

ACT ON THE PROTECTION OF CHILDREN AND JUVENILES FROM SEXUAL ABUSE

Wholly Amended by Act No. 9765, Jun 9, 2009

Amended by Act No. 9932, Jan.18, 2010

Act No.10258, Apr.15, 2010

Act No.10260, Apr.15, 2010

Act No.10261, Apr.15, 2010

Act No.10391, Jul. 23, 2010

CHAPTER Ⅹ GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to provide for special cases concerning the punishment for committing sex offenses against children or juveniles and the procedures therefor, prepare procedures for relieving and assisting victimized children and juveniles, and systematically manage sex offenders against children or juveniles, thereby protecting them from sexual abuse and helping them become productive members of society.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act Nos. 10258 & 10260, Apr. 15, 2010>*

1. The term “children and/or juveniles” means persons under 19 years of age: *Provided*, That persons for whom the first day of January of the year in which they reach 19 years of age has arrived shall be excluded;
2. The term “sex offenses against children or juveniles” means offenses falling under any of the following subparagraphs:
 - (a) Offenses as defined in Articles 7 through 12 (excluding those defined in Article 8 (4));
 - (b) Offenses against children or juveniles as defined in *Articles 3 through 10 and 14 of the Act on Special Cases concerning the Punishment, etc. of Victims of Sexual Crimes*;
 - (c) Offenses against children or juveniles as defined in Articles 297 through 301, 301-2, 302, *303, 305 and 339* of the Criminal Act;

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(d) Offenses against children or juveniles as defined in subparagraphs 2 and 6 of Article 29 of the Child Welfare Act;

3. The term “sex assault crimes against children or juveniles” means sex offenses committed against children or juveniles, excluding those defined in Articles 8 through 12;
4. The term “act of purchasing child or juvenile sex” means doing any of the following acts to a child or juvenile or compelling them to do such an act, in return for offering or promising to offer money and valuables or other property gains, services or convenience to those who arrange the purchase of child or juvenile sex, or those who actually protect and supervise the child or juvenile, or any other person:
 - (a) Sexual intercourse;
 - (b) Pseudo-sexual intercourse using parts of the body, such as the mouth and anus, or implements;
 - (c) Touching or exposing the whole or part of the body, which causes sexual humiliation or repugnance of ordinary people;
 - (d) Masturbation.
5. The term “child or juvenile pornography” means the depiction of children or juveniles doing an act specified in subparagraph 4 or engaging in any other sexual act in the form of film, video, game software, or picture or image, etc. displayed on computers or other communication media;
6. The term “victimized children or juveniles” means children or juveniles who have fallen a victim to an offense as defined in subparagraph 2 (b) and (c) and Articles 7 through 9;
7. The term “targeted children or juveniles” means children or juveniles who have become a partner in an offense as defined in Article 10.

Article 3 (Caution in Interpretation and Application)

For the purposes of interpreting or applying this Act, the rights and interests of children and juveniles shall be preferentially considered, and caution shall be given not to unfairly infringe upon the rights of their interested persons and families.

Article 4 (Duties of the State and Local Governments)

- (1) The State and local governments shall conduct surveys and research, provide education and guidance, prepare legal and institutional framework, and provide necessary financial support for preventing sex offenses against children or juveniles and protecting them from sexual exploitation and abuse.

(2) In recognition that child and juvenile sex exploitation and abuse are international crimes, the State shall make efforts to reinforce international cooperation through the sharing of criminal information, investigations and research on crimes, cooperation under international criminal law, extradition of criminals, etc.

Article 5 (Responsibilities of Society)

Every citizen shall make utmost efforts to arrange social settings, and protect, guide and educate children and juveniles to prevent them from becoming partners in or victims to any crime prescribed in this Act or from committing any crime prescribed in this Act.

Article 6 (Production, Distribution and Transmission of Promotion Films)

(1) The **Minister of Gender Equality and Family** shall produce promotion films for prevention of and guidance on sex offenses against children or juveniles, or treatment and rehabilitation of victims, etc. and distribute them to persons in charge of broadcast programming as prescribed in subparagraph 23 of Article 2 of the Broadcasting Act. *<Amended by Act No. 9932, Jan. 18, 2010>*

(2) The **Minister of Gender Equality and Family** may request terrestrial broadcasting business operators as prescribed in subparagraph 3 (a) of Article 2 of the Broadcasting Act (hereinafter referred to as “broadcasting business operators”) to transmit promotion films referred to in paragraph (1) via each channel within the quota for non-commercial and public service advertisements which is prescribed by Presidential Decree pursuant to Article 73 (4) of the same Act. *<Amended by Act No. 9932, Jan. 18, 2010>*

(3) Every broadcasting business operator may transmit promotion films produced independently by themselves besides the promotion films referred to in paragraph (1). In such cases, he/she may request the **Minister of Gender Equality and Family** to provide necessary cooperation and assistance. *<Amended by Act No. 9932, Jan. 18, 2010>*

CHAPTER Ⅹ SPECIAL CASES
CONCERNING PUNISHMENT
OF AND PROCEDURES FOR
SEX OFFENSES AGAINST
CHILDREN OR JUVENILES

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Article 7 (Rape, Molestation, etc. of Children or Juveniles)

- (1) Any person who commits an offense as prescribed in Article 297 of the Criminal Act against a female child or juvenile shall be punished by imprisonment for a limited term of not less than five years.
- (2) Any person who commits any of the following acts by means of threatening or assaulting a child or juvenile shall be punished by imprisonment for a limited term of not less than three years:
 1. To put genitals into a part of the body (excluding genitals), such as the mouth or anus;
 2. To put a part of the body (excluding genitals), such as fingers, or implements into the genitals or anus.
- (3) Any person who commits an offense as prescribed in Article 298 of the Criminal Act against a child or juvenile shall be punished by imprisonment for a limited term of not less than one year or by a fine of not less than five million won but not more than 20 million won.
- (4) Any person who commits an offense as prescribed in Article 299 of the Criminal Act against a child or juvenile shall be punished in the same manner as prescribed in paragraphs (1) through (3).
- (5) Any person who rapes or molests a female child or juvenile by a deceptive scheme or by force shall be punished in the same manner as prescribed in paragraphs (1) through (3).
- (6) Any person who attempts to commit an offense as prescribed in paragraphs (1) through (5) shall be punished.

Article 7-2 (Special Cases concerning Provisions on Mitigation under Criminal Act)

Where any person under the mentally handicapped status due to drinking or drug commits an offense as prescribed in Articles 3 through 11 of the Act on Special Cases concerning the Punishment, etc. of Victims of Sexual Crimes against a child or juvenile, Articles 10 (1) and (2) and 11 of the Criminal Act may not apply.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 7-3 (Special Cases concerning Reckoning of Prescription of Public Prosecution)

- (1) The prescription of a public prosecution for sex offense against a child or juvenile shall, notwithstanding Article 252 (1) of the Criminal Procedure Act, commence from the day when a victimized child or juvenile from sex

offense reaches the adult age.

(2) The prescription of a public prosecution for the offense prescribed in Article 7 shall be extended by ten years where any scientific evidence that may prove the existence of such offense exists, such as evidence of DNA.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 8 (Production, Distribution, etc. of Child or Juvenile Pornography)

(1) Any person who produces, imports or exports child or juvenile pornography shall be punished by imprisonment for a limited term of not less than five years.

(2) Any person who sells, lends or distributes child or juvenile pornography for commercial purposes, or possesses or transports child or juvenile pornography for the said purposes, or publicly exhibits or shows child or juvenile pornography shall be punished by imprisonment with prison labor for not more than seven years.

(3) Any person who distributes, publicly exhibits or shows child or juvenile pornography shall be punished by imprisonment with prison labor for not more than three years or by a fine not exceeding 20 million won.

(4) Any person who possesses child or juvenile pornography shall be punished by a fine not exceeding 20 million won.

