填寫申請書向機關指定窗口申請，並檢附下列文件：

- (一)醫療機構開立之診斷證明書，或其他足資證明重大傷害之文件。
- (二)足資證明探視對象遭受災害之文件。
- (三)足資證明收容人與探視對象關係之戶政或其他相關文件(例如戶口名簿、戶籍謄本等)。

三、申請期間：於災害發生後 30 日內。

四、「法務部便民服務線上申辦系統」提供相關文件供下載使用。

(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>)(採憑證作業)

(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>)  
(採非憑證作業)

五、收容人若於矯正機關內已填具「申請電子戶籍謄本同意書」，同意機關代其列印電子戶籍謄本者，收容人親屬可免附收容人之戶政文件。

A:

1.Condition: In the event an inmate's grandparent, parent, parent of spouse, spouse, child, or sibling sustains serious injury in a disaster defined in Subparagraph 1, Article 2 of the Disaster Prevention and Protection Act (e.g. windstorm, flooding, earthquake, fire, etc.), the inmate may, with approval from the Agency of Corrections that is applied through the correctional facility, go home for a visit under escort and then return to the facility within 24 hours. The duration of the visit will be counted as time served.

2.Required documents: When an inmate need to go home and visit a relative who has sustained a serious injury, the inmate or their relatives should submit an application together with the following documents to a contact designated by the correctional facility:

(1)A certificate of diagnosis issued by a medical institution or other documents that suffice to show that the visitee has sustained serious injury.

(2)A document that suffices to show that the visitee has suffered a disaster.

(3)Household registration or other relevant documents (e.g. household registry or household registration transcript) that suffice to show the relationship between inmate and the visitee.

3.Application period: Within 30 days after the occurrence of disaster.

4.Relevant documents are available for download on the e-service system of the Ministry of Justice.

(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>)  
(Citizen Digital Certificate required)

(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>) (Citizen Digital Certificate not required)

5.If the inmate has filled out a “Consent Form for Application of Electronic Household Registration Transcript” at the correctional facility, agreeing that the facility can print out his or her e-household registration transcript, inmate’s relative needs not submit the inmate’s household registration documents.

問 9-4、返家探視的申辦文件，一定要親自到機關遞交紙本嗎？

Q9-4: Do documents required for home visit application have to be submitted in hardcopy and delivered to the correctional facility in person?

答：

為達簡政便民，並提升返家探視之辦理效率，因此收容人親友申辦返家探視時，得以傳真、網際網路或其他適當方式傳送相關應備文件。

A:

To facilitate services and improve the efficiency of home visit application, when the relatives of an inmate make a home visit application for the inmate, they can send the required documents by fax, via the Internet or by other appropriate means.

問 9-5、返家探視的日期能由收容人家屬或親友自行決定嗎？

Q9-5: Can inmate’s families or relatives decide the date of inmate’s home visit?

答：

矯正機關核准收容人返家奔喪(探視)之申請後，即儘速擇日安排相關戒護返家奔喪(探視)勤務。又基於機關人力運作及戒護安全等考量，因此返家奔喪(探視)的日期無法由收容人家屬或親友自行決定，惟針對申請返家奔喪之案件，機關原則上仍會在喪葬(出殯)前完成返家奔喪。

A:

Correctional facilities will arrange the date of an inmate’s home visit under escort as soon as the inmate’s application has been approved. In consideration of the facility’s manpower allocation and for security reasons, the date of inmate’s home visit cannot be decided by their families or relatives. However, for cases of applying for home visit to attend funeral, the facilities will in principle make arrangement for the inmate to return home before the funeral (burial).

問 9-6、返家探視的日期能事先通知收容人家屬或親友嗎？

Q9-6: Can inmate’s families or relatives be given an advance notice of the date of inmate’s home visit?

答：

基於戒護安全之考量，因此返家奔喪(探視)的日期及時間無法事先通知收容人家屬或親友，惟機關於抵達返家奔喪(探視)地點前仍會通知收容人家屬或親友。

A:

For security reasons, inmate's families or relatives will not be notified of the time and date of inmate's home visit in advance. However the facilities will notify inmate's families or relatives before the inmate arrives at the place of visit or funeral.

問 9-7、返家探視的交通及相關費用，是由收容人負擔嗎？

Q9-7: Will the transportation fee and related charges of home visit be borne by inmates?

答：

基於使用者付費原則，返家探視的交通及相關費用應由收容人負擔，負擔方式包含從收容人本人保管金扣款，或由收容人親友代為繳納等方式。

A:

Based on the user-pays principle, the transportation fee and related charges incurred during home visit should be borne by inmates. The expenses will be deducted from inmate's safekeeping account or inmate's relatives can pay on behalf of the inmate.

問 9-8、請問外役監受刑人返家探視規定為何？

Q9-8: What are the rules for inmates in open prisons to apply for home visit?

答：

一、移入外役監執行期間，符合下列各款規定者，得依申請准於例假日或紀念日返家探視配偶、親屬或家屬：

- (一)移入外役監執行期間，作業成績連續 2 個月均達法定最高額百分之 80 以上。
- (二)申請前 2 個月未受外役監施以監獄行刑法第 86 條第 1 項之懲罰。
- (三)申請前 2 個月無違反受刑人返家探視應遵守事項之行為。
- (四)無其他情形足認其於返家探視期間有脫逃或危害社會治安之風險。

二、次數：

- (一)外役監執行期間未滿 6 月者，每 3 個月 1 次。
- (二)外役監執行期間 6 月以上未滿 1 年者，每 2 個月 1 次。
- (三)外役監執行期間 1 年以上者，每月 1 次。
- (四)65 歲以上之受刑人，得每月申請返家探視 1 次，不受前述(一)至(三)的限制。
- (五)113 年 2 月 1 日前已在外役監執行中之受刑人，其申請返家探視之次數，依下列規範辦理，不受前述(一)至(三)的限制：

1. 刑期未滿 3 年，每月 1 次。

2. 刑期 3 年以上 7 年以下，每 2 個月 1 次。但累進處遇進至第 2 級以上，得每月 1 次。
3. 刑期 7 年以上 15 年以下而累進處遇進至第 3 級，每 3 個月 1 次。但累進處遇進至第 2 級，得每 2 個月 1 次；其進至第 1 級，得每月 1 次。
4. 刑期 15 年以上而累進處遇進至第 2 級，每 3 個月 1 次。但累進處遇進至第 1 級，得每 2 個月 1 次。
5. 無期徒刑，每 3 個月 1 次。

三、應備文件：探視對象身分證明文件、關係證明文件、戶籍地或居住地相關文件（例如戶口名簿、戶籍謄本等）、探視對象同意書。

四、探視期間：每次最多不得超過 40 小時，但遇有連續 3 日以上的紀念日或休假日時，得延長 24 小時。以上時間不包括在途時間，外役監應依受刑人返家探視路程訂定在途期間，並告知受刑人。

A:

1. Inmates in open prisons can apply for permission to return home to visit spouse, family members or relatives on weekends or memorial holidays, provided they meet the following provisions:

- (1) Their work record is above 80% of the prescribed highest amount for two consecutive months while in open prison.
- (2) They were not punished by open prison pursuant to Paragraph 1, Article 86 of the Prison Act in the two months prior to application.
- (3) They did not behave in any manner that violates the rules for the home visits of inmates in the two months prior to application.
- (4) There are no other situations that cause concern over the risk of escape or endangering public order or security during the approved home visit.

2. Frequency of home visit:

- (1) For inmates who have been in open prison for less than six months, once every three months.
- (2) For inmates who have been in open prison for more than six months but less than one year, once every two months.
- (3) For inmates who have been in open prison for more than one year, once every month.
- (4) Inmates over 65 years of age may apply for home visit once every month without being subjected to the restrictions described in (1) ~ (3) above.
- (5) For inmates who are already in open prison before February 1, 2024, their frequency of application for home visit shall be handled in accordance with the following rules without being subjected to the restrictions described in (1) ~ (3) above:
  - a. For inmates with prison term under 3 years, once every month.

- b. For inmates with prison term of more than 3 years but less than 7 years, once every two months; when inmates are advanced to Level 2 under progressive treatment, once every month.
  - c. For inmates with prison term of more than 7 years but less than 15 years and advanced to Level 3 under progressive treatment, once every 3 months; when inmates are advanced to Level 2, once every 2 months; when inmates are advanced to Level 1, once every month.
  - d. For inmates with prison term of more than 15 years and advanced to Level 2 under progressive treatment, once every 3 months; when inmates are advanced to Level 1, once every 2 months.
  - e. For inmates sentenced to life, once every 3 months.
3. Required documents: Home visit application form, home visit interview summary, family member consent form, and household registration documents of the visitee (e.g. household registry or household registration transcript).
4. Duration of visit: No more than 40 hours each time, which however may be extended for another 24 hours in case of a memorial holiday or long weekend that lasts 3 consecutive days or longer. The aforementioned time does not include the amount of time spent in transit. An open prison should set the time spent in transit based on the distance inmates has to travel back home and inform inmate of the time allowed for transportation.

**問 9-9、請問外役監受刑人返家探視注意事項為何？**

**Q9-9: What are the things to note when inmates in open prison return home for a visit?**

答：

一、返家期間注意事項：

- (一)持返家探視證明書向返家當地警察機關報到。
- (二)不得有違反法令之行為。
- (三)未經外役監許可，不得從事與返家探視目的不符之活動。
- (四)應主動與外役監保持聯繫，不得無故失聯。
- (五)不得對被害人、告訴人、告發人、證人或其他利害關係人實施危害、恐嚇、騷擾、跟蹤、糾纏或其他不法行為。
- (六)受刑人返家探視之活動範圍，除往返行程所必要外，以申請所在地之直轄市或縣（市）境內為限。
- (七)返家探視受刑人應於到家及離家時向外役監回報時間，外役監並應使用視訊、電話或其他適當設備不定時查訪其活動情形。
- (八)返家探視期間，外役監得要求受刑人或探視對象自備行動電話或其他適當之設備，配合進行前項查訪措施。
- (九)其他經外役監認為應遵守之事項。

二、返家探視受刑人有下列各款正當理由之一，未於指定期日回監時，應於原指定回監期日內向原執行外役監報告：

(一)因天災或其他不可避之事變，致交通中斷或急需處理者。

(二)突染疾病，經公、私立醫院證明住院醫療或隔離者。

三、外役監接獲報告後，將另行指定受刑人回監期日，並令其定時回報。經核准延期返監者，於返監之後，應補提出「事故證明」，若係住院者，則需住院證明。

四、返家探視之受刑人無正當理由，未於指定期日內回監者，外役監將以脫逃罪移送該管法院檢察署偵辦及通知返家當地警察機關，並陳報法務部矯正署。另受刑人先前於外役監逐月逐級縮短之刑期亦將全部回復。

A:

1.Things to note when returning home for a visit:

(1)Inmates should report to the local police station and present their certificate of home visitation.

(2)Inmates shall not act in any way that violates laws and regulations.

(3)Unless with the permission of open prison, inmates may not engage in activities inconsistent with the purpose of home visit.

(4)Inmates should actively maintain contact with the open prison and may not be out of touch for no reason.

(5)Inmates shall not engage in unlawful conduct such as endangerment, intimidation, harassment, stalking, or pestering against victims, complainants, informants, witnesses, or other interested parties.

(6)Inmates returning home for a visit should move within the confines of the municipality or county (city) of the place applied for, except for the round trip between home and prison.

