

Child and Youth Sexual Exploitation Prevention Act

Status of validity: ✘ Some or all of the provisions of this Act have not come into effect.

The title and all 55 articles of this Act were amended and promulgated on February 4, 2015; the effective date is to be determined by the Executive Yuan.

Chapter I General Provisions

Article 1

This Act is enacted to prevent all forms of sexual exploitation of children and youths and ensure their healthy physical and mental development.

Article 2

The term “child or youth sexual exploitation” herein shall refer to any of the following behaviors:

1. Causing a child or youth to engage in sexual intercourse or obscene acts in exchange for monetary or other considerations;
2. Using a child or youth to engage in sexual intercourse or obscene acts for others to watch;
3. Filming a child or youth engaging in sexual intercourse or obscene acts, or producing pictures, photographs, films, videotapes, compact disks, electronic signals or other objects that show a child or youth engaging in sexual intercourse or obscene acts;
4. Using a child or youth as a host/hostess in a bar or club or for services, such as tour escorts and singing or dancing companions, that involve sexual activities.

The term “victims” herein shall refer to children or youths who were, or allegedly were, sexually exploited.

Article 3

The term “competent authorities” herein shall refer to the Ministry of Health and Welfare at the central government level, municipal governments at the municipality level, and city/county governments at the city/county level. The competent authorities shall set up a separate budget and appoint dedicated personnel to prevent child and youth sexual exploitation.

The authorities in charge of industries or businesses related to interior affairs, legal affairs, education, national defense, culture, economy, labor, transportation, and communication shall make utmost efforts to help with and carry out educational

campaigns when their duties involve the prevention of child and youth sexual exploitation.

The competent authorities and the relevant authorities set forth in the preceding paragraph shall jointly announce and review the results of such tasks as educational campaigns, rescue and protection, punishments for offenders, placement, and services, on a regular basis.

The competent authorities shall invite relevant scholars or experts, representatives of relevant civil institutions or organizations, and representatives of the authorities in charge of relevant industries to coordinate, study, review, offer advice on, and implement child and youth sexual exploitation prevention policies.

The number of the aforesaid scholars, experts, and representatives of relevant civil institutions or organizations shall not be less than half, and the number of either gender shall not be less than one third.

Article 4

Schools at the secondary and lower levels shall organize educational courses or campaigns on the prevention of child and youth sexual exploitation each academic year.

The contents of the educational courses or campaigns on child and youth sexual exploitation as set forth in the preceding paragraph shall include the following:

1. Campaign against sex as the subject of transactions;
2. Awareness of the crimes of sexual exploitation;
3. Situations where one may be subject to sexual exploitation;
4. Knowledge of Internet security and proper use of the Internet;
5. Other matters related to the prevention of sexual exploitation.

Chapter II Rescue and Protection

Article 5

The central competent authorities of legal affairs and interior affairs shall appoint dedicated subsidiary agencies to direct and supervise all district prosecutors offices and police departments in investigating the crimes defined in this Act. All district prosecutors offices and police departments shall appoint dedicated personnel who have received professional training to handle cases related herein.

Article 6

In order to prevent children and youths from being sexually exploited, the competent

authorities at the municipality and city/county levels shall provide children or youths who leave home with emergency shelter, counseling, care, contact, and other necessary services.

Article 7

Medical personnel, social workers, educational personnel, caregivers, immigrant management personnel, employees of immigration service agencies, household registration personnel, village officers, police officers, judicial officers, employees of tourism businesses, employment service personnel, and other personnel carrying out child or youth welfare services shall immediately report to the local competent authorities or the authorities or personnel specified in Article 5 after becoming aware of any child or youth that is in need of protection under this Act or any suspect of a crime as defined in Chapter IV.

The personal information of the reporter and informant stated herein shall be kept confidential.

Article 8

Internet platform providers, application service providers, and telecommunications companies shall, upon becoming aware of any of the events stated in Chapter IV or learning about such events through the Institute of Watch Internet Network, other institutions, or the competent authorities, first remove the information in question, retain the relevant data for at least ninety days, and provide such data to the judicial authorities and police departments for investigation purposes.

