

法規名稱：警察職權行使法

第一章 總則

第 1 條

為規範警察依法行使職權，以保障人民權益，維持公共秩序，保護社會安全，特制定本法。

第 2 條

本法所稱警察，係指警察機關與警察人員之總稱。

本法所稱警察職權，係指警察為達成其法定任務，於執行職務時，依法採取查證身分、鑑識身分、蒐集資料、通知、管束、驅離、直接強制、物之扣留、保管、變賣、拍賣、銷毀、使用、處置、限制使用、進入住宅、建築物、公共場所、公眾得出入場所或其他必要之公權力之具體措施。

本法所稱警察機關主管長官，係指地區警察分局長或其相當職務以上長官。

第 3 條

警察行使職權，不得逾越所欲達成執行目的之必要限度，且應以對人民權益侵害最少之適當方法為之。

警察行使職權已達成其目的，或依當時情形，認為目的無法達成時，應依職權或因義務人、利害關係人之申請終止執行。

警察行使職權，不得以引誘、教唆人民犯罪或其他違法之手段為之。

第 4 條

警察行使職權時，應著制服或出示證件表明身分，並應告知事由。

警察未依前項規定行使職權者，人民得拒絕之。

第 5 條

警察行使職權致人受傷者，應予必要之救助或送醫救護。

第二章 身分查證及資料蒐集

第 6 條

警察於公共場所或合法進入之場所，得對於下列各款之人查證其身分：

- 一、合理懷疑其有犯罪之嫌疑或有犯罪之虞者。
- 二、有事實足認其對已發生之犯罪或即將發生之犯罪知情者。
- 三、有事實足認為防止其本人或他人生命、身體之具體危害，有查證其身分之必要者。

- 四、滯留於有事實足認有陰謀、預備、著手實施重大犯罪或有人犯藏匿之處所者。
- 五、滯留於應有停（居）留許可之處所，而無停（居）留許可者。
- 六、行經指定公共場所、路段及管制站者。

前項第六款之指定，以防止犯罪，或處理重大公共安全或社會秩序事件而有必要者為限。其指定應由警察機關主管長官為之。

警察進入公眾得出入之場所，應於營業時間為之，並不得任意妨礙其營業。

第 7 條

警察依前條規定，為查證人民身分，得採取下列之必要措施：

- 一、攔停人、車、船及其他交通工具。
- 二、詢問姓名、出生年月日、出生地、國籍、住居所及身分證統一編號等。
- 三、令出示身分證明文件。
- 四、若有明顯事實足認其有攜帶足以自殺、自傷或傷害他人生命或身體之物者，得檢查其身體及所攜帶之物。

依前項第二款、第三款之方法顯然無法查證身分時，警察得將該人民帶往勤務處所查證；帶往時非遇抗拒不得使用強制力，且其時間自攔停起，不得逾三小時，並應即向該管警察勤務指揮中心報告及通知其指定之親友或律師。

第 8 條

警察對於已發生危害或依客觀合理判斷易生危害之交通工具，得予以攔停並採行下列措施：

- 一、要求駕駛人或乘客出示相關證件或查證其身分。
- 二、檢查引擎、車身號碼或其他足資識別之特徵。
- 三、要求駕駛人接受酒精濃度測試之檢定。

警察因前項交通工具之駕駛人或乘客有異常舉動而合理懷疑其將有危害行為時，得強制其離車；有事實足認其有犯罪之虞者，並得檢查交通工具。

第 9 條

警察依事實足認集會遊行或其他公共活動參與者之行為，對公共安全或秩序有危害之虞時，於該活動期間，得予攝影、錄音或以其他科技工具，蒐集參與者現場活動資料。資料蒐集無法避免涉及第三人者，得及於第三人。

依前項規定蒐集之資料，於集會遊行或其他公共活動結束後，應即銷毀之。但為調查犯罪或其他違法行為，而有保存之必要者，不在此限。

依第二項但書規定保存之資料，除經起訴且審判程序尚未終結或違反組織犯罪防制條例案件者外，至遲應於資料製作完成時起一年內銷毀之。

第 10 條

警察對於經常發生或經合理判斷可能發生犯罪案件之公共場所或公眾得出入之場所，為維護治安之必要時，得協調相關機關（構）裝設監視器，或以現有之攝影或其他科技工具蒐集資料。

