



Community services

Li Mei-Ying, Qiu Shu-Wei, Lin Ya-Ying, Shen Ya-Jing and Lin Yi-Jun

I. Community Services with deferred prosecution and probation

II. Commutation to Social Labor Services

The deferred prosecution system was first launched in 2002. Aimed at encouraging rehabilitation and reentry of the accused, minor offenders whose sentences are other than death penalty, life imprisonment or a period of imprisonment of no less than three years may be ordered to carry out community services between 40 to 240 hours for a designated government agency, government institution, administrative corporation, community or other institutions or groups of public interest within a certain period of time. This way, the minor offenders may have an

opportunity to give back to the society and reflect on their own behaviors through community services, while making positive contribution to the society. Following implementation of the system, labor service with conditional probation was implemented starting in 2006 in a similar manner.

In 2009, the commutation to labor service system was further launched, protecting minor offenders from the stigma of prison sentence, allowing them to maintain their existing job and life while compensating for the losses

1. The term of "Community Services" is used by Article 41 of Criminal Code of R.O.C and Article 253-2 of the Code of Criminal Procedure. In this article, Community Service means one of deferred prosecution treatments in Article 253-2 of the Code of Criminal Procedure; Social Labor Services means one of replacement of penalty in Article 41 of Criminal Code of R.O.C.



they have caused in the society and interpersonal relationships by providing pro-bono labor services. In addition to alleviating the fiscal burden of the society and the country, this system also reduces other social problems stemming from prison sentences². According to statistics from the Ministry of Justice, over 112,000 minor offenders have participated in labor services over 7 years of the system's implementation. Over 4 million sessions with a total hour count of over 30 million hours have been logged. Based on minimum hourly wage, the total productivity created exceeds 3.5 billion dollars each year and saved correctional costs totaling 380 million dollars. The outcome is

a win-win-win scenario for the country, the society and the social labor service providers³.

Our office is committed to implementing the social labor service system. We ran a pilot program on the policy even before the deferred prosecution system was incorporated into law and, with excellent outcome achieved, the system was then launched full-scale throughout the country. Led by Head Prosecutor Liu Cheng-Wu from our office, we were proactively engaged in the policy-making process of the Ministry of Justice. We also assisted the Ministry of Justice in producing promotional videos at the start of policy im-

2. Source of information: <https://www.moj.gov.tw/ct.asp?xItem=254842&ctNode=30834&mp=001> °

3. Reported by Chen Zhi-Xian, 17 Dec., 2016. *Chinatimes*. <http://www.chinatimes.com/realtimews/20161217002041-260402> °



plementation, with videos featuring the social labor service provider, the social labor service execution agency and the probation assistants, promoting the system in a easy-to-understand way, and helped people understand the implement process and related rules.

An explanation of the features of the deferred prosecution community services system and social labor system as implemented by our office is provided below:

I. Community Services with deferred prosecution and probation⁴

To thoroughly realize judicial reform and enhance the rapid processing mechanism of minor offenses, Tsai Pi-Yu, head of the MOJ Department of Prosecutorial Affairs, invited Chief Prosecutor Shih Mao-Lin of our Office to convene a meeting on November 29, 2001. They established a taskforce consisting of chief prosecutors, chief probation officers and probation officers to formulate the “Implementation Plan for community services during

Prosecutorial Procedure.” A trial period of one year began in January 2002 (from January 1, 2002, to December 31, 2002), finally putting a trial mechanism of “community service” in place in Taiwan for the first time.

Upon a successful trial period for the Office’s “Implementation Plan for Community Intervention during Prosecutorial Procedure,” the Legislative Yuan passed on January 17, 2002 the community services system in the Code of Criminal Procedure with three readings, which was promulgated by the President on February 8 of the same year. On January 7, 2005, the probation with community services system in the Criminal Code was passed after three readings and enforced starting on July 1, 2006.

The Office’s community services system has gone through three phases: “Prosecutor Ex Officio Non-Prosecution community services” trial program, deferred prosecution community services and deferred prosecution, and probation with community services.

4. Authored by Probation Officer Li Mei-Ying.

1. Implementation Plan for community services during Prosecutorial Procedure⁵

The Office launched the trial program for the “Implementation Plan for community services during Prosecutorial Procedure” in January 2002, implementing community services targeting minor offenses such as DUI and vandalism. After the defendant completed community services or charity work ordered by prosecutor, ex officio non-prosecution may be granted so that the defendant would not be punished and have a chance to rehabilitate.

Defendants could opt to voluntarily participate in this program. In the case the defendant violated related rules during the program, or failed to execute or had no intention to continue the execution of community services, the regular prosecutorial procedure would resume. The number of sessions of community services depended on the severity of the offense. The program included general education courses (including administrative explanation, legal knowledge, humanis-

tic care, relation between the self and community, and two types of curricula: A (Life Learning) and B (Public Services). Through the program, a total of 1,738 cases of community services were processed, with a successful execution rate of 97.6%. As for the distribution of offenses, offenses against public safety alone accounted for 1,632 cases, accounting for 93.9% of all cases.