The relevant data set forth in the preceding paragraph shall at least include information about the offending webpages, personal information of the suspect, and Internet access records, in connection with crimes as defined in Chapter IV of this Act.

Article 9

In the event of questioning a victim during an enquiry, an investigation, or a trial, police and judicial officers shall notify the competent authority at the municipality and city/county levels of the need to assign a social worker to accompany the victim at the site, and shall allow such a person to state his/her opinion.

If a victim has been legally questioned during the aforesaid investigation or trial, and he/she has made such a clear statement that there is no need for further questioning, the victim shall not be summoned again.

Article 10

When a victim is being questioned or cross-examined during an investigation or a trial, the victim's legal representative, lineal relatives by blood or collateral relatives by blood within the third degree of kinship, spouse, parents, family members, physicians, psychologists, counsellors, or social workers may accompany the victim at the site and state their opinions. The same rule shall apply to the investigations by judicial police officers or judicial police.

The aforesaid rule does not apply when the person to accompany the victim at the site is a suspect or a defendant of a crime defined in this Act.

Article 11

In addition to the protection provided pursuant to this Act, when the prosecutor or judge deems it necessary, Articles 4 to 14, Paragraph 2 of Article 15, Article 20, and Article 21 of the Witness Protection Act shall apply to the witnesses, victims, reporters, informants, or complainants of a sexual exploitation case.

Article 12

In the event that a child or youth is questioned during an investigation or a trial, attention shall be paid to the personal safety of the child or youth, and an environment and measures that ensure his/her safety shall be provided. Such safety shall be achieved by proper isolation procedures if necessary. Alternatively, such safety may be achieved outside the court upon request or *virtute officii*.

The same rule shall apply to the investigations by judicial police officers or judicial police.

Article 13

The statement made by a child or youth during an investigation by administrative prosecutors, judicial police officers, or judicial police, which has been especially proven credible and is essential to prove the facts of the criminal offense, may serve as evidence despite any of the following conditions occurring to the child or youth during a trial:

1. The victim is unable to make a statement due to physical and psychological trauma;
2. The victim is unable to make a complete statement or refusal to make a statement during questioning or cross-examination when appearing before the court due to physical and mental stress ;
3. The victim cannot be summoned or fails to appear being summoned because he/she is not in the Taiwan area or his/her whereabouts is unknown.

Article 14

Promotional materials, publications, broadcasts, television, Internet sources, or other media shall not report or contain the name of a victim or other information that is sufficient to identify the victim.

The information that is sufficient to identify the victim as set forth in the preceding paragraph shall not be disclosed in the documents that are produced by administrative and judicial authorities and that must be made known to the public. However, this rule does not apply if applicable law provides otherwise.

Any person other than those specified in the preceding two paragraphs shall not, by media or any other means, make public or disclose the name of the victim or other information that is sufficient to identify the victim as set forth in the first paragraph.

Chapter III Placement and Services

Article 15

After discovering or rescuing a victim, prosecutors, judicial police officers or judicial police shall send the victim to the local competent authority at the municipality or city/county level within 24 hours.

The competent authority at the municipality or city/county level as set forth in the preceding paragraph shall immediately evaluate the victim in terms of school enrollment, employment, adaptation to life, and personal safety, as well as the functions of the victim's family in offering protection and education, and proceed with the following measures:

1. Inform the parents or guardian to take the victim back home and offer proper protection and education;
2. Send the victim to an appropriate place for emergency placement, protection, and services;
3. Provide other necessary protection and assistance.

The aforesaid rule shall also apply when the competent authority at the municipality or city/county level receives a report, discovers a victim, or when the victim seeks help by himself/herself.