依前項規定蒐集之資料，除因調查犯罪嫌疑或其他違法行為，有保存之必要者外，至遲應於資料製作完成時起一年內銷毀之。

第 11 條

警察對於下列情形之一者，為防止犯罪，認有必要，得經由警察局長書面同意後，於一定期間內，對其無隱私或秘密合理期待之行為或生活情形，以目視或科技工具，進行觀察及動態掌握等資料蒐集活動：

- 一、有事實足認其有觸犯最輕本刑五年以上有期徒刑之罪之虞者。
- 二、有事實足認其有參與職業性、習慣性、集團性或組織性犯罪之虞者。

前項之期間每次不得逾一年，如有必要得延長之，並以一次為限。已無蒐集必要者，應即停止之。

依第一項蒐集之資料，於達成目的後，除為調查犯罪行為，而有保存之必要者外，應即銷毀之。

第 12 條

警察為防止危害或犯罪，認對公共安全、公共秩序或個人生命、身體、自由、名譽或財產，將有危害行為，或有觸犯刑事法律之虞者，得遴選第三人秘密蒐集其相關資料。

前項資料之蒐集，必要時，得及於與蒐集對象接觸及隨行之人。

第一項所稱第三人，係指非警察人員而經警察遴選，志願與警察合作之人。經遴選為第三人者，除得支給實際需要工作費用外，不給予任何名義及證明文件，亦不具本法或其他法規賦予警察之職權。其從事秘密蒐集資料，不得有違反法規之行為。

第三人之遴選、聯繫運用、訓練考核、資料評鑑及其他應遵行事項之辦法，由內政部定之。

第 13 條

警察依前條規定遴選第三人秘密蒐集特定人相關資料，應敘明原因事實，經該管警察局長或警察分局長核准後實施。

蒐集工作結束後，警察應與第三人終止合作關係。但新發生前條第一項原因事實，而有繼續進行蒐集必要且經核准者，得繼續合作關係。

依前條第一項所蒐集關於涉案對象及待查事實之資料，如於相關法律程序中作為證據

使用時，應依相關訴訟法之規定。該第三人為證人者，適用關於證人保護法之規定。

第 14 條

警察對於下列各款之人，得以口頭或書面敘明事由，通知其到場：

- 一、有事實足認其能提供警察完成防止具體危害任務之必要資料者。
 - 二、有事實足認為防止具體危害，而有對其執行非侵入性鑑識措施之必要者。
- 依前項通知到場者，應即時調查或執行鑑識措施。

第 15 條

警察為維護社會治安，並防制下列治安顧慮人口再犯，得定期實施查訪：

- 一、曾犯殺人、強盜、搶奪、放火、妨害性自主、恐嚇取財、擄人勒贖、竊盜、詐欺、妨害自由、組織犯罪之罪，經執行完畢或假釋出獄者。
- 二、受毒品戒治人或曾犯製造、運輸、販賣、持有毒品或槍砲彈藥之罪，經執行完畢或假釋出獄者。

