

Enforcement of Transnational Criminal Law in Taiwan

Focus: The adaption of criminal law to technological advancements and the evolving challenges of transnational crime

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The Challenges we face..

Technology Facilitated (Tech-driven) Crimes:	Characteristic
• Generative AI Deepfakes, • Virtual Asset Money Laundering, • the Dark Web, • Phishing …	• Highly Covert • Decentralized Nature • Transnational • Organized Crime Group

Modernization of Traditional Criminal Law

- 1. Addition of the Chapter on "Offenses Against Computer Security" (Articles 358 to 362 of the Criminal Code)
- 2. Introduction of Deepfake and Sexual Privacy Offenses (Articles 319-1 to 319-4 of the Criminal Code)
- 3. Impose an Aggravated Penalty on Fraud related to AI/Tech-Facilitated Crime" (Article 339-4 of the Criminal Code)
- 4. Expansion of Extraterritorial Jurisdiction (Article 5, Subparagraph 11 of the Criminal Code)

Upgrade Evidence Rules and Investigative Tools in Codes of Criminal Procedure (1)

- **Addition of the Chapter on "Special Technological Investigation" (Articles 153-1 to 153-10 of the Code of Criminal Procedure):**
  - **GPS and Technological Tracking:** Regulates the statutory procedures and the principle of judicial reservation (court warrant requirement) for law enforcement's use of GPS positioning and electronic tracking devices to monitor vehicles or specific targets.
  - **Thermal Imaging and Non-Invasive Technological Devices:** Establishes application thresholds and standards for conducting non-invasive technological monitoring of indoor spaces from an outdoor position.
  - **Drone Aerial Surveillance (MVT):** Provides a legal basis authorizing aerial photographic evidence gathering over designated areas or suspects' movements.

Upgrade Evidence Rules and Investigative Tools in Codes of Criminal Procedure (2)

- **Confiscation and Provisional Seizure of Digital Evidence:**
  - Grants law enforcement explicit statutory authority to seize electromagnetic records, access rights to cloud storage accounts, and cold wallet seed phrases/private keys, while establishing forensic standards to secure the digital chain of custody.

Amendments and New Regulations Against Transnational Crime (1)

- **Amendments to the Money Laundering Control Act and Promulgation of the Virtual Asset Service Act:**
  - **Regulatory Oversight of Virtual Asset Service Providers (VASPs):** Domestic and overseas cryptocurrency exchanges as well as individual crypto traders that have not completed anti-money laundering compliance declarations are strictly prohibited from providing virtual asset services, with violators subject to direct criminal liability.
  - **Criminalization of Providing Mule Accounts/Virtual Accounts:** Introduces criminal penalties for delivering or providing bank accounts, virtual currency wallets, or third-party payment accounts to others without legitimate justification, thereby severing the financial conduits used by transnational money laundering and account-harvesting syndicates.

Amendments and New Regulations Against Transnational Crime (2)

- **Promulgation of the Fraud Crime Prevention Act**
  - Authorizes competent authorities to mandate that international roaming services and high-risk overseas telecommunications operators comply with identity verification and blacklist-blocking measures.
  - Imposes statutory obligations on large cross-border online advertising platforms (such as Google and Meta) to remove fraudulent advertisements and preserve relevant data, backed by enforcement measures such as access restrictions (DNS blocking or blacklisting) for non-compliance.