Article 16

The competent authority at the municipality or city/county level shall, within 72 hours of offering an emergency placement to a victim pursuant to the preceding article, evaluate the necessity of continuing such placement. After the evaluation, if it is deemed unnecessary to continue such placement, the victim shall not be offered

placement and will be sent to the care of the parents or guardian of the victim or another suitable person. If it is deemed necessary to continue such placement, the competent authority shall submit a report to the court and request for ruling. If the court deems it unnecessary to continue such placement after receiving the aforesaid request, it shall rule that no placement will be offered, and that the victim shall be sent to the care of his/her parents or guardian or another suitable person. If the court deems it necessary to continue such placement, the competent authority at the municipality or city/county level shall place the victim in a child and youth welfare institution, foster family, or another appropriate medical or educational institution for a period of not more than three months.

During the placement, the court may, *virtute officii* or upon request by the competent authority at the municipality or city/county level, the victim, his/her parents or guardian, or another suitable person, rule that the placement shall be terminated, and that the victim shall be sent to the care of his/her parents or guardian or another suitable person for protection and education.

The competent authority at the municipality or city/county level may continue to offer placement before receiving the ruling set forth in the second paragraph.

Article 17

The 72-hour period as set forth in the first paragraph of the preceding article shall commence from the moment when the victim is offered emergency placement pursuant to Subparagraph 2, Paragraph 2 of Article 15. However, the following shall be excluded:

1. The duration of escort;
2. The duration of delay caused by any traffic obstructions;
3. The period during which an evaluation on the necessity of placement cannot be performed due to other laws and regulations;
4. The period of delay caused by other force majeure events.

Article 18

The competent authority at the municipality or city/county level shall, within 45 days of placement of a victim, submit a pretrial report to the court and request a court ruling. The court may order the competent authority supplement or amend its incomplete pretrial report within seven days.

The pretrial report as set forth in the preceding paragraph shall include a placement evaluation and suggestions regarding treatment methods. The contents, items, and format of the report shall be determined by the central competent authority.

Article 19

The court shall, after receiving the aforesaid request, issue one of the following rulings on the victim within seven days of completing the investigation into relevant evidence:

1. In the event that the court deems it unnecessary to offer placement, the victim shall not be offered placement and shall be sent to the care of his/her parents or guardian or another suitable person. The same rule shall apply to foreigners without valid visitor or residence permits, people of the Mainland Area, residents of Hong Kong and Macau, and nationals without registered permanent residence in the Taiwan area.
2. In the event that the court deems it necessary to offer placement, it shall issue a ruling on placement in a child and youth welfare institution, foster family, transition school, or another appropriate medical or educational institution established or commissioned by the competent authority at the municipality or city/county level for a period of not more than two years.
3. Other appropriate treatment methods shall be provided.

In the case where a victim is not offered placement pursuant to the latter part of the first subparagraph of the preceding paragraph, the competent authority at the municipality or city/county level shall commission or subsidize a civil organization to continue to offer counseling prior to repatriation. The competent immigration authority shall arrange for repatriation as soon as possible and safely repatriate the victim.

The competent authority at the municipality or city/county level shall provide the victim referred to in the first paragraph with counseling for a period of between six months and two years. However, this rule does not apply to the conditions specified in the latter part of the first subparagraph of the first paragraph.

Article 20

In case of objection to the court ruling, the competent authority at the municipality or city/county level, the prosecutor, the victim, his/her parents or guardian, or another suitable person may file an interlocutory appeal within ten days of receipt of the ruling.

The ruling issued by the court of interlocutory appeal cannot be subject to further appeal.

The enforcement of the original ruling shall not be halted during the process of interlocutory appeal.

Article 21

The competent authority shall perform an evaluation every three months after the placement of a victim. If the competent authority deem it unnecessary to continue to offer placement after the evaluation, they may request the court to rule on the termination of placement.

In the event that the competent authority at the municipality or city/county level deems it necessary to continue to offer placement, it shall, 45 days before the expiration of the placement period as ruled by the court pursuant to Subparagraph 2, Paragraph 1 of Article 19, submit an evaluation report to the court and request the court to rule on the extension of placement. The period of each extension shall not exceed one year. However, the placement period shall not be extended beyond the 20th birthday of the victim.

If a victim reaches the age of 18 during the placement period, and it is then deemed necessary to continue placement after an evaluation, placement can be continuously offered until the expiration of the placement period or the 20th birthday of the victim.

