

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)受有期徒刑之執行逾二個月。
- (二)刑期7年以下；刑期逾7年未滿15年而累進處遇進至第3級以上；刑期15年以上而累進處遇進至第2級以上；無期徒刑累進處遇應進至第1級。
- (三)有懺悔實據，身心健康適於外役作業，上開條件係指無下列各款情形之一者：
 - 1.聚眾騷動或強暴脅迫執行公務之人員或醫事、輔導之人員。
 - 2.有脫逃之行為或有事實足認有脫逃之虞。
 - 3.反覆實施誣控濫告、侮辱管教人員之行為。
 - 4.最近一年內有違規紀錄或執行期間違規三次以上。
 - 5.曾被遴選至外役監執行，因違背紀律或怠忽工作，情節重大，經核准解送其他監獄執行。
 - 6.曾被遴選從事監外作業，因違背紀律或怠忽工作，情節重大，遭停止其監外作業。
 - 7.現罹法定傳染病或精神疾病。
 - 8.重度肢體障礙。

二、消極資格：受刑人有下列各款情形之一者，不得遴選：

- (一)犯刑法第161條之罪。
- (二)犯毒品危害防制條例之罪。
- (三)累犯。但已執行完畢之前案均為受六月以下有期徒刑之宣告者，不在此限。
- (四)因犯罪而撤銷假釋。
- (五)另有保安處分待執行。
- (六)犯性侵害犯罪防治法第2條第1項所列各款之罪或家庭暴力防治法第2條第2款所稱之家庭暴力罪。

A:

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

1. Active qualifications:

- (1) Having served more than two months in prison.
- (2) Serving a sentence not more than 7 years; serving a sentence of more than 7 years but less than 15 years and having advanced to Level 3 under the progressive treatment system; serving a sentence of more than 15 years and having advanced to Level 2 under the progressive treatment system; serving life in prison but having advanced to Level 1 under the progressive treatment system.
- (3) With evidence of repentance and being physically and mentally healthy for outside labor work; the aforementioned requirement means the prisoner is free of any of the following behaviors or situations:

- a. Gathers crowds and causes disturbance or threatens staff performing official duties or medical or counseling personnel with violence.
 - b. Has made an attempt to escape or facts show that the prisoner may attempt to escape.
 - c. Makes false accusation repeatedly against or insults correctional officers.
 - d. Has violation record in the past year or has broken prison rules more than three times during the service of sentence.
 - e. Was once selected to serve sentence in an open prison but was transferred to another prison due to seriously disobedience or negligence at work.
 - f. Was once selected to perform out-of-prison work which was stopped due to serious disobedience or negligence at work.
 - g. Currently has a notifiable disease or psychological problem.
 - h. Has severe physical impairment.
2. Passive qualifications: Prisoners having any of the conditions below are not eligible for selection:
- (1) Has committed an offense under Article 161 of the Criminal Code.
 - (2) Has committed an offense under the Narcotics Hazard Prevention Act.
 - (3) Is 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.
 - (4) Parole is revoked due to committing a crime.
 - (5) Has rehabilitation measures to be executed.
 - (6) Has committed a crime under Paragraph 1, Article 2 of the Sexual Assault Crime Prevention Act or domestic violence offense defined in Subparagraph 2, Article 2 of Domestic Violence Prevention Act.

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、目前外役監受刑人遴選作業每季辦理 1 次，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，並依積分高低序次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、臺東戒治所附設臺東監獄武陵外役分監、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 once every quarter. 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 ranked by their score 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, Taitung Prison Wulin Minimum-Security Branch affiliated with Taitung Drug Abuser Treatment Center, Taichung Minimum-Security Branch of Taichung Prison, and Pingtung Minimum-Security Branch of Pingtung Prison. Open prisons that accommodate female prisoners include Taichung Women's Minimum-Security Branch of Taichung 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.