

《海岸巡防機關器械使用條例》中英條文對照表

英譯名稱	中文名稱
Act Governing the Use of Weapons by the Coast Guard Authorities	海岸巡防機關器械使用條例
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<p>Article 1</p> <p>This Act is enacted to regulate the types of weapons, the timing and manner of use by the personnel of the Coast Guard Authority (hereinafter referred to as “Coast Guard”) in the course of performing their duties so as to protect the rights and interests of the people and enhance the effectiveness of law enforcement.</p>	<p>第 1 條</p> <p>為規範海岸巡防機關（以下簡稱海巡機關）人員於執行職務時，使用器械之種類、必要時機及程序，以保障人民權益，強化執法效能，特制定本條例。</p>
<p>Article 2</p> <p>The personnel of the Coast Guard, in the course of performing their duties, shall comply with this Act in the use of any weapons.</p> <p>In the use of weapons as provided in this Act, any personnel of the Coast Guard authority shall be dressed in uniform as specified, or wear or show any mark or credential sufficient to identify their official function, with the exception of urgent situations.</p>	<p>第 2 條</p> <p>海巡機關人員執行職務使用器械時，依本條例行之。</p> <p>海巡機關人員依本條例使用器械時，應著制服，或顯示足資識別之標誌或證明文件。但情況急迫時，不在此限。</p>
<p>Article 3</p> <p>The weapons referred to herein include batons, knives, firearms, cannon, guard instrument, and any other instruments.</p> <p>The types of weapons under the preceding paragraph are specified by the Ocean Affairs Council (“OAC”).</p>	<p>第 3 條</p> <p>本條例所稱器械，指棍、刀、槍、砲、戒具及其他器械。</p> <p>前項器械之種類，由海洋委員會定之。</p>
<p>Article 4</p> <p>Any personnel of the Coast Guard, in the course of performing their duties, may use batons to control situations in any of the following events:</p>	<p>第 4 條</p> <p>海巡機關人員執行職務時，遇有下列各款情形之一者，得使用棍指揮：</p> <p>一、指揮交通。</p>

<p>(1) Direct and control traffic;</p> <p>(2) Evacuating crowds; or</p> <p>(3) Standing on guard to prevent accidents.</p>	<p>二、疏導群眾。</p> <p>三、戒備意外。</p>
<p>Article 5</p> <p>Any personnel of the Coast Guard, in the course of performing their duties, may use batons to exercise forced submission or restriction in any of the following events:</p> <p>(1) To investigate and seize smuggling, crack down on illicit entry or exit, support investigation of any crime, or conduct any inspection, search, seizure, arrest with a warrant, arrest, detention, or other forcible measures;</p> <p>(2) When being threatened by violence in the course of performing lawful duties.</p>	<p>第 5 條</p> <p>海巡機關人員執行職務時，遇有下列各款情形之一者，得使用棍強制或制止之：</p> <p>一、執行查緝走私、非法入出國及協助偵查犯罪，或檢查、搜索、扣押、拘提、逮捕、留置及其他強制措施時。</p> <p>二、依法令執行職務，遭受強暴脅迫時。</p>
<p>Article 6</p> <p>Any personnel of the Coast Guard, in performing inspection, search, seizure, arrest with a warrant, arrest, detention, or other forcible measures, may use guard instruments in any of the following events:</p> <p>(1) The suspect is resisting.</p> <p>(2) The suspect is or attempts to attack or is damaging or attempts to damage any object carried by the personnel or any other person.</p> <p>(3) The suspect is or attempts to escape.</p> <p>(4) The suspect is or attempts to commit suicide or self-harm.</p>	<p>第 6 條</p> <p>海巡機關人員執行檢查、搜索、扣押、拘提、逮捕、留置及其他強制措施，遇有下列各款情形之一者，得使用戒具：</p> <p>一、有抗拒之行為時。</p> <p>二、攻擊執行人員或他人、毀損執行人員或他人物品，或有攻擊、毀損行為之虞時。</p> <p>三、逃亡或有逃亡之虞時。</p> <p>四、自殺、自傷或有自殺、自傷之虞時。</p>
<p>Article 7</p> <p>Any personnel of the Coast Guard, in the course of performing duties, may use instruments other than cannons in any of the following events:</p>	<p>第 7 條</p> <p>海巡機關人員執行職務時，遇有下列各款情形之一者，得使用砲以外之器械：</p>

