

Law on the Prevention of Personal Injury by Sarin etc.

Law no.78, 21 April 1995

Enforcement, 21 April 1995 (*see* the Schedule)

Article 1 (Purpose)

This Law prohibits production, possession etc. of sarin etc., provides for punishment for the emission of this as well as measures etc. to take in case there is injury caused by the emission, and means to prevent injury to human life and body by sarin etc. and to secure public safety.

Article 2 (Definition)

"Sarin etc." in this Law is sarin (...) and substance provided for by Cabinet Orders which fit each one of the following paragraph.

1. Substance which has poisonous character stronger than, or the same with sarin.
2. Substance which is recognized as highly likely to be used for the purpose of killing and wounding a person and to severely injure human life and body in case of emission, considering its raw materials, methods of production, measures of emission, conditions in case of emission and other specific character.
3. Substance the control etc. of which by this Law is recognized as highly necessary in order to protect human life and body and to secure public safety, considering social conditions and other circumstances relevant to crime.

Article 3 (Prohibition of Production etc.)

No one should, except for the cases below, produce, import, possess, transfer and accept sarin.

1. When staff of the State or local public agency stipulated by Cabinet Orders produce, import, possess, transfer and accept sarin for the purpose of experiment or research.
2. When the *Law on the Prohibition of Chemical Weapons and Control of Specific Substance* (Law no. 65, 5 April 1995. Hereinafter "Chemical Weapons Prohibition Law") or the Foreign

Exchange and Foreign Trade Control Law (Law no. 228, 1949) allow the production, possession, transfer, acceptance or import in question of specific substance provided for by Article 2(3) of the Chemical Weapons Prohibition Law.

Article 4 (Measures etc. in Case of the Occurrence of Damage)

1. Policemen, staff of the Maritime Safety Agency or firemen (hereinafter "policemen etc.") should, when they recognize there is damage to human life and body or there is a danger of it by the emission of sarin etc. or the substance suspected to be sarin etc., under the provisions of the *Police Law* (Law no. 162, 1954), the *Law Concerning Execution of Duties of Police Officials* (Law no. 136, 1948), the *Road Traffic Law* (Law o. 105, 1960), the *Maritime Safety Agency Law* (Law no. 28, 1948), the *Fire Service Law* (Law no. 186, 1948) and other laws and regulations, immediately prohibit the entrance into buildings, vehicles, ships and other places relevant to the damage, evacuate people staying these places, seizure or dispose materials containing sarin etc. and other materials relevant to the damage, and take other measures necessary to prevent the damage. In this case, policemen etc. should keep in close contact with each other.
2. Superintendent General, a chief of police head office of the prefectures plus Hokkaido, Osaka and Kyoto, a chief of Maritime Safety head office of each jurisdiction may, with regard to measures of previous paragraph and investigation of crimes provided for by this Law, request relevant administrative institutions or relevant public/private bodies for technical information, loan of equipment and materials and other necessary cooperation. A chief of firemen and a head of a fire station may, with regard to measures provided for in the previous paragaraph, make the same kind of request.
3. Nationals should, when they find sarin, substance suspected to be sarin and materials containing these substance, or when they learn a place where they are, immediately notify policemen etc. as such and make an effort to cooperate for a smooth operation of measures of policemen etc. under the provision of paragraph 1.

Article 5 (Punishment)

1. A person who emitted sarin etc. and brought about public danger shall be sentenced to imprisonment with labor for life or more than two years.
2. Attempted crime of paragraph 2 shall be punished.
3. A person who made a preparation for the purpose of committing a crime of paragraph 1 shall be sentenced to imprisonment with labor less than five years. As to a person who surrendered to the police before carrying out the crime, a sentence for him/her shall be mitigated or he/she shall be exempted.

Article 6

1. A person who violated the provision of Article 3 shall be sentenced to imprisonment with labor less than seven years.
2. A person who committed a crime of the previous paragraph in an attempt to make use of it for the crime of Article 5(1) shall be sentenced to imprisonment with labor less than ten years. As to a person who surrendered to the police before carrying out the crime, a sentence for him/her shall be mitigated or he/she shall be exempted.
3. Attempted crime of previous two paragraphs shall be punished.
4. A person who made a preparation in an attempt to commit crimes of paragraphs 1 or 2 relevant to production or import shall be sentenced to imprisonment with labor less than three years.

Article 7

A person who, recognizing the circumstances, offered a fund, a piece of land, buildings, warships and other vessels, aircrafts, vehicles, facilities, machine, instruments or raw materials necessary for crime under Article 5(1) or for criminal acts under Article 6(1) and (2), shall be sentenced to imprisonment without labor less than three years.

Schedule

Article 1 (Date of Enforcement)

This Law shall be enforced on the date of promulgation. Provisions of the following paragraphs shall be enforced on the date stipulated in each paragraph.

1. Provisions of Article 3(2), and of Article 4 of the Schedule

The date of enforcement of the Chemical Weapons Prohibition Law (5 May 1995).

2. Provisios of Articles 5-7

The date after ten days from the promulgation of this Law (1 May 1995).

Article 2 (Interim Measures)

With respect to the application of the provision of Article 3 until the enforcement of the provisions enumerated in Article 1(1), "staff of the State or local public agency stipulated by Cabinet Orders" in Article 3(1) shall be read as "staff of the State or a person assigned experiments or research by the State, who are specified by the National Public Safety Commission".

Article 3

1. A pereson who possesses sarin etc. at the time of enforcement of this Law (excluding a person provided for by Article 3(1) applied under the previous article; the same with the next article) and a person who comes to possess sarin etc. in violation of the provision of Article 3 within ten days after the enforcement of this Law, should notify, until the said day, the spieces, quantity and the place of sarin etc. he/she possesses to a head of a police station of the jurisdiction in question.
2. A person who notified under the previous paragraph should, on the day and at the time and by measures that a head of a police station indiates, dispose sarin etc. relevant to the notification.
3. As to the possession of sarin etc. for the disposition under the previous paragraph, provision of Article 3 and that of Article 16(1) of Chemical Weapons Prohinition Law do not apply.

Article 4

Provision of Article 2 of the Schedule of the Chemical Weapons Prohibition Law does not apply to sarin etc. actually possessed on the enforcement of this Law or possessed in violation of Article 3. As to the application of the provision of Article 3 in this case, "The *Law on the Prohibition of Chemical Weapons and Control of Specific Substance* (Law no. 65, 5 April 1995, hereinafter 'Chemical Weapons Prohibition Law')" in paragraph 2 of the said article shall be read "The *Law on the Prohibition of Chemical Weapons and Control of Specific Substance* (Law no. 65, 5 April 1995, hereinafter 'Chemical Weapons Prohibition Law') (excluding Article 2 of the Schedule)".

Article 5 (Punishment)

1. A person who violated Article 3(2) of the Schedule shall be sentenced to imprisonment with labor less than one year or fine less than 500,000 yen.
2. A person who did not notify under Article 3(1) of the Schedule and a person who made false notification shall be sentenced to fine less than 300,000 yen.
3. When a representative, an agent, an employee and other staff of a corporation or a person violated previous two paragraphs with regard to the business of the corporation or the person, perpetrators shall be punished and the corporation or the person shall be sentenced to fine respectively under the said paragraph.

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