## TAIWAN CONSTITUTIONAL COURT

Schedule for the Oral Arguments from November 2023 to March 2024

| Date                              | Case Name  | Petitioner(s)                   | Case No.               | Issue (Summarized)   | Deadline for Amicus Curiae Applications and Expert Opinions   |
|-----------------------------------|--|---------------------------------|------------------------|--|---|
| November<br>27, 2023<br>(Morning) | Case on the Extended Confiscation of Criminal Proceeds | I-Hui CHI                       | 111-Hsien-<br>Min-4096 | In a narcotics case, whether the applied Article 2, Paragraph 2 of the Criminal Code and Article 19, Paragraph 3 of the Narcotics Hazard Prevention Act are unconstitutional.                  | Amicus Curiae applications should be turned in by October 19, 2023.  Once permitted, Amici Curiae shall turn in their expert opinions by November 19, 2023. |
| December                          | Case on Life Sentence Prisoners                        | Chao-Ho Hsieh                   | 109-Hsien-<br>Erh-333  | Whether Article 79-1, Paragraph 5 of the<br>Criminal Code (2005 version) and Article 7-2,<br>Paragraph 2 of the Enforcement Law of the<br>Criminal Code are unconstitutional.                  | Amicus Curiae applications should be turned in by October 31, 2023.   |
| 19, 2023<br>(Morning)             | Serving Remaining Sentence after Revocation of Parole  | [1] I-Ching CHEN (consolidated) | 109-Hsien-<br>Erh-397  | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version), Article 7-1, Paragraph 2 and Article 7-2, Paragraph 2 of the Enforcement Law of the Criminal Code are unconstitutional. | Once permitted, Amici Curiae shall turn in their expert opinions by November 30, 2023.  |

| Crin (co | [2] apreme Court riminal Panel No.3 onsolidated) [3] aning-Ho LAI | 109-Hsien-<br>San-26  | The petition was filed by the Supreme Court Criminal Panel No.3, who was convinced that Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional when hearing the Supreme Court Case 109-Tai-Kang-778. Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is |
|----------|---|-----------------------|--|
|          | onsolidated)  | Erh-414               | unconstitutional.  |
|          | 【4】<br>sin-Sheng FU<br>onsolidated)                               | 109-Hsien-<br>Erh-326 | Whether Article 79-1, Paragraph 5 of the<br>Criminal Code (2005 version), Article 7-1,<br>Paragraph 2 and Article 7-2, Paragraph 2 of the<br>Enforcement Law of the Criminal Code are<br>unconstitutional.   |
|          | 【5】<br>Ming-Hui LI<br>onsolidated)                                | 109-Hsien-<br>Erh-336 | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) and Article 7-2 of the Enforcement Law of the Criminal Code are unconstitutional.  |
|          | 【6】<br>Yu-Hua LI<br>onsolidated)                                  | 109-Hsien-<br>Erh-426 | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version), Article 7-1, Paragraph 2 and Article 7-2, Paragraph 2 of the Enforcement Law of the Criminal Code are unconstitutional.   |

| 【7】 Kuo-Ching YANG (consolidated)           | 110-Hsien-<br>Erh-18  | Whether Article 79-1, Paragraph 5 of the Criminal Code (1997 version) is unconstitutional.  |
|---|-----------------------|---|
| [8] Cheng-Yung YANG (consolidated)          | 110-Hsien-<br>Erh-38  | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional.  |
| 【9】 Teng-Sheng WANG (consolidated)          | 108-Hsien-<br>Erh-179 | When motioning for an objection against serving the remaining sentence after revocation of parole, the petitioner argues whether the applied Article 79-1, Paragraph 5 of the Criminal Code (2005 version) and Article 7-2, Paragraph 2 of the Enforcement Law of the Criminal Code are unconstitutional. |
| 【10】<br>Chen-Hui<br>HSIEH<br>(consolidated) | 110-Hsien-<br>Erh-82  | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional.  |
| 【11】<br>Ching-Pao<br>CHEN                   | 110-Hsien-<br>Erh-173 | (1) Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) and Article 7- 2, Paragraph 2 of the Enforcement Law of   |

