

**REHABILITATION OF NARCOTIC ADDICT ACT,
B.E. 2545 (2002)**

BHUMIBOL ADULYADEJ, REX;
Given on the 27th Day of September B.E. 2545;
Being the 57th 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 the rehabilitation of narcotic addict;
This Act contains certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 31, section 35, section 237 and section 238 of the Constitution of the Kingdom of Thailand so permit by virtue of law;

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

Section 1. This Act is called the “Rehabilitation of Narcotic Addict Act, B.E. 2545 (2002)”.

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette, except for the provisions of Chapter III which shall come into force at the time and in the locality as notified by the Minister in the Government Gazette. However, such provisions shall come into force for the entire Kingdom within the period of one year as from the date this Act comes into force.¹

* Translated by Mrs. Thararut Hanlumyuang, under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Initial Version – pending review and approval by the Office of the Council of State.

¹ Published in the Government Gazette, Vol. 119, Part 96 a, Page 26, dated 30th September B.E. 2545 (2002).

Section 3. The Rehabilitation of Narcotic Addict Act, B.E. 2534 (1991) shall be repealed.

Section 4. In this Act:

“narcotic” means a narcotic under the law on narcotic and a narcotic under the law on the prevention and suppression of narcotic;

“addict” means to use narcotic regularly and continually and to be under the condition such that it is necessary to depend on that narcotic, where such condition can be diagnosed by means of technical theory;

“rehabilitation” means any action which is a treatment for narcotic addict and which rehabilitates the physical and mental conditions of a narcotic addict, as well as restoration of physical and mental conditions of a narcotic addict to normality without the risk of being a narcotic addict;

“Committee” means the Committee on Rehabilitation of Narcotic Addict;

“competent official” means the Director of the Centre for Rehabilitation of Narcotic Addict or a person appointed by the Minister to execute a task under this Act;

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

Section 5. 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 to issue Ministerial Regulations and Notifications for the execution of this Act.

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

CHAPTER I

COMMITTEE ON REHABILITATION OF NARCOTIC ADDICT

Section 6. There shall be a committee called the “Committee on the Rehabilitation of Narcotic Addict”, consisting of the Permanent Secretary of the Ministry of Justice as Chairperson, the Permanent Secretary of the Ministry of Education, the Permanent Secretary of the Ministry of Public Health, the Supreme Commander, the Commissioner General, the Attorney-General, the Secretary-General of the Office of the Judiciary, the

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Director-General of the Department of Employment, the Director-General of the Department of Provincial Administration, the Director-General of the Community Development Department, the Director-General of the Department of Medical Services, the Director-General of the Department of Communicable Disease Control, the Director-General of Public Welfare, the Director-General of the Department of Skill Development, the Director-General of the Department of Corrections, the Director-General of the Department of Medical Sciences, the Director-General of the Department of Mental Health, the Secretary-General of the Narcotics Control Board, the Secretary-General of the Food and Drug Administration, and not more than four qualified members appointed by the Minister, within which there shall be at least two persons who are representatives of private organizations operating on the prevention or rehabilitation of narcotic addicts and have direct experience working with narcotic addicts as members. The Director-General of the Department of Probation shall be member and secretary.

The Committee may appoint not more than two officials of the Department of Probation as assistant secretaries.

Section 7. The Committee shall have the following powers and duties:

(1) to recommend the Minister on the issuance of Ministerial Regulations pursuant to this Act;

(2) to recommend the Minister on the notification relating to the centre for rehabilitation of narcotic addicts under section 14 and section 16;

(3) to appoint and discharge the sub-committee on rehabilitation of narcotic addicts;

(4) to lay down regulations determining the criteria and procedures for consideration of the sub-committee on rehabilitation of narcotic addicts under section 13;

(5) to present views to the Minister in determining a place for examining rehabilitation of narcotic addicts or for detention;

(6) to lay down regulations determining the criteria and procedures for examination of narcotic usage or addiction, rehabilitation of narcotic addicts and referral of a person under rehabilitation to an inquiry official or a public prosecutor;

(7) to lay down regulations relating to the detention and transfer of an accused during examination or rehabilitation;

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(8) to lay down regulations determining the criteria, procedures and conditions on the consideration to authorise for provisional release;

(9) to lay down regulations determining the criteria and conditions for examining and monitoring the result of rehabilitation of those authorised for provisional release;

(10) to consider an appeal against a decision or an order of the sub-committee on rehabilitation of narcotic addicts under section 38;