In case of exemption from placement or termination of the placement, the competent authority at the municipality or city/county level shall assist the victim and his/her family in making necessary arrangements beforehand for the return of the victim.

Article 22

The central education authority and the central competent authority shall jointly work in coordination with the competent authority at the municipality or city/county level to establish transition schools that offer placements to victims.

The provisions of the Act of the Establishment of Juvenile Reformatory Schools and Enforcement of Education shall apply mutatis mutandis to the establishment of transition schools. The staffing regulations for transition schools shall be enacted jointly by the central education authority and the central competent authority. Transition schools shall employ professionals specialized in social work, psychology, counseling, and education and consolidate private resources, so as to provide alternative education and counseling.

Students of transition schools shall have their student status registered at different regular schools. Their diplomas shall be awarded by such regular schools.

The regulations governing the curriculum, adoption of teaching materials and teaching methods, management of student status, and other relevant matters as set forth in the preceding two paragraphs shall be enacted by the central education authority.

Transition schools may provide continuing education for subjects of placement who

are beyond the age for compulsory education.

The funding required for transition schools comes from the following sources:

1. Budgets allocated by all levels of government each year;
2. Social welfare funds;
3. Donations from private individuals or organizations;
4. Other sources of income.

In the event that the establishment and operation of transition schools are involved in the duties and responsibilities of other agencies, all such agencies shall provide cooperation and assistance.

Article 23

The competent authority at the municipality or city/county level shall assign social workers to visit and counsel a victim who has received a ruling by the court pursuant to the former part of Subparagraph 1 and Subparagraph 3, Paragraph 1 of Article 19 for a period of at least one year or until the 18th birthday of the victim.

During the counseling period specified in the preceding paragraph, the competent authority at the municipality or city/county level, the parents or guardian of the victim, or another suitable person may, when deeming it difficult to achieve outcomes in counseling or deeming it necessary to offer placement, present evidence and a statement of the causes, and the competent authority at the municipality or city/county level may, on its own initiative or upon request by the parents, guardian or another suitable person, request a court to issue a ruling pursuant to Subparagraph 2, Paragraph 1 of Article 19.

Article 24

Those to whom have been entrusted the care of a victim, as ruled by a court pursuant to Paragraph 2 of Article 16 or Paragraph 1 of Article 19, shall assist the social workers assigned by the competent authority at the municipality or city/county level with the counseling of the victim.

Article 25

The competent authority at the municipality or city/county level shall comply with the Protection of Children and Youths Welfare and Rights Act to make proper arrangements for victims who are unable to return home after they have been exempted from placement or the placement has been halted or terminated.

Article 26

The provisions of the Juvenile Delinquency Act and the Social Order Maintenance Act

shall not apply to children or youths who are being or may be sexually exploited, if they have not committed another crime.

In the event that the aforesaid children or youths have committed another crime, they shall be referred to the competent authority at the municipality or city/county level pursuant to Article 15 before being referred to the juvenile court in accordance with the Juvenile Delinquency Act.

Article 27

The competent authority at the municipality or city/county level or the institution, school, foster family, or suitable person entrusted with the care of a victim as ruled by a court shall, within the scope of placement or protection and education to the victim, exercise parental rights and assume parental obligations over minor children during the period of placement or protection and education.

Article 28

In the event that a parent, foster parent, or guardian commits the offenses set forth in Articles 32 to 38 and Paragraph 2 of Article 39 against his/her child, foster child, or ward under the age of 18, the victim, prosecutor, closest elder relative of the victim, competent authority at the municipality or city/county level, child and youth welfare institution, or other interested parties may request a court to stop such a person from exercising parental rights and assuming parental obligations over the victim and to select another guardian. In the case of a foster parent, a request may be submitted to the court for declaring the termination of adoption.