After one year of dedicated trial implementation, the Office found that community services would be economical for non-controversial minor offenses as it saved costs and manpower in the trial and prison system. Also, it transformed a “managed model” that stripped citizens of their right of freedom to a “service model” that benefited communities and facilitated public engagement, achieving culture-shaping and guiding functions in the interaction between the government and the public. Therefore, the realization of community services no longer merely played the role of “judicial reform” in government reform, but also “economic reform” and “social reform.”

5.Summary from *The Study on Trial Community Intervention during Prosecutorial Procedure*.



After completion of the program, the Office published “The Study on Trial community services during Prosecutorial Procedure” on September 1, 2003, introducing in details the trial program, its effect, and proposed concrete suggestions for realization of deferred prosecution community services, providing practical experience as references for policy adjustments.

2. Deferred Prosecution Community Services

According to “The Code of Criminal Procedure” passed by the Legislative Yuan on January 17, 2002 after three readings and promulgated by the President on February 8, 2002, prosecutors may order defendants of minor offenses with deferred prosecution to provide over 40 hours and fewer than 240 hours of community services.

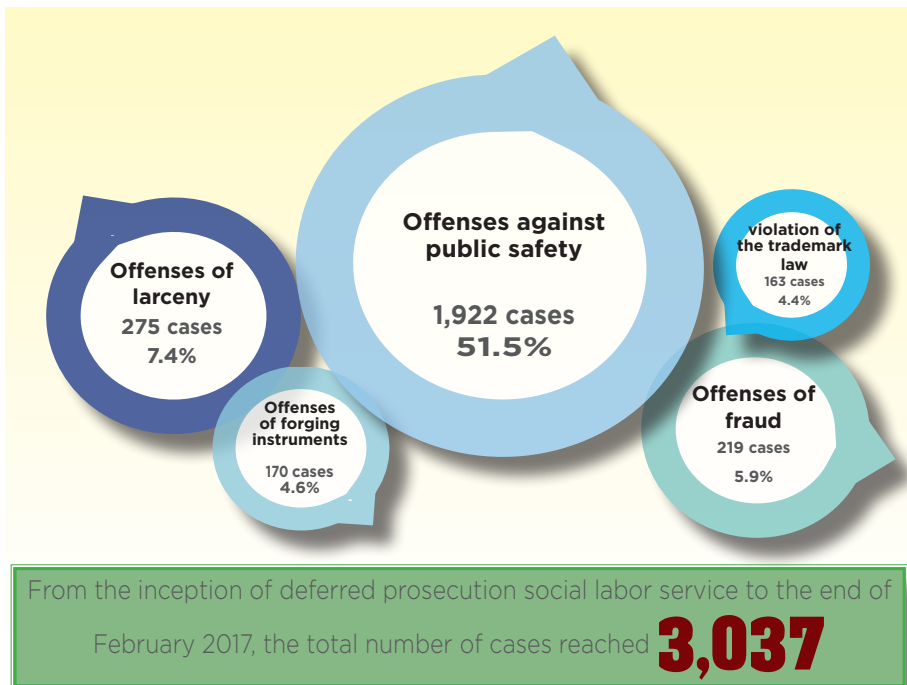
Continuing the experience and dedication of the trial program, the Office won top place in the nation for three consecutive years in the “Performance Evaluation of District Prosecutors Office in the Implementation of Deferred Prosecution”, which started in 2007.

From the inception of deferred prosecution community services to the end of February 2017, the Office has received 3,730 cases. In terms of offenses, offenses against public safety (including inability to drive safely) reached 1,922, accounting for 51.5%; there were 275 cases of theft, accounting for 7.4%; 219 cases of fraud, accounting for 5.9%; 170 cases of forgery, accounting for 4.6%; and 163 offenses against the Trademark Act, accounting for 4.4%. As shown here, offenses against public safety (including inability to drive safely) accounted for over half of the cases received, making it the main source of deferred prosecution community services.

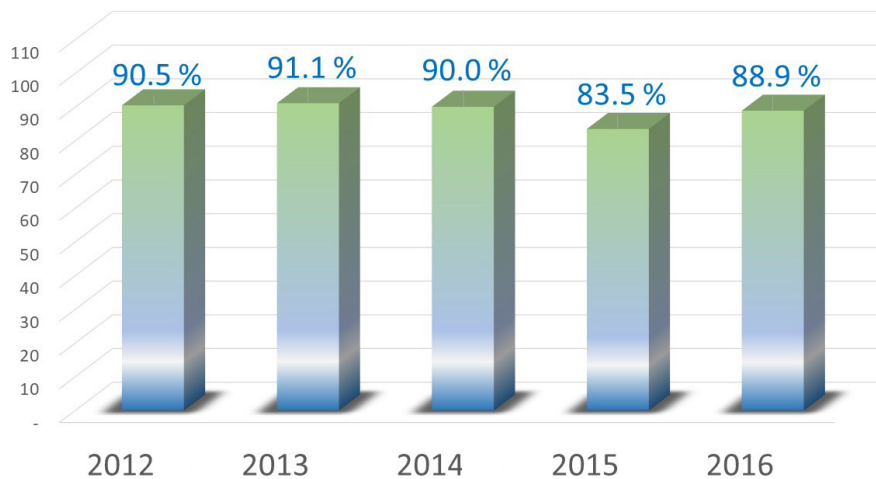
In the past five years, a total of 48,797 hours in deferred prosecution community services were performed, and the annual completion rates reached at least 83%.