| (consolidated)                        |                       | the Criminal Code are unconstitutional.   |  |
|---------------------------------------|-----------------------|---|--|
|                                       |                       | (2) The petitioner of this case also motioned for   |  |
|                                       |                       | a preliminary injunction.   |  |
| 【12】<br>Yung-Chuan                    | 110-Hsien-            | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is  |  |
| LIEN (consolidated)                   | Erh-81                | unconstitutional.   |  |
| 【13】<br>Tsai-Pao HO<br>(consolidated) | 110-Hsien-<br>Erh-185 | <ol> <li>(1) In a kidnapping and extortion case, the petitioner argues that Supreme Court Judgment 77-Tai-Shang-4688 (1988) is unconstitutional.</li> <li>(2) Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional. (The petitioner misquoted</li> </ol> |  |
| <b>V</b> 14 <b>V</b>                  |                       | the article as "Article 79".)   |  |
| Chun-Yu KUO                           | 110-Hsien-<br>Erh-234 | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is  |  |
| (consolidated)                        |                       | unconstitutional.   |  |
| 【15】<br>Chien-Yang                    | 110-Hsien-            | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is  |  |
| TSAI (consolidated)                   | Erh-282               | unconstitutional.   |  |

| 【16】 Tse-Yuan CHEN (consolidated)     | 110-Hsien-<br>Erh-297 | Whether Article 7-2, Paragraph 2 of the Enforcement Law of the Criminal Code (2005 version) is unconstitutional.  |  |
|---------------------------------------|-----------------------|---|--|
| 【17】 Chi-Fang YANG (consolidated)     | 110-Hsien-<br>Erh-179 | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional.  |  |
| 【18】 Wen-Cheng PENG (consolidated)    | 110-Hsien-<br>Erh-307 | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional.  |  |
| 【19】<br>Kuo-Chen WU<br>(consolidated) | 109-Hsien-<br>Erh-503 | <ol> <li>Whether Article 79-1, Paragraph 5 of the<br/>Criminal Code (2005 version), Articles 7-1<br/>and 7-2 of the Enforcement Law of the<br/>Criminal Code are unconstitutional.</li> <li>Petition to supplement the decision of J.Y.<br/>Interpretation No.796.</li> </ol> |  |
| 【20】<br>Ming-Hsiung                   | 111-Hsien-            | When motioning for an objection against serving the remaining sentence after revocation   |  |
| YU (consolidated)                     | Min-50                | of parole, the petitioner argues whether the pertaining provisions of Article 79-1, Paragraph   |  |

|                      |            | 5 of the Criminal Code (2005 version) and           |  |
|----------------------|------------|---|--|
|                      |            | Article 7-2, Paragraph 2 of the Enforcement         |  |
|                      |            | Law of the Criminal Code are unconstitutional.      |  |
| <b>【</b> 21 <b>】</b> |            | Whether Article 79-1, Paragraph 5 of the            |  |
|                      | 111-Hsien- | Criminal Code (2005 version) and Article 7-2,       |  |
| Ming-Tung KU         | Min-903466 | Paragraph 2 of the Enforcement Law of the           |  |
| (consolidated)       |            | Criminal Code are unconstitutional.                 |  |
|                      |            | (1) In a narcotics case, the petitioner argues that |  |
|                      |            | the ruling of Supreme Court Criminal Order          |  |
| [22]                 |            | 111-Tai-Kang-120 is unconstitutional.               |  |
| Chang-Feng           | 111-Hsien- | (2) Whether the applied Article 79-1, Paragraph     |  |
| TAN                  | Min-1496   | 5 of the Criminal Code (2005 version) and           |  |
| (consolidated)       |            | Article 7-2, Paragraph 2 of the Enforcement         |  |
|                      |            | Law of the Criminal Code are                        |  |
|                      |            | unconstitutional.                                   |  |
| <b>[</b> 22]         |            | In a case concerning serving the remaining          |  |
| [23]                 | 111-Hsien- | sentence after revocation of parole, whether        |  |
| Sung-Ming LI         | Min-903844 | Article 79-1, Paragraph 5 of the Criminal Code      |  |
| (consolidated)       |            | (1997 version) is unconstitutional.                 |  |
| <b>【</b> 24 <b>】</b> | 110 Haire  | Whether Article 79-1, Paragraph 5 of the            |  |
| Chin-Sheng LIN       | 112-Hsien- | Criminal Code (2005 version) is                     |  |
| (consolidated)       | Min-900162 | unconstitutional.                                   |  |

