

Narcotic Addict Rehabilitation Act, B.E. 2534 (1991)

This act was replaced by Narcotics Addict Rehabilitation Act, B.E. 2545 (2002)

Translation

BUMIBOL ADULYADEJ, REX.

Given on the 20th Day of November B.E. 2534;

Being the 46th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to have a law on narcotic addict rehabilitation;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly as follows;

Section 1

This Act is called the "Narcotic Addict Rehabilitation Act, B.E. 2534 (1991)".

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette, except that when and in what locality the provisions of Chapter 3 shall come into force shall be notified by the Minister in the Government Gazette.

Section 3

In this Act,

"Narcotics" means the narcotics under the law on narcotics and narcotics under the law on narcotics control;

"Narcotic addiction" means habitually consuming narcotics and being in the state of narcotic dependence whereby such state is capable of being identified on a technical basis;

"Rehabilitation center" means a center for rehabilitating the narcotic addicts and for identifying the state of narcotic addiction;

"Rehabilitation" means any act for the treatment of narcotic addiction and for the rehabilitation of the bodily and mental conditions of a narcotic addict to return to the normal state;

"Committee" means the Narcotic Addict Rehabilitation Committee;

"Competent official" means a person appointed by the Minister from the Government official of the Ministry of Justice or other State agencies concerned for the execution of this Act;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 4

The Minister of Justice shall have charge and control of the execution of this Act and shall have the power to appoint competent officials and issue Ministerial Regulations and Notifications for the execution of this act.

Such Ministerial Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Chapter 1

Section 5

There shall be a Narcotic Addict Rehabilitation Committee, consisting of the Permanent Secretary of the Ministry of Justice as Chairman, Director-General of the Department of Medical Services, Director-General of the Department of Communicable Disease Control, Director-General of the Police Department, Director-General of the Public Welfare, Director-General of Department of Corrections, Attorney -General, Chief Justice of the Central Juvenile and Family Court, Secretary-General of Food and Drug Administration and Secretary-General of the Narcotics Control Board as ex officio members and not more than two other members appointed by the Minister and Secretary-General of the Office of the Judicial Affairs as member and secretary.

The Committee may appoint a Government official of the Office of the Judicial Affairs to be assistant secretary.

Section 6

The Committee shall have the following powers and duties:

- (1) to appoint and dismiss the sub-committee of the rehabilitation center under Section 11;
- (2) to issue rules prescribing the rules and procedure on considering decision of the sub-committee of the rehabilitation center under Section 12 paragraph 2;
- (3) to submit recommendations to the Minister in Notifications concerned rehabilitation center under Section 14, Section 15 and Section 16;
- (4) to submit recommendations to the Minister in respect of the issuance of Ministerial Regulations prescribing rules and procedure on the making of records and the identification of narcotic addiction under Section 20;
- (5) to issue rules prescribing the rules and procedure on considering the commission of the alleged offender for rehabilitation under Section 21 and on considering the transfer of the alleged offender to the inquiry official under Section 21 and Section 33;
- (6) to issue rules prescribing the rules and procedure on the rehabilitation;
- (7) to issue rules prescribing the category of persons to be granted provisional release;
- (8) to issue rules prescribing the rules and conditions on considering the grant of provisional release under Section 23;
- (9) to consider and grant permission of transferring the person committed for rehabilitation in one rehabilitation center to be rehabilitated in the other rehabilitation center under Section 24;
- (10) to issue rules prescribing the rules and procedure on examination and follow - up of the results of rehabilitation of the persons granted provisional release;
- (11) to prescribe rules on the visit and communication with the persons committed for rehabilitation within the rehabilitation center;
- (12) to issue rules prescribing the rules on the reduction and extension of the period of rehabilitation under Section 25;
- (13) to issue rules prescribing the rules and procedure on procedure for reporting the result of identification including the result of rehabilitation to the inquiry official;
- (14) to issue rules prescribing the rules on considering the infliction of punishment on the person violating or failing to comply with the rules, conditions and regulations under Section 32;
- (15) to prescribe other rules for the execution of this Act.

Section 7

A member appointed by the Minister shall hold office for a term of two years. An outgoing member may be re-appointed.

Section 8

The member appointed by the Minister vacates office before the expiration of the term upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Minister;
- (4) being a person of unsound mind or mental infirmity;
- (5) being a person of bankruptcy;
- (6) being imprisoned by a final judgment.

In the case where a member vacates office before the expiration of his term, the Minister may appoint other person to replace him.

In the case where there is an appointment of member during the term of the member already appointed, whether it is an appointment of an additional member or appointment of the person to replace the outgoing member, the appointee shall hold office for the remaining term of the members already appointed.

Section 9

At a meeting of the Committee, the presence of not less than one - half of the total number of members is required to constitute a quorum.