When selecting or reselecting a guardian pursuant to the preceding paragraph, the court may designate the competent authority at the municipality or city/county level, a child and youth welfare institution, or another suitable person as the guardian of the victim. Moreover, the court may designate a method of guardianship, order the victim's parents, original guardian, or other people who are obligated to provide maintenance to hand over the child, to pay the selected or reselected guardian a certain amount of maintenance and remuneration, order the imposition of other necessary treatment, or decide on necessary matters.

The aforesaid rulings may serve as writs of execution.

Article 29

The competent authority at the municipality or city/county level may require the parents or guardian of a victim or other people who actually look after a victim to receive parental education and counseling for a period of not less than eight hours and not more than 50 hours, and may carry out a family treatment project.

Article 30

The competent authority at the municipality or city/county level shall continue to follow up and counsel a victim who falls under any of the following circumstances and provide assistance with school enrollment, employment, independent living, or other necessary matters for a period of at least one year or until the 20th birthday of the victim:

1. The victim has been treated pursuant to Subparagraphs 1 and 3, Paragraph 2 of Article 15;
2. The victim is not offered placement pursuant to Paragraphs 1 and 2 of Article 16;
3. The placement offered pursuant to Subparagraph 2, Paragraph 1 of Article 19 expires;
4. The placement expires or is terminated pursuant to the rulings set forth in Article 21.

Education, labor, health, police, and other authorities shall fully cooperate with the follow-up, counseling, and assistance stated in the preceding paragraph.

Chapter IV Penal Provisions

Article 31

Any person who engages in sexual intercourse or obscene acts with a minor under the age of 16 in exchange for considerations, shall be punished pursuant to the provisions of the Criminal Code.

Any person aged 18 or older who engages in sexual intercourse or obscene acts with a minor aged 16 or over and under the age of 18 in exchange for considerations, shall be subject to imprisonment for not more than three years, detention, or a fine of not more than NT\$100,000.

Citizens of the Republic of China who commit the offenses set forth in the preceding two paragraphs outside the territory of the Republic of China shall be punished in accordance with this Act, regardless of whether such acts are punishable according to the applicable penal regulations at the place where the offences are committed.

Article 32

Any person who, through seduction, shelter, recruitment, arrangement, assistance, or other means, causes a child or youth to engage in sexual intercourse or obscene acts in exchange for considerations, shall be subject to imprisonment for not less than one year and not more than seven years, or in addition thereto, a fine of up to

NT\$3,000,000. The same rule shall apply to those who commit such an offense by fraud.

Any person who commits the offense set forth in the preceding paragraph with the intent to make profits, shall be subject to imprisonment for not less than three years and not more than ten years, and in addition thereto, a fine of up to NT\$5,000,000.

Any person who arranges for, hands over, accepts, transports, or harbors the victim of the offenses set forth in the preceding two paragraphs or causes him/her to be hidden, shall be subject to imprisonment for not less than one year and not more than seven years, or in addition thereto, a fine of up to NT\$3,000,000.

The same rule shall apply to those who arrange the handover, acceptance, transport, and harboring specified in the preceding paragraph.

An attempt to commit the offenses set forth in the preceding four paragraphs is punishable.

Article 33

Any person who, by means of violence, coercion, intimidation, control, drugs, hypnosis, or other means violating the free will of the child or youth concerned, causes the child or youth to engage in sexual intercourse or obscene acts in exchange for consideration, shall be subject to imprisonment for not less than seven years, or in addition thereto, a fine of up to NT\$7,000,000.

Any person who commits the offense set forth in the preceding paragraph with the intent to make profits, shall be subject to imprisonment for not less than ten years, and in addition thereto, a fine of up to NT\$10,000,000.

Any person who arranges for, hands over, accepts, transports, or harbors the victim set forth in the preceding two paragraphs or causes him/her to be hidden, shall be subject to imprisonment for not less than three years and not more than ten years, or in addition thereto, a fine of up to NT\$5,000,000.

The same rule shall apply to those who arrange the handover, acceptance, transport, and harboring specified in the preceding paragraph.

An attempt to commit the offenses set forth in the preceding four paragraphs is punishable.