| [25] San-Neng LI (consolidated) [26] Yao-Ching | 112-Hsien-<br>Min-159    | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional.  In a case concerning serving the remaining sentence after revocation of parole, whether |
|--|--------------------------|---|
| YANG (consolidated)                            | Min-325                  | Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional.  |
| 【27】 Ming-Hui LI (consolidated)                | 112-Hsien-<br>Min-900462 | Whether the Article 79-1, Paragraph 5 of the Criminal Code (2005 version) and Article 7-2, Paragraph 2 of the Enforcement Law of the Criminal Code are unconstitutional.            |
| [28]   |                          | Whether the applied Article 79-1, Paragraph 5   |
| Tung-Peng                                      | 112-Hsien-               | of the Criminal Code (1997 version) and Article   |
| CHEN   | Min-900496               | 7-2, Paragraph 2 of the Enforcement Law of the  |
| (consolidated)                                 |                          | Criminal Code are unconstitutional.   |
| [29] Ming-Hui LI (consolidated)                | 112-Hsien-<br>Min-526    | Whether Article 79-1, Paragraph 5 of the Criminal Code (2005 version) is unconstitutional.  |
| 【30】 Kuo-Kuang LI (consolidated)               | 112-Hsien-<br>Min-885    | The petitioner, when motioning for objection against serving the remaining sentence of a robbery case after revocation of parole:  (1) Argues that the ruling of Supreme Court      |

| 1         |                      |                      | T             | T  |                                    |
|-----------|----------------------|----------------------|---------------|--|------------------------------------|
|           |                      |                      |               | Criminal Order 112-Tai-Kang-219 is unconstitutional. |                                    |
|           |                      |                      |               |  |                                    |
|           |                      |                      |               | (2) Whether Article 79-1, Paragraph 5 of the         |                                    |
|           |                      |                      |               | Criminal Code (2005 version) is                      |                                    |
|           |                      |                      |               | unconstitutional.                                    |                                    |
|           |                      |                      |               | (1) In a murder case, the petitioner argues that     |                                    |
|           |                      |                      |               | the ruling of Supreme Court Criminal Order           |                                    |
|           |                      | <b>[</b> 31 <b>]</b> |               | 112-Tai-Kang-65 is unconstitutional.                 |                                    |
|           |                      | Ming-Chih            | 112-Hsien-    | (2) Whether the applied Article 79-1, Paragraph      |                                    |
|           |                      | CHANG                | Min-900937    | 5 of the Criminal Code (1997 version) and            |                                    |
|           |                      | (consolidated)       |               | Article 7-2, Paragraph 2 of the Enforcement          |                                    |
|           |                      |                      |               | Law of the Criminal Code are                         |                                    |
|           |                      |                      |               | unconstitutional.                                    |                                    |
|           |                      | <b>[</b> 22]         |               | Whether Article 79-1, Paragraph 5 of the             |                                    |
|           |                      | [32]                 | 112-Hsien-    | Criminal Code (1997 version) and Article 7-2,        |                                    |
|           |                      | Pao-Ping LIU         | Min-900946    | Paragraph 2 of the Enforcement Law of the            |                                    |
|           |                      | (consolidated)       |               | Criminal Code are unconstitutional.                  |                                    |
|           |                      | Yu-Te CHU            | 111-Hsien-    |  | Amicus Curiae applications should  |
| December  | Case on the          | (The civil part      | Min-900243    | In a public insult case, whether the applied         | be turned in by October 20, 2023.  |
| 25, 2023  | Criminalization of   | of this case has     | (The          | Article 309, Paragraph 1 of the Criminal Code        | Once permitted, Amici Curiae shall |
| (Morning) | <b>Public Insult</b> | been rendered        | original case | is unconstitutional.                                 | turn in their expert opinions by   |
|           |                      | into Taiwan          | number for    |  | December 11, 2023.                 |

| Constitutional Court Judgment 111-Hsien-Pan- 2.)                                | the civil part<br>of this case<br>is Hui-Tai-<br>12668.) | The petition was filed by a judge from Taiwan  |
|---|--|--|
| Judge from Taiwan Changhua District Court Criminal Division No.5 (consolidated) | 111-Hsien-<br>Shen-<br>900007                            | Changhua District Court Criminal Division No.5, who was convinced that Article 309 of the Criminal Code (public insult) unconstitutionally violates the defendants' freedom of speech, the principle of proportionality, the equality principle, and void- for-vagueness doctrine (principle of clarity and precision of legal provisions) when hearing the Taiwan Changhua District Court Cases 105-Yi- 1167, 105-Chien-1793, and 106-Chien-1139. |
| Taiwan Hualien District Court Criminal Division No.1 (consolidated)             | 110-Hsien-<br>San-20                                     | The petition was filed by Taiwan Hualien District Court Criminal Division No.1, who was convinced that Article 309, Paragraph 1 of the Criminal Code (public insult), unconstitutionally violates the void-for- vagueness doctrine (principle of clarity and precision of legal provisions), the principle of  |

