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關鍵字(中)	高齡犯罪 處遇 矯正機構 收容 刑事矯治 刑法修正 老人犯罪 老年罪犯 老人
關鍵字(英)	elderly criminality treatment aged prisoners
摘要(中)	摘要 近幾年我國關於高齡化問題之討論堪稱多元，在高齡者學、社會學、醫學、護理學等領域尤其發達，惟關於高齡犯罪之法制面與政策面等相關問題，卻乏人問津。事實上，高齡犯罪問題是相當具有前瞻性的議

	<p>題，目前高齡受刑人雖是矯正機構內的少數、弱勢族群，長期為矯正官員與研究人員所忽略，但受到社會高齡化與少子化之雙重影響，不僅高齡犯罪人數會亦步亦趨地增加，現服長期徒刑之人也將在矯正機構內逐漸衰老，可以預見，於不久的未來高齡受刑人便會一躍成為矯正機構內之主流人口，相關問題亦將接踵而至、一一浮上檯面。我國對於高齡犯罪之問題意識普遍欠缺，在此景況下，研究高齡犯罪議題是有必要且具急迫性的，適逢刑法修正、施行在即，藉由搜尋高齡犯罪處遇相關機制的機會，一併加以檢視，以探求其對矯正機構收容情形的影響，則意義更屬重大。本文研究範圍兼跨刑法學與刑事政策學，採取廣義的刑事處遇觀點，將研究重點置於矯正機構內高齡罪犯的處遇議題上；參酌國內高齡者學與美國相關資料，勾勒出高齡犯罪之成因與特徵等重要概念，並透過大量引進美國制度與調查研究資料，一窺高齡罪犯在管理機構內服刑之大致狀況，進而與現行法制交互參照，提出高齡犯罪處遇之未來發展芻議。本文共分六章，簡旨如下：第壹章 緒論 闡明研究動機、研究目的與論文架構，以達提綱挈領、綱舉目張之功效。第貳章 高齡犯罪之概念與形成因素之探討 除了說明高齡者與高齡犯罪之意義外，並對高齡罪犯之類型與基本特性，以及高齡犯罪之概況、特徵、形成相關因素等作一介紹說明。第參章 刑法上與高齡犯罪處遇有關之機制 本章進入法制面的探討，不僅從犯罪處遇模式、種類與機構的介紹中搜尋出可適用於高齡犯罪者，更因應民國九十四年刑法修正，探討新法實施後對於犯罪矯正機構收容情形之影響。第肆章 高齡者在矯正機構服刑相關問題之探討 關於高齡者在矯正機構內的服刑狀況與相關問題，國內資料甚少，幾乎已到達完全匱乏的程度，筆者乃大量引進美國文獻與調查報告，供作國內參考；所謂「他山之石，可以攻錯」，藉由對他人研究調查的了解，一探高齡受刑人於矯正機構服刑之概況，以為規畫我國政策或其他調查實施之所用。第伍章 我國高齡犯罪處遇現況之檢討與未來發展之芻議 改善監獄超額收容情況、減少矯正機構收容費用，此兩者為當前矯正單位所面臨的最急迫問題，針對危險性較低的高齡犯罪者規畫適當之處遇方式，或可直接或間接地收到相當成效。本章即本此宗旨而發，除了檢討我國高齡犯罪處遇之現況外，亦引進美國現行專為高齡罪犯所開發的最新處遇措施、考量我國現行法制與現實需求，探討美國制度為我所用之可能，進而提出我國未來在高齡犯罪處遇方面之發展芻議，第陸章 結論與建議 言簡意賅地回顧各章重點內容，提出未來研究方向建議，並將之與前章所提及的高齡犯罪處遇發展芻議予以表格化，作為本文之總結。</p>
摘要 (英)	
論文 目次	<p>第壹章 緒論 第一節 研究動機與目的 第二節 論文架構 第貳章 高齡犯罪之概念與形成因素之探討 第一節 相關名詞闡釋 第一項 高齡者之意義 第二項 高齡犯罪之意義 第二節 高齡罪犯之類型與基本特性 第一項 高齡罪犯之類型 第二項 高齡罪犯之基本特性 第三節 高齡犯罪之概況與特徵 第一項 高齡犯罪之概況 第二項 高齡犯罪之特徵 第四節 老化所帶來之轉變與高齡犯罪形成之相關因素 第一項 老化所帶來之轉變 第二項 高齡犯罪形成之相關因素 第參章 刑法上與高齡犯罪處遇有關之機制 第一節 犯罪處遇模</p>

式與種類之簡介 第一項 犯罪處遇模式 第二項 犯罪處遇種類 第二節 現行制度下可用於高齡犯罪之處遇種類與機構 第一項 可用於高齡犯罪之處遇種類 第二項 可用於高齡犯罪之處遇機構 第三節 刑法修正後對於犯罪矯正機構收容情形之影響 第一項 概說 第二項 易科罰金 第三項 緩刑 第四項 假釋 第五項 追訴權時效 第六項 行刑權時效 第四節 結語 第肆章 高齡者在矯正機構服刑相關問題之探討 第一節 概說 第二節 高齡受刑人之健康狀況與相關議題之探討 第一項 美國各地關於高齡受刑人健康狀況之調查研究 第二項 年齡對健康之影響 第三項 高齡受刑人之機能健康狀況 第四項 高齡受刑人疾病感染之狀況 第五項 高齡受刑人之精神健康狀況 第六項 高齡受刑人對健康照護服務之利用狀況 第七項 其他與受刑人健康有關之議題 第八項 小結 第三節 高齡受刑人之調節適應狀況與相關議題之探討 第一項 監禁對高齡受刑人之影響 第二項 新高齡罪犯對監禁生活之調節適應 第三項 高齡長期被收容人對監禁生活之調節適應 第四項 有助於高齡受刑人調節適應之活動 第五項 小結 第四節 專為高齡受刑人設計之新近收容處遇方案 第一項 團體活動之規畫 第二項 監獄療養院 (Prison Nursing Homes) 之設置 第三項 收容所計畫 (Hospice Programs) 之出現 第四項 小結 第伍章 我國高齡犯罪處遇現況之檢討與未來發展之芻議 第一節 我國高齡犯罪處遇現況之檢討 第二節 關於我國高齡犯罪處遇之未來發展芻議 第一項 概說 第二項 分監收容 第三項 特別允准外出制度 第四項 替代選擇方案 第陸章 結論與建議 附錄：參考文獻

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