(5) Any person who recruits a child or juvenile for a child or juvenile pornography producer, knowing that they are to be used for producing child or juvenile pornography shall be punished by imprisonment with prison labor for a period of not less than one year but not more than ten years.

(6) Any person who attempts to commit an offense as prescribed in paragraph (1) shall be punished.

Article 9 (Child or Juvenile Sex Trafficking)

(1) Any person who deals in or sends a child or juvenile to a foreign country or brings a child or juvenile living in a foreign country into Korea, knowing that they will become an object of an act of purchasing child or juvenile sex or producing child or juvenile pornography, shall be punished by imprisonment with prison labor for not less than five years.

(2) Any person who attempts to commit an offense as prescribed in paragraph (1) shall be punished.

Article 10 (Act of Purchasing Child or Juvenile Sex, etc.)

(1) Any person who purchases child or juvenile sex shall be punished by imprisonment with prison labor for not more than **five** years or by a fine

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not exceeding 30 million won. *<Amended by Act No. 10260, Apr. 15, 2010>*

(2) Any person who entices a child or juvenile for purchasing their sex or solicits a child or juvenile to prostitute shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding ten million won.

Article 11 (Coercive Conduct against Children or Juveniles, etc.)

(1) Any of the following persons shall be punished by imprisonment for a limited term of not less than five years: *<Amended by Act No. 10260, Apr. 15, 2010>*

1. A person who, by means of threat or assault, compels a child or juvenile to become a partner in an act of purchasing child or juvenile sex ;
2. A person who compels a child or juvenile to become a partner in an act of purchasing child or juvenile sex by placing them into a difficult situation by a deceptive scheme, advanced payment or other debts;
3. A person who compels a child or juvenile to become a partner in an act of purchasing child or juvenile sex by taking advantage of their status under his/her protection or supervision due to their duties, employment or any other relationship;
4. A person who, for business purposes, entices or solicits a child or juvenile to become a partner in an act of purchasing child or juvenile sex.

(2) When a person who commits an offense as described in paragraph (1) 1 through 3 receives the whole or part of the consideration therefor, or demands or promises such consideration, he/she shall be punished by imprisonment for a limited term of not less than seven years. *<Amended by Act No. 10260, Apr. 15, 2010>*

(3) Any person who entices or solicits a person to become a partner in an act of purchasing child or juvenile sex shall be punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 50 million won. *<Amended by Act No. 10260, Apr. 15, 2010>*

(4) Any person who attempts to commit an offense as prescribed in paragraphs (1) and (2) shall be punished.

Article 12 (Business of Arranging Prostitution, etc.)

(1) Any of the following persons shall be punished by imprisonment for a limited term of not less than seven years: *<Amended by Act No. 10260, Apr. 15, 2010>*

1. A person offering places for acts of purchasing child or juvenile sex

by profession;

2. A person arranging acts of purchasing child and juvenile sex by profession;
3. A person providing capital, land, or a building, knowing that they are used in a crime referred to in subparagraph 1 or 2;
4. A person causing an establishment offering a place for acts of purchasing child or juvenile sex or arranging acts of purchasing child and juvenile sex as a business to hire children or juveniles.

(2) Any of the following persons shall be punished by imprisonment with prison labor for not more than seven years or by a fine not exceeding 50 million won: *<Amended by Act No. 10260, Apr. 15, 2010>*

1. A person enticing, soliciting or coercing another to purchase child or juvenile sex by profession;
2. A person offering places for acts of purchasing child or juvenile sex;
3. A person arranging acts of purchasing child or juvenile sex;
4. A person promising any act under subparagraph 2 or 3 by profession.

(3) Any person who entices, solicits or coerces another to purchase child or juvenile sex shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 30 million won. *<Amended by Act No. 10260, Apr. 15, 2010>*

Article 13 (Concurrent Imposition of Punishment and Order to Attend Courses, etc.)

(1) When a court convicts a person who has committed a sex offense against a child or juvenile, the court shall concurrently impose an order to attend a course or to complete a sexual assault treatment program (hereinafter referred to as "order to complete a program") which is necessary for preventing reoffense within the limit of 300 hours: *Provided, That where there exist extraordinary circumstances that make it difficult to render an order to attend a course or an order to complete a program, such as a mentally handicapped person under Article 10 of the Criminal Act.*

(2) An order to attend a course under paragraph (1) against a person who has committed a sex offense against a child or juvenile may, where the execution of the penalty is suspended, be imposed concurrently within such period of suspension of execution, and an order to complete a program shall be imposed concurrently where the imprisonment without prison labor or heavier punishment is sentenced: *Provided, That an order to complete a program*

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shall not be imposed concurrently where the sex offender against a child or juvenile is subject to an order to complete the sexual assault program under Article 9-2 (1) 4 of the Act on the Electronic Monitoring of Specific Criminal Offenders.

(3) An order to attend a course or an order to complete a program under paragraph (1) shall consist of diagnosis of abnormal behaviors and counselling, education to provide a sound understanding of sex, and other things necessary to prevent sex offenders from reoffending.

(4) The head of a probation office or the head of a correctional institution may commission a whole or partial execution of an order to attend a course or an order to complete a program under paragraph (1) to the Minister of Gender Equality and Family.

(5) The Act on Probation, etc. shall apply *mutatis mutandis* with regard to an execution of an order to attend a course or an order to complete a program under paragraph (1).

[This Article Wholly Amended by Act No. 10260, Apr. 15, 2010]

Article 14 (Request for Divestment of Parental Rights, etc.)

(1) Any prosecutor who investigates a sex offense case against a child or juvenile shall, if the offender of the case is a person with parental rights or a guardian of the victimized child or juvenile concerned, request the competent court to render an adjudication of divestment of parental rights as defined in Article 924 of the Civil Act or a decision on the replacement of guardian as defined in Article 940 of the same Act: *Provided, That the same shall not apply where there exist extraordinary circumstances that make it difficult to render an adjudication of divestment of parental rights or a decision on the replacement of guardian. <Amended by Act No. 10260, Apr. 15, 2010>*

(2) The heads of the following institutions, facilities or organizations may require prosecutors to file a request under paragraph (1). In such cases, the prosecutors in receipt of such request shall notify the heads of such institutions, facilities or organizations of the results of processing such request within 30 days from the date of receiving such request: *<Amended by Act Nos. 10258 & 10261, Apr. 15, 2010>*

1. Specialized child protection institutions under Article 24 of the Child Welfare Act;
2. Sexual assault victim counselling offices under Article 10 of the Sexual Violence Prevention and Victims Protection Act and sexual assault

victim protection facilities under Article 12 of the same Act;

3. Institutions for juvenile counselling or emergency rescue, etc. under Article 46 of the Framework Act on Juveniles and institutions for supporting juveniles, etc. under Article 46-2 of the same Act;
4. Youth shelters under Article 14 of the Juvenile Welfare Support Act.

(3) The head of each institution, facility or organization notified of the results of processing pursuant to the latter part of paragraph (2) may, when he/she has an objection to such results, file a request as prescribed in paragraph (1) directly with the competent court within 30 days from the date of being notified of such results.

Article 15 (Decision on Measures of Protection for Victimized Children and Juveniles)

Where the court adjudicates the offender of a sex offense case against a child or juvenile to be divested of his/her parental rights pursuant to Article 924 of the Civil Act, it may decide a measure of protection, such as delivering the victimized child or juvenile concerned to another person with parental rights or a relative, or to an institution, facility or organization referred to in Article 30 or 31. In such cases, the court shall respect the opinion of the child or juvenile in question.

Article 16 (Victims' Intentions)

Notwithstanding Article 306 of the Criminal Act, public prosecution may be initiated for any of the following offenses committed against children or juveniles, even though no complaint is filed by the victims thereof: *Provided*, That no public prosecution of the offense defined in Articles 10 (1), 11 and 12 of the Act on Special Cases concerning the Punishment, etc. of Victims of Sexual Crimes against a child or juvenile shall be initiated against a victim's express intention: *<Amended by Act No. 10260, Apr. 15, 2010>*

1. Offenses as defined in Article 7;
2. Offenses as defined in Articles 297 through 300, 302, 303 and 305 of the Criminal Act;
3. Deleted. *<by Act No. 10260, Apr. 15, 2010>*

Article 17 (Coercive Conduct against Victims, etc.)