(7)Inmates should report their time of arriving and departing home to the open prison. The open prison should also use video, telephone or other suitable equipment to check/inquire inmate's activities during home visit from time to time.

(8)The open prison may ask the inmate or visitee to prepare their own mobile phone or other suitable equipment for the aforementioned checking/inquiry activity.

(9)Other matters to observe as deemed necessary by the open prison.

2.If an inmate returning home for a visit fails to return to prison on the designated date due to one of the following legitimate reasons, the inmate shall report to the open prison where he is held within the originally designated date:

(1)Transportation is disrupted due to a natural disaster or some unavoidable event happens that needs to be handled urgently.

(2)The inmate is suddenly inflicted with an illness that he or she must be hospitalized or quarantined as substantiated by a public or private hospital.

3. After the open prison receives the report, the prison will designate another date for inmate's return, and order the inmate to report regularly. Inmates who have been approved to postpone their return date shall submit a "proof of incident" after they return to prison. If they were hospitalized, they need to provide proof of hospitalization.
4. When an inmate who returns home for a visit but fails to return to prison within the designated date without legitimate reasons, the open prison will forward the case to the prosecutors' office under the court of jurisdiction as a prison escape case and inform the local police agency, and report to the Agency of Corrections. In addition, the shortened prison term previously received in open prison shall all be reversed.

## 拾、與眷屬同住相關事項

### 10. Extended Family Visit

問 10-1、一般與眷屬同住之規定為何？

Q10-1: What are the rules for making extended family visits?

答：

- 一、受刑人於執行期間，行狀善良，得准其於一定期間內與直系血親、配偶在指定之處所同住。
- 二、對象：各監獄累進處遇第一級受刑人及外役監受刑人。
- 三、要件：申請與眷屬同住之受刑人，須最近一個月之成績分數在 9 分以上。
- 四、期間：一級受刑人及外役監受刑人，經核准與眷屬同住者，以每月 1 次，每次不逾 7 日為原則；但有特殊事由者，經監務委員會決議，每次得准延長 1 日至 3 日。
- 五、申請程序：符合條件之受刑人申請與眷屬同住，應檢附同住眷屬之國民身分證影本或其他足以證明身分之文件（外籍收容人眷屬請檢附護照影本或足以證明身分之文件）、保證書及眷屬相片等文件。機關對申請者核實審查，並經監務委員會之決議後，辦理與眷屬同住。

A:

1. Prisoners with good behavior in prison may be allowed to live with their lineal relatives or spouse at a designated quarter for a certain period of time.
2. Eligible prisoners: Level 1 prisoners under progressive treatment and prisoners in open prisons.
3. Condition: Eligible prisoners who apply to live with families must have a performance score of 9 or higher in the most recent month.
4. Duration: Level 1 prisoners and prisoners in open prisons are allowed to live with families once a month, which does not exceed 7 days each time. The duration may be extended 1-3 days each time provided there is a special circumstance and it is approved by the Prison Affairs Committee.
5. Application procedure: When an eligible prisoner applies to live with a family member, he or she shall submit the photocopy of the family member's National ID Card or other documents that suffice to show the identity of family member (the foreign family member of inmate shall submit photocopy of passport or other valid documents), an affidavit and photograph of the family member. The application will be reviewed by the correctional facility and the applicant may live with the family member after the Prison Affairs Committee grants approval.

問 10-2、辦理與眷屬同住需要攜帶什麼文件？有何注意事項？

Q10-2: What documents should a family member bring when they make extended family visit?

What are the things to note?

答：

一、本國籍眷屬務必攜帶國民身分證或其他足以證明其身分之證件，外籍眷屬務必攜帶居留證、護照或其他附有照片足以證明眷屬身分之證件，並於指定之日期及時間內，到受刑人執行機關辦理與眷屬同住事宜。

二、注意事項：

(一)宿舍內設備應妥為保管，離開宿舍時，並應點交予矯正機關管理人員，如有損壞或短少，應照價賠償。

(二)出入宿舍，應遵守啟閉時間。

(三)受刑人應按照作息時間工作、休息。

(四)宿舍內，不得有吸菸、賭博、飲酒或其他不正當之行為。

(五)不得持有違禁物品，私有財物應自行檢點保管。

(六)同住期間屆滿，即應按時離開宿舍，不得藉故拖延。

(七)與受刑人同住之眷屬應自備飲食。

A:

1.Domestic family members must bring National ID Card or other papers that suffice to show his or her identity. Foreign family members must bring resident permit, passport or other papers with photo that suffice to show his or her identity at the specified time and date to complete the extended family visit formalities.

2.Things to note:

(1)Prisoner and family member should take proper care of the equipment in the dormitory, hand them over to the facility staff upon leaving the dormitory, and pay for damages or shortage according to the price of equipment.

(2)Prisoner and family member must observe the opening and closing time of dormitory.

(3)The prisoner should follow the routine work and rest schedule.

(4)There shall be no smoking, gambling, drinking or other illicit activities in the dormitory.

(5)Prisoner and family member may not hold any prohibited items and should take good care of personal belongings.

(6)Prisoner and family member shall leave the dormitory on time when the extended family visit is over.

(7)Family member should prepare his or her own meals.

## 拾壹、移監相關事項

### 11. Prison Transfer

問 11-1、受刑人親友可以申請讓受刑人移到比較近的監獄，以方便日後去監獄辦理接見嗎？

Q11-1: Can prisoner's families apply to move the prisoner to a prison closer to them in order to make it easier for them to visit?

答：

考量部分受刑人家屬因年邁、年幼或健康因素致不克遠途跋涉至受刑人執行監獄辦理接見，因此受刑人有下列情形之一時，得申請移到有助於其年邁、年幼或有其他健康因素之家屬更加便利辦理窗口接見之指定監獄：

- 一、受刑人之父母、配偶年滿 65 歲或有子女未滿 12 歲。
- 二、受刑人之祖父母、父母、配偶或子女因疾病或身心障礙，領有全民健康保險重大傷病證明或身心障礙證明。

A:

In consideration of the inconvenience for family members who are too old or too young or have health condition to travel far to visit a prisoner, prisoners having any of the following circumstances can apply for transfer to another prison to make it easier for their elderly, young or ill-health families to visit:

1. A parent or the spouse of the prisoner is aged 65 or older, or any child of the prisoner is under the age of 12.
2. Any of the grandparents, parents, spouse, or children of the prisoner is a holder of major illness and injury certificate issued under the National Health Insurance or a holder of disability certificate.

問 11-2、承上題，受刑人親友要怎麼申請這類型的移監？

Q11-2: Continuing the previous question, how do prisoner's families apply for this type of prison transfer?

答：

- 一、受刑人如有這類型的移監需求，應填寫申請移監審核表，並檢具最近 1 個月內之戶籍證明及其他證明文件(例如戶口名簿影本或戶籍謄本等足資證明收容人與家屬關係及戶籍地之資料、全民健康保險重大傷病證明、政府核發之身心障礙手冊)，向執行監獄相關科室提出申請。

- 二、受刑人之親友亦得向受刑人執行監獄提出移監的申請，即將前述之證明文件遞交予執行監獄指定窗口。窗口收件後，會儘速將接獲之申請文件轉交予受刑人，並記明接獲及轉交之時間，然後請受刑人依前項之規定程序辦理。
- 三、為達簡政便民，因此受刑人之親友遞交申請移監相關證明文件時，得以傳真、網際網路或其他適當方式傳送予執行監獄指定窗口。

A:

1. A prisoner with this type of prison transfer needs shall fill out a Prison Transfer Application Form and submit proof of household registration issued within the past month and other supporting documents (e.g. photocopy of household registry or household registration transcript that suffice to show the relationship between prisoner and family members, and place of householder registration, major illness and injury certificate from the National Health Insurance, disability manual issued by government) to the prison section or office in charge.
2. Relatives of a prisoner can also apply for prison transfer on behalf of the prisoner by submitting the aforementioned supporting documents to the designated contact of the prison. The prison will, promptly after the receipt of application documents, forward such documents to the prisoner and record the date and time when such documents are received and forwarded. The prisoner can then take steps according to the preceding paragraph.
3. To streamline government services, when the relatives of a prisoner need to submit supporting documents for prison transfer application to the designated contact of prison, they can do so by fax, via the Internet or by other appropriate means.

問 11-3、承上題，這類型的移監申請一定會過嗎？

Q11-3: Continuing the previous question, is this type of prison transfer request always granted?

答：

一、不一定。有可能因受刑人資格條件不符；或指定移入之監獄條件不符或難以繼續收容受刑人等情形，而否准移監申請。

二、受刑人因有前述移監需求，而向監獄申請移監者，執行監獄會先就受刑人之資格條件進行初步審核，如受刑人符合下列規定，執行監獄會將檢附受刑人名籍資料、移監合格名冊及相關證明文件，報請矯正署審查：

- (一) 新入監執行已逾 3 個月或由其他監獄移入執行已逾 6 個月。
- (二) 殘餘刑期逾 4 個月。
- (三) 無假釋案件在審查中。

三、矯正署會根據監獄陳報之資料，進行准否移監之審查，經審查符合下列規定者，得核准移送指定之監獄：

- (一) 受刑人符合指定之監獄收容標準。

- (二)指定之監獄收容人數未逾核定容額。
- (三)執行監獄與指定之監獄非屬同一直轄市、縣(市)。
- (四)指定之監獄無重大施工、修繕；或急迫之安全或衛生危險。
- (五)受刑人指定之監獄不符前述(一)、(二)、(四)之情形者，矯正署得依受刑人意願，核准移送與指定之監獄在同一地區之其他監獄。受刑人親友如不清楚同一地區之劃分方式，得逕向執行監獄總務科詢問。

A:

1. Not necessarily. A prison transfer application may be denied because the prisoner is not eligible or the designated prison that the prisoner wishes to transfer to does not meet the requirements or is unable to accommodate the prisoner.
2. When a prisoner has the aforementioned transfer needs and applies to the prison for a transfer, the prison will conduct preliminary review the prisoner's eligibility. If the prisoner meets the following criteria, the prison will submit a list of the eligible prisoners for prison transfer, their information (name and place of origin), and other supporting documents to the Agency of Corrections for examination:
  - (1) The prisoner has been admitted into the current prison for more than three months or has been transferred from another prison for more than six months;
  - (2) The prisoner's remaining sentence to be served is more than four months; and
  - (3) The prisoner does not have any parole case pending review.
3. The Agency of Corrections will examine the information provided by the prison and approve the prison transfer if it is found that the following criteria are met:
  - (1) The prisoner meets the accommodation criteria of the designated prison.
  - (2) The number of prisoners accommodated by the designated prison does not exceed the approved capacity.
  - (3) The current prison and the designated prison are not located in the same municipality, city, or county.
  - (4) The designated prison is not undertaking a large construction project or refurbishment or where there is an emergency safety or health hazard.
  - (5) Where a designated prison fails to meet the criteria set forth in (1), (2) or (4) of the preceding paragraph, the Agency of Corrections may, based on the prisoner's will, allow the prisoner to be transferred to another prison located in the same area as the designated prison. If relatives of the prisoner are not clear how the delineation of area, they can inquire the General Affairs Section of the current prison.

問 11-4、請問申請到外役監獄執行的條件為何？

Q11-4: What are the requirements for transferring to an open prison?

