

**名稱：** 替代役實施條例 (民國 92 年 06 月 18 日 修正)  
**Title:** Enforcement Statute for Substitute Services (as amended on June 18, 2003)

**第一章 總則**  
**Chapter 1 General Provisions**

**第 1 條** 本條例依兵役法第二十六條規定制定之。本條例未規定者，適用其他法律之規定。

**Article 1** This Statute is duly enacted in accordance with Article 26 of the Conscription Law. Any matters insufficiently provided for herein shall be subject to other laws concerned.

**第 2 條** 本條例之主管機關為內政部。  
為執行兵役及替代役事務，內政部應成立役政署，並得設置地區役政檢訓中心，各就主管事項，分別辦理各區之兵役及替代役有關事務。  
內政部役政署、地區役政檢訓中心組織，另以法律定之。  
直轄市、縣（市）政府應受主管機關指揮、監督，執行替代役業務。

**Article 2** The competent authorities in charge of the Statute are the Ministry of the Interior.  
To enforce conscription and Substitute Services related affairs, the Ministry of the Interior shall set up the Conscription Administration and may set up regional conscription inspection & training centers to take charge of respective conscription and Substitute Services related affairs. The organizational rules for the Conscription Administration, Ministry of the Interior and may set up regional conscription inspection & training centers shall be separately enacted by laws.  
The municipal, county (city) governments shall, subject to instruction and supervision by the competent authorities, take charge of Substitute Services related affairs.

**第 3 條** 本條例所稱替代役，指役齡男子於需用機關擔任輔助性工作，履行政府公共事務或其他社會服務。

**Article 3** The term “Substitute Services” as used herein denotes the male citizens within the conscription ages shall carry out auxiliary jobs, public affairs and other social services of the user organizations.

**第 4 條** 替代役之類別區分如下：  
一 社會治安類：  
（一）警察役。  
（二）消防役。  
二 社會服務類：  
（一）社會役。  
（二）環保役。

(三) 醫療役。

(四) 教育服務役。

三 其他經行政院指定之類別。

替代役類別實施順序及人數，由主管機關擬定，報請行政院核定。

Article 4

The Substitute Services shall be in the following categories:

1. Category of social security:

(1) Police services.

(2) Fire fighting services.

2. Social services:

(1) Social services.

(2) Environmental protection services.

(3) Medication services.

(4) Educational services.

3. Other categories as designated by the Executive Yuan (the Cabinet).

The sequence and the number of draftees for the Substitute Services shall be proposed by the competent authorities (i.e., the Ministry of the Interior) and finally approved by the Executive Yuan (the Cabinet).

第 5 條

中華民國男子年滿十八歲之翌年一月一日起，於徵兵檢查為常備役體位者，得依志願申請服替代役；檢查為替代役體位者，應服替代役。

前項申請服替代役役男，具下列資格者，得優先甄試，並依下列順序決定甄試順序：

一 因宗教、家庭因素者。

二 國家考試及格合於前條第一項類別專長證照者。

三 取得中央目的事業主管機關核給合於前條第一項類別專長證照者。

四 具備相關之學歷、經歷及專業訓練者。

前項所稱學歷、經歷及專業訓練，由主管機關會商需用機關定之。

因犯罪於法院審理中或經判決有罪確定，經替代役審議委員會審議通過者，主管機關得不予許可其申請服替代役或限制其所服替代役類（役）別。

但少年犯罪、過失犯或受緩刑之宣告而未經撤銷者，不在此限。

申請服替代役之資格、申請程序、期限、條件、錄取方式及其他應遵行事項之辦法，由主管機關定之。

第一項替代役體位徵服替代役之實施日期，由行政院決定之。

Article 5

Beginning on January 1 of the year in which he reaches 18 years of age, a male national of the Republic of China may apply for Substitute Services voluntarily at his discretion if he is graded in the physical status for a regular serviceman in the conscription examination and shall serve the Substitute Services if he is graded in the physical status for Substitute Services in the conscription examination.

A draftee-to-be who applies for Substitute Services may be entitled to preferential screening in the following screening sequence if meeting any of the following qualification requirements:

1. Religious, family factors.

2. Having successfully passed state-sponsored examinations and held licenses in expertise categories set forth in Paragraph 1 of the preceding article.

3. Having obtained licenses in expertise categories set forth in

Paragraph 1 of the preceding article issued by the Central Government level competent authorities in charge of target business.

4. Having possessed educational, professional qualification and specified training.

The term “educational, professional qualification and specified training” as used in the preceding paragraph shall be defined by the competent authorities (i.e., the Ministry of the Interior) in concert with the user organizations.

Where an applicant proves to be under court trial or to have been convicted guilty following a crime, the competent authorities (i.e., the Ministry of the Interior) may disapprove of his application for Substitute Services or restrict the categories of his Substitute Services even if his application has successfully passed the review by the Substitute Services Review Committee. This provision, nevertheless, does not apply to a juvenile criminal, unintentional offender or a criminal granted a suspension which has not been revoked.

The regulations governing the qualifications of the Substitute Services, procedures, time limit, terms for application, method of admission and other compliance shall be determined by the competent authorities.

The date of enforcement for the physical status to draft for the Substitute Services shall be determined by the Executive Yuan (the Cabinet).

第 6 條 服替代役期間之役齡男子（以下簡稱替代役役男），於完成訓練後，依其所服替代役類別之法令規定，執行勤務。

Article 6 The males in the conscription age for the Substitute Services (hereinafter referred to as Substitute Services Draftees-to-be) shall, after completing the required training, perform the duties as specified in the laws and ordinances for the respective categories of the Substitute Services.

## 第二章 服役規定

### Chapter 2 Provisions of Services

第 7 條 替代役體位或以家庭因素申請服替代役之役期與常備兵役同；常備役體位或以宗教因素申請服替代役之役期較常備兵役長六個月以內。  
前項常備役體位服替代役之役期或以宗教因素申請服替代役之役期，由主管機關報請行政院核定之。  
替代役役男服役期滿者，由主管機關製發證明書。

Article 7 The duration of Substitute Services served by those rated in the physical status or family factors is same as that for a regular serviceman. The duration of Substitute Services served by those rated in the physical status for regular serviceman or religious factors shall 6 months maximum longer than that for a regular serviceman.