Any person that coerces a victim of a sex assault crime against a child or juvenile or a guardian as defined in subparagraph 3 of Article 2 of the Child Welfare Act to reach a settlement by means of threat or assault shall be punished by imprisonment for a limited term of not less than

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seven years.

Article 18 (Consideration in Investigating Procedures)

Every investigative agency shall, when investigating sex offenses against children or juveniles, take into consideration the human rights and characteristics of the children or juveniles concerned and take care not to impair their honor and dignity.

Article 18-2 (Recording or Preservation, etc. of Video)

(1) The contents of statements and investigation process of a victim of a sex offense against a child or juvenile may be recorded or preserved with recording devices: *Provided*, That the recording may not be permitted where the victim or his/her legal representative expresses his/her opinion against it.

(2) A video recording under paragraph (1) shall record the whole process from the commencement to the end of the investigation and the objective circumstances, and, where the recording is completed, its original copy shall be sealed in front of the victim or his/her defense counsel, and the victim shall affix a seal or sign it.

(3) The prosecutor or judicial police officer shall record the time when the victim arrives at the place of recording under paragraph (1) and commences and finishes the recording, and other necessary matters in order to confirm the progress of the recording process in a report or in a separate written document and then file them in the investigation record.

(4) The prosecutor or judicial police officer shall, where a victim or his/her legal representative applies, deliver a copy of a report which has been prepared during the recording process of video to the relevant applicant.

(5) The statements of the victim which are included in a video recording pursuant to the procedure of paragraphs (1) through (3) may be used as evidence where such formation is confirmed true and genuine by the statement of the victim or the person in confidential relationship who sits in company with the victim or in the preparation of trial or during the investigation process on the trial date.

(6) No one may use a video recording made under paragraph (1) for purposes other than use in investigations and trial.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 18-3 (Special Cases concerning Preservation of Evidences)

(1) When a victim of sex offense against a child or juvenile or his/her legal

representative has a considerable difficulty in attending and testifying on the trial day, he/she may explain the reason thereof and may request the preservation of evidences under Article 184 (1) of the Criminal Procedure Act or of other evidence to the prosecutor who investigates the relevant sexual assault crime with regard to a video recording under Article 18-2.

(2) The prosecutor who receives a request under paragraph (1) may, where any considerable reason for the request exists, request the preservation of evidences.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 18-4 (Company with a Person in Confidential Relationship)

(1) Where the court examines a victim of a sex offense against a child or juvenile as a witness and there is an application from the prosecutor, victim or his/her legal representative, it shall permit a person in confidential relationship with the victim to sit together unless any unavoidable cases exist such as the concern of causing hindrance to the progress of the judgement.

(2) Paragraph (1) shall apply *mutatis mutandis* to the cases where the investigation agency investigates the victim under paragraph (1).

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 19 (Prohibition of Divulgence of Confidential Information)

(1) No public official who is responsible for, or involved in, investigations or trials on sex offenses against children or juveniles shall make public or divulge to other persons any personal information that may identify such children or juveniles, such as the address, name, age, school or occupation, appearance, etc. of the victimized children or juveniles or the targeted children or juveniles, or the pictures thereof, etc., nor confidential information about the private lives of such children or juveniles.

(2) The heads of institutions, facilities or organizations under Articles 30 and 31, or persons who have served or who currently serve as their aides shall not divulge any confidential information that they learned in the course of performing their duties to other persons.

(3) No person shall place any personal information that may identify victimized children or juveniles or targeted children or juveniles, such as the address, name, age, school or occupation, appearance, etc. of such children or juveniles, or the pictures thereof, etc. in newspapers or other publications, nor make them public through broadcasting under subparagraph 1 of Article 2 of the Broadcasting Act (hereinafter referred to as "broadcasting") or any information

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and communications network under Article 2 (1) 1 of the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (hereinafter referred to as "information and communications network").

(4) Any person who violates the provisions of paragraphs (1) through (3) shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding ten million won.

Article 20 (Joint Penal Provisions)

If the representative of a corporation, or an agent, employee or any other employed person of a corporation or an individual commits an offense prescribed under any of Articles 8 (3) and (4), 11 (3) and 12 (2) and (3) in connection with the business of the corporation or individual, not only shall such offender be punished accordingly, but the corporation or individual shall also be punished by the fine prescribed in the relevant provisions, and if such person commits an offense prescribed under any of Articles 8 (1), (2), (5) and (6), 9, 11 (1), (2) and (4) and 12 (1), not only shall such offender be punished accordingly, but the corporation or individual shall also be punished by a fine not exceeding 50 million won: *Provided*, That the same shall not apply where the corporation or individual has not neglected to exercise due diligence and supervision for the relevant duties in order to prevent such offense.

Article 21 (Punishment of Nationals Who Commit Offenses Overseas)

The State shall, when criminally prosecuting nationals who commit sex offenses against children or juveniles outside the territory of the Republic of Korea pursuant to Article 3 of the Criminal Act, make efforts to quickly obtain criminal information from foreign countries concerned and punish them.

CHAPTER Ⅹ REPORTS ON SEX
OFFENSES AGAINST
CHILDREN OR JUVENILES,
AND EMERGENCY
MEASURES AND SUPPORT

THEREFOR

Article 22 (Report on Sex Offenses against Children or Juveniles)

(1) Anyone who learns of the occurrence of a sex offense against a child or juvenile may report such to an investigative agency.

(2) The head of an institution, facility or organization falling under any of the following subparagraphs and the employees thereof shall, when they learn of the occurrence of a sex offense against a child or juvenile during the course of performing their duties, report such to an investigative agency without delay: *<Amended by Act Nos. 10258 & 10261, Apr. 15, 2010>*

1. Kindergartens under subparagraph 2 of Article 2 of the Early Childhood Education Act;
2. Schools under Article 2 of the Elementary and Secondary Education Act;
3. Medical institutions under Article 3 of the Medical Service Act;
4. Child welfare facilities under subparagraph 5 of Article 2 of the Child Welfare Act;
5. Welfare facilities for disabled persons under Article 58 of the Act on the Welfare of the Disabled;
6. Nursery facilities under subparagraph 3 of Article 2 of the Infant Care Act;
7. Private teaching institutes under subparagraph 1 of Article 2 and teaching schools under subparagraph 2 of the same Article of the Act on the Establishment and Operation of Private Educational Institutes and Extracurricular Lessons;
8. Support facilities for victims of sex trafficking, etc. under Article 5 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims thereof, and sex trafficking victim counselling centers under Article 10 of the same Act;
9. Single-parent family welfare counselling centers under Article 7 of the Single-Parent Family Support Act and singly-parent family welfare facilities under Article 19 of the same Act;
10. Domestic violence-related counselling centers under Article 5 of the Act on the Prevention of Domestic Violence and Protection, etc. of Victims thereof, and domestic violence victim protection facilities under Article 7 of the same Act;

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11. Sexual assault victim counselling offices under Article 10 of the Sexual Violence Prevention and Victims Protection Act and sexual assault victim protection facilities under Article 12 of the same Act;
12. Institutions for juvenile counselling, emergency rescue, etc. under Article 46 of the Framework Act on Juveniles and institutions for supporting juveniles, etc. under Article 46 of the same Act;
13. Juvenile activity facilities under subparagraph 2 of Article 2 of the Juvenile Activity Promotion Act;
14. Youth shelters under Article 14 of the Juvenile Welfare Support Act;
15. Juvenile protection centers and juvenile rehabilitation centers under Article 33-2 of the Juvenile Protection Act.

(3) Except as provided for in other Acts, no person shall place any information or material that may identify reporters, etc., such as their personal information or pictures, in publications, nor make them public through broadcasting or any information and communication network.

