

# 法規名稱：警察刑事紀錄證明核發條例

## 第 1 條

為規範警察刑事紀錄證明之申請及核發,特制定本條例。

## 第 2 條

本條例之主管機關為內政部。

## 第 3 條

本條例所稱警察刑事紀錄證明,係指警察機關依司法或軍法機關判決確定、執行之刑事案件資料所作成之紀錄證明。

## 第 4 條

現在或曾在臺灣地區設有戶籍或有居留、停留紀錄之人民,得檢具下列文件,向直轄市、縣(市)政府警察局申請核發警察刑事紀錄證明:

一、申請書。

二、身分證明文件。

前項申請人為未成年者,應由其法定代理人為之。申請人委託他人代為申請者,應附委託書。

## 第 5 條

直轄市、縣(市)政府警察局應於受理前條申請之次日起三個工作日,核發警察刑事紀錄證明。但須向有關司法、軍法機關查詢者,不在此限。

## 第 6 條

警察刑事紀錄證明應以書面為之;明確記載有無刑事案件紀錄。但下列各款刑事案件紀錄,不予記載:

一、合於少年事件處理法第八十三條之一第一項規定者。

二、受緩刑之宣告,未經撤銷者。

三、受拘役、罰金之宣告者。

四、受免刑之判決者。

五、經免除其刑之執行者。

六、法律已廢除其刑罰者。

七、經易科罰金或依刑法第四十一條第二項之規定易服社會勞動執行完畢,五年內未再受有期徒刑以上刑之宣告者。

#### 第 7 條

申請人對警察刑事紀錄證明內容有異議時,得以書面檢具證明文件,向原核發之警察機關申請查證;經查證警察刑事紀錄證明之內容與事實不符者,應予更正;其與事實相符者,不予更正,並應通知申請人。

#### 第 8 條

申請人有下列情形之一者,不予核發警察刑事紀錄證明:

- 一、受通緝尚未撤銷者。
- 二、判決確定之刑事案件尚未執行或執行中者。

前項不核發警察刑事紀錄證明之原因,應以書面通知申請人。

申請人收受前項通知,得以書面檢具證明文件,向原通知之警察機關申復。

前項警察機關受理申復後,應即查證;其有理由者,應即核發警察刑事紀錄證明;無理由者,應予以駁回,並通知申復人。

#### 第 9 條

直轄市、縣(市)政府警察局核發警察刑事紀錄證明,應收取費用;其費額,由主管機關定之。

#### 第 10 條

本條例所需文件格式,由主管機關定之。

#### 第 11 條

本條例自公布日施行。

# **Title: Act Governing Issuance of Police Criminal Record Certificates**

Amended Date: 2013-01-16

Category: Ministry of the Interior

Article 1 This Act is enacted to regulate the application process and issuance of police criminal record certificates.

Article 2 The competent authority of this Act is the Ministry of the Interior.

Article 3 The "police criminal record certificates" referred to in this Act mean the record certificates issued by police agencies based on the data from the sentencing and execution of criminal cases by judicial or military judicial authorities.

Article 4 Persons currently or previously domiciled in the Taiwan Area or who have residence or visitor records in the Taiwan Area may submit the following documents to city or county police departments to apply for police criminal record certificates:

1. Application form
2. Identification documents

When the applicant referred to in the preceding paragraph is a minor, the application shall be submitted by the minor's legal representative. For applications submitted by representatives, the applicant's power of attorney documentation should be submitted at the same time.

Article 5 The county (city) police bureau (department) shall issue a police criminal record certificate within 3 working days starting from the next day after receipt of the application mentioned in the preceding article, unless it is necessary to seek additional information from relevant judicial or military judicial authorities.

Article 6 Police criminal record certificates shall be made in writing, and shall explicitly indicate whether a criminal record exists. However, records relating to the circumstances cited in the following subparagraphs shall not be included:

1. Paragraph 1 of Article 83-1 of the Juvenile Delinquency Act is applicable to the applicant's offense.
2. The applicant is under probation that has not been revoked.
3. The applicant was sentenced to short-term imprisonment or was fined.
4. The applicant was exempted from punishment.
5. The applicant was exempted from serving the sentence.
6. The penalty has been abolished by law.

7. The applicant has not been sentenced to another prison term within five years after being fined or completing community service in accordance with the provisions of Paragraph 2 of Article 41 of the Criminal Law.

Article 7 If an applicant disagrees with the contents of a police criminal record certificate, he/she may submit written documents to the issuing police department for verification. If the verification process shows that the contents of the police criminal record certificate do not correspond with the facts, the certificate shall be corrected; if it is found that the contents correspond with the facts, the applicant shall be notified that no revision shall be made.

Article 8 An applicant's police criminal record certificate will not be issued if:

1. He/she is wanted for arrest and the warrant for apprehension has not been revoked;
2. The criminal case in which the judgment has been finalized has not yet been executed or is in the process of execution.

The applicant will be informed in writing as to the reason why a police criminal record certificate cannot be issued.

After receiving of notice referred to in the preceding paragraph, the applicant may appeal by submitting written documents to the issuing police department.

After accepting the appeal, the police department shall immediately conduct an investigation. If the appeal is justified, the police criminal record certificate shall be issued. If the appeal is groundless, the applicant shall be notified that the appeal was rejected.

Article 9 The county (city) police bureau (department) shall charge a fee for issuing a police criminal record certificate, with the amount determined by the competent authority.

Article 10 Application forms required by this Act shall be approved by the competent authority.

Article 11 This Act will take effect from the date of promulgation.