3. Probation with community services

Amendments were made for deferred prosecution to have conditions of treatment, such as “community services.” Upon implementation, the measure received positive feedback from

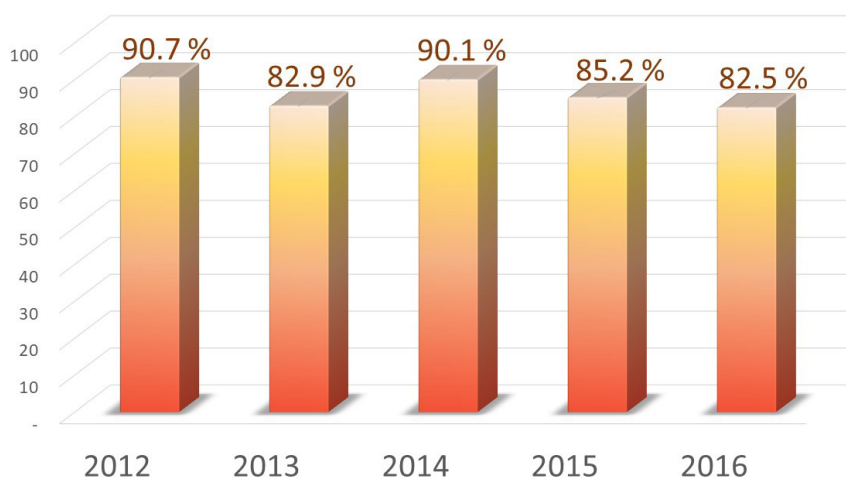


Completion Rate of Deferred Prosecution Social Labor Service
(Number of Cases)





Completion Rate of Probation with Social Labor Service (Number of Cases)



all sectors. Therefore, the Ministry of Justice formulated amendments to probation in the Criminal Code, where judges may grant probation with conditions of community services similar to deferred prosecution. The Legislative Yuan passed the amendments to Criminal Code on January 7, 2005, which were implemented on July 11, 2006. For minor offenders with short-term imprisonment, the rules for deferred prosecution may be referenced to include community services as condition for probation, in aim to encourage minor offenders to reflect and right their wrongdoings.

From the start of probation with community services to the end of February 2017, the Office has received a total of 1,610 cases; in terms of convictions, offenses against public safety (including inability to drive safely) reached 350, accounting for 21.7%; there were 151 cases of fraud, accounting for 9.4%; 126 offenses against Drug Prevention Act, accounting for 7.8%; 123 cases of theft, accounting for 7.6%; 77 cases of

forgery, accounting for 4.8%. The data shows that the percentage of offenses against public safety (including inability to drive safely) has significantly dropped. However, both deferred prosecution and probation remain the main target for the implementation of community services.

In the past five years, a total of 80,148 hours in probation with community services was performed, and the annual completion rates reached at least 93%.

4. Special Programs on Deferred Prosecution and Probation with community services

(1) Charity Bread Delivery and Baking Training⁶

Probationer Chuang, participant in the Office's deferred prosecution community services program, completed 120 hours of community services from January 26, 2014 to July 25, 2015.

A. Execution Plan

(a) Deliver 5,000 pieces of free natural

6. Authored by Probation Officer Qiu Shu-Wei.



24 Mar., 2015, Deliver free natural yeast bread to disadvantaged groups and individuals of TFCF South Center.



達人前董座開班 弱勢家庭做麵包脫貧

2014年08月16日 15:43 中時即時
陳志賢



圖為達人麵包前董座莊國雄(左二)教弱勢家庭做麵包脫貧。(北檢提供)

麵包達人莊國雄前董座莊國雄，因在麵包中摻香精，卻偽稱是天然麵包，涉辦詐欺，台北地檢署給予莊國雄起訴，要求他提供120小時義務勞務，因此北檢、家扶中心與莊國雄今天開設烘焙班，教授多個弱勢家庭做麵包，希望弱勢家庭能有一技之長，早日脫貧。

