

J. Y. Interpretation No.108 (July 28, 1965) *

ISSUE: How should the period of statute of limitations be calculated for successive or continuous acts that are indictable only upon complaint?

RELEVANT LAWS:

J. Y. Explanation Yuan-tze No. 1232 (司法院院字第一二三二號解釋).

KEYWORDS:

period of statute of limitations (告訴期間), plaintiff (原告), continuation (繼續、連續). **

HOLDING: In cases where the plaintiff is limited to the person aggrieved and there are repeated or continuing offences, the period of statute of limitations within which the plaintiff can bring an action shall commence upon the plaintiff's knowledge of the most recent offending act or upon cessation of the offending act. This Yuan's Interpretation Yuan-tze No. 1232 shall be amended accordingly.

解釋文：告訴乃論之罪，其犯罪行為有連續或繼續之狀態者，其六個月之告訴期間，應自得為告訴之人，知悉犯人最後一次行為或行為終了之時起算。本院院字第一二三二號解釋應予變更。

* Translated by Wei-Feng Huang.

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REASONING: In cases where the plaintiff is limited to the person aggrieved and there are repeated or continuing offences, it is unreasonable to have the period of statute of limitations commence upon the plaintiff's initial identification of the offender, the reason being that it is inevitable that the period of statute of limitations will expire while the offence is repeated or continues. Therefore, the period of statute of limitations should commence upon the plaintiff's knowledge of the offender's most recent offending act or when the offence has ceased.

Unless otherwise the relevant statutes are amended and thus ceased to be effective, the interpretations made by this Yuan shall still have their effects and shall not be violated.

解釋理由書：告訴乃論之罪，其犯罪行為有連續或繼續之狀態者，其六個月之告訴期間，若自得為告訴之人最初知悉犯人之時起算，則難免發生犯罪行為尚在連續或繼續狀態中，而告訴期間業已屆滿，不得告訴之情事，亦非情理之平。故其告訴期間，應自知悉犯人最後一次之行為或行為終了之時起算。

本院解釋，除因法令內容變更而失效者外，在未經變更前，仍有其效力，不得牴觸，合併指明。