前項查訪期間，以刑執行完畢或假釋出獄後三年內為限。但假釋經撤銷者，其假釋期間不列入計算。

治安顧慮人口查訪項目、方式及其他應遵行事項之辦法，由內政部定之。

第 16 條

警察於其行使職權之目的範圍內，必要時，得依其他機關之請求，傳遞與個人有關之資料。其他機關亦得依警察之請求，傳遞其保存與個人有關之資料。

前項機關對其傳遞個人資料之正確性，應負責任。

第 17 條

警察對於依本法規定所蒐集資料之利用，應於法令職掌之必要範圍內為之，並須與蒐集之特定目的相符。但法律有特別規定者，不在此限。

第 18 條

警察依法取得之資料對警察之完成任務不再有幫助者，應予以註銷或銷毀。但資料之註銷或銷毀將危及被蒐集對象值得保護之利益者，不在此限。

應註銷或銷毀之資料，不得傳遞，亦不得為不利於被蒐集對象之利用。

除法律另有特別規定者外，所蒐集之資料，至遲應於資料製作完成時起五年內註銷或銷毀之。

第三章 即時強制

第 19 條

警察對於有下列情形之一者，得為管束：

- 一、瘋狂或酒醉，非管束不能救護其生命、身體之危險，或預防他人生命、身體之

危險。

二、意圖自殺，非管束不能救護其生命。

三、暴行或鬥毆，非管束不能預防其傷害。

四、其他認為必須救護或有危害公共安全之虞，非管束不能救護或不能預防危害。

警察為前項管束，應於危險或危害結束時終止管束，管束時間最長不得逾二十四小時；並應即時以適當方法通知或交由其家屬或其他關係人，或適當之機關（構）或人員保護。

警察依第一項規定為管束時，得檢查受管束人之身體及所攜帶之物。

第 20 條

警察依法留置、管束人民，有下列情形之一者，於必要時，得對其使用警鏢或其他經核定之戒具：

一、抗拒留置、管束措施時。

二、攻擊警察或他人，毀損執行人員或他人物品，或有攻擊、毀損行為之虞時。

三、自殺、自傷或有自殺、自傷之虞時。

警察對人民實施查證身分或其他詢問，不得依管束之規定，令其供述。

第 21 條

警察對軍器、凶器或其他危險物品，為預防危害之必要，得扣留之。

第 22 條

警察對於依法扣留之物，應簽發扣留物清單，載明扣留之時間、處所、扣留物之名目及其他必要之事項，交付該物之所有人、持有人或保管人；依情況無法交付清單時，應製作紀錄，並敘明理由附卷。

依法扣留之物，應加封緘或其他標示妥善保管。因物之特性不適於由警察保管者，得委託其他機關或私人保管之，並通知所有人、持有人或保管人。必要時，得以處分之相對人為保管人。

前項扣留之物，除依法應沒收、沒入、毀棄或應變價發還者外，期間不得逾三十日；扣留原因未消失時，得延長之，其延長期間不得逾二個月。

第 23 條

有下列情形之一者，扣留之物得予變賣：

一、有腐壞或價值重大減損之虞。

二、保管、照料或持有所費過鉅或有其困難。

三、扣留期間逾六個月，無法返還所有人、持有人或保管人，且不再合於扣留之要件。

四、經通知三個月內領取，且註明未於期限內領取，將予變賣，而所有人、持有人或保管人未於期限內領取。

前項之物變賣前，應將變賣之程序、時間及地點通知所有人、持有人或保管人。但情況急迫者，不在此限。

物之變賣，採公開方式行之。因物之性質認難以賣出，或估計變賣之費用超出變賣所得時，得不經公開方式逕行處置之。第一項第三款、第四款之物，於六個月內未賣出者，歸屬各該級政府所有，並得將該物提供公益目的使用；其屬第一項第四款之物者，應將處理情形通知所有人、持有人或保管人。

