

法規名稱：警械使用條例

第 1 條

警察人員執行職務時得依本條例使用警械；使用時應著制服或出示足資識別之警徽或執行職務之證明文件，但情況急迫時，不在此限。

前項警械，包含警棍、警刀、槍械及其他器械；其種類，由內政部定之。

第 2 條

警察人員執行職務時，遇有下列各款情形之一者，得使用警棍指揮：

- 一、指揮交通。
- 二、疏導群眾。
- 三、戒備意外。

第 3 條

警察人員執行職務時，遇有下列各款情形之一者，得使用警棍制止：

- 一、協助偵查犯罪，或搜索、扣押、拘提、羈押及逮捕等須以強制力執行時。
- 二、依法令執行職務，遭受脅迫時。
- 三、發生第四條第一項各款情形之一，認為以使用警棍制止為適當時。

第 4 條

警察人員執行職務時，遇有下列各款情形之一者，得使用警刀或槍械：

- 一、為避免非常變故，維持社會治安時。
- 二、騷動行為足以擾亂社會治安時。
- 三、依法應逮捕、拘禁之人拒捕、脫逃，或他人助其拒捕、脫逃時。
- 四、警察人員所防衛之土地、建築物、工作物、車、船、航空器或他人之生命、身體、自由、財產遭受危害或脅迫時。
- 五、警察人員之生命、身體、自由、裝備遭受強暴或脅迫，或有事實足認有受危害之虞時。
- 六、持有兇器有滋事之虞者，已受警察人員告誡拋棄，仍不聽從時。
- 七、有前條第一款、第二款之情形，非使用警刀、槍械不足以制止時。

前項情形於必要時，得併使用第一條第二項所定其他器械。

發生第一項第四款、第五款之情形，警察人員執行職務，無法有效使用警械時，得使用其他足以達成目的之物品，該物品於使用時視為警械。

第一項情形，警察人員執行職務時，認犯罪嫌疑人或行為人有下列各款情形之一，將危及警察人員或他人生命或身體時，得使用槍械逕行射擊：

- 一、以致命性武器、危險物品或交通工具等攻擊、傷害、挾持、脅迫警察人員或他人時。

二、有事實足認持有致命性武器或危險物品意圖攻擊警察人員或他人時。

三、意圖奪取警察人員配槍或其他可能致人傷亡之裝備機具時。

四、其他危害警察人員或他人生命或身體，情況急迫時。

第 5 條

警察人員依法令執行取締、盤查等勤務時，如有必要得命其停止舉動或高舉雙手，並檢查是否持有兇器。如遭抗拒，而有受到突擊之虞時，得依本條例規定使用警械。

第 6 條

警察人員應基於急迫需要，合理使用槍械，不得逾越必要程度。

第 7 條

警察人員使用警械之原因已消滅者，應立即停止使用。

第 8 條

警察人員使用警械時，應注意勿傷及其他之人。

第 9 條

警察人員使用警械時，如非情況急迫，應注意勿傷及其人致命之部位。

第 10 條

警察人員使用警械後，應將經過情形，即時報告該管長官。但使用警棍指揮者，不在此限。

第 10-1 條

內政部應遴聘相關機關（構）代表及專家學者組成調查小組，得依職權或依司法警察機關之申請，就所屬人員使用警械致人死亡或重傷爭議事件之使用時機、過程與相關行政責任進行調查及提供意見。

前項調查小組對於警械使用妥適性之判斷得考量使用人員當時之合理認知。

第一項調查小組得提供司法警察機關使用警械之教育訓練及倫理促進等建議事項；其組織及運作方式，由內政部定之。

第 10-2 條

警察人員使用警械，致現場人員傷亡時，應迅速通報救護或送醫，並作必要之保護或戒護。

第 10-3 條

前條人員所屬機關接獲通報後，應進行調查並提供警察人員涉訟輔助及諮商輔導。

第 11 條

警察人員執行職務違反本條例規定使用警械，致侵害人民自由或權利時，依國家賠償法規定辦理。

前項情形，為警察人員出於故意之行為所致者，賠償義務機關得向其求償。

警察人員依本條例規定使用警械，致第三人生命、身體或財產遭受損失時，第三人得請求補償。但有可歸責該第三人之事由時，得減輕或免除其金額。

前項補償項目、基準、程序及其他相關事項之辦法，由內政部定之。

第 12 條 (刪除)

第 13 條

本條例於其他司法警察人員及憲兵執行司法警察、軍法警察職務或經內政部核准設置之駐衛警察執行職務時，準用之。

駐衛警察使用警械管理辦法，由內政部定之。

第 14 條

警械非經內政部或其授權之警察機關許可，不得定製、售賣或持有，違者由警察機關沒入。但法律另有規定者，從其規定。

前項許可定製、售賣或持有之警械種類規格、許可條件、許可之申請、審查、註銷、撤銷或廢止及其他應遵行事項之辦法，由內政部定之。

第 15 條

本條例自公布日施行。

Title : Act Governing the Use of Police Weapons

Amended Date : 2022-10-19

Category : Ministry of the Interior

Article 1 Police officers are permitted to use police weapons only when performing duties in accordance with this Act. Except in emergencies, police must be in uniform when using weapons or be able to present identification badges or documents verifying that they are carrying out their professional duties.

The police weapons referred to in the preceding Paragraph include batons, police knives, firearms, and other items as authorized by the Ministry of the Interior.