| Taiwan         |            | No.5, who was convinced that Article 309,         |  |
|----------------|------------|---|--|
| Changhua       |            | Paragraph 1 of the Criminal Code (public          |  |
| District Court |            | insult) unconstitutionally violates the           |  |
| Criminal       |            | defendant's freedom of speech, the principle of   |  |
| Division No.5  |            | proportionality, the equality principle, and the  |  |
| (consolidated) |            | void-for-vagueness doctrine (principle of clarity |  |
|                |            | and precision of legal provisions) when hearing   |  |
|                |            | the Taiwan Changhua District Court case 107-      |  |
|                |            | Yi-1081.  |  |
|                |            | The petition was filed by a judge from Taiwan     |  |
| [6]            |            | Hualien District Court Criminal Division No.1,    |  |
| Judge from     |            | who was convinced that Article 309, Paragraph     |  |
| Taiwan Hualien | 110-Hsien- | 1 of the Criminal Code (public insult)            |  |
| District Court | San-19     | unconstitutionally violates the void-for-         |  |
| Criminal       | San-19     | vagueness doctrine (principle of clarity and      |  |
| Division No.1  |            | precision of legal provisions), and right to      |  |
| (consolidated) |            | equality when hearing the Taiwan Hualien          |  |
|                |            | District Court Case 110-Hua-Chien-79.             |  |
| [7]            |            | (1) The petition was filed by the Taiwan High     |  |
| Taiwan High    | 110-Hsien- | Court Criminal Division No.2, who was             |  |
| Court Criminal | San-24     | convinced that Article 309, Paragraph 1 of        |  |
| Division No.2  |            | the Criminal Code unconstitutionally              |  |

| (consolidated)   |                      | violates the principle of proportionality and freedom of speech when hearing the Taiwan High Court Cases 108-Shang-Yi-770 and 109-Shang-Yi-552.  (2) Whether J.Y. Interpretation No.509 should be supplemented or altered.  |
|--|----------------------|---|
| [8]  |                      | In a public insult case, whether the applied  |
| Chia-Hung  | 110-Hsien-           | Article 309, Paragraph 2 of the Criminal Code   |
| HSIAO  | Erh-186              | violates the freedom of speech and the principle  |
| (consolidated)   |                      | of proportionality.   |
|  |                      | The petition was filed by a judge from Taiwan   |
| Judge from Taiwan Hualien District Court Criminal Division No.1 (consolidated) | 110-Hsien-<br>San-17 | Hualien District Court Criminal Division No.1, who was convinced that Article 309 of the Criminal Code (public insult) unconstitutionally violates the void-for-vagueness doctrine (principle of clarity and precision of legal provisions), right to equality, and freedom of speech when hearing the Taiwan Hualien District Court Case 110-Hua-Chien-99. |
| [10]   | 110-Hsien-           | In a public insult case, whether the applied  |
| Ai-Yu WANG   | Erh-34               | Article 309 of the Criminal Code violates   |

| (consolidated)  Articles 11 and 23 of the Constitution, and contradicts the void-for-vagueness doctrine  (principle of clarity and precision of legal |  |
|---|--|
|   |  |
| (principle of clarity and precision of legal  |  |
| (Principle of Charle) and Precision of Tegal  |  |
| provisions) under J.Y. Interpretations Nos. 545   |  |
| and 636.  |  |
| The petition was filed by a judge from Taiwan   |  |
| Hualien District Court Criminal Division No.5,  |  |
| who was convinced that Article 309 of the   |  |
| Judge from Criminal Code (public insult)  |  |
| Taiwan Hualien 107-Hsien- unconstitutionally violates the void-for-   |  |
| District Court San-16 vagueness doctrine (principle of clarity and  |  |
| Criminal precision of legal provisions), freedom of   |  |
| Division No.5 speech, and the principle of proportionality  |  |
| (consolidated) when hearing the Taiwan Hualien District Court   |  |
| Case 107-Hua-Chien-87.  |  |
| The petition was filed by a judge from Taiwan   |  |
| Hualien District Court Criminal Division No.3,  |  |
| Taiwan Hualien   who was convinced that Article 309, Paragraph  |  |
| District Court 110-Hsien- 1 of the Criminal Code (public insult)  |  |
| Criminal San-15 unconstitutionally violates the void-for-   |  |
| Division No.3 vagueness doctrine (principle of clarity and  |  |
| (consolidated) (consolidated) precision of legal provisions), the principle of  |  |