答：

外役監遴選受刑人須符合下列條件：

一、積極資格：

- (一)受徒刑之執行，有期徒刑逾3分之1、累犯逾2分之1。
- (二)有悛悔實據且1年內符合陳報假釋法定刑期。受刑人依個別處遇計畫應受治療性處遇，有下列情形之一，非屬有悛悔實據：
  - 1.應受毒品犯處遇者，未完成基礎處遇或未參與進階處遇達48小時以上。
  - 2.應受酒駕犯處遇者參與處遇未達24小時。
  - 3.應受性犯罪處遇者未達再犯風險顯著降低之評估。
- (三)在監行狀善良、適於外役作業且無危害公共秩序、社會安全之虞，無下列情形者：
  - 1.受刑人1年內曾受監獄施以監獄行刑法第86條第1項之懲罰。
  - 2.現罹法定傳染病。
  - 3.現受和緩處遇。
  - 4.受刑人在監執行中有脫逃或暴動之行為。

二、消極資格：受刑人有下列各款情形之一者，不得遴選：

- (一)故意犯罪因而發生死亡結果。
- (二)所犯最輕本刑為10年以上有期徒刑之罪。
- (三)犯刑法第135條第4項後段、第136條第2項致重傷、第161條、第302條之1第1項、第2項後段、第303條、第328條第1項、第2項、第3項後段、第330條第1項、第333條第1項、第2項、第339條之4第1項、第347條第1項、第348條之1之罪。
- (四)犯組織犯罪防制條例第3條第1項前段、第4條第2項至第4項之罪。
- (五)犯槍砲彈藥刀械管制條例第7條第1項、第2項、第8條第1項至第3項之罪。
- (六)犯兒童及少年性剝削防制條例第33條第1項、第34條第1項、第2項、第35條第2項、第3項犯同條第2項、第36條第3項、第4項犯同條第3項之罪。
- (七)犯毒品危害防制條例之罪。但犯同條例第10條、第11條、第14條第3項、第4項之罪，不在此限。
- (八)犯貪污治罪條例第5條第1項之罪。但無犯罪所得或其屬個人犯罪所得已全部依法沒收或追徵者，不在此限。
- (九)犯證券交易法、銀行法、金融控股公司法、票券金融管理法、信託業法、信用合作社法、保險法、農業金融法、證券投資信託及顧問法之罪，其最輕本刑為7年以上有期徒刑者。但無犯罪所得或其屬個人犯罪所得已全部依法沒收或追徵者，不在此限。
- (十)犯人口販運防制法第2條第2款之人口販運罪。

(十一)犯前十款以外，屬性侵害犯罪防治法第 2 條第 1 款所列之罪或家庭暴力防治法第 2 條第 2 款之家庭暴力罪、第 61 條之違反保護令罪。

(十二)累犯。但已執行完畢之前案均為受 6 月以下有期徒刑之宣告者，不在此限。

(十三)執行撤銷假釋之殘餘刑期，或假釋中再犯罪之徒刑。

(十四)另有保安處分待執行。

A:

Prisoners who will be considered to serve at an open prison must meet the following requirements:

1.Active qualifications:

(1)Serving a prison term and one third of sentence or one half of the sentence for a recidivist has been served.

(2)Having evidence of repentance and served a term that renders the prisoner legally eligible for parole application. However if the prisoner must receive therapeutic treatment according to his or her individual treatment program and has any of the following situations, it shall be deemed that there is no evidence of repentance:

a. The prisoner is subject to drug offender treatment, but has not completed the basic treatment or has not participated in advanced treatment for more than 48 hours.

b. The prisoner is subject to drunk driving offender treatment but has not participated in the treatment program for 24 hours or longer.

c. The prisoner is subject to sex crime treatment but has not received an evaluation that the recidivism risk is significantly reduced.

(3)Performing well in prison, suitable for open prison work, not posing the risk of endangering public order or security, and free of the following situations:

a. The prisoner was punished by prison pursuant to Paragraph 1, Article 86 of the Prison Act within the past year.

b. The prisoner is currently contracted with a communicable disease.

c. The prisoner is currently subject to mild measures.

d. The prisoner has attempted escape or committed an act of riot while in prison.

2.Passive qualifications: Prisoners having any of the conditions below are not eligible for selection:

(1)Intentionally committed a crime that results in death.

(2)Committed an offense that carries a principal punishment of minimal 10-year imprisonment.

(3)Committed an offense provided under the latter section of Paragraph 4, Article 135 or Paragraph 2, Article 136 of the Criminal Code that results in aggravated injury, or committed an offense provided under Article 161, Paragraph 1 or latter section of Paragraph 2, Article 302-1, Article 303, Paragraph 1, Paragraph 2, or latter section of Paragraph 3 of Article 328, Paragraph 1 of Article 330, Paragraph 1 or Paragraph 2 of Article

- 333, Paragraph 1 of Article 339-4, Paragraph 1 of Article 347, or Article 348-1 of the Criminal Code.
- (4) Committed an offense provided under front section of Paragraph 1, Article 3, Paragraphs 2 ~ 4 of Article 4 of the Organized Crime Prevention Act.
  - (5) Committed an offense provided under Paragraph 1 or Paragraph 2 of Article 7, or Paragraphs 1~3 of Article 8 of the Controlling Guns, Ammunition and Knives Act.
  - (6) Committed an offense provided under Paragraph 1 of Article 33, Paragraph 1 or Paragraph 2 of Article 34, Paragraph 2 or Paragraph 3 (committing an offense under Paragraph 2 of the same article) of Article 35, or Paragraph 3 or Paragraph 4 (committing an offense under Paragraph 3 of the same article) of Article 36 of the Child and Youth Sexual Exploitation Prevention Act.
  - (7) Committed an offense provided under the Narcotics Hazard Prevention Act, except for offenses under Article 10, Article 11, Paragraph 3 and Paragraph 4 of Article 14 of the same act.
  - (8) Committed an offense provided under Paragraph 1, Article 5 of the Anti-Corruption Act, except where there were no proceeds of crime or the personal proceeds of crime have been confiscated or collected.
  - (9) Committed an offense under the Securities and Exchange Act, Banking Act, Financial Holding Company Act, The Act Governing Bills Finance Business, Trust Enterprise Act, The Credit Cooperative Act, Insurance Act, Agricultural Finance Act, or Securities Investment Trust and Consulting Act that carries a principal punishment of minimal seven-year imprisonment, except where there were no proceeds of crime or the personal proceeds of crime have been confiscated or collected.
  - (10) Committed a human trafficking offense provided under Subparagraph 2, Article 2 of the Human Trafficking Prevention Act.
  - (11) Committed an offense other than those under the preceding ten subparagraphs but under Subparagraph 1, Article 2 of the Sexual Assault Crime Prevention Act or a domestic violence offense under Subparagraph 2 of Article 2 or Article 61 (violation of protection order) of the Domestic Violence Prevention Act.
  - (12) Being a recidivist. However the preceding provision does not apply if all previous cases were punished by a sentence of less than six months in prison and have been executed.
  - (13) Serving the remaining sentence after the revocation of parole or serving a sentence of imprisonment for committing another crime during parole.
  - (14) Having rehabilitation measures to be executed.

問 11-5、請問如何申請到外役監獄執行？

Q11-5: How to apply for serving sentence in an open prison?

答：

- 一、目前定期辦理外役監受刑人遴選作業，受刑人可依機關公告，向管教人員提出申請，經機關依規定進行資格審查符合及評比初核積分後，陳報法務部矯正署覆核。
- 二、矯正署覆核參與遴選受刑人之積分，並提請外役監遴選小組審議，審議決定須經遴選小組出席委員 2 分之 1 以上同意行之，並依受刑人志願及外役監需求缺額辦理分發作業。
- 三、收容男性之外役監有八德外役監獄、明德外役監獄、自強外役監獄、武陵外役監獄、臺中監獄附設臺中外役分監及屏東監獄附設屏東外役分監；收容女性之外役監則為臺中女子監獄附設臺中女子外役分監、高雄女子監獄附設女子外役分監及宜蘭監獄附設女子外役分監。

A:

1. Currently the selection of prisoners for open prison is conducted regularly. Prisoners can submit an application to the correctional officers according to announcement made by the facility. The facility will conduct eligibility review and assign the prisoner a preliminary score according to the established rules, and then report the applications to the Agency of Corrections for further review and approval.
2. The Agency of Corrections will review the scores of prisoners participating in the selection and submit the list of applicants to the Open Prison Selection Committee for decision. Any decision of the Selection Committee must be passed in a meeting by at least the majority of committee members present. The assignment will then be done based on prisoner's wish and the needs and vacancies of open prisons.
3. Currently open prisons that accommodate male prisoners include Bade Minimum Security Prison, Mingde Minimum-Security Prison, Ziqiang Minimum-Security Prison, Wulin Minimum Security Prison, Taichung Minimum-Security Branch of Taichung Prison, and Pingtung Minimum-Security Branch of Pingtung Prison. Open prisons that accommodate female prisoners include Women's Minimum-Security Branch of Taichung Women's Prison, Women's Minimum-Security Branch of Kaohsiung Women's Prison and Women's Minimum-Security Branch of Yilan Prison.

問 11-6、受刑人移監的日期能事先通知家屬嗎？

Q11-6: Can family members be notified in advance the date a prisoner will transfer prison?

答：

- 一、基於戒護安全之考量，因此受刑人移監的日期及時間無法事先通知受刑人家屬，惟移出監獄仍會於移監作業完成後 3 日內以書面、電話、傳真、資訊網路或其他適當方式，通知受刑人家屬或最近親屬，並作成紀錄。但不能通知者，不在此限。

二、前述家屬或最近親屬如有數人，移出監獄得僅通知其中 1 人。

A:

1. For security reasons, prisoner's families will not be notified of the time and date of prisoner's prison transfer in advance. However the previous prison will notify prisoner's family members or nearest relatives in 3 days after the prison transfer operation is completed in writing, by phone, via Internet or by other appropriate means, and make a record of the notice, unless such notice cannot be made.
2. If the prisoner has several family members or nearest relatives, the previous prison is only required to notify one of them.

## 拾貳、出入監證明申請相關事項

### 12. Certification of Imprisonment/Release

問 12-1、請問應如何申請收容人「在監(所、校)證明」?

Q12-1: How to apply for certificate of imprisonment/detention for inmates?

答：

- 一、申請要件：收容人因須辦理兵役手續、財產繼承、助學貸款、學雜費補助、農保及勞保與健保事宜、低收入補助、殘障補助、老人年金、老農年金及國民年金補助、房屋車輛過戶、離婚協議、子女教養…等事項，需申請在監(所、校)證明者。
- 二、申請在監(所、校)證明書時，應由收容人本人提出申請。另如家屬前來申請，必須攜帶國民身分證及可證明雙方關係之文件，並經收容人事先同意書寫報告申請，始可發給證明文件。
- 三、作業程序：由收容人自行書寫申請報告或依式填具申請書，並檢附相關證明文件，向機關申請經核可用印後，發給在監(所、校)證明，再由指定之家屬領回或由收容人具領郵寄予家屬。

A:

- 1.Application: Inmates may need to apply for a certificate of imprisonment/detention for the purpose of military service, inheritance, student loan, subsidy of tuition fees, farmers' insurance, labor insurance or health insurance, low-income subsidy, disability subsidy, elderly annuity, elderly farmers annuity or national annuity subsidy, transfer of house or vehicle ownership, divorce agreement, child rearing, etc.
- 2.Application for certificate of imprisonment/detention should be made by inmates. If family members of inmates apply for such a certificate, they must bring their National ID Card and documents that show their relationship with the inmate as well as inmate's consent statement before a certificate will be issued.
- 3.Procedure: Inmates can write an application report or fill out an application form and submit it together with supporting documents to the correctional facility. After the application is approved by the facility, a certificate of imprisonment/detention will be issued. The certificate may be picked up by a family member appointed by the inmate or picked up by the inmate and mailed to inmate's family member.