Article 2 The police may use batons for any of the following purposes:

1. Directing and controlling traffic.
2. Dispersing crowds.
3. Guarding to prevent accidents.

Article 3 In performing their duties, police may use batons to control situations under the following conditions:

1. When assisting a criminal investigation, or when coercive force is needed to conduct a search, seizure, or arrest by means of a warrant, detention, or apprehension.
2. When under threat of attack while performing duties in accordance with the law.
3. When the use of batons is appropriate to stop one of the circumstances stipulated in Paragraph 1 of Article 4.

Article 4 In performing their duties, police may use police knives or firearms in the following circumstances:

1. When an extreme mishap is imminent and it is urgent to maintain public order.
2. When riotous behavior reaches the point of causing social disorder.
3. When the person to be arrested or detained by law resists arrest or escapes, or other people try to help him/her to resist arrest or escape.
4. When either land, buildings, tools and supplies, vehicles, boats, or aircraft under police protection or people's lives, bodies, freedom, or property are endangered or under threat.
5. When police officers' lives, bodies, freedom, or equipment are endangered or threatened, or there is sufficient evidence to believe that they will be endangered.
6. When a person carrying a weapon is believed to be causing trouble and he/she refuses to obey an order by the police to drop the weapon.
7. When there is no alternative to the use of deadly force to stop the situations stipulated in the Subparagraphs 1 and 2 of the preceding Article.

When necessary, other approved weapons cited in Paragraph 2 of Article 1 may also be used in the circumstances stipulated in the preceding Paragraph.

In the circumstances specified in Subparagraphs 4 or 5 of Paragraph 1, police officers who carry out their duties but are unable to use police weapons effectively may use other items—which shall be regarded as “police weapons” while in use—sufficient to achieve the needed results.

In the circumstances prescribed in Paragraph 1, police officers in the process of carrying out their duties are entitled to use their firearms and fire directly when they deem criminal suspects or perpetrators in one of the following circumstances that may potentially endanger the lives or bodies of police officers or others:

1. When attacking or harming others, holding a hostage, or threatening police officers or others with lethal weapons, dangerous objects, or vehicles.
2. When sufficient evidence shows that he/she possesses a deadly weapon or dangerous object with the intent of attacking police officers or others.
3. When an attempt to seize a police officer's gun or other equipment may cause harm or casualties.
4. Other acts that threaten the lives or bodies of police officers or others in urgent situations.

Article 5 While cracking down on illegal activities or questioning suspicious persons in the course of performance of their duties, the police may, if necessary, order the subjects to freeze or keep their hands up and check whether they are carrying any weapons. If suspects refuse to comply with such an order and the police are liable to be attacked, they may use weapons in accordance with this Act.

Article 6 Police officers shall use police weapons reasonably based on urgent needs and shall not exceed the necessary degree of force.

Article 7 Once the reason for the use of police weapons no longer exists, the police shall cease their use immediately.

Article 8 When using police weapons, the police shall pay attention not to hurt innocent third parties.

Article 9 The police should avoid using lethal force unless the danger is so imminent that the lives of officers or bystanders are being threatened.

Article 10 After using the police weapons, police officers must report the use to their immediate supervisors, except for the use of batons as a means of giving directions.

Article 10-1 The Ministry of the Interior shall appoint representatives from relevant agencies (institutions), experts and scholars to form an investigation panel, which may, ex officio or upon the application of the judicial police agency, investigate the timing, process and related administrative liability related to controversial incidents involving the death or serious injury of persons resulting from the use of police equipment by its personnel. Following its investigation, the panel shall provide its professional opinions.

When judging the appropriateness of the use of police weapons, the investigation panel prescribed in the preceding Paragraph may take into consideration the officers' reasonable perception at the time of the incident.

The investigation panel prescribed in Paragraph 1 may provide law enforcement agencies with suggestions on education and training programs covering the use of police weapons, ethics awareness, etc. The organization and operation of the investigation panel shall be regulated by the Ministry of the Interior.

Article 10-2 When the use of police weapons causes injury, the police officer shall immediately call paramedics to the scene or transport the injured person (s) to the hospital, meanwhile providing necessary protection or safeguarding.

Article 10-3 After receiving the police officer's incident report as prescribed in the preceding Article, the officer's work unit shall conduct an investigation and provide him/her with legal aid and counseling.

Article 11 Police officers using police weapons in violation of the provisions of this Act when carrying out their duties, resulting in the breach of people's rights or freedom, shall be dealt with in accordance with the State Compensation Law.

If the circumstances stated in the preceding Paragraph were intentionally caused by the police officer(s), the organization responsible for the compensation may claim repayment from the officer(s).

When police officers using police weapons in accordance with this Act cause losses to the life, body, or property of a third party, the third party may claim compensation. However, if partial fault can be attributable to the third party, the compensation may be reduced or exempted.

Regulations regarding compensatory items, standards, procedures and other related matters referred to in the preceding Paragraph shall be regulated by the Ministry of the Interior.

Article 12 (Delete)

Article 13 This Act shall apply mutatis mutandis when other judicial police officers and military police perform their duties as judicial police and military police, or when garrison police established with the approval of the Ministry of the Interior perform their duties.

The use of police weapons by garrison police shall be regulated by the Ministry of the Interior.

Article 14 Without permission from the Ministry of the Interior or its authorized police organizations, it is forbidden to manufacture, sell, or possess police weapons.

Unless covered by applicable requirements in other laws, products found to be in violation shall be subject to confiscation by police organizations.

Responsibility rests with the Ministry of the Interior for prescribing regulations governing the types and specifications of police weapons permitted to be manufactured, sold, or possessed under the terms of the preceding paragraph, as well as the licensing approval criteria, application and review process, regulations for the voidance, cancellation, or revocation of a license, and other requirements.

Article 15 This Act shall come into force from the date of promulgation.