(11) to lay down regulations relating to the visit and contact of a person under examination or under rehabilitation during the examination or rehabilitation;

(12) to lay down regulations determining the criteria for the reduction and extension of rehabilitation period;

(13) to lay down regulations determining the criteria and procedures for reporting the result of rehabilitation to the Committee and procedures for reporting the result of examination, including the result of rehabilitation to an inquiry official or a public prosecutor;

(14) to lay down regulations determining the criteria for considering the punishment of a person who violates or fails to comply with the regulations, conditions and by-laws under section 32;

(15) to lay down other regulations for the execution of this Act;

(16) to consider other matters as entrusted by the Minister and to perform any other task determined by law as the powers and duties of the Committee.

Section 8. A member appointed by the Minister shall hold office for a term of two years. A member who vacates office may be reappointed.

Section 9. A member appointed by the Minister vacates office before the expiration of the term upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;

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- (4) being of unsound mind or of mental infirmity;
- (5) being bankrupt;
- (6) being sentenced by a final judgment to a term of imprisonment.

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

In the case where there is an appointment of a member during the term of the members already appointed, whether it is an appointment of an additional member or a replacing member, the member being appointed shall be in office for the unexpired term of office of those members already appointed.

Section 10. At a meeting of the Committee, the presence of not less than one-half of members is required to constitute a quorum.

The Chairperson shall preside over the meetings. In the case where the Chairperson is not present or is unable to perform the duties, the members present shall elect one among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. In casting a vote, each member shall have one vote. In the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 11. The Committee may appoint a sub-committee to perform any task on its behalf, and the provisions of section 9 and section 10 shall apply, *mutatis mutandis*.

Section 12. The Committee shall consider appointing a sub-committee on rehabilitation of narcotic addicts in localities, as appropriate, consisting of a representative of the Ministry of Justice as the Chairperson, one physician, one psychologist, one social worker and not more than two qualified persons with the qualifications as determined in the Ministerial Regulations as members, and a representative of the Department of Probation shall be member and secretary.

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A physician under paragraph one shall be appointed from psychiatrists. If that is not feasible, then a physician of other field may be appointed as appropriate.

A number of sub-committees on rehabilitation of narcotic addicts to be appointed shall be determined by the Committee, taking into account the volume of cases relating to narcotics happened in that locality.

A member of the sub-committee who is not a government official stationed at the centre for rehabilitation of narcotic addicts shall receive remuneration as determined in the Ministerial Regulations.

The provisions of section 9 and section 10 shall apply to the sub-committee on rehabilitation of narcotic addicts, *mutatis mutandis*.

Section 13. The sub-committee on rehabilitation of narcotic addicts shall have the following powers and duties:

- (1) to consider whether a person under examination uses or addicts to narcotic;
- (2) to monitor the detention of an accused during examination or rehabilitation to be in accordance with the criteria as determined by the Committee;
- (3) to consider transferring a person under treatment of narcotic addiction or rehabilitation from one place of treatment or rehabilitation to another, including to consider the reduction or extension of rehabilitation period;
- (4) to consider the authorisation of a person under examination or rehabilitation for provisional release;
- (5) to inform the result of an examination or rehabilitation to the Committee, an inquiry official or a public prosecutor, as the case may be;
- (6) to consider a rehabilitation plan for narcotic addicts to an accused who is accused of committing an offence on the grounds provided in section 19;
- (7) to monitor the rehabilitation of a person under rehabilitation within its jurisdiction to be in accordance with the rehabilitation plan for narcotic addicts;
- (8) to consider the result of rehabilitation under section 33;

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(9) to recommend to the Committee on the procedures for examination and rehabilitation;

(10) to perform other task determined by law as the powers and duties of the sub-committee on rehabilitation of narcotic addicts;

(11) to consider other matters as entrusted by the Committee.

The criteria and procedures for consideration under (1), (3), (6) and (8) shall be in accordance with the regulations as determined by the Committee.

CHAPTER II

PLACE FOR EXAMINATION AND REHABILITATION OF NARCOTIC ADDICTS

Section 14. For the purpose of rehabilitating narcotic addicts, the Minister shall have the power to establish and dissolve a rehabilitation centre for narcotic addicts, by publishing a notification in the Government Gazette.

A rehabilitation centre for narcotic addicts shall be an infirmary under the Criminal Code.

A rehabilitation centre for narcotic addicts shall be an agency under the Department of Probation of the Ministry of Justice.