Article 23 (Education of Persons Liable to Report)

- (1) The head of each relevant administrative agency shall include a curriculum regarding the prevention of sex offenses against children or juveniles and obligations to report in the courses for acquiring a license for the heads of institutions, facilities or organizations under each subparagraph of Article 22 (2) and the employees thereof.
- (2) The Minister of Gender Equality and Family may provide education on the prevention of sex offenses and obligations to report to the heads of institutions, facilities or organizations under each subparagraph of Article 22 (2) and the employees thereof. *<Amended by Act No. 9932, Jan. 18, 2010>*
- (3) Matters necessary for providing education as prescribed in paragraph (2) shall be determined by Presidential Decree.

Article 24 (Protection of Victimized Children or Juveniles)

Where a person who commits a sex offense against a child or juvenile is in a family relationship prescribed in subparagraph 2 of Article 2 of the Act on the Prevention of Domestic Violence and Protection, etc. of Victims thereof, with the victimized child or juvenile concerned, and where it is necessary to protect such victimized child or juvenile, Articles 5, 8, 29 and 49 through 53 of the same Act shall apply *mutatis mutandis*.

Article 25 (Counselling and Treatment of Victimized Children or Juveniles)

and their Guardians)

For the physical and mental recovery of victimized children or juveniles and their guardians, the State may request counselling facilities under Article 31 to provide counselling or treatment programs to victimized children or juveniles and their guardians.

CHAPTER 39 GUIDANCE AND PROTECTION, ETC. OF CHILDREN AND JUVENILES

Article 26 (Investigation, etc. of Targeted Children or Juveniles)

(1) Notwithstanding Article 21 (1) of the Act on the Punishment of Acts of Arranging **Sexual Traffic**, no targeted child or juvenile shall be punished in consideration of their protection and rehabilitation.

(2) If a judicial police officer discovers a targeted child or juvenile, he/she shall investigate the case promptly and forward it to a prosecutor without delay together with his/her opinion on whether it is reasonable to handle the case as a juvenile protection case under the jurisdiction of the juvenile department of a family court or the juvenile department of a district court (hereinafter referred to as "juvenile department of the competent court") pursuant to the Juvenile Act.

(3) If a prosecutor or judicial police officer discovers a targeted child or **juvenile**, in the absence of **extraordinary circumstances**, he/she shall notify the statutory agent of the child or juvenile or a person who actually protects the child or juvenile (hereinafter referred to as "statutory agent, etc.") thereof.

(4) If the statutory agent, etc. of a targeted child or juvenile or the head of an institution, facility or organization falling under each subparagraph of Article 22 (2) discovers a targeted child or juvenile, he/she shall notify the juvenile department of the competent court thereof.

Article 27 (Forwarding Cases to Juvenile Department)

(1) Where a prosecutor deems it reasonable to impose a protective disposition under the Juvenile Act on a targeted child or juvenile in consideration of the nature, motives and consequences of the case forwarded pursuant to Article 26 (2) as well as the character and conducts of the offender, etc., he/she may forward the case to the juvenile department of the competent court.

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(2) Where a prosecutor examines whether to forward a case to the juvenile department as prescribed in paragraph (1) and concludes that such forwarding is inappropriate, and where he/she deems it necessary to provide protection or rehabilitation to the targeted child or juvenile concerned, he/she shall require such child or juvenile to complete necessary educational or counselling programs.

(3) Matters necessary for the educational or counselling programs under paragraph (2) shall be determined by Presidential Decree.

Article 28 (Protective Dispositions on Offending Children or Juveniles, etc.)

(1) A judge of the juvenile department of the competent court to which a case is forwarded as prescribed in Article 27 (1) or Article 29 (1) may impose any of the following protective dispositions on the child or juvenile concerned:

1. Protective disposition under the subparagraphs of Article 32 (1) of the Juvenile Act;
2. Protective disposition to commission juvenile support facilities under Article 5 (1) 2 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims thereof, to provide guidance and protection;
3. Protective disposition to commission juvenile protection centers or juvenile rehabilitation centers under Article 33-2 of the Juvenile Protection Act to provide guidance and protection.

(2) Where a disposition for probation under Article 32 (1) 4 or 5 of the Juvenile Act is imposed pursuant to paragraph (1) 1, an order to attend a course may be issued concurrently.

(3) The period of commissioning under paragraph (1) 2 and 3 shall be six months, and a judge of the juvenile department of the competent court may decide on the extension of such period only once within the maximum limit of six months.

(4) Although the period of commissioning under paragraph (3) is not terminated, a judge of the juvenile department of the competent court may decide on the termination of such commissioning, if he/she deems it necessary.

(5) Where the court issues an order to attend a course concurrently pursuant to paragraph (2), the head of a probation office may commission the Minister of Gender Equality and Family to execute an order to attend a court. <Newly

Inserted by Act No. 10260, Apr. 15, 2010>

Article 28-2 (Request for Protective Disposition on Victimized Children,

Juveniles, etc.)

Where the prosecutor deems that the continuous elimination of danger and the protection of a victimized child or juvenile from sex offense are necessary, he/she may request a court to impose a protective disposition falling under any of the following subparagraphs: *Provided*, That the same shall not apply where the matters to be observed such as prohibition of entry into designated area are imposed on the offender under Article 9-2 (1) 2 and 3 of the Act on the Electronic Monitoring of Specific Criminal Offenders:

1. Measure to separate or move the offender from a residence, etc. of a victimized child or juvenile;
2. Measure to prohibit the access of the offender or his/her representative within 100 meters from the residence, school, etc. of a victimized child or juvenile;
3. Prohibition of the offender's contact with a victimized child, juvenile or his/her guardian by utilizing telecommunications or mails under subparagraph 1 of Article 2 of the Framework Act on Telecommunications;
4. Necessary measure for protection of a victimized child or juvenile such as determination of commissioning such protection to the protection facilities under Article 30.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 28-3 (Judgment, etc. of Protective Disposition on Victimized Children or Juveniles)

- (1) Where a court deems that a request for protective disposition under Article 28-2 is reasonable, it shall make a decision to impose a protective disposition for a fixed period of up to six months.
- (2) The protective disposition under each subparagraph of Article 28-2 may be imposed concurrently.
- (3) Where it is deemed necessary to extend the period of protective disposition under paragraph (1), the prosecutor may request the court to extend such period. In such cases, the period of protective disposition may be extended up to three times, and each extended period shall not exceed six months.
- (4) The judgment on the request for protective disposition shall be made concurrently with the judgement on the sex offense against a child or juvenile.
- (5) Where a victim or his/her legal representative moves to a new residence, etc. after the protective disposition is imposed under subparagraphs 1 and 2 of Article 28-2, he/she may apply to the court for a modification of the

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decision on protective disposition.

(6) Where the court decides to impose a protective disposition under paragraph (1), it shall notify such decision to the prosecutor, victim, offender, the head of a probation office, and the head of a protective facility which performs the protective disposition on commission: *Provided*, That where the protective facility is a private organization, the consent to the commission shall be obtained from the head of such facility.

(7) Article 43 of the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violences shall apply *mutatis mutandis* to necessary matters concerning the execution of the decision of protective disposition.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 28-4 (Modification and Termination of Protective Disposition on Victimized Children or Juveniles)

(1) The court may request the court for the modification or termination of the contents of the protective disposition under Article 28-3.

(2) Where a request under paragraph (1) exists, the court shall, where it is deemed necessary to modify or terminate the protective disposition after examining whether or not the relevant protective disposition is appropriate to protect a victimized child or juvenile, shall modify or terminate them.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 29 (Treatment of Offending Children or Juveniles)

(1) Where a child or juvenile who has attained the age of 12 but who is younger than 14 commits any offense as defined in subparagraph 2 (b) and (c) of Article 2 and Article 7, an investigative agency shall investigate it without delay and forward the case to the juvenile department of the competent court.

