

Provisions Related to Rehabilitation

*** Provisions related to rehabilitation and rehabilitation penalty**

According to provisions of Article 20 of Drug Prevention and Control Act which was amended and promulgated on July 9, 2003 that to the drug taker, a public prosecutor should petition for court's ruling, or a juvenile court shall first rule to order the accused or juvenile to receive rehabilitation in an abstention and treatment institution with period less than two months. The rehab people who has no tendency to continuously take drug should be released immediately and treated with non-prosecution or ruled by no putting on trial; considering the rehab people who has tendency to continuously take drug, a public prosecutor should petition for general court's or juvenile court's ruling to order receiving the compulsory rehabilitation treatment in an abstention and treatment institution with period more than six months till no need to continuous compulsory rehabilitation; however the maximum should not exceed one year.

*** Provisions related to expense for people receiving rehabilitation treatment**

According to provisions of Article 30 of Drug Prevention and Control Act which was amended and promulgated on July 9, 2003 that "To the expense of observation, rehab and compulsory rehabilitation, an abstention and treatment institution or a rehabilitation institution shall issue a payment notice to collect from the inmates who are under observation, rehab and compulsory rehab penalty or the person who is obligated to raise the juvenile under penalty, and then submit to the treasury. However, one who confesses his/her crime or too poor to pay could be free of payment"; if one who does not pay when the day comes, the abstention and treatment institution or rehabilitation institution shall execute the compulsory enforcement; as for the expense of rehab treatment, the rehabilitation institution may deduct from the deposits or labor allowance of the inmates.

*** Other statues and regulations**

Enforcement Rules for Drug Prevention and Control Act: Promulgated on July 29, 1955 and amended and enforced on January 9, 2004 (These enforcement rules were enacted according to provisions of Article 34 of Drug Prevention and Control Act that were formulated by Ministry of Justice with Ministry of the Interior and Department of Health of Executive Yuan, and promulgated after being reported to Executive Yuan for ratification).

*** Drug prevention and control are considered as important works**

For drug prevention and control, Executive Yuan integrates every related agency to go through the work concerning investigation, rejection and abstention of drug, and to formulate related accommodation measures for active handling.

*After the articles amended, the twice and three-time repeated offenders are the object receiving rehab treatment, but directly sentenced by justice that the number of people receiving rehab treatment has obviously declined.

- Statute of Rehabilitation Penalty: Promulgated on May 20, 1998 and amended and enforced on January 7, 2004 (This Statute was enacted according to provisions of Article 29 of Prevention and Control Act that “the enforcement of observation, rehab and compulsory rehabilitation treatment shall be otherwise formulated with law”).

*** Concerning enforcement periods**

According to provisions of Article 11 of Statute of Rehabilitation Penalty that “The period for enforcement of rehabilitation penalty is more than six months till no necessary to continuous compulsory rehabilitation treatment. However, the maximum should not exceed one year”. Rehabilitation treatment is carried out according to following three periods: Adoption period (Cultivate the inmate’s physical strength and persistence to increase his/her confidence of drug abstention). Period of psychological guidance (Arouse the inmate’s motive of drug abstention and will of rehabilitation; assist to quit the mental reliance on drugs.) Period of social adaptation (Reconstruct the inmate’s human relationship, family relationship and ability of problem-solution; assist them to return to society.)

*** Provisions concerning goods to be delivered in**

According to provisions of Article 21 of Statute of Rehabilitation Penalty that “The category and quantity of necessary goods to be delivered in should be limited. Food and drink should not be sent in, however, if there is necessary to deliver foods in from lunar New Year’s Eve to the 5th day of lunar January, and January 1st and 2nd day, Mother’s Day, Dragon Boat Festival, Father’s Day and the Moon Festival, shall be carried out according to regulations. As for the measures of provisions related to necessary goods, the kind, quantity of food and drink, as well as related provisions shall be formulated by Ministry of Justice.”

* Provisions concerning interview and correspondences

According to provisions of Article 22 of Statute of Rehabilitation Penalty that the inmates may interview the closet relatives and family members and give/receive letters to and from the same. After entering psychological guidance period, the inmates may interview persons other than relatives and family members, as well as give/receive letters to and from the same that is limited to benefit the execution of rehabilitation penalty. The interview is once every week and limited 30 minutes every time. However, it may add or extend after approval by Director as necessary.”

* Concerning matters going through leaving

According to provisions of Article 25 of Statute of Rehabilitation Penalty that “after the treatment of people receiving rehab treatment reaches to six months, and through the effects evaluation of every period for treatment, considering one who is not necessary to continuously execute the compulsory rehabilitation, the rehabilitation institution shall submit and report the evidence to the commanded and executed public prosecutor, or juvenile court orders or rules to stop rehabilitation treatment prior to going through leaving; one who has been enforced the rehabilitation penalty completely shall go through leaving before noon of the day next to expired date. In addition, when the inmate leaves, the rehabilitation institution shall give a written notice stating the reason of leaving to the commanded and executed public prosecutor, court or juvenile court, and to the police agency where the leaving inmate resides or domiciles.