多位弱勢家庭家長，原本都不會烘培麵包、點心，但他們對於烘培技能都有高度興趣，很認真聽莊的教導，從一開始的揉麵團到烘培過程，個個學得揮汗如雨。

有弱勢家庭家長說，今天的烘培班對他們受益良多，很感謝北檢及家扶中心的安排，他們會學習一技之長，走出貧困的生活。

新聞稿

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103年4月7日星期一

台北地檢署緩起訴關懷弱勢公益活動

檢方命莊國雄在兒童節前夕發送天然酵母麵包給5所育幼院

台北地檢署於兒童節前夕民國103年4月3日(星期四)，結合台北市私立義光育幼院、台北市伯大尼兒少之家、台北兒童福利中心、台北市忠義育幼院、台北市希望家園等單位，命前麵包達人麵包師傅莊國雄先生發送愛心麵包給由區家扶中心弱勢家庭之後，再陸續提供1020個天然酵母麵包分送轄內5所育幼院，關懷弱勢兒童。

莊國雄先生對於因製作麵包不符廣告偽造天然製作而觸犯詐欺罪坦然面對，檢察官命其應製作5000個天然酵母麵包免費提供弱勢團體及個人，扣除之前發送的1720個麵包，北檢再結合上述五個弱勢團體在兒童節前夕，自4月3日起，一星期分送1次，共分送1至2個月給台北市私立義光育幼院、台北市伯大尼兒少之家、台北兒童福利中心、台北市忠義育幼院、台北市希望家園等單位，共1020個天然酵母麵包，首批165個麵包由莊國雄本人親送，預計將有255位孩童少年受惠。

北檢希望透過緩起訴關懷弱勢公益活動，讓這些失親無依、身心障礙之弱勢兒童青少年在節日前，可以嚐嚐平常吃不到的天然酵母麵包，並感受到來自社會的溫暖與關懷。

yeast bread to disadvantaged groups and individuals.

b. Provide baking skill training.

i. TFCF South Center

Hours: 80 hrs

Target: Parents of families supported by TFCF

Purpose: Teaching disadvantaged families professional baking knowledge and related skills so that they could bake their own pastries and sell them at the Center's vending booths to increase income.

ii. Taipei Detention Center

Hours: 40 hrs

Target: Inmates

Purpose: For inmates to learn professional skills

(2) Microcinema on Restorative Justice⁷

Probationer Niu in the Office's probation with community services program completed 60 hours of community services from February 1, 2015 to September 15, 2016.

A. Execution Plan

Niu is an established film director, and through extensive discussions, the Office decided to leverage his expertise to produce a promotional film on restorative justice. Prior to shooting, the Office arranged Director Niu and his team to conduct in-depth interviews with Head Prosecutor Hsu Yu-Ju, who was in charge of restorative justice affairs, and a number of senior facilitators of restorative justice before completing the script.

B. Content of the Restorative Justice Promotional Film

(a) Script Concept:

The conceptual film conveys the core values of "restorative justice". Both the victims and the perpetrators, when facing loss and harm, may close themselves off and indulge in endless sorrow and bitterness. On the other hand, they may also learn to let go of hatred and rediscover the infinite beauty of the world. "Restorative justice" is that door ready to open for both parties at all times, providing people an opportunity

7. Authored by Probation Officer Lin Ya-Ying.



video view



to take the first step towards forgiveness and recovery on the path back to a happy life.

(b) Content of the Short Film (Narration):

In our life, how many mistakes will we make, how many people will we hurt, and how many will hurt us...?

Victims, perpetrators, we repeatedly play these two roles.

What's done is done, and there is nothing we can do to undo it.

There is no trial that is absolutely fair and just.

Jesus Christ said, "Love thy enemies."

Buddha said, "Heaven and Hell are separated by one mere thought."

Forgive, so you can let go of the pain and burden.

(c) Execution Outcome

After production was completed, the short film was uploaded onto the Office's restorative justice webpage. The goal was to trigger viewers' interest in restorative justice with the director's fame and the imagery of the film, so that they would be motivated to learn about the spirit and meaning of restorative justice, thereby significantly enhancing the promotion of restorative justice!

(3) Anti-Drug and Alcohol Action Drama⁸

Probationer Jin in the Office's deferred prosecution with community services program was required to complete 40 hours of community services for breaching the Drug Prevention Act and performed the service from January 7,

8. Authored by Probation Officer Shen Ya-Jing.



5 Jan., 2017, Chief probation officer and "Atonement Boys" street dance group

2016 to January 6, 2017.

A. Execution Plan:

(a) Jin is a celebrity and renowned street dancer in Taiwan. After discussion, the Office made arrangement for Jin to provide cleaning service at Sindi-an Drug Abuser Treatment Center, hoping to help him realize that drug abusers face penalties such as admission to the treatment center. Leveraging his expertise, the Office also launched the "Atonement Boys" street dance group with four other social labor service providers and substitute military servicemen. At the press conference on signing of a MOU on Anti-DUI and Drugs between the Office and Taipei City Government, the group performed a street dance/action drama they wrote and choreographed to promote the fight against DUI and drugs.

(b) To educate kids on the fight against drugs, the Office and the International Cultural Educational Foundation cooperated and arranged for Jin to teach street dancing to children from disadvantaged families sponsored by the foundation during the winter break, engaging them in healthy and proper leisure activities so that they learn to say no to drugs through an entertaining way!

