

附件三

劳动改造罪犯刑满释放及安置 就业暂行办法

(一九五四年八月二十六日政务院第二百二十二次政务
会议批准，一九五四年九月七日政务院公布)

第一条 为了贯彻劳动改造政策，巩固社会治安，解决犯人刑期满后以后的劳动就业问题，根据中华人民共和国劳动改造条例第六十二条的规定，制订本办法。

第二条 犯人刑期已经满了，有下列情节之一的，可以由劳动改造机关给以收留安置就业：

(一) 自愿留队就业、而为劳动改造生产所需要的；

(二) 无家可归、无业可就的；

(三) 在地广人稀地区劳动改造的罪犯，刑期满了以后需要结合移民就地安家立业的。

第三条 凡是具有本办法第二条(二)、(三)两款规定条件之一的，劳动改造机关应当在犯人刑期满了以前三个月提出意见，报请主管人民公安机关审核批准，以便刑期满了以后收留安置就业。

第四条 凡是经过收留安置就业的人，都应当在刑期满了的那一天，履行释放手续，宣布释放，并且按照原判决恢复或继续剥夺政治权利。

第五条 犯人刑满释放的安置就业办法：

(一) 劳动改造较好，有生产技能，为社会生产企业部门需要的，可鼓励他自行就业，或在可能条件下由劳动改造机关、劳动部门给以介绍职业。

(二) 在劳动改造管教队内安置就业，并且按照他的劳动条件或者技能评定工资。

(三) 由劳动改造农场划出部分土地或在劳动改造农场附近划出一部分土地，组织集体生产，建立新村。

第六条 新村的建立应当由省劳动改造机关和同级民政部门，共同筹划。

第七条 凡是刑期已经满了安置在地广人稀地区就业的，在他能生产自给的时候，由民政部门用移民办法，协助他们把家属接来，就地安家立业。

第八条 工厂、矿山、企业、工程队和生产规模较小的劳动改造单位，在犯人刑期已经满了以后，除了按照第五条（一）、（二）两款所规定的办法在本单位处理外，如还有无法处理的，由省、市或中央劳动改造机关统一调到被指定的其他劳动改造生产单位或新村安置。

第九条 本办法经中央人民政府政务院批准后执行。

A P P E N D I X 3

Provisional measures for dealing with the release of criminals undergoing labor service for reform on the expiry of their sentences, and for placing.

(Passed by the 22nd meeting of the Government Administration Council on August 26, 1954)

Article 1. For the through implementation of the policy of labor service for reform, the condolidation of social security, and the solution of the problem pf employment for criminals after the expiry of their prison terms, and on the basis of the provisions of Article 62 of the Regulations Governing Labor Service for Reform of the People's Republic of China, those Mea-
sures have formulated.

Article 2. When the prison term of a criminal has expired, under any one of the undermentioned conditions, he may be accomodated by an organ enforcing labor service for reform and be placed in employment:

- (1) When the criminal veluntarily desires to remain in the Corps for employment, and his services are needed in production therein;
- (2) When the criminal has no home to return to, and no job to takeup;
- (3) A criminal undertaking labor service for reform in a place extensive in area and sparse in population, so that on the wxpiry of his term there build his home there.

Article 3. When the conditions stated in section (2) and (3) of Article 2 of these Measures apply, the organ enforcing labor service for reform, shall, three months before the expiry of the prison term of the criminal, submit views to the competent people's public security organ for approval so that on the expiry of his term, he may be placed in employment.

Article 4. A person placed in employment shall, on the day of the expiry of his prison term, go through the procedure of being released, and have his release from prison announced. His political rights hitherto deprived from him shall be restored, or continue to be deprived from him, in accordance with the stipulations of the original judgment.

Article 5. The following measures shall be adopted in placing in employment a criminal on the expiry of his prison term:

(1) A person who had registered good results during labor service for reform and is in possession of production technique such as are needed by social production enterprises shall be encouraged to seek employment himself, or where possible, the organ enforcing labor service for reform or a labor department may introduce him to a job.

(2) Employment may be given such a person in the original labor service for reform Corps, and wages granted on the basis of his labor conditions and technique.

(3) A portion of land may be assigned from a labor service for reform farm or in the vicinity of such a farm to a number of such person who shall be organized for collective production and the building of a new village.

Article 6. The building of a new village shall be planned jointly by the relevant provincial organ enforcing labor service for reform and the civil affairs department of the same level.

Article 7. In the case of persons who had completed their sentences are placed in employment in extensive areas with sparse population, when they have reached the stage of producing sufficiently for self-support, the relevant civil affairs departments shall employ resettlement measures to assist them to bring their families over, so that they may establish locally their home and build their fortunes.

Article 8. In the case of labor service for production units in factories, mines, enterprises, engineering corps, and other units with a small scale of production, on the expiry of the sentence of criminals, in addition to dealing with them in accordance with the provisions of article 5, section (1) and (2) of these measures, should there still be persons not yet provided for, the provincial, municipal or central organ enforcing labor service for reform shall in a unified manner transfer them to other labor service for reform units or new villages for employment.

Article 9. These measures shall come into force on their approval by the Government Administration Council of the Central People's Government.