(2) Article 28 (1) and (2) shall apply *mutatis mutandis* where a child or juvenile who has attained the age of 14 but who is younger than 16 commits an offense as defined in paragraph (1) and the case is forwarded to the juvenile department of the competent court.

(3) Where a judicial police officer discovers any offending child or juvenile as referred to in paragraph (1), he/she shall notify the statutory agent, etc. of such offending child or juvenile thereof in the absence of extraordinary circumstances.

Article 30 (Protection Facilities)

Juvenile support facilities under Article 5 (1) 2 of the Act on the Prevention

of **Sexual Traffic and Protection, etc.** of Victims thereof, **youth** shelters under Article 14 of the Juvenile Welfare Support Act, institutions for juvenile counselling, emergency rescue, etc. under Article 46 of the Framework Act on Juveniles, institutions for supporting juveniles, etc. under Article 46-2 of the same Act or juvenile protection centers and juvenile rehabilitation centers under Article 33-2 of the Juvenile Protection Act may conduct each of the following duties:

1. Duties under the subparagraphs of Article 31 (1);
2. Support for the protection and independence of targeted children or juveniles;
3. Connecting and commissioning targeted children or juveniles who are in need of long-term medical care to other **institutions**.

Article 31 (Counselling Facilities)

(1) Sex trafficking victim counselling offices under Article 10 of the Act on the Prevention of **Sexual Traffic and Protection, etc.** of Victims thereof, single-parent family welfare counselling offices under Article 7 of the Single-Parent Family Support Act, institutions for juvenile counselling, emergency rescue, etc. under Article 46 of the Framework Act on Juveniles and institutions for supporting juveniles, etc. under Article 46-2 of the same Act may conduct each of the following duties:

1. Receipt of reports on offenses under Articles 7 through 12 and counselling;
2. Connecting and commissioning targeted children or juveniles to hospitals or relevant facilities;
3. Any other survey and research related to child or juvenile sex trafficking, etc.

(2) Sexual assault victim counselling offices under Article 10 of the **Sexual Violence Prevention and Victims Protection Act** and sexual assault victim protection facilities under Article 12 of the same Act may conduct each of the following duties: *<Amended by Act Nos. 10258, 10260 & 10261, Apr. 15, 2010>*

1. Duties under the subparagraphs of paragraph (1);
2. Rescuing victimized children or juveniles who are not able to live an ordinary life as a result of sex assault crimes against children or juveniles or who are in need of urgent protection due to other circumstances to hospitals or sexual assault victim protection facilities, or providing

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them with temporary protection;

3. Assisting physical and mental recovery of victimized children or juveniles and their returning to society;
4. Requesting the Korean Bar Association, the Korea Legal Aid Corporation and other relevant institutions to render necessary cooperation and support for taking **civil and criminal** judicial proceedings, such as accusing offenders and claiming compensation for damage;
5. Publicity for the prevention of sex assault crimes against children or juveniles;
6. Surveys and research on sex assault crimes against children or juveniles and damage therefrom;
7. Other duties required for protecting victimized children or juveniles.

Article 31-2 (Establishment and Operation of Specialized Institution for Sexual Education of Children or Juveniles)

(1) The State and local governments may establish a specialized institution for sexual education of a child or juvenile (hereinafter referred to as “specialized institution for sexual education”) in order to create a sound sexual consciousness of a child or juvenile and to prevent the occurrence of sex offense or to commission the relevant duty to the specialized institution.

(2) Matters related to the commission and necessary matters concerning qualification of staff such as employees working for the specialized institution for sexual education and standards for establishment and operation of such institution under paragraph (1) shall be determined by Presidential Decree.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 32 (Operation of Educational Programs, etc.)

(1) In order to protect children and juveniles from sexual exploitation and abuse, protection facilities or counselling facilities under Articles 30 and 31 may conduct each of the following duties:

1. Guidance and protection of targeted children or juveniles by means of education, counselling, etc. under Article 27 (2);
2. Operation of programs to help victimized children or juveniles and targeted children or juveniles with treatment, recovery of stability and returning to society;
3. Operation of educational and counselling programs for the statutory agents, etc. of victimized children or juveniles and targeted children or juveniles;

4. Operation of educational and counselling programs for offending children or juveniles in sex assault crimes against children or juveniles and their statutory agents, etc.;
 5. Education of experts in protection of children and juveniles from sexual abuse;
 6. Other duties required for protecting children or juveniles from sex offenses against children or juveniles, as determined by Presidential Decree.
- (2) The State and local governments may partially subsidize the expenses incurred in performing duties by protection facilities and counselling facilities under paragraph (1) within budgetary limits.

CHAPTER ▣ REGISTRATION AND
DISCLOSURE OF PERSONAL
INFORMATION OF PERSONS
CONVICTED OF SEX
OFFENSES AGAINST
CHILDREN OR JUVENILES,
RESTRICTION ON THEIR
EMPLOYMENT, ETC.

Article 33 (Persons Subject to Registration of Personal Information)

- (1) Any person convicted of a sex offense against a child or juvenile or any person for whom an order to disclose personal information is made final and conclusive pursuant to Article 38 (1) 5 shall become subject to registration of personal information (hereinafter referred to as “person subject to registration”): *Provided*, That **in cases of an** offense under Article 10 **this shall apply** only when a **person has been convicted** twice or more **under Article 10 or when** a targeted child or juvenile is under 13 years of age.
- (2) When the court renders a judgment in a sex offense case against a child or juvenile as prescribed in paragraph (1), it shall inform persons subject to registration that they are subject to registration and obliged to submit their personal information as prescribed in Article 34.

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(3) The court shall forward matters of notification under paragraph (2) to the Minister of Gender Equality and Family, in writing, within 14 days from the date on which a judgment under paragraph (1) is made final and conclusive, together with a copy of the written judgment. *<Amended by Act No. 9932, Jan. 18, 2010; Act No. 10260, Apr. 15, 2010>*

(4) Deleted. *<by Act No. 10260, Apr. 15, 2010>*

Article 34 (Duty to Submit Personal Information)

(1) Each person subject to registration shall submit each of the following personal information to the head of the police office having jurisdiction over his/her place of residence (hereinafter referred to as "head of the competent police office") within 30 days from the date on which he/she receives a notice pursuant to Article 33 (3): *Provided*, That where a person subject to registration is held in custody in a correctional institution or medical treatment and custody facility, he/she may submit such personal information to the head of such correctional institution or medical treatment and custody facility (hereinafter referred to as "head of correctional institution, etc.") in lieu thereof:

1. Name;
2. Resident registration number;
3. Address and actual place of living;
4. Occupation and location of workplace, etc.;
5. Body size (height and weight);
6. Picture (taken within six months from the date of registration);
7. Registration numbers of vehicles possessed.

(2) Each person subject to registration shall, when there is any change to the personal information submitted pursuant to paragraph (1) (hereinafter referred to as "submitted information"), submit the ground therefor and changed matters (hereinafter referred to as "changed information") pursuant to paragraph (1) within 30 days from the date on which the ground for change occurs: *Provided*, That he/she shall submit his/her picture newly taken on the date on which one year elapses from the date on which the first registration is made. However, a person being held in custody in a correctional institution or medical treatment and custody facility shall submit his/her picture newly taken before being discharged or before the termination of medical treatment and custody to the head of such correctional institution, etc.

(3) The head of each competent police office or correctional institution, etc. who receives submitted information and changed information from persons

subject to registration shall forward them to the **Minister of Gender Equality and Family** without delay. *<Amended by Act No. 9932, Jan. 18, 2010>*

(4) Detailed procedures for and methods of forwarding and registering submitted information and changed information shall be determined by Presidential Decree.

Article 35 (Registration of Personal Information of Sex Offenders against Children or Juveniles, etc.)