扣留之物因腐壞、腐敗等理由而不能變賣者，得予銷毀之。

第二項通知之規定，於前項情形準用之。

第 24 條

扣留之物無繼續扣留之必要者，應將該物返還所有人、持有人或保管人；所有人、持有人或保管人不明時，得返還其他能證明對該物有權利之人。

扣留及保管費用，由物之所有人、持有人或保管人負擔。扣留之物返還時，得收取扣留及保管費用。

物經變賣後，於扣除扣留費、保管費、變賣費及其他必要費用後，應返還其價金與第一項之人。第一項之人不明時，經公告一年期滿無人申請發還者，繳交各該級政府之公庫。

第 25 條

警察遇有天災、事變或交通上或公共安全上有危害情形，非使用或處置人民之土地、住宅、建築物、物品或限制其使用，不能達防護之目的時，得使用、處置或限制其使用。

第 26 條

警察因人民之生命、身體、財產有迫切之危害，非進入不能救護時，得進入住宅、建築物或其他處所。

第 27 條

警察行使職權時，為排除危害，得將妨礙之人、車暫時驅離或禁止進入。

第 28 條

警察為制止或排除現行危害公共安全、公共秩序或個人生命、身體、自由、名譽或財產之行為或事實狀況，得行使本法規定之職權或採取其他必要之措施。

警察依前項規定，行使職權或採取措施，以其他機關就該危害無法或不能即時制止或排除者為限。

第四章 救濟

第 29 條

義務人或利害關係人對警察依本法行使職權之方法、應遵守之程序或其他侵害利益之情事，得於警察行使職權時，當場陳述理由，表示異議。

前項異議，警察認為有理由者，應立即停止或更正執行行為；認為無理由者，得繼續執行，經義務人或利害關係人請求時，應將異議之理由製作紀錄交付之。

義務人或利害關係人因警察行使職權有違法或不當情事，致損害其權益者，得依法提起訴願及行政訴訟。

第 30 條

警察違法行使職權，有國家賠償法所定國家負賠償責任之情事者，人民得依法請求損害賠償。

第 31 條

警察依法行使職權，因人民特別犧牲，致其生命、身體或財產遭受損失時，人民得請求補償。但人民有可歸責之事由時，法院得減免其金額。

前項損失補償，應以金錢為之，並以補償實際所受之特別損失為限。

對於警察機關所為損失補償之決定不服者，得依法提起訴願及行政訴訟。

損失補償，應於知有損失後，二年內向警察機關請求之。但自損失發生後，經過五年者，不得為之。

第五章 附則

第 32 條

本法自中華民國九十二年十二月一日施行。

Title : Police Authority Exercise Act

Amended Date : 2011-04-27

Category : Ministry of the Interior

Chapter 1 General Principles

- Article 1 This Act is enacted to govern the exercise of authority by the police in accordance with applicable laws for the safeguard of people's rights, maintenance of public order, and protection of social security.
- Article 2 "Police" hereinafter used in this Act is a collective term referring to all police agencies and police officers.
- The term "police authority" hereinafter used in this Act refers to identity verification, forensic identity testing, data collection, notification, detention, dispersion, direct enforcement, seizure, custody, sale, auction, destruction, use, disposal, restricted use of objects, entering a residence, building, public place, and public-accessible place or other necessary substantive measures for the police to carry out their tasks in accordance with law for the purpose of fulfilling their statutory missions.
- The term "supervisors in charge" hereinafter used in this Act refers to precinct chiefs or others with equivalent rank or above.
- Article 3 When the police exercise their authority, it may not exceed what is necessary for accomplishing their goals, and they shall employ the approaches that can minimize infringement upon people's rights.
- When the police have accomplished their goals through the use of their authority or after judging a situation, believe that the goals cannot be accomplished, they shall cease the operation as allowed by their authority or upon the request of the target or the interested party.
- When the police exercise their authority, they shall not lure or abet people to commit crimes or engage in other illegal acts.
- Article 4 When exercising their authority, the police shall wear their uniforms or present their credentials that show their identity and they shall state their intent.
- When the police fail to follow the provisions set forth in the preceding paragraph while exercising their authority, civilians may refuse to cooperate.
- Article 5 When the police injure civilians while exercising their authority, they shall offer necessary aid or take the injured to the hospital for medical treatment.

Chapter 2 Identity Verification and Data Collection

- Article 6 The police may verify the identity of the following people in public places or public-accessible places:

1. People who are reasonably suspected of having committed a crime or having the likelihood of committing a crime.
2. People, who according to the known facts, are believed to be aware of the crimes that has already been committed or is to be committed imminently.
3. People whose identity, according to the known facts, must be verified in order to prevent concrete hazards from endangering lives and physical safety of themselves or others.
4. People who stay in places where according to the known facts, there is a conspiracy to commit, prepare, or already committed serious crimes or where fugitives are being harbored.
5. People who have no permit for a temporary stay or residence and stay in places where a stay requires a permit.
6. People who pass through designated public places, roadways, and check points.

The designation stipulated in the subparagraph 6 of the preceding paragraph shall be made only when considered necessary to prevent crimes or deal with events that may effect major public safety or social order. The designation shall be determined by supervisors in charge.

The police may enter publicly-accessible places only during business hours and shall not arbitrarily obstruct business operations.

Article 7 To verify people's identities, the police in accordance with the provisions stipulated in the preceding article may take the following necessary measures:

1. Stop people, vehicles, ships, and other means of transportation.
2. Inquire the name, date of birth, birth place, nationality, residence, and national ID number.
3. Demand presentation of an individual's ID card.
4. Frisk a person or check his/her belongings when there are clear indications that the person might be carrying objects that can be used to commit suicide or inflict injury on himself/ herself, or kill or injure others.

When it is absolutely impossible to verify a person's identity by using the measures set forth in subparagraphs 2 and 3 of the preceding paragraph, the police may take the person to a police agency for further verification. The police shall not use coercive power unless there is resistance, and the duration of the verification shall not exceed three hours starting from the time the person is stopped. The police shall also immediately report the identity verification to the Duty Command Center and inform a relative, friend, or lawyer as requested by the person.