|       | T                       |            |  |
|-------|-------------------------|------------|--|
|       |                         |            | proportionality, and freedom of speech when        |
|       |                         |            | hearing the Taiwan Hualien District Court Case     |
|       |                         |            | 109-Yuan-Su-103.                                   |
|       |                         |            | The petition was filed by a judge from Taiwan      |
|       | [13]                    |            | Hualien District Court Criminal Division No.3,     |
| Juc   | dge from                |            | who was convinced that Article 309 of the          |
| Taiwa | an Hualien              | 111-Hsien- | Criminal Code (public insult), violates the void-  |
| Dist  | trict Court             | Shen-1     | for-vagueness doctrine (principle of clarity and   |
| C     | Criminal                | SHCH-1     | precision of legal provisions), right to equality, |
| Divi  | ision No.3              |            | and freedom of speech when hearing the             |
| (con  | nsolidated)             |            | Taiwan Hualien District Court Case 110-Hua-        |
|       |                         |            | Chien-271.   |
|       |                         |            | The petition was filed by a judge from Taiwan      |
|       | [14]                    |            | Hualien District Court Criminal Division No.3,     |
|       |                         |            | who was convinced that Article 309 of the          |
|       | dge from<br>van Hualien |            | Criminal Code (public insult)                      |
|       |                         | 109-Hsien- | unconstitutionally violates the void-for-          |
|       | trict Court             | San-36     | vagueness doctrine (principle of clarity and       |
|       | Criminal<br>ision No.1  |            | precision of legal provisions), right to equality, |
|       |                         |            | and freedom of speech when hearing the             |
| (con  | nsolidated)             |            | Taiwan Hualien District Court Case 109-Yi-         |
|       |                         |            | 223.   |

| Judge from Taiwan Hualien District Court Criminal Division No.1 (consolidated)      | 110-Hsien-<br>San-9  | The petition was filed by a judge from Taiwan Hualien District Court Criminal Division No.1, who was convinced that Article 309 of the Criminal Code (public insult), violates the void-for-vagueness doctrine (principle of clarity and precision of legal provisions), right to equality, and freedom of speech when hearing the Taiwan Hualien District Court Case 110-Yuan-Yi-23.                   |
|---|----------------------|---|
| [16] Judge from Taiwan Hualien District Court Criminal Division No.1 (consolidated) | 110-Hsien-<br>San-16 | The petition was filed by a judge from Taiwan Hualien District Court Criminal Division No.1, who was convinced that Article 309 of the Criminal Code (public insult) unconstitutionally violates the void-for-vagueness doctrine (principle of clarity and precision of legal provisions), right to equality, and freedom of speech when hearing the Taiwan Hualien District Court Case 110-Yuan-Yi-76. |
| 【17】 Judge from Taiwan Hualien  | 110-Hsien-<br>San-18 | The petition was filed by a judge from Taiwan Hualien District Court Criminal Division No.1, who was convinced that Article 309 of the  |

| District Court Criminal Division No.1 (consolidated)                                 |                      | Criminal Code (public insult) unconstitutionally violates the void-for- vagueness doctrine (principle of clarity and precision of legal provisions), right to equality, and freedom of speech when hearing the Taiwan Hualien District Court Case 110-Hua-  |
|--|----------------------|---|
| 【18】 Ta-Chun CHANG (consolidated)  | Hui-Tai-<br>12970    | Chien-152.  In a public insult case, whether the applied Article 309, Paragraph 1 of the Criminal Code is unconstitutional.   |
| [19] Judge from Taiwan Changhua District Court Criminal Division No.1 (consolidated) | 110-Hsien-<br>San-11 | The petition was filed by a judge from Taiwan Changhua District Court Criminal Division No.1, who was convinced that Article 309, Paragraph 1 of the Criminal Code (public insult) unconstitutionally violates the defendants' freedom of speech, the principle of proportionality, the void-for-vagueness doctrine (principle of clarity and precision of legal provisions), and the equality principle when hearing the Taiwan Changhua District Court Cases 109-Chien-2018 and 110-Yi-140. |