The aforementioned duration of Substitute Services served by those rated in the physical status for regular serviceman or religious factors shall be reported by the competent authorities to the Executive Yuan (the Cabinet) for final approval.

To a male citizen who has satisfactorily completed the Substitute Services in full period, the competent authorities (i.e., the Ministry of the Interior)

shall issue a certificate.

第 8 條 替代役役男之薪俸、地域加給及主、副食費，比照國軍義務役士官、兵標準發給；其中主、副食費得考量實際物價及相關辦伙所需費用調整之；經派往國外地區服勤者，得考量駐在國之地理環境、交通狀況、艱苦程度及經濟條件等因素，分級發給國外之地域加給。  
前項薪俸、地域加給及主、副食費之發放辦法，由主管機關定之。

Article 8 The pay, regional allowance and meal and sub-meal allowances to male citizens for Substitute Services shall be equivalent to those for NCO, soldiers in the compulsory conscription. The meal and sub-meal allowances are subject to adjustment in line with the substantial commodity prices and the costs incurred by the catering services. To male citizens for Substitute Services assigned to serve abroad, the overseas regional allowances may be duly determined in various grades in line with the geographical environments, traffic conditions, hardship degree and financial conditions of the countries of services. The regulations governing the aforementioned pay, regional allowance and meal and sub-meal allowances shall be determined by the competent authorities.

第 9 條 應徵服替代役之役男，因病或其他重大事故，非本人不能處理者，得予延期徵集。  
前項延期徵集原因消滅時，仍應受徵集。

Article 9 A Substitute Services Draftees-to-be may be deferred in enlistment in case of disease or major events for which his management in person is indispensable and shall be duly enlisted as soon as such factor for deferment ceases to exist. The draftee-to-be shall be subject to be drafted upon the cause justifying the deferred in enlistment ceases to be.

第 10 條 替代役役男有下列情形之一者，停服替代役，稱為停役：  
一 經診斷確定罹患足以危害團體健康及安全之疾病者。  
二 傷病經鑑定不堪服役者。  
三 經通緝、羈押，或經觀察勒戒或宣告徒刑、拘役確定在執行中者。  
四 受保安處分、強制戒治、感訓處分、安置輔導處分或感化教育處分裁判確定，在執行中者。但受保護管束之宣告者，不在此限。  
五 擅離替代役職役累計逾七日者。  
六 失蹤逾三個月者。  
前項停役期間，不算入替代役役期。  
第一項第一款及第二款之傷病停役檢定標準，由主管機關定之。

Article 10 A male citizen in the Substitute Services shall be suspended from the Substitute Services, known as Substitute Services suspension:  
1. Having been diagnosed to have suffered from a disease which tends to endanger health and security in the group.  
2. Having been injured or diseased and thus been rated incompetent for the Substitute Services.

3. Having been wanted for arrest, under custody, on watch list or convicted to a jail term, detention which are under execution.
4. Having been under security penalty, compulsory drug rehabilitation, reformatory penalty or educational penalty in a final decision which are under execution, but excluding protection custody.
5. Having been absent from Substitute Services ["absence without leave" (AWOL)] for up to seven days in accumulation.
6. Having been missing for up to three months.

The period of the aforementioned Substitute Services suspension shall be excluded from the Substitute Services period.

The criteria for Substitute Services suspension set forth in Clauses 1 and 2 of Paragraph 1 shall be determined by the competent authorities.

第 11 條 停役原因消滅者應予回役，並回原服勤單位繼續服勤，補足其應服之役期。  
依前條第一項第一款至第四款及第六款規定停役者，得經主管機關審查役男實際情形，核定免予回役；免予回役之條件，由主管機關定之。

Article 11 A male citizen in the Substitute Services suspension shall restore the Substitute Services in the same unit to make up the required duration as soon as the cause leading to the Substitute Services suspension ceases to exist.

In case a male citizen who is suspended from the Substitute Services under Clauses 1~4 and 6 of Paragraph 1 of the preceding article, the competent authorities (i.e., the Ministry of the Interior) may review the case as the actual situation may justify and approve of him not required to restore the Service. The terms to exempt the restoration shall be determined by the competent authorities.

第 12 條 替代役役男於服役期間，有下列情形之一者，得提前退役：  
一 員額過剩時。  
二 役男家庭發生重大變故，須負擔家庭生計主要責任或因其他特殊事故，經主管機關核定者。  
前項第一款應由主管機關報請行政院核定後實施；第二款提前退役之申請資格、條件及程序，由主管機關定之。

Article 12 A male citizen in the Substitute Services who incurs any of the following may be discharged from the services ahead of schedule:

1. In case of draftees outnumbering the requirements.
2. Where a draftee incurs a major incident in his family for which he must shoulder the key responsibility to make the living or incurs an extraordinary incident otherwise as verified by the competent authorities.

The terms and procedures for Clause 1 above shall be reported by he competent authorities to the Executive Yuan (the Cabinet) before enforcement. The qualifications, terms and procedures to apply for termination ahead of schedule as per Clause 2 above shall be determined by the competent authorities.

**第三章 訓練服勤管理**  
**Chapter 3 Training Service Management**

- 第 13 條 訓練區分為軍事基礎訓練及專業訓練。  
前項軍事基礎訓練，由主管機關會同國防部辦理；專業訓練，由需用機關辦理。  
宗教因素申請服替代役經核定者，應實施基礎訓練及專業訓練；其基礎訓練併同專業訓練，由需用機關辦理。
- Article 13 The training is classified as military foundation training and specialized training.  
The aforementioned military foundation training shall be conducted by the competent authorities (i.e., the Ministry of the Interior) in concert with the Ministry of National Defense. The specialized training shall be conducted by the user organizations.  
An applicant for the Substitute Services due to religious factor shall receive fundamental training and specialized training programs if approved. The fundamental training along with specialized training shall be conducted by the user organization.
- 第 14 條 需用機關得視需要甄選優秀替代役役男，實施幹部在職訓練後，擔任管理幹部。
- Article 14 The user organizations may, as the actual demand may justify, select outstanding male citizens in the Substitute Services and provide them with on-the-job training programs before assigning them into the managerial staff team.
- 第 15 條 主管機關及需用機關均應編立替代役役男役籍及管理名冊，實施列管及異動管理。
- Article 15 Both the competent authorities (i.e., the Ministry of the Interior) and the user organizations shall establish the databases and management roster of the male citizens in the Substitute Services to control their performance and update.
- 第 16 條 替代役役男膳食，由訓練及服勤單位負責辦理；必要時，得發給主、副食代金。
- Article 16 The meals to the male citizens in the Substitute Services shall be provided by the training and service units and may be paid with meal allowance in cash instead.
- 第 17 條 替代役役男之役籍及訓練服勤管理辦法，由主管機關定之。
- Article 17 The regulations governing accreditation databases, training & service management for male citizens in the Substitute Services shall be enacted by the competent authorities.
- 第 18 條 需用機關應依業務需要，訂定替代役役男服勤管理規定，送請主管機關備

查。

Article 18 The user organizations shall, as the actual demand may justify, draw up regulations governing male citizens in the Substitute Services and submit them to the competent authorities (i.e., the Ministry of the Interior) for information.