問 12-2、請問應如何申請收容人「出監(所、校)證明」?

Q12-2: How to apply for certificate of release for inmates?

答：

一、非利用網路申請：

- (一)前收容人必須親自攜帶身分證正本、印章至機關辦理，如委託親屬前來代辦，必須攜帶委託書、前收容人身分證，代領人身分證、足以證明雙方親屬關係之文件，以供查核。
- (二)相關申請表格可至法務部便民服務線上申辦系統下載(網址為 <https://eservice.moj.gov.tw/>)。

二、利用網路申請：

- (一)請連結至「法務部便民服務線上申辦系統(網址為 <https://eservice.moj.gov.tw/>)」，下載申請書後，確實填寫申請表所列每一欄位，連同申請人身分證正反面影本，郵寄至執行機關。
- (二)機關收到申請書審核核准後，將開具證明，並以郵寄方式寄予申請人(請自備回郵信封填妥收信地址及收件人姓名)。

A:

1. Apply not via Internet:

- (1)An ex-inmate must bring his or her National ID Card and personal seal to apply at the correctional facility. If application is made by a relative, the relative must bring exinmate's power of attorney and National ID Card as well as the relative's National ID Card and documents that show relative's relationship with the ex-inmate.
- (2)The application forms are available for download from the e-service system of the Ministry of Justice ( <https://eservice.moj.gov.tw/>).

2. Apply via Internet:

- (1)Log onto the e-service system of the Ministry of Justice ( <https://eservice.moj.gov.tw/>) to download the application form, fill out every field of the application form, and mail the form together with photocopy of applicant's National ID Card (both front and back) to the correctional facility.
- (2)The correctional facility will issue a certificate after reviewing the application form and mail it to the applicant (applicant should prepare a return envelope that is stamped and has recipient's name and address).

問 12-3、需要收容人委託書、印鑑證明或委託證明書，該如何申請？

Q12-3: How to apply for an inmate's power of attorney, personal seal certification or certificate of in-prison attorney?

答：

- 一、申請收容人委託證明書，因委託辦理事件不同，可分為辦理一般事件委託書及申請印鑑之委託書等二種。

- 二、如係申請辦理一般事件(指紋)委託書，收容人親屬可至相關業務主管機關領取委託書或授權書，郵寄或於總務科收發室寄(送)入予收容人。另亦可填載空白制式指紋委託書，由收容人自行書寫報告附上委託書或授權書提出申請，再依程序辦理。案經機關核准後，由總務科蓋指紋驗證章後核發，俟家屬來機關即可領回或由收容人具領郵寄予家屬。
- 三、如係申請辦理印鑑證明相關之委託書，可將委託書郵寄或於總務科收發室寄(送)入予收容人，由收容人填寫並與報告一併送陳，待核准後，由總務科發函戶政機關辦理，並副知受委託人，戶政單位收到公文後將聯絡受委託人前往辦理。
- 四、如係收容人親屬親自到機關具領相關委託書，須攜帶國民身分證或足資證明身分之文件及印章，再經核對屬實，即可簽署領回。

A:

- 1.The application for certificate of in-prison attorney comes in general power of attorney and personal seal certification, depending on the things inmates entrusts others to do.
- 2.For application of general power of attorney (fingerprinted), inmate's relatives can pick up a power of attorney or letter of authorization from the relevant authority and mail it to inmate or drop it off at the correctional facility's mail room. Or inmates can fill out a blank fingerprinted power of attorney and write up a report attached with the power of attorney or letter of authorization to make an application. After the facility approves the application, its general affairs section will affix a fingerprint verification stamp and issue a power of attorney, which can then be picked up by inmate's relative or mailed to the relative by inmate.
- 3.To apply for a power of attorney for personal seal certification, inmate's agent can mail the power of attorney to inmate or drop it off at the mail room of the correctional facility. The inmate will then fill out the power of attorney and submit it together with a report to the facility. After the facility approves the application, the facility's general affairs section will send a letter to the household administration office with a copy sent to inmate's agent. After the household administration office receives the letter, it will contact the agent to come complete the necessary formality.
- 4.If the relative of an inmate visits the household administration office to obtain a power of attorney, the relative must bring National ID Card or a document evidencing his or her identity and a seal, and pick up the power of attorney after completing the necessary formality.

## 拾參、結(離)婚相關事項

### 13. Getting Married (Divorced) While Incarcerated

問 13-1、請問在矯正機關內收容，可以辦理結婚嗎？

Q13-1: Can inmates get married while incarcerated?

答：

- 一、96 年 5 月 23 日修正之民法第 982 條規定結婚改採登記結婚，因此，結婚應以書面為之，有 2 人以上證人之簽名，並應由雙方當事人向戶政機關為結婚之登記，無須在監內辦理結婚。
- 二、為完善收容人結婚制度，收容人可提出報告申請並檢附雙方身分證影本各乙份，經核准後辦理，機關將通知其家屬（長），並協助戶政機關完成相關手續。
- 三、申請方式：結婚當事人因收容在矯正機關之特殊情事，無法親自至戶政事務所辦理結婚登記者，另一方當事人(未在矯正機關者)可攜帶相關文件逕至戶籍地戶政事務所申請，或向戶籍地戶政事務所預約申請登記日期，戶籍地戶政事務所得派員或商請矯正機關所在地戶政事務所協助至該矯正機關，查實當事人表達結婚意思後攜回相關文件，辦妥結婚登記(結婚登記日為生效日)。
- 四、所需相關文件為結婚證書（應註明結婚地點及二人以上之證人簽名或蓋章）、當事人雙方之戶口名簿、國民身分證（外國人憑居留證或護照）、印章（或簽章）、又當事人應備妥一年內之彩色照片一張。

A:

1. According to Article 982 of the Civil Code amended on May 23, 2007, a marriage shall be effected by registration. Thus, a marriage shall be effected in writing, with the signatures of at least two witnesses, and by registration at a household administration office. So a wedding ceremony in prison is not necessary.
2. To improve the marriage system for inmates, an inmate who intends to get married can submit a report and a photocopy of National ID Card of the couples to the correctional facility. After approving the application, the facility will notify inmate's family members (parents), and assist the household administration office to complete the relevant formalities.
3. Application: If an inmate is unable to go to the household administration office in person to complete the marriage registration, the other half (not held at correctional facility) can bring relevant documents to the household administration office of his or her household registration to apply for marriage registration, or make a reservation for the date of marriage registration. The household administration office may send staff or ask the household administration office at where the correctional facility is located for assistance by sending staff to the correctional facility to verify the intent of the inmate (to get married)

and bring back relevant documents for the registration of marriage (the marriage becomes valid as of the registration date).

4. Relevant documents required for marriage registration include marriage certificate (which notes where the marriage took place and the signatures or seals of at least two witnesses), and the household registry, National ID Card (resident permit or passport for foreigners), seals (or signatures), and color photo taken within the past year of the couples.

問 13-2、夫(妻)因犯罪被判刑入監執行，要與其離婚，如何提出申請？

Q13-2: How to divorce a spouse who is incarcerated?

答：

- 一、夫妻有一方因犯罪被判處有期徒刑 6 個月以上者，另一方可向法院提出訴請離婚之訴訟。
- 二、收容人與配偶協議離婚後，由收容人填寫正式（經機關長官簽核）報告單述明離婚意旨，並申請在監（所、校）證明，再填寫離婚協議書與委託證明書。上述資料完備後，收容人配偶可持資料至戶籍所在地之戶政機關辦理離婚登記。
- 三、另亦可至戶籍所在地之戶政事務所申請，並說明夫(妻)在某矯正機關執行，戶政人員會與該矯正機關之戶政事務所聯繫，委請代辦離婚手續。此外，戶政事務所會函請矯正機關配合辦理，並提供辦理離婚手續所需之相關資料。

A:

1. When husband or wife has been sentenced to more than six months imprisonment for intentional crime, the other party may petition the court for divorce.
2. After an inmate and his or her spouse have agreed to get divorced, the inmate should write a formal report (signed by the prison official), stating the intent for divorce and apply for a certificate of imprisonment, and fill out a divorce agreement and a power of attorney. The inmate's spouse can then take the aforementioned documents to the household administration office of household registration to carry out divorce registration.
3. The inmate's spouse can also apply for divorce registration at the household administration office of household registration and explain that his or her wife (husband) is currently being incarcerated at a certain correctional facility. The household administration officer will then contact the household administration office at where the correctional facility is located and ask them to take care of the divorce formality. In addition, the household administration office will send an official letter to the correctional facility, asking for its assistance and for documents required for the divorce formality.

## 拾肆、毒品戒治相關事項

### 14. Drug Rehabilitation

問 14-1、請問施用毒品者進入勒戒所、戒治所及監獄執行的時機分別為何？

Q14-1: When will a drug user be sent to an observation and rehabilitation center, compulsory rehabilitation center or prison for their offense?

答：

一、進入勒戒所之時機：

(一)初次施用毒品者。

(二)觀察勒戒或強制戒治執行完畢釋放後，3 年後再次施用毒品者。

二、進入戒治所時機：受觀察勒戒人有繼續施用毒品傾向者。

三、進入監獄時機：觀察勒戒或強制戒治執行完畢釋放後，3 年內再次施用毒品者。

A:

1.Time to be sent to an observation and rehabilitation center:

(1)First time drug abusers.

(2)Repeat drug abusers who use drugs again 3 years or more later after being released following the completion of an observation and rehabilitation program or compulsory rehabilitation program.

2.Time to be sent to a compulsory rehabilitation center: Delinquents under observation and rehab who have the tendency to use drugs continuously.

3.Time to be sent to prison: Repeat drug abusers who use drugs again within 3 years after being released following the completion of an observation and rehabilitation program or compulsory rehabilitation program.

問 14-2、請問受觀察勒戒人將在何處執行觀察勒戒處分？

Q14-2: Where will people under observation and rehab undergo rehabilitation?

答：

目前新店、臺中、高雄、臺東、臺中女子與高雄女子戒治所、臺北女子、苗栗、雲林、臺東、花蓮、澎湖、連江與金門看守所等 14 所附設勒戒處所為專責勒戒處所。各法院及檢察署對到案之受觀察勒戒人將直接送至各勒戒處所執行，或暫時收容於原來之勒戒處所，並於一週內再行解送至各專責勒戒處所執行。

A:

Currently there are abstention and rehabilitation centers under 14 correctional facilities, including Xidian, Taichung, Kaohsiung, Taitung, Taichung Women's and Kaohsiung

Women's Compulsory Rehabilitation Center, Taipei Women's, Miaoli, Yunlin, Taitung, Hualien, Penghu, Lianjiang and Kinmen Detention Center. People under rehab and observation by the order of a court or prosecutor are sent directly to such an abstention and rehab center, or temporarily held at the original rehabilitation center and then transferred to the designated rehab center within one week.

問 14-3、請問觀察勒戒及強制戒治的期間各需要多久呢？

Q14-3: How long are the durations for an observation and rehabilitation program and a compulsory rehabilitation program?