The Chairman of the Committee shall preside over the meeting. In the case where the Chairman is not present at the meeting or is unable to perform his duty, the members present shall elect one member to preside over it.

The decision of the meeting shall be by majority of votes. Each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as the casting vote.

Section 10

The Committee may appoint a sub-committee to carry out any act as entrusted, and Section 9 shall apply *mutatis mutandis*.

Section 11

The Committee shall appoint a sub-committee for each rehabilitation center. The sub-committee shall consist of the Director of the Rehabilitation Center as Chairman, one medical doctor, one psychologist, one social worker and not more than two other members appointed by the Committee and a competent official of the rehabilitation center as member and secretary.

The sub-committee of the rehabilitation center may appoint one competent official of the rehabilitation center as assistant-secretary.

Section 12

The sub-committee of the rehabilitation center shall have the following powers and duties:

- (1) to consider and decide whether the alleged offender is a narcotic addict or not;
- (2) to consider and grant provisional release to the persons committed for rehabilitation;
- (3) to submit recommendations to the Committee in respect of the transfer of the persons committed for rehabilitation to the other rehabilitation center;
- (4) to reduce or extend the period of rehabilitation;

- (5) to consider and decide whether or not the persons committed for rehabilitation have recovered from narcotic addiction;
- (6) to report the result of rehabilitation to the Committee as the Committee specified and report the result of identification including the result of rehabilitation to the inquiry official;
- (7) to submit recommendations to the Committee in respect of the procedure of identification and the procedure of rehabilitation.

The rules and procedure of consideration and decision on (1) and (5) shall be in accordance with the rules as prescribed by the Committee.

Section 13

The provisions of Section 8 and Section 9 shall apply *mutatis mutandis* to the sub-committees of the rehabilitation centers.

Chapter 2

Section 14

For the purpose of rehabilitation, the Minister shall have the power to establish and dissolve rehabilitation centers by notifying in the Government Gazette.

Section 15

The Notification establishing a rehabilitation center shall have the following particulars:

- (1) prescribing the exact territorial jurisdiction of the rehabilitation center with the map specifying such territory attached to the Notification;
- (2) prescribing the localities falling within the territorial jurisdiction of the rehabilitation center under (1).

Section 16

In the case where there is the reasonable ground, the Minister may notify in the Government Gazette modifying the territorial jurisdiction of the rehabilitation center under Section 15 (1) or modifying the localities falling within the territorial jurisdiction of the rehabilitation center under Section 15 (2).

For the modification of the territorial jurisdiction of the rehabilitation center under paragraph one, a map clearly specifying the original territory and the modified one is required to be attached to the Notification.

Section 17

A rehabilitation center shall be an institution for treatment under the Penal Code.

Section 18

Each rehabilitation center shall have one Director of the Rehabilitation Center as the superior official responsible for the performance of official duties thereof and having the following powers and duties:

- (1) to identify narcotic addiction of the alleged offender admitted under Section 19;
- (2) to supervise the persons committed for rehabilitation to comply with various rules, conditions and regulations;
- (3) to carry out the rehabilitation of the person committed therefore in accordance with the rules prescribed;
- (4) to follow-up the result of rehabilitation of the persons granted provisional release ;
- (5) to prepare a report on the result of the narcotic addiction identification including the result of rehabilitation to be submitted to the sub-committee of the rehabilitation center;

- (6) to issue regulations of the rehabilitation center for the execution of this Act;
- (7) to perform other duties as entrusted by the Committee or the sub-committee of the rehabilitation center.

Chapter 3

Section 19

The inquiry official shall transfer any person, who is alleged to consume or have in possession the narcotics of category 1, category 2 or category 5 in the quantity prescribed in the Ministerial Regulation and who does not appear to be the alleged offender or to be prosecuted for other offences punishable with imprisonment or to be imprisoned by judgment of court, to the rehabilitation center within the territorial jurisdiction for identifying whether such alleged offender is a narcotic addict or not; provided that, the inquiry official shall continue to proceed with the inquiry.

In the case where the alleged offender under paragraph one has not yet completed eighteen years of age, the law on instituting the juvenile and family courts and the law on procedure for juvenile and family cases shall apply.

Section 20

Upon admission of the alleged offender under Section 19, his record shall be made and identification as to whether or not he is a narcotic addict shall be conducted.

The rules and procedure on the making of records and the identification under paragraph one shall be prescribed in the Ministerial Regulation.

Section 21

In the case where the sub-committee of the rehabilitation center decides that the result of identification appears that the alleged offender is a narcotic addict, the competent official shall commit him for rehabilitation, and then reports to the inquiry official. If the result of identification does not reveal that such person is a narcotic addict, the competent official shall transfer him to the inquiry official together with the identification report.