B. Execution Outcome

(a) The Anti-DUI and Drugs action drama was covered and reported by TV and print media, allowing the fight against DUI and drugs to be promoted to the general public in a casual and easy-to-understand way.

(b) By learning street dancing, children of disadvantaged families gained



exposure to diverse development opportunities, boosting their confidence and reducing the likelihood of deviant behaviors.

(4) Famous Singer Promotes Anti-Drugs and Anti-Election Bribery

Probationer Yang in the Office's deferred prosecution with community services program was required to complete 60 hours of community services due to forgery and performed the service from July 3, 2007 to May 2, 2008.

A. Execution Plan:

Yang is a famous singer, and upon confirmation of the implementation of deferred prosecution with community services, the Office received lots of invitations from around the country. The Office also leveraged his expertise to plan various legal promotional activities targeting a nationwide audience in aim to maximize the effect in crime prevention.

B. Content of Activities:

(a) "Anti-Sexual Assault, Abuse, and Human Trafficking" Promotion.

(b) "Comprehensive Care: Help Me, Save Me" After-Care Promotion.

(c) Taipei County Government "Dancing to Fight Corruption" Anti-Corruption Promotion.

(d) After-care Day Activities at Taichung Women's Prison.

(e) Filming of PTS "Anti-DUI and Street Racing and Anti-election Bribery" Promotional Video.

(f) Hualien District Prosecutors Office Anti-election Bribery Promotion Activities and Hualien Prison "2008 Warmth in Winter".

(g) Shilin District Prosecutors Office "Guinness Record Dominos Anti-election Bribery" Promotion.

(h) Fundraising at "Year End with Love" Folk Song Charity Concert for persons with disabilities.

(i) "Youthful, Fun and Chill !" Anti-Drugs and Legal Education Concert for Youth.

(j) "2008 Penghu Ecology and After-Care Promotion Program" Ocean Protection Ambassador.



(k) Filming of “Anti-Drugs and AIDS” Promotional Video.

C. Execution Outcome:

(a) Through personal influences, Yang helped raise awareness for crime prevention and build staunch understanding of the law.

(b) The filming of charity videos to help give wider recognition and attention to charity and social welfare issues.

(c) Promotion of soft justice.

(5) Summer Crime Prevention Promotion by Professional Basketball Player

Probationer Chien in the Office’s deferred prosecution with community services program was required to complete 40 hours of community services



due to fraud. He performed the service from May 2, 2008 to March 1, 2009.

A. Execution Plan

Chien is a famous basketball player. The Office planned the “Say No to Drugs” Basketball Shooting Machine event to provide youth with an option in positive leisure activities, guide youths and the participating public toward positive and healthy exercises and activities, and connect social support networks to construct a lively living environment and interpersonal resources. Through the legal education activity, the Office also aimed to raise awareness in fighting “drugs,” “violence,” and “cyber” and “general” crimes and their bad influences on the society, so that citizens may learn to recognize clues to crimes in



their daily life to achieve prevention of deviant behaviors and crimes.

(a) Content of Activity:

i. Qualification: Application is open to all students and new graduates of public and private junior and senior high schools and senior students in elementary schools under the jurisdiction of the Office.

ii. Rules of Participation: The competition was divided into High School, Junior High School, and Elementary School divisions. Teams represented their own schools, and each division is further divided into individual and team sections. The competition was carried out over two rounds.

iii. Legal Education and Promotion: To implement the summer crime prevention program for youths, posters and banners were displayed at the competition venue; a quiz contest was also held to engage the players and audience to enhance the effect of the promotion.

B. Execution Outcome:

(a) Enhanced the knowledge of all participants on drugs, violence, and cyber and general crimes, raising crime prevention awareness in children, youths, and the general public.

(b) Helped to enhance self-confidence and positive self-concept of youths to

悔恨撞死人 送餐發願行善

遊覽車司機去年肇事 借錢賠償 失業到學校當廚工 剩菜剩飯送獨居老人 也要幫沒飯吃更生人



【記者劉峻谷／台北報導】台北縣林姓司機肇事撞死人，借錢賠償死者家屬，因為駕照被吊銷失業，太太也被裁員，一蹶不振，但他沒有被擊倒，到學校當廚工養家，打包剩菜剩飯行善送給獨居老人，更發願幫助剛出獄沒飯吃的更生人。

林姓遊覽車司機今年46歲，家住台北縣中和市，育有二子。去年3月20日，林駕遊覽車在新店市不慎撞死廖姓男子，被依業務過失致死罪移送法辦。林說，案發後他無法原諒自己，決定勇敢面對民事賠償和刑事責任，際自反省，盡發願行善。

林肇事前，妻子被公司裁員，他又因肇事致死被吊銷大客車駕照一年而失業，禍事接踵而來，家計陷入困境；儘管如此，他還是借錢湊足500萬元賠償廖家，檢察官認為他有悔意，又與被害人家屬達成和解，處分緩起訴，須服義務勞動120小時。