答：

- 一、觀察勒戒的期間不得逾二月。強制戒治的期間為六個月以上，直至無繼續強制戒治之必要時為止，但最長不得逾一年。
- 二、勒戒所應注意觀察受觀察勒戒人在所勒戒之情形，經醫師研判觀察受處分人無繼續施用毒品傾向後，陳報該管檢察官准予停止受觀察勒戒之處分。
- 三、受戒治人接受戒治處遇屆滿六個月後，經依「戒治處分執行條例」規定之停止戒治評估後，認為無繼續強制戒治之必要者，戒治所得檢具事證，報請指揮執行之檢察官、法院裁定停止戒治後，辦理出所。
- 四、家屬不能自行向檢察官申請辦理停止觀察勒戒或強制戒治之處分。

A:

- 1.The duration of an observation and rehabilitation program shall not exceed 2 months. The duration of a compulsory rehabilitation program shall be 6 months or longer until there is no need to continue the program. However the longest duration shall not exceed 1 year.
- 2.An observation and rehabilitation center should observe the condition of a person undergoing observation and rehabilitation. If a doctor determines that the person does not exhibit the tendency to continue the use of drugs, the center should report to the public prosecutor in charge of the case to approve the discontinuation of rehabilitation program.
- 3.For people undergoing compulsory rehabilitation, the compulsory rehabilitation center will conduct assessment after 6 months of drug rehabilitation treatment in accordance with the Act of Execution of Drug Abuser Treatment. If the compulsory rehabilitation center finds that compulsory drug abuse treatment is no longer necessary, the compulsory rehabilitation center may present supporting documents to the prosecutor or court under which treatment order is enforced for the issuance of a release order.
- 4.Families of people undergoing observation and rehabilitation or compulsory rehabilitation cannot apply to prosecutors on their own to discontinue the observation and rehabilitation or compulsory rehabilitation program.

問 14-4、請問觀察勒戒費用如何計算與繳交呢？

Q14-4: What are the fees for undergoing an observation and rehabilitation program and how to make payment?

答：

一、受觀察勒戒人每人每日之勒戒費用收取標準如下：

(一)伙食費及用費：

1. 成年受觀察勒戒人每人每(勒戒)日新臺幣(以下同)73元(澎湖、金門、綠島地區為87元，馬祖地區為117元)。

2. 少年受觀察勒戒人自113年起每人每(勒戒)日140元(含澎湖、綠島、金門及馬祖地區)。

(二)藥品材料費：每人每(勒戒)日33元。

(三)尿液篩檢材料費：每人每次200元。

(四)診療費：每人每(勒戒)日40元。

(五)其他受觀察勒戒人在勒戒處所因個案所需之支出費用：以個案實際支出為計算依據。

二、勒戒費用免繳之情形：

(一)自首：依裁定內容記載為憑。

(二)貧困：欲申請免繳勒戒費用者，應於勒戒期間，或勒戒處所催繳期間，或行政執行處通知繳納期間，提出現時貧困無力負擔之證明文件(鄉鎮市區公所以上出具之低收入戶證明文件)，可就未繳納部分之費用申請免繳；但已繳納(扣繳)部分，則不予退還。

三、繳交方式：

(一)出所後：家屬或受勒戒人出所後欲繳納勒戒費用，可至原執行機關總務科繳納，或利用郵政劃撥方式繳納(受勒戒人出所時執行機關會告知劃撥帳號)，劃撥時請於通訊欄註明受勒戒人之姓名及身分證字號。

(二)執行中：受勒戒人執行中，除依規定應自保管金中扣繳費用之方式外，若欲自願先行繳納勒戒費用，可以書面方式表明，執行機關會依程序辦理勒戒費用之收取作業。

A:

1. The daily charges for people under rehab and observation (per person) are as follows:

(1) Meals and daily supplies:

a. For adults under observation and rehabilitation, NT\$73 per person per (rehab) day (NT\$87 in Penghu, Kinmen and Ludao areas, and NT\$117 in Matsu area).

b. For juveniles under observation, NT\$140 per person per day starting 2024 (including Penghu, Ludao, Kinmen and Matsu areas).

- (2)Medicine: NT\$33 per person per (rehab) day.
- (3)Urine drug test: NT\$200 per person each time.
- (4)Medical fees: NT\$40 per person per (rehab) day.
- (5)Other fees will be computed based on the actual expenses incurred.

## 2.Exemption of rehabilitation fees:

- (1)Voluntary surrender: Based on the content of court ruling.
- (2)Impoverishment: People who would like to request exemption of rehabilitation fees should submit proof of financial hardship (certificate of low-income household issued by the township or district office) during the rehab period, or during the payment period specified in the collection notice the person receives from the rehabilitation center or an administrative enforcement agency. This way, they can be exempted from paying the fees owed. But the payment already made or deducted will not be refunded.

## 3.How to make payment:

- (1)After release: If people who have been in rehab program or their families would like to pay the rehabilitation fees after they are released, they can make payment at the General Affairs Section of the rehabilitation center or send payment by postal remittance (the rehabilitation center will inform the delinquents the post office giro number upon their release). When sending postal remittance, the sender should indicate in the correspondence column the name and ID number of the person being in rehab program.
- (2)While in the rehab program: While people are undergoing rehabilitation, the rehabilitation center may deduct rehabilitation fees from their safekeeping account, and if a person is willing to pay the fees in advance, he or she can indicate so in writing and the rehabilitation center will charge the fees according to the established procedure.

## 問 14-5、請問戒治費用如何計算與繳交呢？

### Q14-5: What are the fees for undergoing a compulsory rehabilitation program and how to make payment?

答：

一、受戒治人每人每日之戒治費用收取標準如下：

(一)伙食費及用費：

- 1. 成年受戒治人自 110 年起每人每（戒治）日新臺幣（以下同）73 元（澎湖、金門、綠島地區為 87 元，馬祖地區為 117 元）。
- 2. 少年受戒治人自 113 年起每人每（勒戒）日 140 元（含澎湖、綠島、金門及馬祖地區）。

(二)授課鐘點費：每人每（戒治）日 30 元。

(三)教材編印及書籍費：每人每（戒治）日 6 元。

- (四)尿液篩檢材料費：每人每次 200 元。
- (五)藥品材料費：每人每（戒治）日 10 元。
- (六)其他受戒治人在戒治所因個案所需之支出費用：以個案實際支出為計算依據。

## 二、戒治費用免繳之情形：

- (一)自首：依裁定內容記載為憑。
- (二)貧困：欲申請免繳戒治費用者，應於戒治期間，或戒治所催繳期間，或行政執行處通知繳納期間，提出現時貧困無力負擔之證明文件（鄉鎮市區公所以上出具之低收入戶證明文件），可就未繳納部分之費用申請免繳；但已繳納（扣繳）部分，則不予退還。

## 三、繳交方式：

- (一)出所後：家屬或受戒治人出所後欲繳納戒治費用，可至原執行機關總務科繳納，或利用郵政劃撥方式繳納（受戒治人出所時執行機關會告知劃撥帳號），劃撥時請於通訊欄註明受戒治人之姓名及身分證字號。
- (二)執行中：受戒治人執行中，除依規定應自保管金中扣繳費用之方式外，若欲自願先行繳納戒治費用，可以書面方式表明，執行機關會依程序辦理戒治費用之收取作業。

A:

1.The daily charges for individuals undergoing drug abuse treatment (per person) are as follows:

(1)Meals and daily supplies:

- a. For adults undergoing rehab, NT\$73 per person per (rehab) day (NT\$87 in Penghu, Kinmen and Ludao areas, and NT\$117 in Matsu area).
- b. For juveniles undergoing rehab, NT\$140 per person per day starting 2024 (including Penghu, Ludao, Kinmen and Matsu areas).

(2)Instructor fees: NT\$30 per person per (rehab) day.

(3)Teaching materials and book fees: NT\$6 per person per (rehab) day.

(4)Urine drug test: NT\$200 per person each time.

(5)Medicine: NT\$10 per person per (rehab) day.

(6)Other fees will be computed based on the actual expenses incurred.

2.Exemption of treatment fees:

(1)Voluntary surrender: Based on the content of court ruling.

(2)Impoverishment: Individuals who like to request exemption of treatment fees should submit proof of financial hardship (certificate of low-income household issued by the township or district office) during the treatment period, or during the payment period specified in the collection notice the person receives from the treatment center or an

administrative enforcement agency. This way, they can be exempted from paying the fees owed. But the payment already made or deducted will not be refunded.

### 3.How to make payment:

- (1)After release: If individuals under compulsory rehabilitation or their families would like to pay the treatment fees after the individuals are released, they can make payment at the General Affairs Section of the treatment center or send payment by postal remittance (the treatment center will inform the individuals the post office giro number upon their release). When sending postal remittance, the sender should indicate in the correspondence column the name and ID number of the individual having received treatment.
- (2)While in the rehab program: While individuals are undergoing compulsory rehabilitation, the compulsory rehabilitation center may deduct rehabilitation fees from their safekeeping account, and if an individual is willing to pay the fees in advance, he or she can indicate so in writing and the compulsory rehabilitation center will charge the fees according to the established procedure.

問 14-6、新收收容人被驗出毒品反應，請問會如何處理？

Q14-6: What will be done if a newly admitted inmate is tested positive for drugs?

答：

依據特定人員尿液採驗辦法，矯正機關對於收容人實施尿液檢驗，驗出毒品陽性反應者，將製作談話筆錄瞭解原因，並將尿液再送至衛生福利部認可之濫用藥物尿液檢驗機構進行確認檢驗。經確認檢驗結果仍為陽性者，將依法函送司法機關偵辦。

A:

Pursuant to the Regulations Governing Urine Sample Testing for Specific Categories of People, a correctional facility should produce interview records on inmates who are tested positive for drugs to learn possible causes and send the inmate's urine sample to a drug abuse urine testing institution accredited by the Ministry of Health and Welfare for confirmation. If the testing result is still positive, the facility shall forward the case to the judicial authority for investigation.

## 拾伍、累進處遇、假釋或出監(所、校)相關事項

### 15. Progressive Treatment, Parole and Release

問 15-1、受刑人累進處遇編級為何？

Q15-1: What are the classification levels of prisoners under the progressive treatment system?

答：

- 一、累進處遇係指將受刑人之處遇，分為 4 個階段，按其在機關執行期間之表現，漸次進級，級數愈高，處遇愈寬和，藉以激發責任觀念，促使其改悔向上，培養其適於社會生活能力之矯正制度。
- 二、受刑人入監後，刑期 6 個月以上者，其累進處遇分成 4 級，自第 4 級依次漸進，並依其刑期、新舊法（適用法規）、犯次（累、再犯）、犯別（成年犯、少年犯）等，定其責任分數，以其每月所得成績分數抵銷之，抵銷淨盡者，令其逐漸進級至第 3 級、2 級、1 級。另少年受刑人責任分數減少 3 分之 1 計算；累犯受刑人責任分數增加 3 分之 1 計算；撤銷假釋受刑人責任分數增加 2 分之 1 計算；具有多重條件者，則按比率計算。
- 三、受刑人編級後，管教人員依據日常考核按月評給各項（作業、教化、操行）成績分數，以抵銷所在級別的責任分數，抵銷淨盡者，可以進列較高的級別。若尚有多餘的成績分數，則併入所進的級別計算。

A:

1. Progressive treatment means the corrective treatments received by prisoners are classified into four levels based on prisoner's performance while incarcerated. Prisoner's level is advanced gradually, and the higher the level, the treatment they receive are more lenient. The progressive treatment system aims to embed the sense of accountability in prisoners, encourage them to repent and move forward and cultivate their ability to adapt to social life after release.
2. Prisoners with term of imprisonment of six months or longer are classified into four levels under progressive treatment. Prisoners start with Level 4 and advance progressively. Each prison is assigned a responsibility score which is tabulated based on sentence, applicable laws at the time of sentence, number of offense (recidivist or repeat offender), age of offender (adult or juvenile), etc. The responsibility score is written off by the performance score prisoners acquire every month and the prisoner may be advanced to Level 3, 2 or 1 when their responsibility score is totally written off. The responsibility scores shall be reduced one third in the case of juvenile prisoners. The responsibility scores of prisoners whose parole is revoked shall be increased by 50%. The responsibility scores of prisoners with multiple conditions will be computed on a pro rata basis.