Article 34

Any person who hands over or accepts another person through trade, pledge, or other means with the intent to cause a child or youth to engage in sexual intercourse or obscene acts in exchange for considerations, shall be subject to imprisonment for not less than seven years, and in addition thereto, a fine of up to NT\$7,000,000. The same rule shall apply to those who commit such an offense by fraud.

For any person who commits the offense set forth in the preceding paragraph by means of violence, coercion, intimidation, control, drugs, hypnosis, or other means violating the free will of the child or youth concerned, the punishment to be imposed shall be increased by one half.

Any person who arranges for, hands over, accepts, transports, or harbors the victim set forth in the preceding two paragraphs or causes him/her to be hidden, shall be subject to imprisonment for not less than three years and not more than ten years, and in addition thereto, a fine of up to NT\$5,000,000.

The same rule shall apply to those who arrange the handover, acceptance, transport, and harboring specified in the preceding paragraph.

An attempt to commit the offenses set forth in the preceding four paragraphs is punishable.

Any person preparing to commit the offenses specified in Paragraphs 1 and 2 shall be subject to imprisonment for not more than two years.

Article 35

Any person who, through recruitment, seduction, shelter, arrangement, assistance, exploitation, or other means, causes a child or youth to engage in sexual intercourse or obscene acts for others to watch, shall be subject to imprisonment for not less than one year and not more than seven years, or in addition thereto, a fine of up to NT\$500,000.

Any person who, by means of violence, coercion, drugs, fraud, hypnosis, or other means violating the free will of the child or youth concerned, causes a child or youth to engage in sexual intercourse or obscene acts for others to watch, shall be subject to imprisonment for not less than seven years, or in addition thereto, a fine of up to NT\$3,000,000.

For any person who commits the offenses set forth in the preceding two paragraphs with the intent to make profits, the punishment to be imposed in accordance with the respective provisions shall be increased by one half.

An attempt to commit the offenses set forth in the preceding three paragraphs is punishable.

Article 36

Any person who films a child or youth engaging in sexual intercourse or obscene acts, or produces pictures, photographs, films, videotapes, compact disks, electronic signals, or other objects that show a child or youth engaging in sexual intercourse or obscene acts, shall be subject to imprisonment for not less than six months and not more than five years, or in addition thereto, a fine of up to NT\$500,000.

Any person who, through recruitment, seduction, shelter, arrangement, assistance, or other means, films a child or youth engaging in sexual intercourse or obscene acts, or produces pictures, photographs, films, videotapes, compact disks, electronic signals, or other objects that show a child or youth engaging in sexual intercourse or obscene acts, shall be subject to imprisonment for not less than one year and not more than seven years, or in addition thereto, a fine of up to NT\$1,000,000.

Any person who, by means of violence, coercion, drugs, fraud, hypnosis, or other means violating the free will of the child or youth concerned, films a child or youth engaging in sexual intercourse or obscene acts, or produces pictures, photographs, films, videotapes, compact disks, electronic signals, or other objects that show a child or youth engaging in sexual intercourse or obscene acts, shall be subject to imprisonment for not less than seven years, or in addition thereto, a fine of up to NT\$3,000,000.

For any person who commits the offenses set forth in the preceding three paragraphs with the intent to make profits, the punishment to be imposed in accordance with the respective provisions shall be increased by one half.

An attempt to commit the offenses set forth in the preceding four paragraphs is punishable.

The objects specified in Paragraphs 1 to 4 shall be confiscated regardless of whether they belong to the offender or not.

Article 37

Any person who commits the offense specified in Paragraph 1 or 2 of Article 33, Paragraph 2 of Article 34, Paragraph 2 of Article 35, or Paragraph 3 of Article 36 and intentionally kills the victim, shall be sentenced to death or life imprisonment; in the event that the offender causes serious injury to the victim, he/she shall be subject to life imprisonment or imprisonment for not less than 12 years.

Any person who commits the offense specified in Paragraph 1 or 2 of Article 33, Paragraph 2 of Article 34, Paragraph 2 of Article 35, or Paragraph 3 of Article 36 and consequently results in the death of the victim, shall be subject to life imprisonment or imprisonment for not less than 12 years; in the event that the offense results in serious injury to the victim, the offender shall be subject to imprisonment for not less than 12 years.