Article 8 The police may stop any form of transportation that poses a hazard or is likely to pose a hazard according to objective and reasonable judgment and utilize the following measures:

1. Require the driver or passengers to show their IDs, or verify their identities.
2. Check the Vehicle Identification Number, engine number or other identifiable features of the vehicle.
3. Require the driver to take a breathalyzer test.

When the police reasonably suspect that the driver or passenger of the means of transportation provided in the preceding paragraph will pose a hazard based on their unusual behavior, the police may order the person to exit the vehicle. When there are sufficient facts indicating the possibility that the person may commit a crime, the police may also search the vehicle.

Article 9 When the police have enough facts to believe that the actions of people who participate in assemblies, parades or other public events may endanger public safety or order, they may collect at the scene information about the participants in the event by videotape, recording or other technology tools. When it is impossible not to involve a third party during the said data collection process, the third party may be recorded as well. Data collected in accordance with the provisions stipulated in the preceding paragraph shall be destroyed immediately after the relevant assemblies, demonstrations, or other public activities are over unless it must be kept for the investigation of crimes or other illegal acts. Data preserved as per the provisions in paragraph 2 shall be destroyed no later than one year after they are needed unless they are required for cases that are being prosecuted but the judicial proceedings has yet to reach finality or cases involving violation of the Organized Crime Prevention Act.

Article 10 The police for the purpose of maintain public safety may coordinate with authorities concerned by installing CCTV cameras or utilizing existing recording equipment or other technology tools to collect data in public places or publicly-accessible places where crimes occur frequently or they believe crime is reasonably assumed to be likely to occur. Data collected as per the provisions set forth in the preceding paragraph shall be destroyed no later than one year after they have been made unless they must be kept for the investigation of criminal suspects or illegal acts.

Article 11 The police may observe people in the following activities through visual inspection or technology tools, to collect data over the reasonably expected behaviors or life activities irrelevant to personal privacy or secrecy within a specified period of time that is deemed necessary and with the prior written approval of a police department chief in order to prevent crimes:

1. People who are believed on the basis of sufficient facts to be likely to commit a crime that is punishable by at least five years' imprisonment.
2. People who are believed on the basis of sufficient facts to be likely involved in professional, habitual, syndicated, or organized crimes.

Each period of time stipulated in the preceding paragraph may not exceed one year but may be extended once at most when deemed necessary. When such data collection is no longer necessary, it must immediately cease.

Data collected as stipulated in paragraph 1 shall be destroyed immediately after the purpose is fulfilled unless the data must be kept for the investigation of criminal acts.

Article 12 To prevent hazards or crimes, the police may select a third party to secretly collect related data on someone who is believe to be engaged in acts that will endanger public safety, public order or individual lives, physical safety, freedom, reputation, or property or likely to violate criminal laws.

When considered necessary, the data collection stipulated in the preceding paragraph may be extended to people whom the party concerned has been in contact or has associated with.

The so-called third party stipulated in paragraph 1 refers to a person who is not a police officer but has been screened and selected by the police prior to working for the police at their own volition. The selected third party may receive compensation needed to pay for operating expenses but shall not be granted any title and credential or police powers derived from this Act or other laws and regulations. While collecting data secretly, the said third party may not violate any laws and regulations.

The Ministry of the Interior shall draft regulations governing the screening and selection, communication and deployment, training and assessment, data evaluation and other matters such third parties must adhere to.

Article 13 Selection of the third party to secretly collect data related to a specified person in accordance with the provisions prescribed in the proceeding article may be carried out after the police have identified the grounds and facts and obtained the approval of a police department or police precinct chief.

Once the data collection is completed, the police shall terminate the cooperative relationship with the third party. However, if new grounds and facts set forth in paragraph 1 of the preceding Article emerge and necessitate continued data collection, the cooperative relationship may be continued after approval is obtained.

When the data on the suspect or the facts that await verification are collected in accordance with paragraph 1 of the preceding article and are to be used as evidence in related legal proceedings, applicable procedural laws shall apply. If the third party is a witness, the provisions of the Witness Protection Act shall apply.