(1) The **Minister of Gender Equality and Family** shall register the information that he/she receives pursuant to Article 34 (3) and the sex offense history against a child or juvenile of a person subject to registration. *<Amended by Act No. 9932, Jan. 18, 2010>*

(2) The **Minister of Gender Equality and Family** shall notify a person subject to registration of the information registered pursuant to paragraph (1) (hereinafter referred to as “registered information”), indicating the date of registration. *<Amended by Act No. 9932, Jan. 18, 2010>*

(3) The **Minister of Gender Equality and Family** may call on the heads of relevant **administrative** agencies to make inquiries about the information necessary for registration under paragraph (1). *<Amended by Act No. 9932, Jan. 18, 2010>*

(4) Where a person subject to registration fails to submit his/her submitted information or changed information without any justifiable ground, the **Minister of Gender Equality and Family** may register such information by asking the heads of relevant governmental agencies to make inquiries about the matters necessary for registration of personal information of such person. *<Amended by Act No. 9932, Jan. 18, 2010>*

Article 36 (Management of Registered Information)

(1) The **Minister of Gender Equality and Family** shall preserve and manage registered information for **twenty** years from the date on which it is initially registered (referring to the date of registration notified to the person subject to registration). *<Amended by Act No. 9932, Jan. 18, 2010; Act No. 10260, Apr. 15, 2010>*

(2) When the period under paragraph (1) (hereinafter referred to as “registration period”) terminates, registered information shall be expunged immediately and such fact shall be notified to the person subject to registration. In such cases, the period during which a person subject to registration is held in custody in a correctional institution by reason of committing a sex offense against a child or juvenile, which is the cause of registration, shall

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not be included in the registration period.

(3) The head of the competent police office shall **verify** whether or not any change has occurred to registered information during the registration period once every year.

Article 37 (Utilization of Registered Information, etc.)

(1) The **Minister of Gender Equality and Family** may distribute registered information to prosecutors or the heads of police offices of all levels to cause such information to be used for the prevention and investigation of crimes related to sex offenses against children or juveniles. *<Amended by Act No. 9932, Jan. 18, 2010>*

(2) Matters concerning the procedures for, and management, etc. **of**, registered information under paragraph (1) shall be determined by Presidential Decree.

Article 38 (Disclosure of Registered Information)

(1) With respect to persons falling under any of the following subparagraphs (hereinafter referred to as “persons subject to disclosure of information”), the court shall render a judgment on a sex offense case against a child or juvenile in concurrence with an order to disclose open information under paragraph (3) through an information and communications network during the registration period (hereinafter referred to as “order to disclose information”): *Provided*, That the same shall not apply where a fine penalty is sentenced for a sex offense case against a child or juvenile, or the accused is a child or juvenile, or **there exist** other extraordinary circumstances **that make it improper** to disclose personal information: *<Amended by Act No. 10260, Apr. 15, 2010>*

1. A person who commits a sex assault crime against a child or **juvenile**;
2. A person who recommit a sex assault crime against a child or juvenile after a court decision for the disclosure of personal information or an order to submit personal information for public inspection or an order to disclose personal information under this Act;
3. A person who commits a sex offense against a child or juvenile under the age of 13 and is deemed likely to recommit a sex offense against a child or juvenile under the age of 13;
4. A person who commits a sex assault crime against a child or juvenile and is deemed likely to recommit a sex assault crime against a child or juvenile;
5. A person who is not punishable pursuant to Article 10 (1) of the Criminal

Act even though he/she commits a sex assault crime against a child or juvenile, and is deemed likely to recommit a sex assault crime against a child or juvenile.

(2) The disclosure period of registered information under paragraph (1) (which shall not exceed the period under Article 7 of the Act on the Lapse of Criminal Sentences) shall commence from the date when a judgment is made final and conclusive: *Provided*, That where a person subject to an order to disclose personal information is sentenced to an actual penalty or medical treatment and custody, such period shall commence from the date when the execution of such penalty or medical treatment and custody is wholly or partially terminated or exempted.

(3) The registration information provided for public disclosure pursuant to paragraph (1) (hereinafter referred to “disclosed information”) shall be as follows:

1. Name;
2. Age;
3. Address and actual place of living (limited to such administrative district units as *Eup*, *Myeon* and *Dong*);
4. Body size (height and weight);
5. Picture;
6. Summary of a sex offense against a child or juvenile;

(4) The detailed form and contents of disclosed information shall be determined by Presidential Decree.

(5) Any person who intends to inspect disclosed information under paragraph (3) via an information and communications network shall be an adult defined in Article 4 of the Civil Act and undergo the real name verification procedures.

(6) The detailed methods of and procedures for real name verification, and technology and management for preventing disclosed information from being leaked shall be determined by Presidential Decree.

Article 38-2 (Notification of Registered Information)

(1) With respect to persons falling under any of the following subparagraphs (hereinafter referred to as “persons subject to notification of information”) from among the persons subject to disclosure of information under Article 38, the court shall render a judgment on a sex offense case against a child or juvenile in concurrence with an order to notify disclosed information

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(hereinafter referred to as “order to notify information”) under paragraph (3) to the local residents of the *Eup/Meyon/Dong* where a person subject to notification of information resides during the period of the order to disclose information under Article 38: *Provided*, That the same shall not apply where a fine penalty is sentenced for a sex offense case against a child or juvenile, or the accused is a child or juvenile, or where there exist other extraordinary circumstances that make it improper to disclose personal information:

1. A person who commits a sex assault crime against a child or juvenile;
 2. A person who is not punishable pursuant to Article 10 (1) of the Criminal Act even though he/she commits a sex assault crime against a child or juvenile and is deemed likely to recommit a sex assault crime subject to registration.
- (2) The order to notify information pursuant to paragraph (1) shall be executed within the period falling under any of the following subparagraphs:
1. Within one month from the first registration date of personal information in cases of a person subject to notification of information who is sentenced to the suspension of the execution;
 2. Within one month from the date of moving in the area to reside after release from the prison in cases of a person subject to the imprisonment without labor or heavier punishment;
 3. Within one month from the registration date of changed information in cases where a person subject to notification of information moves to another region.
- (3) The notified information to be notified under paragraph (1) shall be as follows:
1. Where the persons subject to notification of information have already resided or moved in, the disclosed information prescribed in Article 38 (3): *Provided*, That the address under Article 38 (3) 3 and the actual residence shall include the detailed address;
 2. Where the persons subject to notification of information move out, the notified information under subparagraph 1 and the information of moving out of such persons.
- (4) Persons who are sentenced to the order to notify information pursuant to paragraph (1) shall be deemed to have been sentenced to the order to disclose information under Article 38 (1).

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 38-3 (Execution of Order to Notify Information)

- (1) The Minister of Gender Equality and Family shall execute the order to notify information.
- (2) The court shall, when a judgment of the order to notify information is made final and conclusive, forward a copy of the written judgment without delay to the Minister of Gender Equality and Family.
- (3) The Minister of Justice shall, where a person subject to notification of information is released from prison, deliver the information falling under any of the following subparagraphs one month prior to the release date to the Minister of Gender Equality and Family:
 1. Scheduled date of release from prison of a person subject to notification of information;
 2. Detailed address of residence of a person subject to notification of information after release from prison.
- (4) The Minister of Gender Equality and Family may delegate the duties of sending by post the notified information from among the duties concerning the execution of the order to notify information to the head of Eup/Myeon office or the head of Dong community center in the area where a person subject to notification of information actually resides.
- (5) The head of Eup/Myeon office or the head of Dong community center in the area where a person subject to notification of information resides who is delegated under paragraph (4) shall send the information under paragraph (3) and the notified information under Article 38-2 (3) to the household of a person with parental rights or legal representative of a child or juvenile residing in the competent jurisdiction.
- (6) Necessary matters concerning the execution of the order to notify information and the procedure of notification shall be determined by Ordinance of the Ministry of Gender Equality and Family.