Section 22

Subject to Section 25, Section 26 and Section 27, the person committed for rehabilitation shall undergo the rehabilitation treatment in the rehabilitation center in accordance with the rules prescribed by the Committee for a period of not more than six months as from the day of the commission therefore.

Section 23

The sub-committee of the rehabilitation center may grant provisional release to the person committed for rehabilitation, who is the person under the rules prescribed by the Committee, by imposing the conditions to be complied with, whenever it appears to the sub-committee of the rehabilitation center that there is a reasonable cause under the rules prescribed by the Committee.

The provisional release under paragraph one may be granted without bail or with bail, with or without security. And after granting a provisional release, the competent official shall notify the inquiry official immediately.

Section 24

In the case where it appears that the domicile of the person committed for rehabilitation is not in the locality within the territorial jurisdiction of the rehabilitation center in which is committed for rehabilitation or where there are other reasonable grounds in regard to his family conditions, the person committed for rehabilitation may request the sub-committee of the rehabilitation center for its consideration and permission to transfer him to the other rehabilitation center. The sub-committee shall, upon receipt of such request, submit the matter together with its opinion to the Committee.

In the case where the grounds under paragraph one appear to the sub-committee of the rehabilitation center itself, the sub-committee may submit its opinion to the Committee without request.

The Committee may grant permission of transferring such person to the other rehabilitation center only if it appears that such transfer will be beneficial to the rehabilitation of such person.

Section 25

The person committed for rehabilitation may be granted a reduction or extension of the period of rehabilitation in accordance with the rules prescribed by the Committee.

Section 26

In the case where it appears that the result of rehabilitation is unsatisfactory, the sub-committee of the rehabilitation center shall consider the extension of the period of rehabilitation. If it appears that the result is satisfactory, the sub-committee may reduce the period as it thinks fit or retransfer the person committed therefore together with the rehabilitation report to the inquiry official.

Section 27

The extension and reduction of the period of rehabilitation may be made many times, but each extension shall not be longer than six months and the total periods shall not exceed three years as from the day of transferring the person to commit for rehabilitation.

Section 28

During the identification or the rehabilitation, the person committed therefore shall be deemed the person under detention under the Penal Code.

Section 29

The person committed for rehabilitation shall strictly comply with the rules and conditions prescribed by the committee and the sub-committee of the rehabilitation center including the regulations thereof.

Section 30

During the rehabilitation, if the person committed for rehabilitation escapes from the territory of the rehabilitation center, it shall be deemed that such person escapes from the detention under Section 190 of the Penal Code, and the competent official shall notify the inquiry official immediately. In this case, the competent official shall have the power to pursue and arrest him.

In case where there is an escape under paragraph one, the duration, which he has been under rehabilitation, shall not be included in the period of detention.

Section 31

In the case where the person committed for rehabilitation that has been granted provisional release fails to comply with or violates the rules, conditions or regulations prescribed, the competent official shall arrest him and recommit him for rehabilitation in the rehabilitation center without a warrant of arrest.

In this case, the Director of the Rehabilitation Center shall also have the power to inflict punishment under Section 32.

Section 32

If any person committed for rehabilitation violates Section 29, the Director of the Rehabilitation Center shall have the power to inflict upon him any one or more of the following punishments:

- (1) probation;
- (2) suspension of permission of being visited or communicated for not longer than three months;
- (3) solitary confinement not exceeding fifteen days for each confinement.

Section 33

When the sub-committee of the rehabilitation center decides that the person committed for rehabilitation has been so far rehabilitated as to recover from narcotic addiction, it shall be deemed that he is relieved from the alleged offence. The competent official shall set him at liberty and send the rehabilitation report together with the opinion of the sub-committee of the rehabilitation center to the inquiry official to stay the criminal proceedings against him.

In the case where the result of rehabilitation of any person committed therefore is not satisfactory, although the rehabilitation has been carry out up to the expiration of the period under Section 22 and Section 27, the competent official shall retransfer him to the inquiry official together with the report on the result of rehabilitation and the opinion of the sub-committee of the rehabilitation center for consideration as to whether or not it is expedient to institute the criminal proceedings against him.

Section 34

In conducting the trial and deciding the case of the alleged offender who has already undertaken the rehabilitation, the Court may impose upon him less punishment to any extent than that provided by law for such offence or may not even impose punishment upon him; provided that, the period of rehabilitation undertaken by him shall be taken into consideration.

Section 35

In the execution of this Act, the members of the Committee, the members of the sub-committee and the competent officials under this Act shall be administrative or police officials under the Criminal Procedure Code and officials under the Penal Code.

Chapter 4

Section 36

Any member of the Committee, member of the sub-committee or competent official who discloses any fact, document or evidence acquired through performing the duties under this Act shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten thousand Baht or to both, unless such disclosure is made for the purpose of officials.

Countersigned by

Mr. Anand Panyarachun

Prime Minister

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