Section 15. The notification to establish a rehabilitation centre for narcotic addicts shall include the following details:

(1) clear determination of an area of the rehabilitation centre for narcotic addicts, with a map illustrating such area annexed to the Notification;

(2) determination of localities within the jurisdiction of the rehabilitation centre for narcotic addicts under (1).

Section 16. In the case where there is a reasonable ground, the Minister may publish a notification in the Government Gazette modifying an area of a rehabilitation centre

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for narcotic addicts under section 15 (1) or modifying a locality within the jurisdiction of a rehabilitation centre for narcotic addicts under section 15 (2).

Modification of an area of a rehabilitation centre for narcotic addicts under paragraph one shall include a map clearly illustrating both the original area and the modified area of the rehabilitation centre annexed to the notification.

Section 17. In each rehabilitation centre for narcotic addicts, there shall be a director of the centre as a supervisor in charge responsible for the conduct of official business of the centre and who shall have the following powers and duties:

(1) to examine the usage or addiction of narcotic of a person under examination who has been admitted under section 19;

(2) to detain a person under examination or rehabilitation during examination or rehabilitation, and to ensure that the person under examination or rehabilitation complies with the regulations, conditions and by-laws;

(3) to conduct rehabilitation for a person under rehabilitation pursuant to the regulations as determined;

(4) to monitor the result of rehabilitation of a person under rehabilitation who is authorised for provisional release;

(5) to prepare a report on the result of examination on the usage or addiction to narcotics, including the result of rehabilitation for presentation to the sub-committee on rehabilitation of narcotic addicts;

(6) to issue by-laws of rehabilitation centres for narcotic addicts for execution in accordance with this Act;

(7) to perform other duties as entrusted by the Committee or the sub-committee on rehabilitation of narcotic addicts.

Section 18. In the case where it is deemed appropriate, the Minister shall have the power to publish a notification in the Government Gazette determining an infirmary, a reformatory, an official premise or any other place as a place for examination, rehabilitation or detention, other than the rehabilitation centres for narcotic addicts. In such

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cases, the sub-committee on rehabilitation of narcotic addicts shall have the power to determine that a person in control of such place shall have either of the powers in the same manner as the director of the rehabilitation centre for narcotic addicts under section 17 as he or she sees appropriate for such place.

CHAPTER III

REHABILITATION OF NARCOTIC ADDICTS

Section 19. Any person being accused of committing an offence relating to the using of narcotic, the using and having in possession of narcotic, the using and having in possession for disposing of narcotic, or the using and disposing of narcotic pursuant to the quality, kind, type and quantity as determined in the Ministerial Regulations, if it does not appear that the person is being accused or is on trial for the commission of other offence which is an offence punishable by imprisonment or is being sentenced by a court judgment to imprisonment, an inquiry official shall take the accused to the court within forty-eight hours as from the time when that person arrives at the office of the inquiry official, in order for the court to consider issuing an order for the transfer of that person to examine the use of or addiction to narcotic, unless there is *force majeure* or there is other necessary ground arising from the accused him or herself, or from changed circumstances which render it impossible to take the accused to the court within such specified timeframe.

In the conduct under paragraph one, if the accused is less than eighteen years of age, the inquiry official shall take the accused to the court for an order to examine within twenty-four hours as from the time when that person arrives at the office of the inquiry official.

In transferring a person for examination of use or addiction to narcotic, the court shall consider transferring the person for detention and examination at a rehabilitation centre for narcotic addicts, a place for examination, rehabilitation or detention as prescribed by the Minister, taking into account the age, gender and personal characteristics of the

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alleged. The court shall inform the sub-committee on rehabilitation of narcotic addicts for information.

During examination and rehabilitation, an inquiry official shall continue to conduct inquiry procedures. Upon the completion of the inquiry, an inquiry report shall be submitted to a public prosecutor without transferring the alleged and shall inform the public prosecutor that the alleged is being detained at which rehabilitation centre for narcotic addicts, place for examination, rehabilitation or detention.

During the detention of the accused under this Act, an inquiry official or a public prosecutor is not required to consign that person to confinement or to postpone the prosecution pursuant to the law.