林獲緩起訴確定後，開始到榮譽觀摩人協會台北分會義務勞動，並在觀摩人的鼓勵下無作，到供應學校午餐的餐廚公司當搬運工，每天從上午10時起將飯菜逐一運送到學校教室門口，中午1點再回收餐具，月薪1萬3000元。

他表示，看著每天大批災倒掉十分可惜，去年9月開始每天將剩下的飯菜包成餐盒便當，送給兩位年逾70歲的獨居老人食用，他說，既助人又不浪費，是他目前能做到的善事。

今年1月，林姓男子服完義務勞動，他向台北地檢署表示，如果有剛出獄找不到工作沒飯吃的更生人，他願意力供給中餐便當，但數量不多，願諸為限，意者可向台北地檢署觀摩人接洽。

記者 劉峻谷／攝影

17 Feb., 2008, United Daily News C2

關於中廣 線上收聽 各網頻道 中廣主持人 中廣留聲機 廣告業務 健康資訊 網站導覽

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【2007/02/12 12:10 報導】 [列印](#) [轉寄](#) [總覽](#) [選報](#)

年關將近，法務部和更生保護會今天找來民歌手王瑞瑜等人到養老院表演，讓老人可以一邊品嚐點心，一邊欣賞懷舊曲調。法務部表示，王瑞瑜曾經因為酒後駕車吃上官司，不過，獲得北檢緩起訴處分並附帶應執行120個小時的義務勞務，這也讓王瑞瑜有機會擔任志工，協助公益團體成功募款。（陳鳳如報導）

緩起訴制度實施到現在已經五年，由於緩起訴的目的，是希望給當事人一個改過自新的機會，因此，檢方除了可以要求當事人捐款給公益團體之外，也可以要當事人必須到養老院或創世基金會等地點、服義務勞務。有鑑於農曆過年即將到來，為了讓孤苦無依、癱瘓和肢體殘障，無法謀生的老人，可以感受到社會的溫暖，法務部於是找來曾經獲得檢方緩起訴的民歌手王瑞瑜等人，以實際行動，關懷老人。台北地檢署襄閱主任檢察官林錦村也說，這些結合公益與關懷的活動，也可以說是柔性司法的展現。

(t):

此外，看到養老院已經斑駁的牆壁，還有一名經營油漆工程公司的蔡姓更生人，也願意慷慨解囊，在過年前替養老院粉刷牆壁，好讓老人家能夠提前感受過年的氣氛。

新聞總覽

聯合勸募串聯你的愛

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4 Jan., 2008, United Daily News C1

星光幫歌手
楊瑞瑜（左一）和法務部保釋司長郭文雄（左三）昨天在花蓮地檢署參加反賭宣傳活動，吸引大批歌迷到場。

記者田俊維／攝影

反賭選宣傳 楊瑞瑜HIGH翻

吸引大批粉絲搶答 獻唱新專輯飽耳福 東華「戶愚呂120%」演出熱舞帶動氣氛

【記者田俊維／花蓮報導】星光幫歌手楊瑞瑜昨天和法務部保釋司長郭文雄，到花蓮地檢署參加反賭宣傳活動，不但吸引大批粉絲搶答，現場還唱起「離子抒情歌」，也讓歌迷們大呼「HIGH」。

反賭選成果發表會昨天下午在花地檢署前廣場舉行，法務部次長朱高正、花蓮高分檢檢察長陳時俊及花蓮縣警局長王瑞瑜等數十人參加，東華大學「戶愚呂120%」團體演出反賭選熱舞，帶動氣氛。

花蓮地檢署檢察長朱高正指出，馬英九當選後，法務部將推出「50部新劇」，透過聲部老人輩血脈傳承，將反賭選觀念深植基層，展現年輕人的活力，其中「戶愚呂120%」曾獲社會大眾熱烈歡迎，舞團領有第二屆「反賭公益獎牌」，結合公益形象商家，向購物的大眾宣傳；第三是由地檢署與老人輩家屬團體合作，推出「50部新劇」，透過聲部老人輩血脈傳承，將反賭選觀念深植基層，展現年輕人的活力，其中「戶愚呂120%」曾獲社會大眾熱烈歡迎。

朱高正說，花蓮地檢署昨天也獲全國首屆獎金寶貴獎，他感到「一廂以喜」，一向以愛、喜約是執行主軸有具體成效；臺的是關連取獎選風，檢察人員更加把勁全力反賭選，締造優質、乾淨選文化。

活動壓軸是由郭文雄和楊瑞瑜演出「反賭選高潮大考驗」，郭文雄擔任考官提問新修正的選法實施後，買票刑罰幾幾年？檢察承辦為何？楊瑞瑜三連答稱：買票刑罰至少3年以上；檢察承辦0800-024999。

楊瑞瑜完成10個考題後，再抽籤10名觀眾上台回答，眾多學生和1名有4個多月身孕婦女擠到台上舉手搶答，展現花蓮人的熱情，被點上台的觀眾興奮尖叫，被點高喊「離子」，抒情曲時，觀眾更是如癡如醉。