Article 14 The police may inform the following people to appear at a police agency through a verbal or written notice that states the grounds for the appearance:
1. People who are believed, based on the sufficient facts, to be able to provide

the police with crucial information to prevent substantial danger or harm.

2. People who according to the known facts, shall be submitted to non-intrusive forensic tests to prevent tangible hazards.

Once the person notified to appear at the police agency as prescribed in the preceding paragraph arrives, the investigation or non-intrusive measures shall be conducted immediately.

Article 15 To maintain social order and prevent recidivism, the police may carry out periodic visits to the following persons who might pose a threat to social order:

1. People who committed homicide, robbery, , arson, sexual assault, extortion kidnapping for ransoms, theft, fraud, offenses against personal freedom, or organized crime and have served their sentences or have been released on parole.
2. Offenders under rehabilitation or who have served their sentences or are on parole for producing, transporting, selling, or possessing drugs or ammunition.

The period during which the visits as prescribed in the preceding paragraph are carried out is limited to three years after the person has served their sentences or was released on parole. For any person whose parole is revoked, the period of release on parole shall be excluded from the calculation.

The ways to visit people who might pose a threat to social order, or things that need to be checked during each visit, and the rules that regulate the visits shall be issued by the Ministry of the Interior.

Article 16 The police may transfer the personal information when requested by other agencies if such transfer is necessary and does not exceed the police's authority. Upon police request, other agencies may also transfer to the police personal information they hold.

The agencies prescribed in the preceding paragraph shall be responsible for the accuracy of the personal data information they transfer.

Article 17 The data collected by the police in accordance with the provisions set forth in this Act shall be used within the statutory functions of the police and for the particular purpose of their collection unless otherwise specified by law.

Article 18 When the data legally collected by the police is no longer effective for the police to accomplish their mission, it shall be cancelled or destroyed unless the cancellation or destruction of the data will endanger an interest of the collection target that merits protection.

Data that shall be cancelled or destroyed shall not be transferred or used in ways that are harmful to the collection target.

Collected data shall be cancelled or destroyed within five years after it was created, unless otherwise specified by the law.

Chapter 3 Real-time Compulsion

Article 19 The police may restrain a person under the following circumstances:

1. Insanity or inebriation to the extent that it makes restraint necessary in order to avert a situation that may endanger their life or prevent danger to the life or health of another person.
2. Suicide attempts in which a fatality cannot be averted without restraint.
3. Engaged in violent acts or fighting, that will result in injury absent restraint.
4. Other types of rescue that are not possible or other risks that cannot be prevented unless restraint is imposed.

For the restraint described in the preceding paragraph, such restraint shall cease when the danger or harm ends, and the restraint may last at most twenty-four hours; for their protection an immediate notification in an appropriate manner about the release should be made to family or other relevant persons, or to suitable institutions or personnel.

When the police implement a restraint in accordance with the provisions in paragraph 1, they may search the body and the belongings of the person.

Article 20 The police, when necessary, may use police handcuffs or other approved physical restraining devices on people detained or placed under control in accordance with law under any of the following circumstances:

1. They resist detention or restraint measures.
2. They attack the police or other people, destroy the belongings of enforcement officers or other people, or are at risk of committing violence or causing damage.
3. They attempt to commit suicide or hurt themselves, or are likely to commit suicide or hurt themselves.

When police seek to verify a person's identity or otherwise make inquiries, they may not require people to give statements under the provisions that govern restraint.

Article 21 For the need to prevent danger and harm, the police may seize military weapons, lethal weapons or other dangerous objects.

Article 22 The police shall issue an inventory of objects seized in accordance with law that states the time, place of the seizure, names of the objects seized, other necessary items, and the name of the owner, possessor, or custodian who hands over the objects. When an inventory cannot be issued under the circumstances, a record should be made of the reason and made part of the case file.

Objects that are seized in accordance with law shall be sealed or labeled to ensure proper custody. When the nature of the objects makes them unsuitable to be kept by the police, other authorities or individuals may be commissioned

to keep them and the owner, possessor, or custodian of the objects shall be notified. When it is necessary, the other authority or individuals commissioned to keep them may be the party who disposes it. Unless an object must be forfeited, destroyed, or sold in return for a payment, the objects described in the preceding paragraph shall not be seized for more than thirty days. If the ground for the seizure persists, the duration of seizure may be extended but the extension shall not exceed two months.