Section 20. If it appears that any accused uses narcotic before, during or after being arrested in order to be transferred to rehabilitation and to avoid being prosecuted on the grounds of using narcotic and having in possession of narcotic, using and having in possession for disposing of narcotic, or using and disposing of narcotic, that person shall not be entitled to receive rehabilitation under this Act. The sub-committee on rehabilitation of narcotic addicts shall inform an inquiry official or a public prosecutor, as the case may be, to take that person and continue the prosecution pursuant to the law.

While waiting for an inquiry official or a public prosecutor to take the accused for prosecution, the place which admits the accused for examination or rehabilitation shall have the power to detain the accused as necessary. The inquiry official or public prosecutor, as the case may be, shall take the alleged into custody as soon as practicable.

Section 21. In examining an accused under section 19, the sub-committee on rehabilitation of narcotic addicts shall arrange for a competent official to prepare a personal record, behavior in the commission of an offence, as well as all circumstantial environment of the person under examination, and shall examine the use or addiction to narcotic.

An examination shall be completed within fifteen days as from the date that person is admitted in the place of examination, except where there is a necessary ground,

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the sub-committee on rehabilitation of narcotic addicts may order an extension of not more than thirty days.

The criteria and procedures for examination shall be in accordance with the regulations as determined by the Committee.

Section 22. In the case where the sub-committee on rehabilitation of narcotic addicts decides that a person under examination uses or addicts to narcotic, a rehabilitation plan for narcotic addict shall be prepared and the result of examination shall be informed to a public prosecutor. In such a case, the public prosecutor shall issue an order to suspend the prosecution until he or she receives the result of rehabilitation from the sub-committee on rehabilitation of narcotic addicts under section 33.

In the case where the public prosecutor considers that the accused whose result of examination under paragraph one is being informed is not entitled to receive rehabilitation under this Act, the public prosecutor shall proceed with the prosecution and shall inform the result to the sub-committee on rehabilitation of narcotic addicts for information.

If the result of examination does not demonstrate that the accused uses or addicts to narcotic, the sub-committee on rehabilitation of narcotic addicts shall report the result of examination to an inquiry official or a public prosecutor in order to proceed with the prosecution pursuant to the law.

In the case where the accused shall be transferred back to an inquiry official or a public prosecutor in order to proceed with the prosecution, the provisions of section 20 paragraph two shall apply, *mutatis mutandis*.

Section 23. In preparing a rehabilitation plan for narcotic addict under section 22, a place and procedure for rehabilitation shall be determined in such a way as to make it suitable to the conditions of the person under rehabilitation, taking into account the age, gender, personal record, behaviour in the commission of an offence relating to narcotics, as well as all circumstantial environment of that person.

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The determination of a place for rehabilitation of narcotic addict under paragraph one may be a centre for rehabilitation of narcotic addicts or a place for rehabilitation of narcotic addicts, as prescribed by the Minister from an infirmary, a reformatory, an official premise or other place as it is deemed appropriate.

The determination of procedures for rehabilitation of narcotic addict shall take into account the following procedures:

(1) in the case where it is necessary to strictly detain a person under rehabilitation, that person shall be transferred to receive rehabilitation in a centre for rehabilitation of narcotic addict or a place for rehabilitation of narcotic addict with an escape prevention surveillance system;

(2) in the case where it is not necessary to strictly detain a person under rehabilitation, that person shall be transferred to receive rehabilitation in a place for rehabilitation of narcotic addict as appropriate, and shall determine the conditions for the person under rehabilitation to remain within the specified area during the rehabilitation;

(3) in the case where it is not necessary to detain a person under rehabilitation, the person may be required to act in any other manner under the supervision of a probation official;

(4) during the rehabilitation, a person under rehabilitation may be required to attend occupational training, provide community service or any other function as appropriate, in order to create stability in life without narcotic.

Section 24. In the case where facts appear after the court issues an order under section 19 that a person under examination or a person under rehabilitation is accused or prosecuted on other ground which is an offence punishable by imprisonment or is being sentenced by a judgment to a term of imprisonment, the court shall consider issuing an order to transfer that person to an inquiry official to proceed with the prosecution.

Section 25. A person under rehabilitation shall receive rehabilitation pursuant to the rehabilitation plan for a period of not exceeding six months as from the date of referral to rehabilitation.

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In the case where it appears that the result of rehabilitation is still not satisfactory, the sub-committee on rehabilitation of narcotic addicts shall consider extending the period of rehabilitation.

During rehabilitation, the sub-committee on rehabilitation of narcotic addicts may consider reducing the period of rehabilitation as it deems appropriate.