|                |            | <u> </u>  |
|----------------|------------|---|
|                |            | The petition was filed by a judge from Taiwan     |
|                |            | Hualien District Court Criminal Division No.3,    |
| [20]           |            | who was convinced that Article 309, Paragraph     |
| Judge from     |            | 1 of the Criminal Code (public insult), violates  |
| Taiwan Hualien | 111-Hsien- | void-for-vagueness doctrine (principle of clarity |
| District Court | Shen-6     | and precision of legal provisions), right to      |
| Criminal       | Silen-0    | equality, right to liberty and security of person |
| Division No.3  |            | (personal freedom), freedom of speech, right to   |
| (consolidated) |            | property, and principle of proportionality when   |
|                |            | hearing the Taiwan Hualien District Court Case    |
|                |            | 110-Hua-Chien-248.                                |
|                |            | In a public insult case, whether the applied      |
| [21]           |            | Article 309 of the Criminal Code violates the     |
| Kun-Ting       | 111-Hsien- | freedom of right, the principle of                |
| HUANG          | Min-900423 | proportionality, and the void-for-vagueness       |
| (consolidated) |            | doctrine (principle of clarity and precision of   |
|                |            | legal provisions).                                |
| [22]           |            | The petition was filed by a judge from Taiwan     |
| Judge from     | 111-Hsien- | Hualien District Court Criminal Division No.3,    |
| Taiwan Hualien |            | who was convinced that Article 309 of the         |
| District Court | Shen-13    | Criminal Code (public insult)                     |
| Criminal       |            | unconstitutionally violates the void-for-         |

| Hsiao-Ping LI  | Min-3733   | Criminal Code violates Articles 7, 8, 11, and 22   |
|----------------|------------|--|
| (consolidated) |            | of the Constitution.                               |
|                |            | In a public insult case, whether the applied       |
| [26]           |            | Article 309, Paragraph 1 of the Criminal Code      |
| Chu-Hsing      | 111-Hsien- | violates freedom of speech, the principle of       |
| CHIANG         | Min-903908 | proportionality, and the void-for-vagueness        |
| (consolidated) |            | doctrine (principle of clarity and precision of    |
|                |            | legal provisions).                                 |
|                |            | The petition was filed by a judge from Taiwan      |
|                |            | Pingtung District Court Criminal Division          |
| <b>[27]</b>    |            | No.5, who was convinced that Article 309 of        |
| Judge from     |            | the Criminal Code (public insult)                  |
| Taiwan         |            | unconstitutionally violates the void-for-          |
| Pingtung       | 111-Hsien- | vagueness doctrine (principle of clarity and       |
| District Court | Shen-21    | precision of legal provisions), principle of       |
| Criminal       |            | equality, right to liberty and security of person  |
| Division No.5  |            | (personal freedom), freedom of speech, right to    |
| (consolidated) |            | property, and the principle of proportionality     |
|                |            | when hearing the Taiwan Pingtung District          |
|                |            | Court Case 111-Yi-575.                             |
| [28]           | 111-Hsien- | (1) In a public insult case, the petitioner argues |
| Shui-Tou TSAI  | Min-4145   | that Taoyuan District Court Criminal               |

|           |                                | (consolidated)       |   | Judgment 110-Chien-Shang-505 is                 |                                    |
|-----------|--------------------------------|----------------------|---|---|------------------------------------|
|           |                                |                      |   | unconstitutional.                               |                                    |
|           |                                |                      |   | (2) Whether the applied Article 309, Paragraph  |                                    |
|           |                                |                      |   | 1 of the Criminal Code is unconstitutional.     |                                    |
|           |                                | <b>[</b> 29 <b>]</b> |   |   |                                    |
|           |                                | Judge from           |   | The petition was filed by a judge from Taiwan   |                                    |
|           |                                | Taiwan               |   | Changhua District Court Criminal Division       |                                    |
|           |                                | Changhua             | 112-Hsien-                                  | No.3, who was convinced that Article 309 of     |                                    |
|           |                                | District Court       | Shen-1                                      | the Criminal Code (public insult) is            |                                    |
|           |                                | Criminal             |   | unconstitutional when hearing the Taiwan        |                                    |
|           |                                | Division No.3        |   | Changhua District Court Case 111-Yi-477.        |                                    |
|           |                                | (consolidated)       |   |   |                                    |
|           |                                |                      |   | (1) In a public insult case, whether the Taiwan |                                    |
|           |                                | <b>[</b> 30 <b>]</b> | 112-Hsien-                                  | High Court Criminal Judgment 111-Shang-         |                                    |
|           |                                | Ke-Chin WU           | Min-535                                     | Yi-1671 is unconstitutional.                    |                                    |
|           |                                | (consolidated)       | WIIII-333                                   | (2) Whether the applied Article 309 of the      |                                    |
|           |                                |                      |   | Criminal Code is unconstitutional.              |                                    |
|           | Case on the                    | Judge from           |   | The petition was filed by a judge from Taiwan   | Amicus Curiae applications should  |
| December  | Case on the Criminalization of | Taiwan               | Hui-Tai-                                    | Changhua District Court Criminal Division       | be turned in by October 20, 2023.  |
| 26, 2023  |                                | Changhua             |   | No.5, who was convinced that Article 140,       | Once permitted, Amici Curiae shall |
| (Morning) | Insulting a Public Official    | District Court 13556 | Paragraph 1, First Sentence of the Criminal | turn in their expert opinions by                |                                    |
|           | Official                       | Criminal             |   | Code (insulting a public official)              | December 11, 2023.                 |