第 19 條 主管機關得會同需用機關對服勤單位實施督導考核。  
替代役役男發生重大事故時，服勤單位應依規定向需用機關報告，並妥為處理；需用機關並應於二十四小時內通報主管機關。

Article 19 The competent authorities (i.e., the Ministry of the Interior) may, in concert with the user organization, oversee the service units and rate their performance.  
Where a male citizen in the Substitute Services runs into a major incident, the service unit shall duly report to the user organization and take countermeasures as appropriate. The user organization shall report to the competent authorities (i.e., the Ministry of the Interior) within 24 hours.

#### 第四章 權利義務

#### Chapter 4 Rights and Obligations

第 20 條 替代役役男除本條例另有規定者外，得享有下列權利：

- 一 學生保留學籍，職工保留底缺年資。
- 二 參加政府舉辦之考試時，給予公假。
- 三 乘坐公營交通運輸工具或進入公營歌劇影院等公共娛樂場所時，得予減費優待。
- 四 其家屬不能維持生活時，由政府扶助。
- 五 替代役役男因公致傷、病成殘，於退伍後經鑑定需長期療養或安養者，由主管機關送請行政院國軍退除役官兵輔導委員會，比照常備兵役役男因公成殘者，依相關規定予以安置就養；其慰問金及安養津貼之發給，由主管機關辦理。
- 六 因公死亡者，政府負安葬之責。
- 七 其家屬就醫之補助，比照常備兵家屬就醫相關規定辦理。
- 八 傷病住院屆滿役期未癒，准予繼續治療者，由政府發給照護金。

前項替代役役男權利作業程序、優待、補助、照護及其他應遵行事項之實施辦法，由主管機關擬訂，報請行政院核定。

Article 20 Unless otherwise provided for in the Statute, a male citizen in the Substitute Services is entitled to the following rights:

1. Reserving school accreditation in case of a student, reserving the vacancy and seniority in case of an employee.
2. Being granted official seal of absence when taking part in a government-sponsored examination.
3. Being granted concession rate for public transportation, admission to public theaters or such public entertainment facilities.
4. Government subsidy when his family dependent(s) is(are) having difficulty in family finance.
5. Where a male citizen in the Substitute Services is handicapped

resulting from injury, disease in line of duty and assessed to call for long-term rest treatment or care after discharge from the Substitute Services, the competent authorities (i.e., the Ministry of the Interior) shall refer the case to the Vocational Advisory Commission for Retired Servicemen, Executive Yuan (the Cabinet) for accommodation/care in accordance with regulations concerned in line with the equivalent terms for regular serviceman who becomes handicapped. The relief payment and accommodation/care allowance shall be provided by the competent authorities.

6. Where a male citizen in the Substitute Services dies in line of duty, the government shall take care of his funeral affairs.
7. His family dependent(s) may be entitled to medication subsidy in line with the equivalent terms for regular serviceman.
8. Where a male citizen in the Substitute Services in inpatient treatment for disease, injury is not cured and is approved for continual treatment upon expiry of the service, the government will pay medical care allowance.

The operating procedures, preferential terms, allowance, care and other terms for compliance as per preceding paragraph shall be enacted by the competent authorities and reported to the Executive Yuan (the Cabinet) for final approval.

第 21 條 替代役役男服役期滿後，得享有下列優待：

- 一 轉任公職時，其服替代役之年資，依相關法令規定辦理。
- 二 因公負傷經鑑定不堪服役者，於參加公務人員考試時，得準用後備軍人轉任公職考試比敘條例第四條之規定予以優待。
- 三 報考專科以上學校新生或轉學生時，除研究生及學士後各學系學生外，其考試成績加分優待，準用退伍軍人報考專科以上學校優待辦法之規定。

Article 21 A male citizen having satisfactorily completed the Substitute Services is entitled to the following privileges:

1. The seniority accumulated in the Substitute Services may be counted according to law when shifting to civil services.
2. The privilege as set forth in Article 4 of Equivalent Accreditation Statute Governing Reservists when Shifting to Civil Services in the event that a male citizen in the Substitute Services participates in the Civil Servant Examinations after he is injured in line of duty and no longer competent to the Services.
3. The privilege as set forth in Regulations for Privileges to Retired Servicemen in Entrance Examinations for Colleges or Higher Education for added scores which are applicable *mutatis mutandis* when he participates in examinations to enter or to transfer to a college or higher education except the case for a graduate student or post-bachelor student.

第 22 條 替代役役男之家屬，有下列情形之一者，停止第二十條第一項第四款規定之權利：

- 一 喪失中華民國國籍者。



- 二 判處徒刑在執行中者。
- 三 在通緝或協尋中者。
- 四 配偶離婚、子女成年或結婚者。
- 五 為他人養子女者。

Article 22 The dependent(s) of a male citizen in the Substitute Services shall have the privileges set forth in Clause 4 of Paragraph 1 of Article 20 terminated if meeting any of the following:

1. Where renouncing the Republic of China nationality.
2. Where serving a jail term.
3. Where being wanted for arrest or under search.
4. Where divorcing his/her spouse, where his/her child reaches adulthood or gets married.
5. Where being adopted as an adopted child.

第 23 條 持有撫卹令之替代役服役期滿役男或遺族，在領卹有效期間，其權利準用第二十條第一項第三款及第四款規定。  
前項遺族正在就學者，其所需費用之優待，準用軍公教遺族就學費用優待條例之規定。

Article 23 In case a male citizen in the Substitute Services or bereaved family member holds consolation (relief) order, the provisions set forth in Clauses 3 and 4 of Paragraph 1 of Article 20 are applicable *mutatis mutandis* during the period while the consolation (relief) order remains valid.