[This Article Newly Inserted by Act No. 10260, Apr. 15, 2010]

Article 39 (Execution of Order to Disclose Information)

- (1) The Minister of Gender Equality and Family shall execute orders to disclose information by using an information and communications network. *<Amended by Act No. 9932, Jan. 18, 2010>*
- (2) The court shall, when a judgment under Article 38 is made final and conclusive, forward a copy of the written judgment to the Minister of Gender Equality and Family without delay. *<Amended by Act No. 9932, Jan. 18, 2010>*

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(3) Detailed matters concerning the execution of orders to disclose information, the disclosure procedures and management, etc. shall be determined by Presidential Decree.

Article 40 (Guidance and Publication of Criminal Information)

(1) The Minister of Gender Equality and Family shall publicize the trends and tendencies of occurrence of sex offenses against children or juveniles and other matters necessary for guidance twice or more each year. *<Amended by Act No. 9932, Jan. 18, 2010>*

(2) The Minister of Gender Equality and Family may request the relevant administrative agencies to provide data on those convicted of sex offense finally and conclusively for the analysis, etc. of tendencies of sex offense under paragraph (1). *<Newly Inserted by Act No. 10260, Apr. 15, 2010>*

Article 41 Deleted. *<by Act No. 10260, Apr. 15, 2010>*

Article 42 (Confidentiality)

No person who is or was engaged in the business of registering, disclosing, preserving or managing the personal information of child or juvenile sex offenders shall divulge registered information that he/she learned in the course of performing his/her duties.

Article 43 (Prohibition of Abuse of Disclosed Information)

(1) Disclosed information shall be used only to confirm persons likely to commit a sex offense for the purpose of protecting children and juveniles from sexual abuse.

(2) Any person who confirms disclosed information shall not commit any of the following acts by using such disclosed information:

1. Releasing disclosed information through a newspaper, magazine or other publication, or information and communications network;
2. Correction or deletion of disclosed information.

(3) Any person who confirms disclosed information shall not discriminate against persons subject to disclosure of information by using such disclosed information for purposes related to each of the following subparagraphs other than the purpose to protect children and juveniles from sexual abuse:

1. Employment (*Provided*, That employment by child or juvenile-related educational institutions, etc. under Article 44 (1) shall be excluded);
2. Use of houses or social welfare facilities;
3. Education and vocational training at educational institutions.

Article 44 (Restriction on Employment by Child or Juvenile-Related

Educational Institutions, etc.)

(1) No person sentenced to a penalty or medical treatment and custody for committing a sex offense against a child or juvenile or **adult (hereinafter referred to as “sex offense”)** and for whom such sentence is made final and conclusive shall operate any facility or institution under any of the following subparagraphs (hereinafter referred to as “child or juvenile-related educational institution, etc.”), nor work for or provide actual labor to a child or juvenile-related educational institution, etc. for ten years from the date on which the execution of such penalty or medical treatment and custody is terminated, or suspended or exempted in whole or in part: *Provided*, That for the purposes of subparagraph 11, the same shall only apply to those engaging in security guard business: *<Amended by Act No. 10260, Apr. 15, 2010>*

1. Kindergartens under subparagraph 2 of Article 2 of the Early Childhood Education Act;
2. Schools under Article 2 of the Elementary and Secondary Education Act;
3. Private teaching institutes under subparagraph 1 of Article 2 of the Act on the Establishment and Operation of Private Educational Institutes and Extracurricular Lessons, **teaching** schools under subparagraph 2 of the same Article of the same Act **and private teaching tutors under subparagraph 3 of the same Article of the same Act** (referring only to private teaching institutes, **teaching** schools **and private teaching tutors** for children or juveniles);
4. Institutions for juvenile counselling or emergency rescue, etc. under Article 46 of the Framework Act on Juveniles and institutions for supporting juveniles, etc. under Article 46-2 of the same Act;
5. Juvenile protection centers and juvenile rehabilitation centers under Article 33-2 of the Juvenile Protection Act;
6. Juvenile activity facilities under subparagraph 2 of Article 2 of the Juvenile Activity Promotion Act;
7. Youth shelters under subparagraph 14 of Article 2 of the Juvenile Welfare Support Act;
8. Nursery facilities under subparagraph 3 of Article 2 of the Infant Care Act;
9. Child welfare facilities under subparagraph 5 of Article 2 of the Child

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Welfare Act;

10. Juvenile support facilities under Article 5 (1) 2 of the Act on the Prevention of Sexual Traffic and Protection, etc. of Victims thereof, and sex trafficking victim counselling offices under Article 10 of the same Act;
11. Superintendent's offices of apartment units under subparagraph 2 of Article 2 of the Housing Act;
12. Sports facilities for children or juveniles installed pursuant to the Act on the Installation and Utilization of Sports Facilities.

(2) The head of local government, the Superintendent of the Office of Education or the head of education having jurisdiction over the establishment, its permit or report of any child or juvenile-related educational institution, etc. under each subparagraph of paragraph (1) (excluding subparagraph 11) may request the heads of relevant institutions to make inquiries about sex offense history of a person who intends to operate the child or juvenile-related educational institution, etc. after obtaining consent from the person concerned. In such cases, the heads of relevant institutions shall comply with such request unless any justifiable ground exists. *<Newly Inserted by Act No. 10260, Apr. 15, 2010>*

(3) The head of each child or juvenile-related educational institution, etc. shall confirm the sex offense history of a person currently working for or providing actual labor to the institution or a person intending to be employed by, or to provide actual labor to, the institution. In such cases, he/she shall request the heads of relevant institutions to make inquiries about sex offense history after obtaining consent from the person concerned. *<Amended by Act No. 10260, Apr. 15, 2010>*

(4) Necessary matters concerning the procedure for and scope, etc. of making inquiries about sex offense history against a child or juvenile under paragraphs (2) and (3) shall be determined by Presidential Decree. *<Amended by Act No. 10260, Apr. 15, 2010>*

Article 45 (Checking and Confirmation of Employment of Ex-Offenders of Sex Offense)

(1) The Minister of Gender Equality and Family or the heads of relevant central administrative agencies may check and confirm whether any person convicted of a sex offense is employed by a child or juvenile-related educational institution, etc. in accordance with the following classification, directly or by referring to relevant institutions: *<Amended by Act No. 9932, Jan. 18, 2010>*

Act No. 10260, Apr. 15, 2010

1. The Minister of Education, Science and Technology: Kindergartens under paragraph (1) 1 of Article 44, schools under subparagraph 2 of the same paragraph, and private teaching institutes and teaching schools for children or juveniles under subparagraph 3 of the same paragraph;
 2. The Minister of Culture, Sports and Tourism: Sports facilities for children or juveniles under Article 44 (1) 12;
 3. The Minister of Health and Welfare: Nursery facilities under Article 44 (1) 8 and child welfare facilities under subparagraph 9 of the same paragraph;
 4. The Minister of Gender Equality and Family: Institutions for juvenile counselling or emergency rescue, etc. and institutions for supporting juveniles, etc. under Article 44 (1) 4, juvenile protection centers and juvenile rehabilitation centers under subparagraph 5 of the same paragraph, juvenile activity facilities under subparagraph 6 of the same paragraph, youth shelters under subparagraph 7 of the same paragraph, juvenile support facilities and sex trafficking victim counselling offices under subparagraph 10 of the same paragraph;
 5. The Minister of Land, Transport and Maritime Affairs: Superintendent's offices of apartment units under Article 44 (1) 11.
- (2) The heads of central administrative agencies under any of the subparagraphs of paragraph (1) may, when necessary for checking and confirmation under paragraph (1), request the heads of child or juvenile-related educational institutions, etc. or relevant supervisory institutions to submit relevant data.

Article 46 (Request for Dismissal of Employees, etc.)

- (1) The heads of central administrative agencies under any of the subparagraphs of Article 45 (1) may, if there exists a person employed by, or providing actual labor to, a child or juvenile-related educational institution, etc. in violation of Article 44 (1), request the head of the educational institution, etc. to dismiss such person.
- (2) The heads of central administrative agencies under any of the subparagraphs of Article 45 (1) may request the heads of child or juvenile-related educational institutions, etc. operating the child or juvenile-related educational institutions, etc. in violation of Article 44 (1) to close down such child or juvenile-related educational institutions, etc. being operated by them.