The extension and reduction of rehabilitation period may be done several times. However, extension of rehabilitation period shall not be for more than six months at a time, and the total period shall not exceed three years as from the date of referral to rehabilitation.

Section 26. In the case where there is due cause, the sub-committee on rehabilitation of narcotic addicts may consider granting a provisional release of a person under examination or rehabilitation pursuant to the criteria, procedures and conditions as determined by the Committee.

Section 27. In the case where an accused domiciles in an area which is inconvenient to receive rehabilitation in a centre for rehabilitation of narcotic addict, a place for rehabilitation of narcotic addict or a place for detention of that person, once the sub-committee on rehabilitation of narcotic addicts deems appropriate or upon request by the accused, it may issue an order to transfer that person to receive rehabilitation or detention at other place. However, it shall appear that such transfer will also be beneficial to the rehabilitation of that person.

Section 28. A person who is under examination or rehabilitation and is being detained in the same manner as a detainee shall be deemed that the person under examination or under rehabilitation, as the case may be, is a detainee under the Criminal Code.

In the case where a person escapes from the detention of a centre for rehabilitation of narcotic addict, a place for examination, rehabilitation or detention of that person, the period of time during which that person is under examination or receives

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rehabilitation until the time of escape shall not be calculated in the determination of detention period.

Section 29. During examination or rehabilitation, if any person under examination or rehabilitation escapes from detention or escapes out of the area of a centre for rehabilitation of narcotic addicts, a place for examination, rehabilitation or detention of that person, that person shall be deemed as escaping from detention under section 190 of the Criminal Code, and the competent official shall inform an inquiry official immediately. In this case, the competent official also has the power to trail and arrest that person.

The provisions of paragraph one in relation to the offence and penalties under section 190 of the Criminal Code shall not apply to a person who is less than eighteen years of age. In this case, the provisions of section 32 paragraph two shall apply, *mutatis mutandis*.

In the commission of offence under paragraph one, the sub-committee on rehabilitation of narcotic addicts shall have the power to settle the case, pursuant to the criteria, procedures and conditions as determined by the Committee.

Section 30. A person under examination or rehabilitation shall strictly comply with the regulations and conditions as determined by the Committee and the sub-committee on rehabilitation of narcotic addicts, including the by-laws of a centre for rehabilitation of narcotic addicts, a place for examination, rehabilitation or detention of that person.

Section 31. In the case where a person under examination or rehabilitation, who has been provisionally released, fails to comply with or violates the regulations, conditions or by-laws as determined, the competent official shall take that person back to the centre for rehabilitation of narcotic addicts, a place for examination, rehabilitation or detention, without a warrant.

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Section 32. Where any person under examination or rehabilitation violates section 30, the director of the centre for rehabilitation of narcotic addicts or the person in control of the place which admits that person shall have the power to impose one or more of the following punishments:

- (1) probation;
- (2) no permission for visitation or contact for not exceeding three months;
- (3) solitary detention for not exceeding ten days at a time.

In the case where it is necessary to impose punishment on a person under paragraph one who is less than eighteen years of age, penalty measures under the law on the establishment of the Juvenile and Family Court and the procedures for juvenile and family cases shall apply, *mutatis mutandis*.

Section 33. Once the sub-committee on rehabilitation of narcotic addicts decides that any person under rehabilitation completely receives rehabilitation as specified in the rehabilitation plan and the result of rehabilitation is satisfactory, that person shall be deemed as acquitted from an offence he or she was accused of under section 19. The sub-committee on rehabilitation of narcotic addicts shall issue an order to release that person, and shall report the result to an inquiry official or a public prosecutor who is still prosecuting the case, as the case may be, for information.

In the case where any person under rehabilitation, even after receiving rehabilitation until the completion of his or her period under section 25, but the result of rehabilitation is still not satisfactory, the sub-committee on rehabilitation of narcotic addicts shall report its views to an inquiry official or a public prosecutor, as the case may be, for consideration to proceed with the prosecution of that person. The provisions of section 22 paragraph four shall apply, *mutatis mutandis*.

Section 34. In considering a judgment for an accused who has received rehabilitation under section 33 paragraph two, the court may decide to impose punishment on that person on a lesser extent than that as determined by the law for that offence or

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may decide not to impose any punishment at all. In this case, the period of time during which that person receives rehabilitation shall be taken into account.

Section 35. In the execution of this Act, members of the Committee, the sub-committee and the competent official under this Act shall be administrative officials or police officials under the Criminal Procedure Code, and shall be officials under the Criminal Code.