The provisions set forth in the Privilege Statute in Tuition Fees for Bereaved Family Members of the Government Employees & Armed Forces are applicable *mutatis mutandis* to a bereaved family member defined in the preceding paragraph.

第 24 條 替代役役男應履行下列義務：

- 一 宣誓效忠中華民國。
- 二 遵守政府機關之相關法令。
- 三 對公務有保守秘密之責任，除役後亦同。
- 四 遵守主管機關、需用機關及其所屬服勤單位所定之勤務規定及命令。
- 五 服役期間不得從事兼職、兼差及其他營利行為。

Article 24 The male citizens in the Substitute Services shall be subject to the following obligations:

1. Oath to pledge loyalty to the Republic of China.
2. Compliance with the laws and ordinances of the government.
3. Non-disclosure obligations on public duties even after discharge from the Substitute Services.
4. Compliance with the regulations and orders promulgated by the competent authorities, user organizations and service units.
5. No moonlighting or concurrent profit-oriented services throughout the Substitute Services period.

第 25 條 替代役役男因婚、喪、疾病或其他正當事由，得予請假；其請假規定，由

主管機關定之。

Article 25 A male citizen in the Substitute Services may ask for leave of absence in case of marriage, funeral, disease or other justifiable reason. The regulations for leaves shall be enacted by the competent authorities.

第 26 條 替代役役男結婚前，應向服勤單位繕具結婚報告表。

Article 26 A male citizen in the Substitute Services shall fill out marriage report and submit it to the unit of services before getting married.

## 第五章 撫卹 Chapter 5 Relief

第 27 條 替代役役男傷殘或死亡應予撫卹者，由主管機關發給撫卹令及撫卹金。撫卹金發給規定如下：

一 死亡者：發給死亡撫卹金，以其遺族為受益人。

二 傷殘者：發給傷殘撫卹金，以其本人為受益人。

第一項撫卹金之領受權利及未經具領之撫卹金，不得扣押、讓與或供擔保。

Article 27 The competent authorities (i.e., the Ministry of the Interior) shall issue relief order and give relief pay in the event that a male citizen in the Substitute Services dies or becomes handicapped.

The relief pay shall be granted pursuant to the following:

1. Death relief: Payable to the bereaved family member(s) as the beneficiary(ies).

2. Handicap relief: Payable to the male citizen in the Substitute Services himself as the beneficiary.

The right to claim relief pay and the outstanding relief pay set forth under Paragraph 1 shall not be detained, transferred or used as collateral.

第 28 條 領受撫卹金之遺族，依下列順序定之：

一 父母、配偶、子女及寡媳；其中配偶及寡媳，以未再婚者為限。

二 祖父母及孫子女。

三 兄弟姊妹，以未成年或已成年而不能謀生者為限。

四 配偶之父母、配偶之祖父母，以無扶養義務人為限。

前項遺族，同一順序有數人無法協議時，其撫卹金應平均領受；因拋棄或法定事由喪失撫卹權利時，由其餘遺族領受之。

第一項遺族，替代役役男生前預立遺囑指定領受撫卹金者，從其遺囑。

Article 28 The bereaved family members shall receive relief pay in the following sequence:

1. Parents, spouse, children and widowed wife of his child: Among them, the spouse and widowed wife of his child forfeit the rights if getting remarried.

2. Grandparents and grandchildren.

3. Brothers and sisters, but only the minor ones or those majors who are incompetent to make a living.

4. Spouse's parents, spouse's grandparents, but only when they lack

people obliged to support them.

Where there are several bereaved family members of the same sequence who fail to come to an accord, the relief pay shall be equally paid to them. Where a bereaved family member waives or forfeits the relief, the relief pay may be received by other bereaved family members.

In the event that a male citizen in the Substitute Services has made will before death to appoint the bereaved family members to receive relief pay, such will shall govern.

第 29 條 傷殘或死亡之種類如下：

- 一 因公死亡。
- 二 因病或意外死亡。
- 三 因公傷殘。
- 四 因病或意外傷殘。

Article 29 Injury, handicap or death are in the following categories:

1. Death in line of duty.
2. Death as a result of disease or accident.
3. Handicap resulting from injury in line of duty.
4. Handicap resulting from disease or accident.

第 30 條 替代役役男因公受傷，三年以內傷發死亡者，比照因公死亡之標準給卹；逾三年傷發死亡者，比照因病死亡之標準給卹。

因公受傷役男，於不具替代役現役身分後，因該傷引發死亡，比照前項規定辦理撫卹。

前項人員自不具替代役現役身分之日起，逾五年者，不再議卹。

Article 30 Where a male citizen in the Substitute Services is injured in line of duty and dies within three years from injury, the relief pay shall be granted equivalent to the criteria for death in line of duty. If he dies beyond three years from injury, the relief pay shall be granted equivalent to the criteria for death resulting from disease.

Where a male citizen has been injured in line of duty and dies as a result of that injury after he is no longer in the status in the Substitute Services, the relief pay shall be granted in accordance with the preceding paragraph.

The aforementioned male citizen shall no longer be entitled to the relief pay upon expiry of five years period from the date on which he is no longer in the status in the Substitute Services.

第 31 條 替代役役男因公失蹤，在地面滿一年、在海上及空中滿六個月查無下落者，依因公死亡辦理撫卹。

前項以外之失蹤人員，經法院為死亡之宣告者，依意外死亡辦理撫卹。但失蹤人員經查明有犯罪行為者，不予撫卹。

依前二項辦理撫卹經查明並未死亡者，應註銷其死亡撫卹令，已發之撫卹金得免追繳。但意圖逃亡或歸後不報，除追繳外，並依法究辦。

Article 31 Where a male citizen in the Substitute Services has been missing and left his whereabouts unknown for up to one (1) year if missing inland and for

up to six (6) months in full if missing in the sea or in the air, relief pay shall be granted in the terms equivalent to death in line of duty.

Where a male citizen in the Substitute Services has been missing in reasons beyond the preceding paragraph and has been promulgated dead by court, relief pay shall be granted in the terms equivalent to death of accident. Provided, however, that the relief is denied whenever the missing draftee of substitute service is proved having committed criminal act.