郭文雄說，買票刑罰幾幾年？檢察承辦為何？楊瑞瑜三連答稱：買票刑罰至少3年以上；檢察承辦0800-024999。



酒駕緩起訴 服義務勞務

2 Jun., 2007, Chinatimes

服侍重殘病患 她體悟生命本質

張孝義／台北報導

「我身體健康、四肢健全，我已擁有了全世界，今後我會更加珍惜自己的生命，我更認真快樂過每一天。」，這是酒駕重殘起訴被告昭凌在照顧重傷身心障礙病患的義務勞務後，最真摯的感想，她感謝台北地檢署給她這個機會，重新認識自己的生命。

昭凌從小生活在一個充滿愛的環境裡，父母及多位兄長的細心照顧下，她是家裡的掌上明珠，不知什麼是憂慮。同樣的，昭凌也不知什麼是挫折，沒有處理挫折的能力，遇到困難只能自怨自艾，婚姻嚴重打擊了她的生命。

離婚後的昭凌成了單親媽媽，家庭破碎後，昭凌變得怨天尤人、憂鬱不堪，無法接受眼前的自己，亂發脾氣又使自己陷入更痛苦的生活。

她發現酒可以使自己快樂，忘卻眼前所有的切痛苦與煩惱，很快的，酒成了她重要的「朋友」。但是，一次到朋友那裡喝酒訴苦，使她成了酒醉駕車的被罰，卻也因此改變了她的生命。

當天昭凌的心情很壞，抓著酒猛灌，心想反正喝醉了可以在朋友家休息，多喝點也無所謂。不料她正吐著苦水，突然接到兒子想念媽媽的電話，母親促使她冒險酒駕回家照顧兒子，沒想到被路邊巡邏警員攔下，酒量超量超過移送標準，昭凌成了她這「輩子第一次」的被罰。面對檢察官開庭，昭凌雖然坦承自己的過錯，但是心中滿是怨恨，感覺自己是世界上最倒楣的人，除了要被罰金，還必須服義務勞務來「贖罪」，她不平的想著「天下還有比我更倒楣的人嗎」？

台北地檢署觀護人室安排昭凌到伊甸基金會所屬的「二壽重殘養護中心」服義務勞務，昭凌在養護中心看到了重度殘障的朋友，甚至還是多重身心障礙，這些四肢不全臥病在床的病人，臉上卻看不到愁容，認真的在活著。一天，昭凌開始想著，自己四肢健全，比起這些病人，自己真如身處天堂般幸福，卻人在福中不知惜福。

照顧重殘病人需要極大的耐心，昭凌的工作是清洗衣服、拖地、洗拖鞋，她看到院方的每個人都很親切，面對的都是可掬的笑容，「歡喜做，甘願受」，昭凌從中體悟了她從不了解的道理。昭凌的義務勞務結束了，生活卻有了三百六十度的轉變，她深刻了解活在當下應該珍惜生命，她深深感謝老天爺安排她走這一遭。

28 May, 2007, Liberty Times

酒騎緩起訴 髮型師義剪



香港籍髮型設計師鄭義因酒後騎車獲緩起訴處分，檢方指定他為低收入戶等弱勢族群剪髮，他剪髮技巧俐落、細膩，沒有因為是服義務勞務，而敷衍了事，頗受小朋友歡迎。(記者林慶川攝)

【記者林慶川／台北報導】緩起訴制度，讓弱勢族群也能享受專業髮型設計師的「貴賓級」剪髮服務！

台北市「立心慈善基金會」，近幾個月來，有一名「貴客」固定來訪，他就是香港籍的髮型設計師鄭義。鄭去年酒後騎車被警方以公共危險罪移送法辦，因為犯行輕微，檢察官給予緩起訴處分，不過，附帶條件是必須服義務勞務50小時，鄭則是主動向檢察官提及他具剪髮專長。

鄭向北檢觀護人黃金島報到後，檢方才發現，他來頭不小，是北市東區某髮藝名店髮型設計師，要讓他剪髮，至少10天前就要預約，剪髮價格1千8百元起跳，若加上洗、染或燙，至少得準備3至8千元。