Article 23 Seized objects with one of the following conditions may be sold:

1. They are likely to rot or their value is likely to depreciate significantly.
2. They are too expensive or difficult to be kept, cared for, or possessed.
3. They have been seized for over six months, cannot be returned to their original owners, possessor or custodians and the circumstances no longer exist that required it to be placed under custody.
4. The original owners, possessors or custodians do not claim their objects by the given deadline upon the notification that clearly indicates that the objects will be sold if they are not claimed within three months after the notification.

Before the objects set forth in the preceding paragraph are sold, their original owners, possessors or custodians shall be notified of the procedures, time and place of the sale, provided that such shall not apply under emergency circumstances.

The sale of objects shall be done publicly. Objects determined to be difficult to be sold because of their nature or that the cost of the sale will exceed the income from the sale may be disposed of in a non-public manner. The objects set forth in subparagraphs 3 and 4 of paragraph 1 that are not sold within six months shall belong to their respective governments and shall be for public use. The original owners, possessors or custodians of objects under subparagraph 4 of paragraph 1 shall be notified how the objects are disposed. The seized objects that cannot be sold because of decomposition or decay, among other reasons, may be destroyed.

The notification provisions prescribed in paragraph 2 shall apply to the preceding paragraph.

Article 24 When it is no longer necessary to keep the seized objects, they shall be returned to their original owners, possessors, or custodians. When their original owners, possessors, or custodians are unknown, they may be returned to people proven to have the right to the objects.

The cost of seizure and custody fees shall be borne by the original owners, possessors, or custodians. Upon the return of the seized objects, the costs of seizure and custody may be collected.

After the objects are sold, the income shall be given to the people prescribed

in paragraph 1 after the costs of seizure, custody, sale, and other necessary expenses are deducted. When the people prescribed in paragraph 1 are unknown and no one applies for transfer of the money after the announcement has been posted for one year, the money shall go to the relevant government level's treasury.

- Article 25 For safety purposes, the police may as a final resort use, dispose, or restrict the use of property, residences, buildings, or personal belongings in cases of natural disasters, accidents, or a situation in which transportation or public safety is endangered.
- Article 26 The police may as a final resort enter residences, buildings, or other places in order to protect or rescue people in imminent danger to personal life, physical safety or property loss.
- Article 27 To prevent danger or harm, the police may, while exercising their authority, temporarily drive out or restrain a person or a vehicle to eliminate an obstruction.
- Article 28 To prevent or eliminate on-going acts or situations that may endanger public safety, public order or personal life, health, freedom, reputation, or property, the police may exercise the power stipulated in this Act or take other necessary measures.

The powers exercised or measures taken by the police in accordance with the provisions prescribed in the preceding paragraph shall be limited to the period when other authorities are unable to or cannot stop or remove the danger.

Chapter 4 Relief

- Article 29 The target or interested parties may at the scene state reasons to object to the police exercise of their authority in accordance with this Act with regard to how the authority was exercised, the procedures followed, or other circumstances.

When the objections prescribed in the preceding paragraph are believed by the police to be justifiable, the police shall immediately discontinue or remedy their exercise of authority. If the police believe it is unjustified, the police may continue their exercise of authority. Upon requests from the target or interested parties, the police shall record the reasons for the objection and provide such record.

When the rights of the target or interested parties are harmed as a result of illegal or inappropriate exercise of police authority, they may file an administrative petition or administrative lawsuit.

- Article 30 When the police violate the law in the exercise of their authority, and it results in circumstances for which public compensation is payable under the State Compensation Law, individuals may seek compensation for damages

in accordance with the law.

Article 31 When the police exercise their authority in accordance with the law, and individual's lives, body, or property suffer damage due to special sacrifice by the individual, the individual may request compensation. However, to the extent some responsibility is attributable to the individual, the court may reduce or exempt the compensation amount.

The compensation for the damages or loss prescribed in the preceding paragraph shall be in money and limited to actual and specific losses.

If an individual objects to the compensation decision made by the police, they may file an administrative petition or administrative lawsuit.

The application for compensation as a result of such a loss or damage shall be made within two years to the police after the party concerned becomes aware of the losses or damage. When five years have passed since the occurrence of the loss or damage, no claim may be made.

Chapter 5 Supplementary Provisions

Article 32 This Act came into force on December 1, 2003.