The relief order on death shall be revoked for any male citizen taking substitute service having been completed with the formalities to collection the relief under the preceding two paragraphs is later found not dead, and have deserted or returned home without report, the relief pay shall be retrieved and the male citizen in the Substitute Services shall be referred to prosecution.

第 32 條 替代役役男死亡時，除依下列規定給與一次撫卹金外，每年給與五個基數之年撫卹金：

一 因公死亡：給與二十一 八七五個基數。但因冒險犯難殉職者，加給十五 六二五個基數。

二 因病或意外死亡：給與十五個基數。

前項役男死亡，著有特殊勳績者，得增加一次撫卹金額三十個基數。身後經明令褒揚者，得增加一次撫卹金額四十個基數。

年撫卹金給與之年限，規定如下：

一 因公死亡：給與十五年。但因冒險犯難殉職者，加給五年。

二 因病或意外死亡：給與三年。

前項第一款死亡者之遺族，為父母或配偶，第二款死亡者之遺族為獨子之父母，或無子女之配偶；其年撫卹金得給與終身。

第三項所定給與年限屆滿而子女尚未成年者，得繼續給卹至成年；或子女雖已成年，學校教育未中斷者，得繼續給卹至大學畢業。

Article 32 Where a male citizen in the Substitute Services dies, relief pay shall be granted in a lump-sum according to the following. In addition, annual relief equivalent to five units shall be granted every year:

1. Death in line of duty: 21.875 units. If he is killed while running into risks while performing duties, 15.625 units shall be granted additionally.

2. Death in line of disease or accident: 15 units.

Where an aforementioned male citizen in the Substitute Services dies with extraordinary deeds, additional relief pay equivalent to 30 units shall be granted in a lump-sum. If he is commended with government order after death, additional relief pay equivalent to 40 units shall be granted in a lump-sum.

The annual relief pay shall be granted for the following duration:

1. Death in line of duty: Fifteen (15) years. Five (5) more years shall be granted if he was killed while running into risks while performing duties.

2. Death in line of disease or accident: Three (3) years.

The bereaved family members shall be his parents or spouse under Clause 1 of the preceding paragraph, and the parents if he is the only son,

and his spouse if he has no children in case under Clause 2. The annual relief pay may be granted lifetime.

In case any child(ren) is(are) still a minor when the payment duration under Clause 3 expires, the pay may be continually granted till the child(ren) reach(es) adulthood. Or in case any child(ren) is(are) still studying uninterruptedly at school though as an adult, the pay may be continually granted till the child(ren) graduate(s) from university.

第 33 條 傷殘等級區分如下：

- 一 一等殘。
- 二 二等殘。
- 三 三等殘。
- 四 重度機能障礙。
- 五 輕度機能障礙。

前項殘等區分檢定後，如有增劇或再受傷者，經複檢屬實，得改列殘等。依前項規定申請殘等複檢者，以服替代役期間為限。但因公成殘核定有案者，於不具替代役現役身分之日起五年內，因同一原因殘等增劇時，比照前項規定辦理。

第一項傷殘等級檢定標準，由主管機關定之。

Article 33 The handicap is classified into the following grades:

- 1. Grade 1 handicap.
- 2. Grade 2 handicap.
- 3. Grade 3 handicap.
- 4. Critical degree malfunction.
- 5. Minor degree malfunction.

The aforementioned handicap may be reclassified in case of worsening condition or repeated injury as verified in the recheck.

A male citizen may apply for recheck of the handicap pursuant to the preceding provision only within the period where he serves the Substitute Services. In a case of injury in line of duty as officially accredited who is in worsening handicap within five years from the date on which he is no longer in the status in the Substitute Services, the provision of the preceding paragraph may apply.

The examination criteria for the grades set forth in Paragraph 1 shall be determined by the competent authorities.

第 34 條 替代役役男因傷病成殘，自核定殘等之日起，依下列規定給與年撫卹金：

一 因公傷殘：

- (一) 一等殘給與終身，每年給與四個基數。
- (二) 二等殘給與十年，每年給與三個基數。
- (三) 三等殘給與五年，每年給與二個基數。
- (四) 重度機能障礙一次給與三個基數；輕度機能障礙一次給與二個基數。

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二 因病或意外傷殘：

- (一) 一等殘給與十五年，每年給與三個基數。
- (二) 二等殘給與八年，每年給與二個基數。

(三) 三等殘一次給與三個基數。

(四) 重度機能障礙一次給與二個基數；輕度機能障礙一次給與一個基數。

前項第一款第四目、第二款第三目及第四目人員，均不發撫卹令。

Article 34 Where a male citizen in the Substitute Services becomes injured or handicapped, annual relief pay shall be granted according to the following beginning the day when the handicap degree is graded:

1. Handicap in line of duty:

(1) Grade 1 handicap pay is granted lifetime, 4 units annually.

(2) Grade 2 handicap pay is granted for ten years, 3 units annually.

(3) Grade 3 handicap pay is granted for five years, 2 units annually.

(4) Critical degree malfunction is granted for 3 units, payable in a lump sum; minor degree malfunction is granted for 2 units, payable in a lump sum. No handicap relief order is issued for either case.

2. Handicap resulting from disease or accident:

(1) Grade 1 handicap pay is granted for fifteen years, three units annually.

(2) Grade 2 handicap pay is granted for eight years, two units annually.

(3) Grade 3 handicap pay is granted in three units payable in a lump sum. No handicap relief order is issued.

(4) Two (2) units will be granted in a lump sum to the male citizen of substitute service draftee suffering gravis condition of mechanism disorder; and one (1) unit in a lump sum, lighter condition of mechanism disorder.

No relief order will be issued to anyone referred in Item 4 of Clause 1, Item 3 and 4 of Clause 2 in the preceding paragraph.

第 35 條 本條例所定撫卹金基數之計算，按國軍志願役上士二級之本俸加一倍為準。  
年撫卹金之計算，應隨同國軍志願役上士二級之本俸調整支給之。

Article 35 The unit for relief pay in this Statute is calculated at twice the amount of the base salary of a voluntary serviceman in the rank of sergeant first class.

The units of annual relief pay shall be entitled to adjustment in line with the base salary of a voluntary serviceman in the rank of sergeant first class.