3. After prisoners are classified, the correctional officers will, based on their daily performance, give the prisoners scores on work, edification and education, and conduct every month, which will be used to write off the prisoner's responsibility score. When a prisoner's responsibility score is totally written off, the prisoner may be advanced to a higher level, and the excess performance score will be combined into the score calculation for the level advanced into.

### 問 15-2、受刑人假釋的條件為何？

#### Q15-2: What are the parole conditions?

答：

一、假釋就是受無期徒刑或有期徒刑的執行者，在刑期尚未屆滿前，執行逾法定期間，且確有改悔向上的實據，由監獄報請矯正署許可後，暫時釋放出獄。出獄後，如不再犯罪或無違反保護管束期間應遵守事項，原來尚未執行的刑期，即當作已經執行完畢。但如被撤銷假釋，原來未執行的刑期將重新送監執行。

二、陳報假釋之要件係依犯罪時間點認定，法定條件如下：

(一)成年受刑人：

1. 適用 95 年 7 月 1 日施行之刑法：無期徒刑執行逾 25 年；初再犯有期徒刑執行逾 2 分之 1，累犯逾 3 分之 2；但有期徒刑之執行至少須滿 6 月；如適用 86 年 11 月 28 日施行之刑法：一般受刑人無期徒刑須執行超過 15 年、累犯逾 20 年，有期徒刑超過刑期的 2 分之 1，累犯逾 3 分之 2；如適用 83 年 1 月 30 日施行之刑法：一般受刑人無期徒刑須執行超過 10 年，有期徒刑逾 3 分之 1。

2. 最近 3 個月內教化、作業、操行等各項成績分數，均應在 3 分以上。但無法參加作業者，作業成績分數不在此限。

3. 有悛悔實據。

(二)少年受刑人：

1. 無期徒刑執行逾 7 年，有期徒刑逾 3 分之 1；但有期徒刑之執行至少須滿 6 月。

2. 累進處遇進至 2 級以上（適用於少年矯正學校之受徒刑執行學生）。

3. 最近 3 個月內輔導（教化）分數應在 4 分以上，操行分數應在 3 分以上，學習（作業）分數應在 2 分以上。但無法參加作業者，作業成績分數不在此限。

4. 有悛悔實據。

三、符合上述條件者，得提報假釋審查會審議後，再由機關陳報矯正署審查，經許可者，始得假釋。但執行未滿 6 個月、重罪累犯、性侵犯經治療或輔導其再犯危險未顯著降低者，不在此限。

A:

1. Parole means a prisoner who is sentenced to life or a term of imprisonment and has served a statutory period of time and shows evidence of repentance may be provisionally released prior to the completion of sentence period, provided the provisional release is approved by the Agency of Corrections. If the prisoner does not commit any more crimes or violate any rules during parole, the original sentence that is not yet served is considered served. However if the parole is revoked, the prisoner shall go back to prison to serve the sentence period that is not yet completed.
2. The conditions for requesting parole are determined by the time the prisoner's offense was committed as follows:
  - (1) Adult prisoners:
    - a. If the Criminal Code implemented on July 1, 2006 applies: Prisoners sentenced to life may apply for parole after serving over 25 years; for first-time offenders, after serving over 1/2 of the sentence; for recidivists, after serving over 2/3 of the sentence; but the prisoner must have served at least 6 months in prison. If the Criminal Code implemented on November 28, 1997 applies: Regular prisoners sentenced to life may apply for parole after serving 15 years; for recidivists sentenced to life, after serving at least 20 years; for prisoners who are sentenced to a term of imprisonment, after serving at least 1/2 of the sentence; for recidivists sentenced to a term of imprisonment, after serving at least 2/3 of the sentence. If the Criminal Code implemented on January 30, 1994 applies: Regular prisoners sentenced to life may apply for parole after serving at least 10 years; for prisoners who are sentenced to a term of imprisonment, after serving at least 1/2 of the sentence.
    - b. The prisoner's edification and education score, work score and conduct score should all be 3 points or higher in the past 3 months. The work score needs not be considered if the prisoner was unable to work.
    - c. The prisoner shows evidence of repentance.
  - (2) Juvenile prisoners:
    - a. After serving over 7 years in a life sentence or after serving over 1/3 of a sentence to a term of imprisonment; the juvenile must have served over 6 months in prison.
    - b. Having advanced to Level 2 or better (applicable to students of juvenile correction schools sentenced to a term of imprisonment).
    - c. Counseling (edification) score is 4 points or higher, conduct score is 3 points or higher and learning (work) score is 2 points or higher in the past 3 months. The learning (work) score needs not be considered if the juvenile was unable to work.
    - d. The juvenile shows evidence of repentance.
3. For prisoners who meet the conditions described above, the prison may file the inmate's parole application to the parole review panel for a decision and then report the decision to the Agency of Corrections for final approval. However prisoners who have not served their sentence for six months or longer, recidivists whose offense carries a long sentence, and

sex offenders who, after being counseled or treated, are founded as having not remarkably reduced the danger of repeating the offense are not eligible for parole.

問 15-3、假釋通過後，會通知受刑人或其親屬嗎？

Q15-3: If parole is granted, will the prisoner or prisoner's relatives be notified?

答：

經假釋許可者並不會通知家屬，除非受刑人行動有礙、自行返家顯有困難，或罹重病、精神疾病，或屬家暴犯，才會通知家屬。

A:

Families of a prisoner who is granted parole will not be notified, unless the prisoner has moving difficulty, or has problem returning home on his or her own, or is gravely ill, has psychiatric disorder, or a domestic violence offender.

問 15-4、受刑人假釋的期間與效力為何？

Q15-4: What are the parole periods and the effectiveness of parole?

答：

一、假釋期間：依刑法修正有下列三種情形：

(一)適用 95 年 7 月 1 日施行之刑法：無期徒刑以假釋後 20 年為期，有期徒刑為其出監後所剩的刑期。

(二)適用 86 年 11 月 28 日施行之刑法：無期徒刑以假釋後 15 年為期，有期徒刑為其出監後所剩的刑期。

(三)適用 83 年 1 月 30 日施行之刑法：無期徒刑以假釋後 10 年為期，有期徒刑為其出監後所剩的刑期。

二、假釋效力：假釋出監後，於假釋期間未經假釋撤銷者，其未執行的刑期，以已執行論，即原宣告之刑視同已執行完畢。

A:

1.Parole period:

The parole period varies under different amendments of the Criminal Code:

(1)If the Criminal Code implemented on July 1, 2006 applies: The parole period is 20 years after being released on parole for prisoners sentenced to life, and it is the remaining portion of sentence after being released on parole for prisoners sentenced to fixed-term imprisonment.

(2)If the Criminal Code implemented on November 28, 1997 applies: The parole period is 15 years after being released on parole for prisoners sentenced to life, and it is the remaining portion of sentence after being released on parole for prisoners sentenced to fixed-term imprisonment.

(3) If the Criminal Code implemented on January 30, 1994 applies: The parole period is 10 years after being released on parole for prisoners sentenced to life, and it is the remaining portion of sentence after being released on parole for prisoners sentenced to fixed-term imprisonment.

## 2. Effectiveness of parole:

If a parole was not revoked during the parole period, the unexecuted portion of the sentence shall be considered to have been executed. That is, the originally pronounced punishment is considered completely executed.

### 問 15-5、假釋案件審核情形為何?

#### Q15-5: How are parole applications reviewed?

答：

- 一、對於假釋案件，係就受刑人之犯行情節（犯罪動機、方法手段、所生損害）、在監行狀（平日言行、輔導紀錄、獎懲紀錄）、犯罪紀錄（歷次裁判、執行刑罰、保安處分、撤銷假釋或緩刑紀錄）、教化矯正處遇成效（累進處遇成績、個別處遇計畫執行情形、參加課程或職訓情形）、更生計畫（出監後有無適當工作、謀生技能、固定住居所）、其他相關事項（家庭支持、對犯罪行為修復情形、犯罪所得繳納情形、被害人意見、受刑人陳述意見）等資料進行綜合研判，始為許可與否之決定。
- 二、為確保國家刑罰執行之妥適與安定性，假釋審核須衡酌刑事政策，考量犯罪趨勢及整體治安之良窳，並考核各執行有關資料，俾符合人民對法正義之期待，故未符合前述考量者，矯正署將不予許可其假釋。法務部已廣納專家、學者及實務工作者之意見，建構「犯行情節」、「犯後表現」（含在監行狀）、「再犯風險」（含前科紀錄）之三大審核面向，對於重大刑案及具連續性、集團性、暴力性、屢犯監規難以教化、前科累累或假釋中再犯罪者，以從嚴審核為原則；對於危害輕微、初犯、過失犯、在監表現優良或有妥善更生計畫者，則從寬審核。

A:

1. A decision to grant a parole or not is made based on an overview of the prisoner's crime (motivation, techniques used in crime, damages caused), behavior in prison (daily words and deeds, counseling record, reward and punishment records), criminal records (judgments received, sentences served, rehabilitative measures received, record on revocation of parole or probation), effectiveness of the edification or correctional treatment (progressive treatment scores, implementation of individual corrective treatment program, courses attended or vocational training received), after-care plan (any suitable job waiting after release, job skills, availability of fixed residence), and other related matters (family

support, reparations for crime committed, return of proceeds of crime, opinions of victims, prisoner statement, etc.).

2.To ensure the appropriateness and stability of execution of punishments rendered according to the country's criminal laws, parole review must take into account the criminal policies, crime trends and public order and security, and assess relevant information and data to meet people's expectation for criminal justice. Therefore, if a parole application does not meet the aforementioned considerations, the Agency of Corrections will not grant the parole. The Ministry of Justice has consulted the opinions of experts, scholars and people working in the field of criminal justice to develop three aspects of review – crime committed, performance after committing the crime (including behavior in prison), and risk of recidivism (including prior criminal records). So parole review will be strict for prisoners who have committed major crimes and the crimes were serial, organized and violent in nature, prisoners who constantly break prison rules and are difficult to edify, or prisoners who have a long criminal record or have committed crimes again while on parole. The review will be more lenient for prisoners who have committed minor crimes, who are first-time offender or negligent offender, who have performed well in prison or have a proper after-care plan in place.

問 15-6、假釋出監人在什麼情況下會被撤銷假釋？殘餘刑期如何適用？

Q15-6: Under what circumstances will parole be revoked? What happens to those parolee's remaining sentence?