<p>(1) Coast Guard personnel's life, body, freedom, and/or personal gear is endangered or threatened, or in the presence of any facts sufficient for him/her to believe that he/she is subject to such danger or threat.</p> <p>(2) The life, body, freedom, and/or property of any innocent person is endangered or threatened, or there are facts sufficient for the personnel of the Coast Guard to believe that any innocent person is subject to such danger or threat.</p> <p>(3) Any land, building, object, vehicle, sea vessel, or aircraft used in the operation is endangered.</p> <p>(4) Any suspect holding a deadly weapon refuse to comply after having been duly warned to surrender the weapon.</p> <p>(5) Any suspect or transportation involved in smuggling, illicit entry or exit, or violating any other law refuses to comply with or attempts to escape during duly hot pursuit, boarding, inspection, search, seizure, arrest with a warrant, arrest, detention, expulsion, or other forcible measures by the personnel of the Coast Guard; the same applies to anyone assisting such refusal or escape.</p> <p>(6) In the interception of a vessel or any other maritime transportation sailing in the Waters, there is sufficient fact to establish that any person on board has committed or is committing a crime punishable by death, life imprisonment, or imprisonment for a term not less than three years during that voyage, and who refuses to comply with the command to stop or return.</p> <p>(7) In any event described in Paragraphs (1) and (2) of Article 5, where the use of any cannon is necessary because forced submission or prevention is otherwise impossible.</p>	<p>一、海巡機關人員之生命、身體、自由、裝備遭受危害或脅迫，或有事實足認為有受危害之虞時。</p> <p>二、人民之生命、身體、自由、財產遭受危害或脅迫，或有事實足認為有受危害之虞時。</p> <p>三、所防衛之土地、建築物、工作物、車、船、航空器遭受危害時。</p> <p>四、持有兇器有滋事之虞者，經告誡拋棄，仍不聽從時。</p> <p>五、對涉嫌走私、非法入出國或違反其他法律之人員或運輸工具，依法執行緊迫、登臨、檢查、搜索、扣押、拘提、逮捕、留置、驅離及其他強制措施，其抗不遵照或脫逃時。他人助其為上述行為者，亦同。</p> <p>六、對航行海域內之船舶或其他運輸工具，有事實足認其承載人員，有藉該次航行觸犯死刑、無期徒刑或最輕本刑三年以上有期徒刑之罪之虞，經命其停止航行、回航，而抗不遵照，為阻止其繼續行駛時。</p> <p>七、有第五條第一款、第二款之情形，非使用砲以外之器械不足以強制或制止時。</p> <p>發生前項第一款至第三款之情形，海巡機關人員執行職務，無法有效使用器械時，得使用其他足以達成目的之物品，該物品於使用時視為器械。</p> <p>第一項情形，海巡機關人員執行職務時，認犯罪嫌疑人或行為人有下列各款情形之一，將危及海巡機關人員或他人生命或身體時，得使用槍逕行射擊：</p> <p>一、以致命性武器、危險物品或交通工具等攻擊、傷害、挾持、脅迫海巡機關人員或他人時。</p> <p>二、有事實足認持有致命性武器或危險物品意圖攻擊海巡機關人員</p>
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<p>In any circumstance mentioned in Subparagraphs-1 to 3 of the preceding Paragraph of this Article, personnel of the Coast Guard who fail to use weapons effectively in the course of performing their duties may use other items sufficient to achieve the purpose, and such items shall be regarded as weapons when in use.</p> <p>In the circumstance mentioned in Paragraph 1 of this Article, personnel of the Coast Guard may use their firearm to shoot criminal suspects or perpetrators directly when they deem the suspects or perpetrators as having one of the following behaviors that may endanger their life or body or that of others:</p> <p>(1) When personnel of the Coast Guard or others are being attacked, harmed, held hostage, or threatened with deadly weapons, dangerous objects, or vehicles.</p> <p>(2) There is sufficient fact for any personnel of the Coast Guard to believe that he/she or others are subject to an attack with a deadly weapon or dangerous object.</p> <p>(3) When suspects or perpetrators attempt to seize their firearm or other equipment that may cause harm or casualties.</p> <p>(2) (4) Other acts that threaten the lives or bodies of the personnel of the Coast Guard or others in urgent situations.</p>	<p>或他人時。</p> <p>三、意圖奪取海巡機關人員配槍或其他可能致人傷亡之裝備機具時。</p> <p>四、其他危害海巡機關人員或他人生命或身體，情況急迫時。</p>
<p>Article 8</p> <p>Where the use of a knife or firearm fails to stop a crime in any of the following circumstances, Coast Guard personnel performing official duties</p>	<p>第 8 條</p> <p>海巡機關人員執行職務，遇有下列各款情形之一，經海洋委員會海巡署署長就該情形合理判斷，認已無其他手段制止時，得於必要限度內</p>