第 36 條 撫卹受益人，具有下列情形之一者，喪失其領受撫卹金之權利：

一 喪失中華民國國籍者。

二 動員戡亂時期終止後，曾犯內亂、外患罪，經判刑確定者。

三 褫奪公權終身者。

四 死亡者。

五 死者配偶或寡媳再婚者。

六 因失蹤受卹，經證明並未死亡者。

Article 36 A beneficiary shall forfeit the relief pay if:

1. Renouncing of forfeiting the Republic of China nationality.
2. Receiving a final, irrevocable court judgment with jail term following commission of sedition, internal disorders after the Period of Communication Rebellion was announced terminated.
3. Deprived of civil rights for life.
4. Deceased.
5. His widow or widowed wife of his son remarries.
6. He proves still living with certificate in case of relief pay granted for his missing.

第 37 條 撫卹受益人經褫奪公權尚未復權或通緝有案尚未結案者，停止其領受撫卹金之權利，至其原因消滅時恢復。

Article 37 A relief pay beneficiary shall have his/her right to receive relief pay terminated if he/she is deprived of civil right or is wanted for arrest which shall not be restored until the cause ceases to exist.

第 38 條 請卹及請領各期撫卹金權利之時效，自請卹或請領事由發生之次月起，經過五年不行使而消滅。但因不可抗力之事由，致不能行使者，其時效中斷；時效中斷者，自中斷之事由終止時，重行起算。

Article 38 The right to claim for relief or for relief pay shall cease to exist if not exercised within five years from the day when the right becomes claimable. If such right is not exercised due to *force majeure*, the prescription shall be discontinued. In case of discontinuation, the prescription shall be calculated afresh after the cause of discontinuation ceases to exist.

第 39 條 替代役役男撫卹之作業程序、傷殘死亡適用範圍及殮葬補助等事項之實施辦法，由主管機關擬訂，報請行政院核定。

Article 39 The operating procedures for relief for male citizens in the Substitute Services, range of application to handicap and funeral allowance for the male citizens in the Substitute Services shall be proposed by the competent authorities (i.e., the Ministry of the Interior) and approved by the Executive Yuan (the Cabinet).

## 第六章 保險

### Chapter 6 Insurance

第 40 條 替代役役男均應參加全民健康保險、替代役役男一般保險及團體意外保險。  
替代役役男服役國外地區者，由需用機關依其需要辦理駐外醫療保險，必要時，得加保兵災險。

Article 40 All male citizens in the Substitute Services shall be insured for National Health Insurance, male citizens in the Substitute Services oriented General Insurance and Collective Insurance against Accident Risks. Where a male citizen in the Substitute Services serves abroad, the user organization shall have him insured overseas medical care insurance as the actual demand may justify and, as necessary, war-risk insurance.

- 第 41 條 替代役役男之保險，業務劃分如下：
- 一 全民健康保險：由中央健康保險局依全民健康保險法規定辦理。
  - 二 替代役役男一般保險：由主管機關委託中央信託局辦理。
  - 三 團體意外保險：由主管機關每年對外公開招標辦理；其保險內容及相關規定，由主管機關定之。
  - 四 駐外醫療保險及兵災險：由需用機關視駐在國國情及醫療水準訂定保險內容及相關規定辦理之。

Article 41 The business for male citizens in the Substitute Services oriented insurance is classified as follows:

1. National Health Insurance: To be handled by the National Health Insurance Bureau in accordance with the National Health Insurance Law.
2. Male citizens in the Substitute Services oriented general insurance: To be handled by the Central Trust of China as commissioned by the competent authorities.
3. Collective insurance against accident risks: Through open tender by the competent authorities. The contents and regulations for the insurance shall be determined by the competent authorities.
4. Overseas medical care insurance and war-risk insurance: The user organization shall enact the contents of insurance based as the actual demand and medical service level in the foreign country may justify and the regulations concerned.

- 第 42 條 替代役役男一般保險之保險費，按月繳納，以被保險人保險基數金額及保險費率計算之；保險費率為百分之一至百分之三。
- 主管機關委託中央信託局辦理本保險所需事務費，由主管機關編列預算撥付。
- 前二項保險費率、保險基數金額及事務費比率，由主管機關擬訂，報請行政院核定。
- 本條例未規定之保險事項，依常備兵役保險之規定辦理。

Article 42 The premium for male citizens in the Substitute Services oriented general insurance shall be calculated on the grounds of the Insured's insurance amount units and insurance premium rate (1~3% in rate), payable on a monthly basis.

For handling fee payable to the Central Trust of China for insurance commissioned by the competent authorities, the competent authorities (i.e., the Ministry of the Interior) shall budget regular fund.

The premium rates, amount of insurance units and rate of handling fee in the two preceding paragraphs shall be proposed by the competent authorities (i.e., the Ministry of the Interior) and approved by the Executive Yuan (the Cabinet).

Any matters insufficiently provided for herein shall be subject to provisions governing insurance for regular servicemen.

- 第 43 條 替代役役男一般保險給付項目包括死亡給付、殘廢給付，均以被保險人事故發生月份之保險基數金額為標準計算。



前項保險給付如有短絀，應由國庫撥補。

- Article 43 The insurance benefits for the male citizens in the Substitute Services oriented general insurance include death benefit and handicap benefit both of which shall be calculated on the grounds of the amount of insurance unit prevalent in the month in which the insured runs into the incident.  
The deficiency for the aforementioned insurance benefits, if any, shall be made good by the national treasury.

- 第 44 條 替代役役男一般保險之死亡給付規定如下：  
一 因公死亡：給付四十二個基數。  
二 因病或意外死亡：給付三十六個基數。

- Article 44 Terms for death benefits of the male citizens in the Substitute Services oriented general insurance are as follows:  
1. Death in line of duty: 42 payment units.  
2. Death resulting from disease, accident: 36 payment units.