Article 38

Any person who distributes, broadcasts, sells, publicly displays, or by other means shows others the pictures, photographs, films, videotapes, compact disks, electronic signals, or other objects that show a child or youth engaging in sexual intercourse or

obscene acts, shall be subject to imprisonment for not more than three years, or in addition thereto, a fine of up to NT\$5,000,000.

Any person who possesses the above-mentioned objects with the intent to distribute, broadcast, sell, or publicly display the same, shall be subject to imprisonment for not more than two years, or in addition thereto, a fine of up to NT\$2,000,000.

Any discovered objects specified in the preceding two paragraphs shall be confiscated regardless of whether they belong to the offender or not.

Article 39

Any person who is discovered for the first time to possess any of the objects specified in the first paragraph of the preceding article without justifiable reasons, shall be subject to a fine of not less than NT\$10,000 and not more than NT\$100,000. The possessor may also be required to receive counseling for a period of not less than two hours and not more than ten hours. The objects shall be confiscated regardless of whether they belong to the possessor or not.

Any person who is discovered for a second or subsequent time to possess any of the objects specified in the first paragraph of the preceding article without justifiable reasons, shall be subject to a fine of not less than NT\$20,000 and not more than NT\$200,000. The objects shall be confiscated regardless of whether they belong to the offender or not.

Article 40

Any person who, by means of promotional materials, publications, broadcast, television, telecommunication, the Internet sources, or other methods, distributes, sends, publishes, or posts messages that are deemed to be sufficient to seduce, arrange, suggest, or cause a child or youth to be subjected to the conditions set forth in Subparagraphs 1 to 3, Paragraph 1 of Article 2, shall be subject to imprisonment for not more than three years, or in addition thereto, a fine of up to NT\$1,000,000.

Any person who commits the offense set forth in the preceding paragraph with the intent to make profits shall be subject to imprisonment for not more than five years, or in addition thereto, a fine of up to NT\$1,000,000.

Article 41

In the event that a public servant or an elected public official commits an offense specified in this Act or harbors another person who commits such an offense, the punishment to be imposed in accordance with the respective provisions shall be increased by one half.

Article 42

For any person who transports a victim into or out of the Taiwan area with the intent to commit the offenses specified in Articles 32 to 36 or the latter part of Paragraph 1 of Article 37, the punishment to be imposed in accordance with the respective provisions shall be increased by one half.

An attempt to commit the offenses set forth in the preceding paragraph is punishable.

Article 43

In the event that a parent who commits an offense specified in this Act against his/her child makes a confession or surrenders himself/herself, leading to the discovery of the offenses set forth in Articles 32 to 38 or Paragraph 2 of Article 39, his/her punishment shall be reduced or remitted.

In the event that a person who commits the offense specified in Article 31 makes a confession or surrenders himself/herself, leading to the discovery of the offenses set forth in Articles 32 to 38 or Paragraph 2 of Article 39, his/her punishment shall be reduced or remitted.

Article 44

Any person who watches a child or youth engaging in sexual intercourse or obscene acts and pays a consideration shall be subject to a fine of not less than NT\$10,000 and not more than NT\$100,000.

Article 45

Any person who uses a child or youth as a host/hostess in a bar or club or for such services as tour escorts and singing or dancing companions that involve sexual activities, shall be subject to a fine of not less than NT\$60,000 and not more than NT\$300,000, and shall be required to make improvements within a specified period of time. In case of failure to make improvements before the deadline, the competent authority at the municipality or city/county level shall refer the case to the authority in charge of the relevant industries, which shall issue an order to suspend operations for a period of not less than one month and not more than one year.

Article 46

Any person who violates Paragraph 1 of Article 7 shall be subject to a fine of not less than NT\$6,000 and not more than NT\$30,000.

Article 47

The authority in charge of the relevant industries shall impose a fine of not less than NT\$60,000 and not more than NT\$300,000 on a person who violates Article 8, and require the said person to make improvements within a specified period of time. If the said person fails to make improvements before the deadline, consecutive punishments may be imposed.