| Di  | ivision No.5   |            | unconstitutionally violates the defendants'     |
|-----|----------------|------------|---|
| (co | consolidated)  |            | freedom of speech, the principle of             |
|     |                |            | proportionality, void-for-vagueness doctrine    |
|     |                |            | (principle of clarity and precision of legal    |
|     |                |            | provisions), and the principle of equality when |
|     |                |            | hearing the Taiwan Changhua District Court      |
|     |                |            | Cases 105-Yi-1167, 105-Chien-1793, and 106-     |
|     |                |            | Chien-1139.                                     |
|     |                |            | The petition was filed by a judge from Taiwan   |
|     |                |            | Changhua District Court Criminal Division       |
|     | [1]            |            | No.5, who was convinced that Article 140,       |
| J   | Judge from     |            | Paragraph 1, First Sentence of the Criminal     |
|     | Taiwan         |            | Code (insulting a public official)              |
|     | Changhua       | 108-Hsien- | unconstitutionally violates the defendants'     |
| D   | District Court | San-49     | freedom of speech, the principle of             |
|     | Criminal       |            | proportionality, void-for-vagueness doctrine    |
| Di  | oivision No.5  |            | (principle of clarity and precision of legal    |
| (c  | consolidated)  |            | provisions), and the principle of equality when |
|     |                |            | hearing the Taiwan Changhua District Court      |
|     |                |            | Case 108-Chien-1695.                            |
|     | [2]            | 108-Hsien- | The petition was filed by a judge from Taiwan   |
| J   | Judge from     | San-8      | Changhua District Court Criminal Division       |

| Taiwan         |            | No.5, who was convinced that Article 140,       |  |
|----------------|------------|---|--|
| Changhua       |            | Paragraph 1, First Sentence of the Criminal     |  |
| District Court |            | Code (insulting a public official)              |  |
| Criminal       |            | unconstitutionally violates the principle of    |  |
| Division No.5  |            | proportionality, void-for-vagueness doctrine    |  |
| (consolidated) |            | (principle of clarity and precision of legal    |  |
|                |            | provisions), and the principle of equality when |  |
|                |            | hearing the Taiwan Changhua District Court      |  |
|                |            | Cases 107-Chien-802 and 107-Chien-1001.         |  |
|                |            | The petition was filed by a judge from Taiwan   |  |
|                |            | Changhua District Court Criminal Division       |  |
| [3]            |            | No.5, who was convinced that Article 140,       |  |
| Judge from     |            | Paragraph 1, First Sentence of the Criminal     |  |
| Taiwan         |            | Code (insulting a public official)              |  |
| Changhua       | 109-Hsien- | unconstitutionally violates the defendants'     |  |
| District Court | San-14     | freedom of speech, the principle of             |  |
| Criminal       |            | proportionality, void-for-vagueness doctrine    |  |
| Division No.5  |            | (principle of clarity and precision of legal    |  |
| (consolidated) |            | provisions), and the principle of equality when |  |
|                |            | hearing the Taiwan Changhua District Court      |  |
|                |            | Case 108-Chien-2134.                            |  |
| <br>[4]        | 111-Hsien- | The petition was filed by a judge from Taiwan   |  |