- 第 45 條 替代役役男一般保險之殘廢給付規定如下：  
一 因公成殘：  
(一) 一等殘：給付三十六個基數。  
(二) 二等殘：給付二十四個基數。  
(三) 三等殘：給付十六個基數。  
(四) 重度機能障礙：給付八個基數。  
二 因病或意外成殘：  
(一) 一等殘：給付三十個基數。  
(二) 二等殘：給付二十個基數。  
(三) 三等殘：給付十二個基數。  
(四) 重度機能障礙：給付六個基數。

- Article 45 Terms for handicap benefits of the male citizens in the Substitute Services oriented general insurance are as follows:  
1. Death in line of duty:  
(1) Grade 1 handicap: 36 payment units  
(2) Grade 2 handicap: 24 payment units  
(3) Grade 3 handicap: 16 payment units  
(4) Critical degree malfunction: 8 payment units.  
2. Death resulting from disease,  
(1) Grade 1 handicap: 30 payment units  
(2) Grade 2 handicap: 20 payment units  
(3) Grade 3 handicap: 12 payment units  
(4) Critical degree malfunction: 6 payment units.

- 第 46 條 替代役役男一般保險之被保險人有下列情形之一者，不予給付：  
一 犯罪被執行死刑者。  
二 動員戡亂時期終止後，曾犯內亂、外患罪，經判刑確定者。

- Article 46 An insured of a male citizen in the Substitute Services oriented general insurance forfeits the insurance benefit if:

1. Executed in death penalty following commission of a crime.
2. Receiving a final, irrevocable court judgment with jail term following commission of sedition, internal disorders after the Period of Communication Rebellion was announced terminated.

第 47 條 替代役役男一般保險之保險受益人，有下列情形之一者，喪失其領受保險給付權利：

- 一 喪失中華民國國籍者。
- 二 動員戡亂時期終止後，曾犯內亂、外患罪，經判刑確定者。
- 三 故意致被保險人於死者。
- 四 自通知保險給付之日起，逾五年不行使者。

Article 47 A beneficiary of an insured of a male citizen in the Substitute Services oriented general insurance forfeits the insurance benefit if:

1. Forfeiting or renouncing the Republic of China nationality.
2. Receiving a final, irrevocable court judgment with jail term following commission of sedition, internal disorders after the Period of Communication Rebellion was announced terminated.
3. Having willfully caused death to the insured.
4. Having failed to exercise the right to receive payment within five years from the day when the benefit becomes payable.

第 48 條 替代役役男一般保險請領保險給付之權利，不得扣押、讓與或供擔保。

Article 48 The right to claim male citizen in the Substitute Services oriented general insurance benefit shall not be detained, transferred or used as collateral.

第 49 條 依本條例所定保險業務，除團體意外保險外，保險給付、保險契約、帳冊、文據簿籍及業務收支，均免納一切稅捐。

Article 49 Except collective insurance against accident risk, all insurance benefits, insurance contract, accounting books, papers and business revenues and expenditures under this Statute shall be free of tax.

第 50 條 替代役役男之各類保險費，由主管機關編列預算支付。但駐外醫療保險及兵災險，由需用機關編列預算支付。

Article 50 For various insurance premiums for male citizens in the Substitute Services, the competent authorities (i.e., the Ministry of the Interior) shall budget regular funds. For overseas medical care insurance and war-risk insurance, the user organizations shall budget regular funds for payment.

第 51 條 替代役役男保險之作業程序、死亡殘廢認定、給付及受益請領等事項之實施辦法，由主管機關擬訂，報請行政院核定。

Article 51 The operating procedures for relief for male citizens in the Substitute Services, judgment of death, handicap, payment and claim for benefits shall be proposed by the competent authorities (i.e., the Ministry of the Interior) and approved by the Executive Yuan (the Cabinet).

## 第七章 罰則

## Chapter 7      Penalty Clauses

- 第 52 條      替代役役男無故不就指定之替代役職役、擅離職役累計逾七日者，處二年以下有期徒刑、拘役或科或併科新臺幣二十萬元以下罰金。
- Article 52      A male citizen in the Substitute Services who fails to serve the Substitute Services as assigned or is “absence without leave” (AWOL) for up to seven days in accumulation shall be subject to a jail term up to two years maximum, detention or, in addition thereto or *in lieu* thereof, a fine up to NT\$200,000 maximum may be imposed.
- 第 53 條      替代役役男違抗監督長官之勤務命令者，處一年以下有期徒刑、拘役或科或併科新台幣十萬元以下罰金。
- Article 53      A male citizen in the Substitute Services who defies superior order shall be subject to a jail term up to one year maximum, detention or, in addition thereto or *in lieu* thereof, a fine up to NT\$100,000 maximum may be imposed.
- 第 54 條      應服常備兵役役男，假藉宗教信仰因素申請，致服替代役者，處二年以下有期徒刑。
- Article 54      A male citizen subject to terms of regular serviceman who serves in false guise for religious factor shall be subject to a jail term up to two years maximum.
- 第 55 條      替代役役男違反生活、訓練及勤務管理規定者，視情節輕重，予以罰站、罰勤、禁足、申誡、記過、罰薪或輔導教育。  
罰站，每次以二小時為限，實施五十分鐘，休息十分鐘。但僅限於軍事基礎訓練期間實施。  
罰勤，平日以二小時為限，例假日以八小時為限。  
禁足，於例假日實施，每次以二日為限。  
申誡、記過，以書面為之。累計申誡三次，以記過一次論；累計記過三次，得予以罰薪，並得施以輔導教育。  
罰薪，扣除薪給百分之十至百分之三十，以三個月為限。  
輔導教育，由主管機關會同相關機關實施，其辦法，由主管機關定之。  
罰站、罰勤、禁足、申誡及記過，由服勤、訓練單位核處；罰薪、輔導教育，由服勤單位提出，報請需用機關核定，並於一週內送請主管機關備查。
- Article 55      A male citizen in the Substitute Services who violates regulations in life, training and duty management shall be, as the actual demand may justify, subject to stand as a penalty, to serve duty, or shall be banned from exit, or be subject to reprimand, demerit, salary-deduction or reformatory education.  
The penalty as forced to stand shall not exceed two hours maximum and shall be with a 10-minute break in every 50 minutes and may be imposed only in the period of fundamental training in the military camp.  
The penalty as to serve duty shall be limited to two hours maximum on a regular day and eight hours maximum on a non-working day.

The penalty as to be banned from exit shall only be imposed on a non-working day and be limited to two days maximum in each penalty.

The penalty of reprimand or demerit shall be imposed in writing. Three reprimands accumulated shall be counted as one demerit, three demerits accumulated shall be subject to penalty in salary deduction and be may accompanied with reformatory education.

Penalty in salary deduction may range from 10% to 30% and shall be limited to three months in maximum.