答：

一、假釋出監之受保護管束人，有下列情形，執行保護管束檢察署觀護人會依法函請原假釋監獄撤銷假釋：

(一)依刑法第 78 條第 1 項規定，假釋中因故意更犯罪，受逾六月有期徒刑之宣告確定者，撤銷其假釋。第 2 項規定，假釋中因故意更犯罪，受緩刑或六月以下有期徒刑之宣告確定，而有再入監執行刑罰之必要者，得撤銷其假釋。第 3 項規定，前二項之撤銷，於判決確定後六月以內為之。但假釋期滿逾三年者，不在此限。第 4 項規定，假釋撤銷後，其出獄日數不算入刑期內。

(二)假釋期間違反保安處分執行法第 74 條之 2 各款情節重大者得撤銷假釋。包括

(1) 保持善良品行，不得與素行不良之人往還；(2) 服從檢察官及執行保護管束者之命令 (3) 不得對被害人、告訴人或告發人尋釁；(4) 對於身體健康、生活情況及工作環境等，每月至少向執行保護管束者報告 1 次；(5) 非經執行保護管束者許可，不得離開受保護管束地；離開在 10 日以上時，應經檢察官核准。

二、假釋經撤銷後，應繼續執行其所餘刑期，說明如下：

- (一)適用 95 年 7 月 1 日施行之刑法：假釋經撤銷後，因其假釋在外的日數不算入刑期內，有期徒刑者應繼續執行其所餘刑期，無期徒刑者應執行 25 年（不得再陳報假釋），方能再接續執行他刑。
  - (二)適用 86 年 11 月 28 日施行之刑法：假釋經撤銷後，因其假釋在外的日數不算入刑期內，有期徒刑者應繼續執行其所餘刑期，無期徒刑者應執行 20 年（不得再陳報假釋），方能再接續執行他刑。
  - (三)適用 83 年 1 月 30 日施行之刑法：假釋經撤銷後，因其假釋在外的日數不算入刑期內，有期徒刑者應繼續執行其所餘刑期，無期徒刑者應執行 10 年(得陳報假釋)，如符合假釋要件時仍可提報假釋。
  - (四)外役監縮短刑期，經撤銷假釋者，將全部回復列入殘刑。
- 三、撤銷假釋受刑人之責任分數，須按行刑累進處遇條例第 19 條所定責任分數之標準，增加責任分數 2 分之 1。

A:

1. When a parolee has any of the following situations, his or her parole officer under the prosecutors office will send a letter to the original prison to request revocation of parole:

(1) Paragraph 1, Article 78 of the Criminal Code provides: "During the period of parole, if the offender has intentionally committed another crime for which he is sentenced to an imprisonment of more than six months by a final judgment, his parole shall be revoked." Paragraph 2 of the same article provides: "During the period of parole, if the offender has intentionally committed another crime for which he is sentenced to probation or an imprisonment of less than six months by final judgment, and if it is necessary to execute the punishment of the imprisonment again, his parole may be revoked." Paragraph 3 provides: "The revocation under the proceeding two paragraphs shall be rendered within six months after the judgment becomes final. However, this shall not apply if the period of parole has expired for three years." Paragraph 4 provides "The number of days spent out of prison after the revocation of a parole shall not be calculated as part of the period of the punishment of imprisonment."

(2) If the parolee violates any provision under the subparagraphs of Article 74-2 of the Rehabilitative Disposition Execution Act during the period of parole and the offense is serious, the parole may be revoked. Those provisions include: (a) Maintaining good behaviors and no interactions with people with propensity to crime; (b) Complying with the orders given by the prosecutor and the parole officer; (c) Shall not offend the victim, complainant, or informant; (d) Reporting health and living conditions, and working environment to the parole officer at least once a month; and (e) Unless approved by the parole officer, do not leave the area of protective control. Approval of the prosecutor shall be acquired if the parolee plans to leave the area for more than 10 days.

2. After parole is revoked, the remaining sentence to be served by the prisoner is as follows:

- (1) If the Criminal Code implemented on July 1, 2006 applies: After the revocation of parole, the prisoner's days on parole will not be counted as time served; prisoners sentenced to fixed-term imprisonment shall continue to serve the remaining sentence, and prisoners sentenced to life shall serve another 25 years (no longer eligible for parole) before the prisoners start to serve other sentences.
  - (2) If the Criminal Code implemented on November 28, 1997 applies: After the revocation of parole, the prisoner's days on parole will not be counted as time served; prisoners sentenced to fixed-term imprisonment shall continue to serve the remaining sentence, and prisoners sentenced to life shall serve another 20 years (no longer eligible for parole) before the prisoners start to serve other sentences.
  - (3) If the Criminal Code implemented on January 30, 1994 applies: After the revocation of parole, the prisoner's days on parole will not be counted as time served; prisoners sentenced to fixed-term imprisonment shall continue to serve the remaining sentence, and prisoners sentenced to life shall serve another 10 years (eligible for parole). The prisoners can apply for parole again if they meet the parole criteria.
  - (4) If the parole is revoked, the mitigated term of imprisonment granted for serving at an open prison shall be entirely restored and included into the remaining term of sentence.
3. The responsibility score of prisoners whose parole is revoked shall be calculated based on the standards set out in Article 19 of the Statute of Progressive Execution of Penalty and then increased by one half.

問 15-7、入監前羈押期間過長，對於陳報假釋及累進處遇有何補救措施？

Q15-7: If a prisoner was held in detention for an excessive long period of time before he or she was sent to prison, what are the remedial measures with regard to such prisoner's parole application and progressive treatment?

答：

一、對於入監前曾受羈押的受刑人符合下列條件者經監務會議決議，報請上級機關核定後，可逕編或改列 3 級。

(一) 羈押期間符合下列規定且以執行指揮書記載為準：

1. 宣告刑在 3 年以上 30 年未滿者，其羈押期間必須超過其刑期的 6 分之 1。
2. 宣告刑在 30 年以上及無期徒刑者，其羈押期間必須在 5 年以上。

(二) 富有責任觀念，且適於共同生活的標準：羈押期間的性行考核在乙等以上的月數，初犯及再犯者必須占羈押總月數 2 分之 1 以上，累犯則必須占 3 分之 2 以上，且入監後無違反紀律之行為，並嚴守秩序、行狀善良者。(惟 109 年 7 月 15 日新法施行後，已無性行考核表之部分，僅就其他具體項目審核)

二、依行刑累進處遇條例第 14 條及其施行細則第 10 條規定意旨，「逕編 3 級」乃以尚未編級受刑人為限；惟已編級後之受刑人，由於更刑或經核算刑期後，仍具備「逕編 3 級」要件得「改列 3 級」，適用對象及程序如下：

- (一)溯及仍在矯正機關具備上述條件之受刑人（含已進至 3 級以上者）。
- (二)受刑人於入監（校）後，倘有違反紀律或與行刑累進處遇條例施行細則第 10 條規定未合時，得經監務（學生處遇審查）會議決議，不予「改列 3 級」。
- (三)適用改列 3 級之受刑人，符合前揭條件者，經監務會議決議，報請上級機關核定後即可改列 3 級。

三、針對羈押期間亦達一定時間，但未達逕編 3 級或改列 3 級者，機關得調整成績分數，以彌補羈押期間過長之憾。另收容人在監期間恪守監規，謹守本分，積極參與各項活動者，機關得發給獎狀或增給成績分數，俾增提早進級之機會。

A:

1. Prisoners who were held in detention before arriving at prison and meet the following conditions may be assigned or reclassified to Level 3 after their case is considered by the Prisons Affairs Committee and approved by the superior authority:

(1) The detention period meets the following criteria and is as stated in the execution instruction:

- a. For prisoners whose sentence is more than 3 years but less than 30 years in prison, the detention period must exceed 1/6 of the term of imprisonment.
- b. For prisoners whose sentence is more than 30 years or life in prison, the detention period must exceed 5 years.

(2) For prisoners manifesting a strong sense of responsibility and suitability for communal life: The number of months with grade B or better for behavior review during the detention period must account for at least 1/2 of the total months in detention for firsttime offenders and repeat offenders, at least 2/3 of the total months in detention for recidivists, and the prisoners did not break any rule, observe order, and behave well after arriving at the prison (under the new law implemented on July 15, 2020, the part on behavior review is deleted that review is carried out on other specific items).

2. By the intent of Article 14 of the Statute of Progressive Execution of Penalty and Article 10 of its Enforcement Rules, “assigned to Level 3” is limited to prisoners who have not been classified. For classified prisoners who meet the criteria for “assigned to Level 3” after change of sentence or tabulation of prison term, the eligibility and procedure for “reclassified to Level 3” are as follows

(1) The provisions apply retroactively to prisoners who are still held at correctional facilities and meet the aforementioned conditions (including prisoners who have advanced to Level 3 or better).

- (2) For prisoners who break the rules or do not comply with the provisions of Article 10 of the Enforcement Rules for Statute of Progressive Execution of Penalty after arriving at the prison (school), the Prison Affairs (Correction) Committee may decide not to reclassify the prisoner to Level 3.
- (3) For prisoners eligible for reclassifying to Level 3 and meeting the aforementioned conditions, the Prison Affairs Committee may make a decision to submit the case to the superior authority for approval and reclassify the prisoner to Level 3 after approval is granted.
3. For prisoners who were held in detention for a period of time but are not eligible for “assigned to Level 3” or “reclassified to Level 3”, the correctional facility may adjust their performance score to rectify the fact that they were in detention for an excessive period of time. In addition, if prisoners faithfully obey the prison rules, behave themselves and actively participate in all kinds of activities, the correctional facility may give them a certificate of merit or increase their performance score so they have the chance to advance to a higher level.

#### 問 15-8、何謂和緩處遇，相關規定為何？

#### Q15-8: What does “mild measures” mean? What are the rules?

答：

一、對於刑期 6 月以上之受刑人，有下列情形者經監督機關核定，得為和緩處遇：

- (一) 患有疾病經醫師證明需長期療養。
- (二) 有客觀事實足認其身心狀況欠缺辨識能力，致不能處理自己事務，或其辨識能力顯著減低。
- (三) 衰老、身心障礙、行動不便或不能自理生活。
- (四) 懷胎期間或生產未滿 2 月。
- (五) 依其他事實認為有必要。

二、適用和緩處遇者，其處遇較一般累進處遇寬和

- (一) 教化：以個別教誨及有益其身心之方法行之。
- (二) 作業：依其志趣，並斟酌其身心健康狀況參加輕便作業，每月所得之勞作金並得自由使用。
- (三) 監禁：視其個別情況定之。為維護其身心健康，並得與其他受刑人分別監禁。
- (四) 接見及通信：因患病或於管理教化上之必要，得許其與最近親屬、家屬或其他人接見及發受書信，並得於適當處所辦理接見。
- (五) 給養：罹患疾病者之飲食，得依醫師醫療行為需要換發適當之飲食。
- (六) 編級：適用累進處遇者，依行刑累進處遇條例之規定予以編級，編級後之責任分數，依同條例第 19 條之標準 8 成計算。

三、若刑期未滿六個月之受刑人，有第一項情形之一者，可以比照編級以外的規定適用處遇。

A:

1. Prisoners with more than 6 months of sentence and having any of the following situations may be subject to mild measures after the approval of the supervisory agency:

- (1) The prisoner suffers from a disease and requires long-term care in accordance to a doctor's certificate of diagnosis.
- (2) There are objective facts showing that the prisoner lacks cognitive skills due to his/her physical or mental conditions and cannot take care of himself/herself; or where the prisoner's cognitive skills have diminished significantly
- (3) The prisoner suffers from senility, physical or mental disabilities, or mobility impairments, or cannot take care of himself/herself in prison
- (4) The prisoner is pregnant or has given birth less than two months prior.
- (5) The prison deems it necessary based on other facts.