| <br>                |            |  |  |
|---------------------|------------|--|--|
| Judge from          | Shen-      | Changhua District Court Criminal Division          |  |
| Taiwan              | 900010     | No.5, who was convinced that Article 140,          |  |
| Changhua            |            | Paragraph 1, First Sentence of the Criminal        |  |
| District Court      |            | Code (insulting a public official)                 |  |
| Criminal            |            | unconstitutionally violates the principle of       |  |
| Division No.5       |            | proportionality, void-for-vagueness doctrine       |  |
| (consolidated)      |            | (principle of clarity and precision of legal       |  |
|                     |            | provisions), and the principle of equality when    |  |
|                     |            | hearing the Taiwan Changhua District Court         |  |
|                     |            | Cases 109-Chien-2018, 109-Chien-2124, and          |  |
|                     |            | 110-Chien-420.                                     |  |
|                     |            | Whether Article 140 of the Criminal Code           |  |
|                     |            | (insulting a public official) violates the freedom |  |
| [5]                 | 111 77 '   | of speech, principle of proportionality, void-for- |  |
| Fu-Ming TSAI        | 111-Hsien- | vagueness doctrine (principle of clarity and       |  |
| (consolidated)      | Min-1291   | precision of legal provisions), the principle of   |  |
|                     |            | punishment fitting to the crime, and the           |  |
|                     |            | principle of equality.                             |  |
|                     |            | Whether Article 140, Paragraph 1, First            |  |
| [6]                 | 111-Hsien- | Sentence of the Criminal Code (insulting a         |  |
| Yi-Tse CHEN Min-150 | Min-1505   | public official) violates the freedom of speech,   |  |
| (consolidated)      |            | principle of proportionality, the void-for-        |  |

|                                  |  | 【7】<br>Hui-Ju YANG<br>(consolidated) | 111-Hsien-<br>Min-3542 | vagueness doctrine (principle of clarity and precision of legal provisions), the principle of punishment fitting to the crime, and the principle of equality.  Whether Article 140 of the Criminal Code violates the principle of equality, freedom of speech, the principle of proportionality, the void-for-vagueness doctrine (principle of clarity and precision of legal provisions), and the principle of punishment fitting to the crime. |  |
|----------------------------------|--|--------------------------------------|------------------------|--|--|
|                                  |  | 【8】 Hsiu-Hui HSIEH (consolidated)    | 111-Hsien-<br>Min-3646 | Whether Article 140, Paragraph 1 of the Criminal Code violates Articles 7, 8, 11, 15, and 22 of the Constitution.  |  |
| January 16,<br>2024<br>(Morning) | Case on the Constitutionality of Height Requirements for General Police Officers Entrance Exam | Yun-Hsuan<br>CHEN<br>(consolidated)  | 111-Hsien-<br>Min-3005 | In a case concerning the height requirements for the police entrance exam, whether the applied Article 7, Paragraph 2 and Article 8, Paragraph 1 of the Civil Service Special Examination Regulation for General Police Officers violate the right of holding public offices guaranteed by Article 18 of the Constitution.   | Amicus Curiae applications should<br>be turned in by October 31, 2023.<br>Once permitted, Amici Curiae shall<br>turn in their expert opinions by<br>January 2, 2024. |

| March 12,<br>2024<br>(Morning) | Case on Including Previous Job Tenure in Salary Assessment for Elementary/Junior High School Substitute Teachers  Kai-Hsiang CHANG (consolidate | 108-Hsien-<br>Erh-214 | In a case concerning salary assessment of substitute teacher, whether the applied Article 35, Paragraph 2 of the Teachers' Act (2000 version) and Ministry of Education Letter Tai(87)-Jen(Yi)-87129048 of November 30, 1998 are in violation of Articles 15 and 23 of the Constitution and the J.Y. Interpretation No. 707. | Amicus Curiae applications should<br>be turned in by October 31, 2023.<br>Once permitted, Amici Curiae shall<br>turn in their expert opinions by<br>January 12, 2024. |
|--------------------------------|---|-----------------------|--|---|
|--------------------------------|---|-----------------------|--|---|

## **Notes:**

- 1. Cases scheduled for Oral Argument from November 2023 to March 2024 in the Taiwan Constitutional Court are as shown on this chart. For the reason that cases that require oral argument may increase, this chart is subject to change.
- 2. Documents of each cases are open to the public. Please refer to the TCC's website at <a href="here">here</a> (this feature is only available in Traditional Chinese).

  Outline of Issues and the Notice on Court Audience of each cases shall be announced separately.
- 3. This translated schedule is prepared by the Department of Clerks for the Constitutional Court (Judicial Yuan) for information only and does not bind the Court. In case of any conflict of meaning between the Traditional Chinese version and the English version, the Traditional Chinese version shall prevail.