The reformatory education shall be imposed by the competent authorities (i.e., the Ministry of the Interior) in concert with other authorities concerned. The regulations governing such reformatory education shall be enacted by the competent authorities.

The penalties as to stand, serve duty, be banned from exit and demerit shall be imposed by the duty-service and training units. The penalties of salary deduction and reformatory education shall be proposed and submitted by the duty service unit and approved by the user organizations and shall be submitted to the competent authorities (i.e., the Ministry of the Interior) for information within one week.

第 55-1 條 意圖避免替代役之徵集，而有下列行為之一者，處五年以下有期徒刑：

- 一 捏造免役或緩徵原因者。
- 二 毀傷身體者，或以其他方法變更體位者。
- 三 緩徵原因消滅，無故逾四十五日未自動申報者。
- 四 拒絕接受徵集令者。
- 五 應受徵集，無故逾應徵期限五日者。
- 六 使人頂替本人應徵者。
- 七 頂替他人或介紹他人頂替應徵者。
- 八 未經核准而出境者。
- 九 核准出境後，屆期未歸經催告仍未返國者。

犯前項第六款使人頂替本人應徵罪，或第七款頂替他人或介紹他人頂替應徵罪在二次以上者，加重其刑至三分之二。

Article 55~1 A draftee-to- be who meets any of the following in an attempt to evade the enlistment of Substitute Services shall be subject to a jail term up to five years maximum:

1. Having fabricated a cause to evade or defer enlistment.
2. Having damaged himself bodily or changed his physical status in other means.
3. Having failed to take the initiative to declare within forty-five days from the time when the cause for deferred enlistment ceases to exist.
4. Having refused to accept enlistment.
5. Having been up to five days behind schedule to report for enlistment.
6. Having arranged a dummy to report for enlistment on his behalf.
7. Having acted as a dummy or recommended another to act as a dummy for enlistment.
8. Having left the country without a permit.
9. Having failed to return as scheduled after being approved to leave the country and still failed to return after being reminded with notice.

One who is in repeated offense twice or more times in having arranged a

dummy to report for enlistment on his behalf as per Clause 6 of the preceding paragraph, or having acted as a dummy or recommended another to act as a dummy for enlistment under Clause 7 shall be subject to an increase of two-thirds of majority in addition to regular penalty.

## **第八章 附則**

### **Chapter 8 Bylaws**

第 56 條 主管機關為辦理需用機關年度實施計畫之審查、宗教信仰申請案件、限制服替代役類（役）別之審議、役男權益受損重大案件及其他重大爭議案件處理等事項，得設替代役審議委員會。  
替代役審議委員會之設置要點由主管機關另定之，其民間團體代表、學者及專家之比例不得少於委員總數之二分之一。

Article 56 The competent authorities (i.e., the Ministry of the Interior) may establish the Substitute Services Review Committee to review the annual enforcement plans, application on religious factors, review on categories of the Substitute Services, major cases related to draftees-to-be's interests and other major disputes.  
The Guidelines for the Substitute Services Review Committee shall be enacted by the competent authorities (i.e., the Ministry of the Interior) separately. The ratio of representatives on behalf of non-government bodies, scholars and experts shall not be below one-second.

第 57 條 替代役役男及相關人員著有功勳者，得依法授予勳章、頒給獎章，或予以獎勵。  
依前項及第五十五條規定應予獎勵、懲處之對象、種類、方式與申請救濟之程序及其他應遵行事項之辦法，由主管機關擬訂，報請行政院核定。

Article 57 A male citizen in the Substitute Services and a person concerned having achieved significant deed will be awarded with medal, commendation badges or incentives in other means.  
The details of the targets, categories, modes, procedures for application and remedies and other regulations concerned as set forth in the preceding paragraph and Article 55 shall be proposed by the competent authorities (i.e., the Ministry of the Interior) and approved by the Executive Yuan (the Cabinet).

第 58 條 依本條例規定服警察役之役男，於執行職務時，得使用必要之警械；其使用辦法，由主管機關定之。

Article 58 The draftees-to-be who serve police services under this Statute may use police facilities as necessary while performing duties. The regulations of such use shall be determined by the competent authorities.

第 59 條 替代役役男服役期滿後，應按其服役類別、專長、年齡、體位納入勤務編組，平時演訓、非常事變或戰時，得視需要召集服勤；其服勤之範圍、人數、編組及召集之實施辦法，由主管機關會同國防部定之。  
前項召集服勤期間，其相關權利、義務與服替代役期間相同；召集服勤所

需費用，由需用機關或服勤單位編列預算辦理。

Article 59 The male citizens in the Substitute Services having completed the required Substitute Services shall be covered in duty organization on the grounds of the categories of services, expertise, physical grading for routine training in peacetime and shall be called into service of duties in wartime. The scope, number of citizens, organization and enforcement rules shall be determined by the competent authorities (i.e., the Ministry of the Interior) in concert with the Ministry of National Defense.

The male citizens in the Substitute Services shall be subject to the same rights and obligations when called into the services mentioned in the preceding paragraph as they are in the Substitute Services. The expenses incurred by the called services shall be budgeted by the user organizations or the service units.

第 60 條 施行替代役所需之經費，由主管機關及各有關機關（構）依本條例所定，按其應辦事項，依預算法令編列預算。

Article 60 The funds required for the Substitute Services shall be budgeted by the competent authorities (i.e., the Ministry of the Interior) and the organizations (entities) concerned in accordance with this Statute and budget related laws and ordinances for the matters required.

第 61 條 本條例起徵對象為中華民國七十年次以後出生之役男。  
中華民國六十九年次以前出生之役男有履行兵役義務者，得依第五條規定申請服替代役。

Article 61 The target draftees under this Statute shall be draftees-to-be born in/after the year 1981.

The draftees-to-be born in/before 1980 who are obliged for conscription may apply for Substitute Services in accordance with Article 5 of this Statute.

第 62 條 本條例施行細則，由主管機關定之。

Article 62 The Enforcement Rules of this Statute shall be enacted by the competent authorities (i.e., the Ministry of the Interior).

第 63 條 本條例施行日期，由行政院定之。  
本條例九十二年六月三日以後修正條文，自公布日施行。

Article 63 The date for enforcement of this Statute shall be promulgated by the Executive Yuan (the Cabinet).

The Statute as updated on June 3, 2003 shall come into enforcement on the date of promulgation.