CHAPTER IV COMPETENT OFFICIAL

Section 36. In the performance of duties, the competent official shall have the following powers:

(1) to enter into any residence, place or vehicle to search and arrest a person under rehabilitation who violates section 29 or section 31, where there is reasonable ground to doubt that such person is in hiding, together with reasonable ground to believe that a search warrant may be untimely and that person might escape;

(2) to issue a written inquiry or to call on any person related to the person under examination or rehabilitation to give an oral statement, to submit a written explanation or to submit any document or evidence for verification and consideration in the execution of section 17;

(3) to interrogate a person under examination or rehabilitation or any other person who is able to provide facts relating to the case as provided in section 17;

(4) to order or arrange for a person under examination or rehabilitation to be diagnosed or tested to see whether there is narcotic in his or her body.

The competent official of which position or level who will have the powers as determined under paragraph one, either wholly or partly, or who needs to receive authorisation from any person before carrying out his or her duty, shall be in accordance

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with as determined by the Committee by specifying in the identification card of that competent official being entrusted.

In the performance of duties of the competent official under paragraph one, relevant persons shall facilitate as appropriate.

Section 37. In the performance of duties, the competent official shall produce his or her identification card to relevant persons.

Identification cards of the competent official shall be in accordance with the format as determined by the Committee by publishing in the Government Gazette.

CHAPTER V

APPEAL

Section 38. In the case where the sub-committee on rehabilitation of narcotic addicts gives a decision under section 22 that a person under examination uses or addicts to narcotic, or issues an order refusing to grant a provisional release of a person under examination or rehabilitation under section 26, or issues an order extending the period of rehabilitation under section 25, that person has the right to make an appeal of such decision to the Committee within fourteen days as from the date he or she is informed of the decision or the order, as the case may be.

An appeal under paragraph one shall not stay the execution of the decision of the sub-committee on rehabilitation of narcotic addicts.

The decision of the Committee shall be final.

Section 39. The criteria and procedures for making an appeal and the appellate procedures shall be in accordance with as determined in the Ministerial Regulations.

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Section 40. In considering an appeal, the Committee shall have the following powers:

(1) to call on an appellant to give statement or to submit objects, documents or other relevant evidence or witness for its consideration;

(2) to submit a written request to relevant persons to give statement or to submit objects, documents or evidence or witness for its consideration.

In the case where an appellant fails to give statement or to submit objects, documents or evidence or witness as ordered by the Committee under (1) without giving a written notification on the reason for failing to do so within three days as from the date of receipt of the Committee's order, the appellant shall be deemed as not wishing to give additional statement or to submit objects, documents or evidence or witness, and the Committee shall proceed with its consideration on the appeal as it deems appropriate.

The written request for a person to give statement or to submit objects, documents or evidence or witness under (2) shall also specify a matter relating to which that person is requested to give statement or to submit objects, documents or evidence or witness.

CHAPTER VI PENALTIES

Section 41. Any person who discloses any fact, document or evidence which is personal information obtained in compliance with this Act to other persons shall be liable to imprisonment for a term of not exceeding five years, or to a fine of not exceeding one hundred thousand baht, or to both, unless the disclosure is for the carrying out of inquiry or court duties, or is authorised by the Committee or the sub-committee on rehabilitation of narcotic addicts.

Any person who obtains or is made aware of any fact from the person under paragraph one and discloses that fact shall also be liable to the same punishment, except where it is the case which may be disclosed under paragraph one.

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Section 42. Any person who fails to comply with a written request from the competent official under section 36 (2), or fails to facilitate the competent official under section 36 paragraph three, or fails to comply with the written request from the Committee under section 40 shall be liable to imprisonment for a term of not exceeding six months, or to a fine of not exceeding ten thousand baht, or to both.

Section 43. The Committee shall have the power to settle offences under section 42, and in this case, the Committee shall have the power to entrust the sub-committee on rehabilitation of narcotic addicts or the competent official stationed at the centre for rehabilitation of narcotic addicts for settlement pursuant to the criteria or conditions as determined by the Committee.

Upon payment by the offender of the settled amount of the fine, the case shall be deemed settled under the Criminal Procedure Code.

If the offender fails to consent to the settlement or, upon consent thereto, fails to pay the fine within the time specified, legal proceedings shall be continued.

Countersigned by

Police Lieutenant Colonel Thaksin Shinawatra

Prime Minister

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