立心慈善基金會下設萬華兒童福利中心及龍山安養中心，鄭自今年1月開始，便為兩中心的獨居、失能老人，及低收入、單親、受虐等家庭的兒童剪髮。

鄭義說，以前都是為高消費族群服務，因為酒駕事件，接觸弱勢族群，這是一個難得的經驗，「能為他們剪髮，很開心」。

鄭為小朋友剪髮時，除了逗他

們開心外，還掏掏腰包請他們喝「養樂多」，對於低收入戶的婦女朋友，也會詢問，喜歡什麼樣的髮型，他剪髮時，仔細、專心，沒有因為是義務剪髮，就隨便、馬虎。

萬華兒童福利中心主任許水鳳說，鄭相當隨和，中心的大、小朋友都很喜歡他。

北檢主任觀護人林美靜則說，鄭以前都是服務有錢人，因為緩

起訴制度，看到以前根本接觸不到的弱勢族群，也體會到助人的樂趣，未來一定更能「惜福造福」。

鄭義的50小時義務勞務已經服滿，他說，幫助人的感覺，真的很快樂，以後只要有空，會考慮再回來為他們免費剪髮。

對於是否還會酒後騎車，鄭說，以後再也不敢了，也呼籲大家不要心存僥倖。

緩起訴溫馨故事 娓娓道不盡

記者林慶川／特稿

緩起訴制度，是讓被告以義務勞務，或是捐錢方式，換取免入監服刑的機會，作法相當彈性，可視被告的專長，進行合適的安排，也因此有不少特殊的案例。

桃園地檢署即曾與老人義護中心共同推動名為「麻將之平」的特殊義務勞務活動，讓獲緩起訴的被告充當「牌搭子」，固定時間陪老人家打麻將。

一名李姓男子因酒後駕車，被依公共危險罪嫌送辦，檢方發現，他是台大園藝系畢業，因此，指定他至台北市「福星國小」服40小時的義務勞務，負責標示校

內的植物名稱，及建立植物分類圖。

彰化地檢署也曾值結一起工程弊案，案中協助洗錢的陳姓被告獲緩起訴處分，但條件是，必須義務為永靖鄉一處公園加蓋價值50萬元的涼亭一座，及整修公園造景，且保固6個月。

另外，曾有一名木匠酒駕獲緩起訴，檢方派他至偏遠山區的小學幫忙修繕課桌椅，他原本僅能服40個小時勞務，但時間結束後，才發現，僅修了一半，他認為，為小朋友服務算是功德一件，最後，把全部的桌椅都修好後才告辭。

餐廳違建被法辦 罰勞動服務 名廚傳藝 擠爆！

（記者楊惠琪）

市著名浙菜餐廳「閩老蘭黃」近住戶，多年來不斷向市府和法院
 (見圖，楊志琪攝)因餐廳違建檢舉「閩有違建」
 被移送法辦，他同意到學校旁動服，建管處多次前往拆除違建，因屢

移後獲釋起訴。觀聽，要他敘敘生
菜，一聽說廚要傳手藝，爆滿
的報名人數，多到分批批評。
位於台北安和路內的「國園」
，是浙東的老字號館，許政
到校勞動務四十五個小時。
拆廢建，至黃昏被逮違反禁
法因送法辦。台北地檢檢察官
酌量年已高，無刑料。又是
微犯行，予以緩起訴，但要他
到校勞動務四十個小時。

商人流是常事；開業三餘年生與
台北地檢處觀聽人收永進考黃

黃鵬接受過勞務邊計，兼上課程，每天四時課程，因為想他課的太多，還得兼開分班課。

黃鵬說：「台上一分鐘，台下十年功」，一身好廚得靠積月累和落幕。

到校園動服務，黃鵬以如練，負責描述環境，他說：會力和鄭和和睦相處，也感謝地檢署提起訴刑，給他一個過目君的機會，希望和左，鄭右會長以來的紛紛擾擾，就此落幕。



園老問教做年菜「贖罪」

酒駕緩訴 髮廊股東義剪

【記者劉峻谷／台北報導】台北市一名髮廊連鎖店股東錢某，酒後駕車被查獲，他以剪髮專長義務勞動60小時換取緩起訴。昨天他到兆光養護中心為30位老人剪出漂亮的髮型，他說：「很快樂，不會累。」

42歲的錢某，已有25年剪髮經驗；去年12月2日傍晚6時許，錢與朋友、員工在餐廳聚餐喝酒之後，騎機車在塔城街違規紅燈右轉，被警方攔檢，酒測值達0.68，超過安全酒測值，依公共危險將他移送台北地檢署偵辦。

檢方調查時，錢某十分後悔酒後騎機車。檢察官認為他犯後態度良好，要求他義務勞動60小時，對他處分緩起訴1年，觀護人安排他替弱勢團體剪頭髮。

昨天下午1時30分，錢國強到達義剪第一站兆如老人安養中心，為住在6樓的老人家剪頭髮，在3個小時共剪了30位老人，老人家都愛漂亮，修剪前主動要求髮型、照鏡子，他一一照辦。他說，用這種方式回饋社會感覺很快樂。

台北市觀護志工協進會理事吳寶湖，昨天到兆如養護中心接受錢鈺義剪髮，並致贈兆如養護中心1萬元慰問金。台北地檢署表示，運用緩起訴處分人的專長，可以讓義務勞動更有效率和發揮最大的效益。

未來兩個月，錢學詩將在兆如老人養護中心、龍山老人服務中心、萬華兒童服務中心，為老人、小孩剪髮。



因酒駕而被判勞動服務60小時的錢嘉樂(左)，昨天在觀護人陪同下前往老人安養中心替老人剪髮。

記者高彬原／攝影