Article 48

In the event that a broadcast or television company violates Paragraph 1 of Article 14, the authority in charge of the relevant industries shall impose a fine of not less than NT\$30,000 and not more than NT\$300,000, and require the company to make amends within a specified period of time. If the company fails to make amends before the deadline, consecutive punishments may be imposed.

In case that the person in charge of promotional materials, publications, the Internet sources, or other media excluding the above violates Paragraph 1 of Article 14, the authority in charge of the relevant industries shall impose a fine of not less than NT\$30,000 and not more than NT\$300,000. Moreover, the authority in charge of the relevant industries may confiscate the objects specified in Paragraph 1 of Article 14 and require the said person to remove or withdraw the contents or adopt other necessary measures within a specified period of time. If the said person fails to fulfill the requirement before the deadline, consecutive punishments may be imposed until the requirement is fulfilled.

If there is no person in charge of promotional materials, publications, the Internet sources, or other media, or the person in charge is not related to the behavior of the offender in a supervisory manner, the offender shall be fined pursuant to Paragraph 2.

Article 49

Any person who fails to receive the parental education and counseling specified in Article 29 or refuses to complete the specified hours shall be subject to a fine of not less than NT\$3,000 and not more than NT\$15,000. Consecutive punishments may be imposed.

If a child or youth fails to receive the counseling specified in Paragraph 3 of Article 19 because a parent, the guardian, or another person who actually looks after the child or youth does not fulfill the responsibilities of supervision and cooperation, a fine of not less than NT\$1,200 and not more than NT\$6,000 shall be imposed.

Article 50

In the event that a provider of promotional materials, publications, broadcast

services, television services, the Internet sources, or other media distributes, sends, publishes, or posts messages that are deemed to be sufficient to seduce, arrange, suggest, or cause a child or youth to be subjected to the conditions set forth in Subparagraphs 1 to 3, Paragraph 1 of Article 2, the authority in charge of the relevant industries shall impose a fine of not less than NT\$50,000 and not more than NT\$600,000.

The authority in charge of the relevant industries shall issue a press release and disclose the media that have violated the provisions of the preceding paragraph. If the provider of the Internet sources or other media as set forth in the first paragraph has exercised due diligence to prevent any person from distributing, sending, publishing, or posting messages that may cause a child or youth to be subjected to the conditions set forth in Subparagraphs 1 to 3, Paragraph 1 of Article 2, the punishment may be reduced or remitted after the child and youth welfare organizations, scholars, and experts invited by the authority in charge of the relevant industries have deliberated on the case and granted approval.

Article 51

The competent authority at the municipality or city/county level shall provide an offender of Articles 31 to 38, Paragraph 2 of Article 39, or Article 40 with counseling for a period of not less than four hours and not more than 50 hours if a final judgment has been rendered or the ruling on deferred prosecution has become final. The competent authorities may cooperate with correctional facilities to provide the aforesaid counseling when offenders are serving their sentences. The correctional facilities shall offer venues and necessary assistance.

Any person who fails to receive the counseling specified in the first paragraph or Paragraph 1 of Article 39 without justifiable reasons or refuses to complete the hours of the said counseling, shall be subject to a fine of not less than NT\$6,000 and not more than NT\$30,000, and may be subject to consecutive punishments.

Article 52

If more severe penal provisions are provided by another regulation for an offense that violates this Act, such provisions shall prevail.

The provisions of this Act shall apply mutatis mutandis to the investigations or trials carried out by a military tribunal in regard to an offense committed by a member of the armed forces in active service.

Chapter V 附則 Supplementary Provisions

Article 53

The regulations governing the subjects, methods, and contents of the counseling specified in Paragraph 1 of Article 39 and Paragraph 1 of Article 51, as well as other matters to be complied with, shall be enacted by the central competent authority together with the authority in charge of legal affairs.

Article 54

The enforcement rules of this Act shall be enacted by the central competent authority.

Article 55

The effective date of this Act shall be determined by the Executive Yuan.