

Royal Decree on Amnesty, B.E. 2542 (1999)

Translation

Bhumibol Adulyadej, Rex,
Given on the 4th date of December 1999
The 54th year of the present reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas His Majesty feels that on the auspicious occasion of His Majesty's 6th cycle birthday on December 5, 1999 it is appropriate to grant amnesty to inmates to provide them with an opportunity to convert and become good citizens beneficial to the nation.

By the power of Section 22I and Section 225 of the Constitution of the Kingdom of Thailand and Section 261 bis of the Criminal Procedures Code, amended by the Amendment Act to the Criminal Procedure Code No. 9, B.E. 2517 (1974), His Majesty is graciously pleased to enact a Decree as follows:

Section 1

This Decree is called, "Royal Decree on Amnesty, B.E. 2542 (1999)"

Section 2

This Royal Decree shall come into force with effect on December 5, 1999 onwards.

Section 3

In this Royal Decree,

"Detainees" refers to persons detained as punishment of imprisonment or in place of a fine, adjudged or ordered by the final court before or on the date this Royal Decree goes into effect.

"Absolute Prisoner" refers to persons on the date when this Royal Decree goes into effect are absolute prisoners in accordance with corrections law or prisoners in accordance with military prison law.

"Penalty" refers to penalty ordered by the court in a judgment and specified in the penalty note when the case is finalized, or penalty legally ordered and already reduced by a Royal amnesty or other cause, if any.

"First Conviction" refers to conviction by being sentenced to imprisonment for one or more offences and without being given more penalties by the court according to Section 92 or Section 93 of the Criminal Code or any other law.

Section 4

Prisoners eligible for the Royal amnesty must be held in captivity by the authorities or detained in a place or residence stipulated by the court or authorities throughout the period from the date this Royal Decree becomes effective until the date of being granted freedom or reduction of imprisonment by the order of the court or prime minister under the criteria and procedures specified in this Royal Decree.

Section 5

Detainees shall be granted with amnesty of release.

Section 6

Pursuant to Section 8, Section 9, Section 10 and Section 11, the following absolute prisoners shall be granted with amnesty of release:

- (1) Persons serving prison terms for one or more offences and still having to serve not more than six months' imprisonment from the date this Royal Decree becomes effective.
- (2) Persons of the following descriptions:
 - (A) suffering from total blindness, having lost both hand or both feet or being, noticeably handicapped - as for the last case, at least two medical doctors serving for the authorities have certified that the prisoners with such handicap will not be able to earn their living permanently.
 - (B) suffering from leprosy, chronic renal failure, cancer or mental disorders, and having been treated by the penitentiary authority for at least three months prior to the date when this Royal Decree become effective, and at least two medical doctors serving for the authorities have certified that the prisoners with such disease will not be cured while serving the jail terms, and whether serving the jail term for one or more offences, the prisoners have served at least five years or at least half of their jail term to the date this Royal Decree
 - (C) Women certified by a medical doctor serving for the authorities as being pregnant, and whether serving the jail term for one or more offences, the prisoners still have to serve not more than one years jail term from the date this Royal Decree becomes effective.
 - (D) Women convicted for the first time, and whether serving the jail term for one or more offences have served at least half of their jail term to the date this Royal Decree becomes effective.
 - (E) persons being at least sixty years of age as shown in the House Registration pursuant to the Civil Registration Act or as shown in the prison record - if their names do not appear in the House Registration - having served at least five years or at least one third of their prison term for one or more offences to the date this Royal Decree become effective.
 - (F) persons being convicted for the first time and below twenty years of age as shown in the House Registration pursuant to the Civil Registration Act or as shown in the prison record - if their names do not appear in the House Registration -- having served at least half of their prison term for one or more offences to the date this Royal Decree becomes effective.
 - (G) persons convicted for the first time for one or more offences with total imprisonment of not more than one year.
 - (H) being excellent absolute prisoners serving jail term for one or more offences, having not more than two years of prison term to serve from the date this Royal Decree becomes effective.
- (3) Persons granted with remission pursuant to the Corrections Act or Military Prison Act or granted with parole by reduced sentence pursuant to the Corrections Act, who have not violated any conditions of such remission or parole.

Section 7

With respect to Section 8, Section 9, Section 10 and Section 11, absolute prisoners not released by the Royal amnesty under Section 6 shall be granted with a Royal amnesty with reduction of prison term according to the inmate rating under the Corrections Act or Military Prison Act as follows:

Excellent inmates: to have prison term reduced by half

Very good inmates: to have pr1son term reduced by one third

Good inmates: to have pr5son term reduced by one fourth

Average inmates: to have prison term reduced by one fifth

Inmates serving a prison term for the offence committed through negligence - except manslaughter - shall have their prison term reduced by two thirds, provided that by the time the Royal Decree becomes effective they are not due to serve another prison term for one or more offences.