<p>may use cannons as deemed necessary by the highest-ranking Coast Guard officer present, when no other alternative is available:</p> <p>(1) When endangered or threatened by force; or</p> <p>(2) When a person suspected of a major crime, including but not limited to piracy, murder, or smuggling firearms or drugs within the territory of the Republic of China, boards a vessel or other maritime craft navigating territorial waters, refuses to submit, or attempts to escape after pursuit and arrest.</p> <p>In the circumstances specified in the preceding paragraph, where the situation is urgent or effective communication is impossible, the use of firearms shall be determined by the highest-ranking officer on the scene.</p>	<p>使用砲：</p> <p>一、遭受武力危害或脅迫時。</p> <p>二、航行海域內之船舶或其他運輸工具，其承載人員涉嫌在我國領域內觸犯內亂、外患、海盜、殺人或走私槍械、毒品之罪，經實施緊迫、逮捕而抗不遵照或脫逃時。</p> <p>前項第一款情形，於情況急迫或無法有效通聯時，得由現場最高指揮官認定之。</p>
<p>Article 9</p> <p>During the lawful performance of duties, including suppression, boarding, and inspection, Coast Guard personnel may order a specific person to halt, raise their hands, or adopt any other posture to determine whether such person is carrying a deadly weapon; and may use weapons or special instruments authorized under this Act if the order is refused or an attack by such person is suspected.</p>	<p>第 9 條</p> <p>海巡機關人員依法令執行取締、登臨、檢查等勤務，必要時，得命特定人停止舉動、高舉雙手或為一定之行為，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器械。</p>
<p>Article 10</p> <p>Coast Guard personnel shall use weapons and special instruments in a discreet and justified manner, as required by the circumstances and to the extent of absolute necessity.</p>	<p>第 10 條</p> <p>海巡機關人員應基於事實需要，合理審慎使用器械，不得逾越必要程度。</p>
<p>Article 11</p> <p>Unless prevented by urgent circumstances, Coast Guard personnel shall avoid targeting lethal areas on the body of a suspect when using weapons</p>	<p>第 11 條</p> <p>海巡機關人員使用器械時，如非情況急迫，應注意勿傷及致命之部位。</p>

<p>or special instruments as authorized under this Act.</p>	
<p>Article 12 Coast Guard personnel shall exercise caution to avoid injuring third parties when using weapons or special instruments as authorized under this Act.</p>	<p>第 12 條 海巡機關人員使用器械時，應注意勿傷及其他第三人。</p>
<p>Article 13 When the cause justifying the use of weapons or special instruments no longer exists, such use shall be immediately terminated by Coast Guard personnel as authorized under this Act.</p>	<p>第 13 條 海巡機關人員使用器械之原因已消滅者，應立即停止使用。</p>
<p>Article 14 Following the use of weapons or special instruments, Coast Guard personnel shall report such use to the appropriate superior officer, except when using batons for crowd control purposes.</p>	<p>第 14 條 海巡機關人員使用器械後，應將經過情形，即時報告該管長官。但使用棍指揮者，不在此限。</p>
<p>Article 15 The OAC shall establish an investigation panel, comprising representatives from relevant agencies, experts, and scholars, to investigate controversial incidents—either ex officio or upon request by the CGA—concerning the timing, process, and administrative liabilities arising from the use of weapons or special instruments by its subordinates that result in casualties or serious injuries, and to provide findings. The investigation panel referred to in the preceding paragraph shall, when assessing the appropriateness of such use, take into account the reasonable perception of Coast Guard personnel at the time. The investigation panel specified in paragraph 1 may make recommendations to law enforcement agencies regarding education,</p>	<p>第 15 條 海洋委員會應遴聘相關機關（構）代表及專家學者組成調查小組，得依職權或依所屬海巡機關申請，就所屬人員使用器械致人死亡或重傷爭議事件之使用時機、過程及相關行政責任，進行調查及提供意見。前項調查小組對於器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海巡機關使用器械之教育訓練及倫理促進等建議事項；其組織及運作方式，由海洋委員會定之。</p>

<p>training on weapons and special instruments, ethics promotion, and related matters. The organization and operation of the investigation panel shall be prescribed by the OAC.</p>	
<p>Article 16 When casualties result from the use of weapons or special instruments by Coast Guard personnel, such personnel shall immediately notify paramedics to the scene, transport the injured to a hospital, or provide necessary protection or safeguards against further harm.</p>	<p>第 16 條 海巡機關人員使用器械，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。</p>
<p>Article 17 Upon receiving the report from Coast Guard personnel as required by the preceding Article, the employing agency shall conduct an investigation and provide legal assistance and counseling to such personnel.</p>	<p>第 17 條 前條人員所屬機關接獲通報後，應進行調查，並提供海巡機關人員涉訟輔助及諮商輔導。</p>
<p>Article 18 Coast Guard personnel who violate this Act by using weapons or special instruments during official duties, resulting in infringement of individuals' freedom or rights, shall be subject to the State Compensation Law. Where the circumstances described in the preceding paragraph result from the intentional acts of Coast Guard personnel, the obligated agency may seek indemnification from such personnel. Where the use of weapons or special instruments by Coast Guard personnel in accordance with this Act during official duties causes death, bodily injury, or property damage to a third party, the third party may claim compensation. However, if fault is attributable to the third party, the compensation may be reduced or exempted. The compensatory items, standards, procedures, and other related matters</p>	<p>第 18 條 海巡機關人員執行職務違反本條例規定使用器械，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，為海巡機關人員出於故意之行為所致者，賠償義務機關得向其求償。 海巡機關人員依本條例規定使用器械，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，由海洋委員會定之。</p>

specified in the preceding paragraph shall be prescribed by the OAC.	
Article 19 The Act shall take effect on the date of promulgation.	第 19 條 本條例自公布日施行。