2. Prisoners eligible for mild measures are subject to more lenient treatment than that under the progressive treatment program.

- (1) Edification: Edification shall be implemented through individual counseling and other methods beneficial to their physical and mental wellbeing.
- (2) Work: Prisoners may be assigned light work based on their interests and their physical and mental health conditions. They may receive monthly labor compensation and use them freely.
- (3) Confinement: Confinement shall be implemented based on the conditions of each individual. To protect their physical and mental health, an inmate may be confined separately from other inmates.
- (4) Visits and correspondence: Where necessary for the treatment of illnesses, management, or edification, the prison may allow the nearest relatives, family members, or others to visit and send and receive correspondence. It may also arrange visits at suitable locations.
- (5) Supply: Food for inmates suffering from diseases may be changed to suitable food based on instructions of the doctor's treatment plan.
- (6) Classification: Prisoners eligible for progressive treatment shall be classified in accordance with the Statute of Progressive Execution of Penalty. The responsibility scores after classification shall be 80% of the standard scores calculated specified in Article 19 of the same Statute.

3. Prisoners with less than 6 months of sentence may be eligible to suitable treatment outside the classification system if they have a situation under the first paragraph.

問 15-9、何謂縮短刑期，相關規定為何？

Q15-9: What does "sentence abridgement" mean? What are the rules?

答：

一、縮短刑期係指受刑人在監執行期間行狀良好，依法縮短其應執行之刑期，以促其改悔向善的處遇制度。

二、一般監獄受刑人，其累進處遇進到第3級以上，每月成績在10分以上者，即可縮短刑期。第3級每月縮短2日、第2級每月縮短4日、第1級每月縮短6日。

三、外役監受刑人自到監之翌月起，無工作低劣、不守紀律或降級處分之情者，每執行1個月即依下列日數縮短刑期。第4級或未編級者每月縮短4日、第3級每月縮短8日、第2級每月縮短12日、第1級每月縮短16日。

四、殘餘刑期不滿1個月者，不得辦理縮短刑期。

五、受刑人已縮短之日數即不必執行，依行刑累進處遇條例之規定已縮短的刑期不得回復，但外役監獄受刑人如工作成績低劣，不守紀律或受降級處分時，按其情節輕重，仍留外役監獄者，當月不縮短刑期，被解送其他監獄者，其前已縮短之日數，應全部回復。另假釋經撤銷者，其在外役監獄執行時所縮短的刑期，亦應回復，故仍要執行其已回復之日數。

六、累進處遇以縮短後的刑期計算。因縮刑變更類別者，其累進處遇責任分數重新核算，已抵銷之責任分數，按比率予以換算。

A:

1. Abridgement of term is a correctional treatment system applied to prisoners who behave well during incarceration that the prisoner's prison term will be shortened according to law to urge them to repent and be a solid citizen in the society.

2. General prisoners who are advanced to Level 3 under progressive treatment and receive a monthly performance score of 10 points or higher can have their prison term shortened; their prison term is shortened 2 days each month (of service) for Level 3, 4 days each month for Level 2 and 6 days each month for Level 1.

3. Open-prison prisoners are eligible for abridged prison term for each month service as follows starting from the next month following their arrival at prison, provided they are free of the situations of bad working attitude, violating disciplinary rules or receiving demotion penalty in progressive treatment: prison term is shortened 4 days each month (of service) for Level 4 or unclassified prisoners, 8 days each month for Level 3, 12 days each month for Level 2 and 16 days each month for Level 1.

4. Prisoners whose remaining sentence is less than one month are not eligible for abridged prison term.

5. Prisoners granted abridged prison term do not need to serve the days shortened, and days shortened in accordance with the Statute of Progressive Execution of Penalty may not be retracted. However, if an open-prison prisoner performs poorly at work, disobeys the rules or receives demotion penalty but remains in open prison given the severity of the situation,

the prisoner will not be entitled to the sentence abridgement privilege for the month. If the prisoner is sent to another prison from the open prison, the days shortened previously will all be retracted. For prisoners whose parole is revoked, the days shortened earned by the prisoners while they were at an open prison will also be retracted. That means they still need to serve the term retracted.

6. For prisoners with abridged prison term that changes their classification, their performance score under the progressive treatment system will be recalculated, and the responsibility scores already written off will be converted on a pro rata basis.

### 問 15-10、如何聲請辦理易科罰金？有任何規定嗎？

#### Q15-10: How to request commuting a punishment to a fine? Are there any rules?

答：

一、符合刑法第 41 條規定者，可向執行之地方法院檢察署提出易科罰金之聲請，條件如下：

(一) 犯最重本刑為 5 年以下有期徒刑以下刑之罪，而受 6 月以下有期徒刑或拘役之宣告者，得以新臺幣 1000 元、2000 元或 3000 元折算 1 日（依判決書所載為準），易科罰金。但如有難收矯正之效或難以維持法秩序之情形，檢察官得不准許。

(二) 前項規定於數罪併罰之數罪均得易科罰金，其應執行之刑逾 6 月者，亦適用之。

二、得易科罰金者，請向檢察署繳納罰金，如未能一次繳清罰金，亦可向檢察署聲請分期繳納。

三、已服刑之收容人欲易科罰金，可由親屬攜帶身分證明文件親赴執行之檢察署聲請；如收容人保管金充足，亦可提出書狀向檢察署提出易科罰金聲請，以扣除保管金之方式繳納罰金，以期早日返家。

四、如有易科罰金相關問題，得以電話洽詢執行之地方法院檢察署，以獲得合宜之解答。

A:

1. Defendants or inmates who meet the conditions set out in Article 41 of the Criminal Code can petition to the local prosecutors office that executes the sentence for commuting a prison term to fines. The conditions are as follows:

(1) In an offense that carries a maximum principal punishment of not more than five years' imprisonment, if the offender is sentenced to imprisonment for not more than six months or short-term imprisonment, the punishment may be commuted to a fine at a daily rate of NT\$1000, NT\$2000 or NT\$3000 (depending on the order given in the court verdict). However, the prosecutor may deny the request if it is deemed that the commutation is manifestly of little corrective effect, or that law and order cannot be maintained by commuting the prison term to fines.

- (2)The preceding provision also applies if all offenses in a combined punishment are eligible for commutation to fines even if the combined punishment is more than 6 months of prison.
2. Defendants or inmates whose punishment may be commuted to fines should pay the fines at the prosecutors office, and may apply for installment payment.
  3. For inmates who are serving a sentence in prison and like to commute punishment to fines, their relatives can bring their ID card to the prosecutors office to make the request. If the inmate has sufficient money in safekeeping account, he or she can also submit a written petition to the prosecutors office to request commutation to fines and pay the fines with the money in the safekeeping account.
  4. Any question about commutation to fines may be inquired by calling the local prosecutors office.

問 15-11、學生編等條件為何？免除或停止執行之規定為何？

Q15-11: What are the criteria for the classification of reform school students? What are the rules for remission or suspension of reformatory education?

答：

一、凡執行感化教育期間，機關都會給予編等。其累進處遇分為 4 等，第 4 等、第 3 等、第 2 等、第 1 等，由機關考核其行狀，自第 4 等依序進等。

二、免除執行感化教育部分：

- (一)依刑法宣告之感化教育受處分人，執行逾 6 個月，已進入第 1 等，而其第 1 等成績最近 3 個月內，每月得分在 42 分以上，執行機關認為無繼續執行之必要者，得檢具事證，報經上級主管機關核准後，報請檢察官聲請法院免予繼續執行。
- (二)依少年事件處理法諭知之感化教育受處分人，執行逾 6 個月，已進入第 1 等，而其第 1 等成績最近 3 個月內，每月得分在 42 分以上，執行機關認為無繼續執行之必要者，得檢具事證，聲請少年法院或地方法院少年法庭裁定免除執行。

三、停止執行感化教育部分：

- (一)依刑法宣告之感化教育受處分人，執行逾 6 個月，已進入第 2 等，而其第 2 等成績最近 3 個月內，每月得分在 42 分以上，執行機關認為無繼續執行之必要者，得檢具事證，報經上級主管機關核准後，報請檢察官聲請法院裁定停止其處分之執行，停止期間並付保護管束。
- (二)依少年事件處理法諭知之感化教育受處分人，執行逾 6 個月，已進入第 2 等，而其第 2 等成績最近 3 個月內，每月得分在 42 分以上，執行機關認為無繼續執行之必要者，得檢具事證，聲請原為感化教育處分之少年法院或地方法院少年法庭裁定停止執行，停止期間應裁定交付保護管束。

四、少年在保護管束期間違反應遵守之事項，情節重大，少年保護官得聲請少年法院裁定撤銷保護管束，將所餘之執行期間令入感化處所施以感化教育，其所餘之期間不滿6月者，應執行至6月。

五、依少年事件處理法第54條第1項規定，保護處分之執行至多執行至滿21歲止。

A:

1. Correctional facilities will classify juveniles receiving reformatory education into four levels (Level 4, Level 3, Level 2 and Level 1) for progressive treatment purpose and review their behaviors as basis for advancing them to the next level (from Level 4 up).

2. Remitting the execution of reformatory education:

(1) For juveniles who are subjected to reformatory education according to the Criminal Code, the correctional facility may submit evidences to the prosecutor and ask the prosecutor to request the court for remitting the execution of reformatory education, provided the juvenile has been under reformatory education for more than 6 months, classified as Level 1, and the juvenile's score under Level 1 status has been 42 points or higher every month in the past 3 months, and that the correctional facility believes the continuing execution of court order is not necessary.

(2) For juveniles who are subjected to reformatory education according to the Juvenile Justice Act, the correctional facility may submit evidences to the juvenile court or the juvenile bench of local district court for remitting the execution of reformatory education, provided the juvenile has been under reformatory education for more than 6 months, classified as Level 1, and the juvenile's score under Level 1 status has been 42 points or higher every month in the past 3 months, and that the correctional facility believes the continuing execution of court ruling is not necessary.

3. Suspension of reformatory education:

(1) For juveniles who are subjected to reformatory education according to the Criminal Code, the correctional facility may submit evidences to the prosecutor and ask the prosecutor to request the court for suspension of reformatory education after the facility's superior authority has given approval, provided the juvenile has been under reformatory education for more than 6 months, classified as Level 2, and the juvenile's score under Level 2 status has been 42 points or higher every month in the past 3 months, and that the correctional facility believes the continuing execution of court ruling is not necessary. The juvenile will be placed under probation during the suspension period.

(2) For juveniles who are subjected to reformatory education according to the Juvenile Justice Act, the correctional facility may submit evidences to the juvenile court or the juvenile bench of local district court that made the ruling for suspension of reformatory education, provided the juvenile has been under reformatory education for more than 6 months, classified as Level 2, and the juvenile's score under Level 2 status has been 42 points or higher every month in the past 3 months, and that the correctional

facility believes the continuing execution of court ruling is not necessary. The juvenile will be placed under probation during the suspension period.

- 4.If the juvenile violates rules during the probation period and the violation is of serious nature, the juvenile probation officer may petition to the juvenile court for a ruling of revoking the protective measures and sending the juvenile to a correctional institution for the rest of the execution period. Where the time remaining is less than 6 months, the corrective education shall be executed for 6 months.
- 5.Pursuant to Paragraph 1, Article 54 of the Juvenile Justice Act, protective measures may only be executed until a juvenile reaches the age of 21.