Section 8

With respect to Section 9 and Section 10, absolute prisoner serving a prison term of the following offences:

- (1) offences under Section 190, Section 218, Section 220 paragraph 2, Section 222, Section 224, Section 276 paragraph 2, Section 277, Section 277 bis, Section 277 tri, Section 280, Section 282, Section 283, Section 289 and Section 313 paragraphs 2 or 3 of the Criminal Code.
- (2) violation of Forestry Act, National Forest Reserve Act and National Park Act
- (3) shall be granted with Royal amnesty with reduction of prison term according to the inmate rating under the Corrections Act or Military Prison Act as follows:
 - Excellent inmates: to have prison term reduced by one third
 - Very good inmates: to have prison term reduced by one fourth
 - Good inmates: to have prison term reduced by one fifth
 - Average inmates: to have prison term reduced by one sixth

Under any circumstances, reduction of prison term shall not exceed one third of the sentence originally passed by the judge.

Section 9

Absolute prisoners receiving final judgment as death sentence or final legal judgment or order to life imprisonment, shall be granted with Royal amnesty as follows:

- (1) persons receiving a death sentence shall be condoned to life imprisonment.
- (2) persons receiving life imprisonment shall be condoned to 40 years' imprisonment from the first date of serving the jail term except having to serve a jail term after serving for another offence, the 40 years' imprisonment shall start after the previous term.
- (3) Absolute prisoners receiving final judgment or legal order to life imprisonment and after amnesty of reduction of jail term according to inmate rating in accordance with the Corrections Act or Military Prison Act, Section 7 or Section 8 of this Royal Decree under any circumstances, shall serve a prison term of not less than 33 years and 4 months.

Section 10

The following absolute prisoners are not entitled to the Royal amnesty under this Royal Decree:

- (1) inmates committing an offence under law pertaining to narcotics, narcotic offender suppression measures, or substances affecting the mind and nerves, convicted for producing, smuggling in or out or producing, smuggling in or out for distribution or having in possession for distribution,
- (2) inmates adjudged to receive additional penalty for repeated offence according to Section 92 or Section 93 for the same offence in the Criminal Code or other law,
- (3) inmates for offences under Section 8 (1) or (2) with remaining jail term of not more than two thirds of the original sentence,
- (4) absolute prisoners receiving final judgment as death sentence and once granted an amnesty.

(5) absolute prisoners receiving final judgment or legal order as life imprisonment and once granted an amnesty, and still having to continue to serve a jail term of not more than 33 years and 4 months.

(6) inmates who are bad or very bad absolute prisoners

Section 11

Absolute prisoners convicted for an offence under law pertaining to narcotics, or substances affecting the mind and nerves, who are released under this Royal Decree shall observe conditions for absolute prisoners' behavior receiving parole or premature release fixed by the Corrections department in line with the Corrections law. Prisoners under the Military Prison Act shall observe regulations of the Ministry of Defense.

Section 12

Under Section 9 and Section 10, inmates who have been appointed an assistant warden for at least one year to the date this Royal Decree becomes effective, shall have their prison term reduced by one more year.

Section 13

To enable the local court to make decision on the release of prisoners or the reduction of prison term, a three-person examination committee shall be formed out of a local governor, a local judge/local military judge and a local public prosecutor/military public prosecutor, and such a committee shall determine the eligibility for the Royal amnesty and send the list of names of eligible persons to the local court within sixty days from the date on which this Royal Decree becomes effective.

To enable the Prime Minister to issue an order to release prisoners or reduce prison terms for the prisoners, the committee mentioned in the previous paragraph, shall screen the persons imprisoned by lawful orders, who are eligible for the Royal amnesty, and then submit the list of such persons to the Prime Minister within sixty days from the date on which this Royal Decree becomes effective.

After the order for the release or reduction of prison terms has been issued, such committee shall make a list of persons granted with Royal amnesty. One copy is to be kept at the prison, one to be sent to the court, one to be sent to the Ministry of interior and the final one to be presented to His Majesty the King.

If the formation of such committee is not practical, the Interior Minister may, as he deems appropriate, appoint government officials to do such work.

If there are any problems in connection with the performance of the committee on the examination and submission of the list of persons granted with Royal amnesty, a ruling decision shall be made by a commission formed by the Interior Minister, Defense Minister, Justice Minister and chaired by the Prime Minister.

Section 14

As for the prisoners convicted under the Military Prison Act, the Defense Minister shall form a committee out of government officials who he deems fit. Such committee shall screen a list of persons entitled to the Royal amnesty and send the list to the military court of Bangkok, the military regional court or military provincial court within sixty days from the date on which this Royal Decree becomes effective. This is to enable such a military court to make decision on issuing an order for the release of prisoners or reduction of penalty.

Paragraphs 2 and 3 of Section 13 shall be applied mutatis mutandis.

In the application of this Royal Decree to the prisoners under the Military prison law, if a problem not dealt with hereunder arises, the Defense Minister shall issue an order in comparison of the case and in line with this Royal Decree.

Section 15

The Prime Minister, Interior Minister, Defense Minister, and Justice Minister shall, within the scope of their authority, oversee the work performed in accordance with the Royal Decree.

Countersigned by
Mr.Chuan Leekpai
Prime Minister

Remarks: The reason for the proclamation of this Royal Decree is because of the special occasion of His Majesty the King's 6th cycle birthday on December 5, 1999. It's deemed appropriate that convicts be given Royal amnesty to enable them to correct their behavior and become good citizens, which will benefit the country as a whole. As a result, this Royal Decree has been promulgated.

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