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(3) Where the head of a child or juvenile-related educational institution, etc. refuses a request for closure under paragraph (2) without any justifiable ground or fails to carry out requirements within one month, the heads of central administrative agencies under any of the subparagraphs of Article 45 (1) may request the head of a relevant administrative agency to close such child or juvenile-related educational institution or to cancel the registration or permission, etc. thereof.

(4) Requests for closure and cancellation of registration or permission under paragraph (3) shall be prescribed by Presidential Decree.

Article 47 (Delegation of Powers)

(1) Part of the authority held by the Minister of Culture, Sports and Tourism, the Minister of Health and Welfare, the Minister of Gender Equality and Family, or the Minister of Land, Transport and Maritime Affairs under Articles 45, 46 and 49 may be delegated to the Special Metropolitan City Mayor, Do Governors, the Governor of a Special Self-Governing Province, or the heads of Sis/Guns/Gus (referring to the heads of autonomous Gus), as prescribed by Presidential Decree. *<Amended by Act No. 9932, Jan. 18, 2010>*

(2) Part of the authority held by the Minister of Education, Science and Technology under Articles 45, 46 and 49 may be delegated to a Superintendent of the Office of Education and the head of a district office of education, as prescribed by Presidential Decree.

Article 48 (Penal Provisions)

(1) Any person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than five years or by a fine not exceeding 50 million won:

1. A person who diverges registered information obtained in the course of performing his/her duties in violation of Article 42;
2. A person who violates paragraph (1) or (2) of Article 43;
3. A person who changes or deletes registered information without due authorization.

(2) Any person who violates the protective disposition under Article 28-3 shall be punished by imprisonment with prison labor for not more than two years or by a fine not exceeding 20 million won. *<Newly Inserted by Act No. 10260, Apr. 15, 2010>*

(3) Any person who falls under any of the following subparagraphs shall be punished by imprisonment with prison labor for not more than one year or

by a fine not exceeding five million won:

1. A person subject to registration who fails to submit submitted information or changed information without any justifiable ground in violation of Article 34 (1) and (2), or a person who submits false information;
2. A person who violates Article 43 (3).

Article 49 (Fines for Negligence)

- (1) The head of any child or juvenile-related educational institution, etc. who refuses a request for dismissal under Article 46 without any justifiable ground or fails to comply with such request within one month, shall be levied a fine for negligence not exceeding ten million won.
- (2) The head of any child or juvenile-related educational institution, etc. who fails to confirm the sex offense history against a child or juvenile of a person currently employed by or providing actual labor to the institution or a person intending to be employed by or provide actual labor to the institution pursuant to Article 44 (3) shall be levied a fine for negligence not exceeding five million won. *<Amended by Act No. 10260, Apr. 15, 2010>*
- (3) The head of any institution, facility or organization falling under any of the subparagraphs of Article 22 (2) and the employees thereof shall, when failing to report or making a false report to an investigative agency the occurrence of a sex offense against a child or juvenile that they became aware of in the course of performing their duties, be levied a fine for negligence not exceeding three million won. *<Amended by Act No. 10260, Apr. 15, 2010>*
- (4) Fines for negligence under paragraphs (1) through (3) shall be levied and collected by the Minister of Education, Science and Technology, the Minister of Culture, Sports and Tourism, the Minister of Health and Welfare, the Minister of Gender Equality and Family, or the Minister of Land, Transport and Maritime Affairs. *<Amended by Act No. 9932, Jan. 18, 2010>*

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2010: *Provided*, That Article 3 (3) of Addenda shall enter into force on the date of its promulgation and Article 6 (2) of Addenda, on January 18, 2010.

Article 2 (Applicability concerning Requests for Divestment of Parental Rights, etc.)

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The amended provisions of Article 14 (2) and (3) shall be applicable to requests for a divestment of parental rights, etc., filed on or after this Act enters into force.

Article 3 (Special Cases, Applicability, and Transitional Measures concerning Registration and Disclosure, etc. of Personal Information)

(1) The amended provisions of Articles 33, 34, 38 and 39 shall be applicable to persons committing sex offenses against children or juveniles and convicted of such offenses after this Act enters into force. *<Amended by Act No. 10391, Jul. 23, 2010>*

(2) Notwithstanding paragraph (1), the Minister of Gender Equality and Family shall execute the order to disclose information under Article 39 against a person (including a person who is notified as a person subject to preliminary registration) who is determined as a person subject to public inspection of personal information by the National Youth Council pursuant to the provisions of Article 22 through 24 of the partially amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 7801) and against a person who is subject to an order to submit information for public inspection pursuant to Article 37 of the wholly amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 8634), after a prosecutor requests the court which has rendered the final and conclusive judgment of guilty (referring to the court that has rendered the second instance judgment in cases of the Supreme Court) to issue an order to disclose information and after obtaining the order to disclose information from the court concerned. *<Newly Inserted by Act No. 10391, Jul. 23, 2010>*

(3) Where the prosecutor requests an order to disclose information under paragraph (2), he/she shall state personal information of persons subject to request (referring to name, date of birth and address), the fact which is the ground for request, personal information to be disclosed, etc. upon request of the Minister of Gender Equality and Family. In such cases, necessary matters such as the form of request shall be determined by Ordinance of the Ministry of Gender Equity and Family. *<Newly Inserted by Act No. 10391, Jul. 23, 2010>*

(4) Notwithstanding paragraph (1), Article 38 shall apply to the order to disclose information against a person who has violated the partially amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 7801) or the wholly amended Act on the Protection of Juveniles from Sexual Abuse (Act

No. 8634) but who has not received the final and conclusive judgment at the time this Act enters into force. <Newly Inserted by Act No. 10391, Jul. 23, 2010>

(5) Personal information to be provided for an order to disclose information against a person who is subject to an order to disclose information pursuant to paragraph (2) or (4) shall, notwithstanding Article 38 (3), be limited to information to be provided for registration or public inspection pursuant to Article 22 (1) of the partially amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 7801) or Article 37 (4) of the wholly amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 8634): *Provided*, That in cases of address and actual residence, it shall be limited to Eup/Myeon/Dong. <Newly Inserted by Act No. 10391, Jul. 23, 2010>

(6) Where personal information of a person subject to order to disclose information pursuant to paragraph (2) is submitted for public inspection in accordance with the previous Act, the disclosure period shall be the remaining period of public inspection. <Newly Inserted by Act No. 10391, Jul. 23, 2010>

(7) Articles 32, 35 and 37 of the wholly amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 8634) shall be applicable to persons committing sex offenses against children or juveniles and convicted of such offenses on or after February 4, 2008, which is the date the same Act enters into force.

(8) With respect to the disclosure of personal information under Article 20 of the partially amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 7801) and registration of personal information under Articles 22 through 25 of the same Act, the provisions prevailing at the time the same Act enters into force shall be applicable: *Provided*, That the “National Youth Commission” under Article 20 (3) and (5) of the same Act shall be deemed the “Juvenile Protection Committee” under Article 27 of the Juvenile Protection Act.

Article 4 (Applicability and Transitional Measures concerning Restrictions on Employment in Child or Juvenile-Related Educational Institutions, etc.)

(1) The amended provisions of Article 44 (1) 4 shall be applicable to persons committing sex offenses against children or juveniles and convicted of such offenses after this Act enters into force.

(2) Article 42 of the wholly amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 8634) shall be applicable to persons sentenced to

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a penalty for committing a crime on or after February 4, 2008, which is the date the same Act enters into force: *Provided*, That the former Act on the Protection of Juveniles from Sexual Abuse (referring to the one prior to the wholly amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 8634)) shall govern with regard to the restrictions on employment for crimes committed before February 4, 2008, which is the date the same Act enters into force.

Article 5 (Transitional Measures concerning Confidentiality and Penal Provisions for Violation Thereof)

Notwithstanding the amended provisions of Article 42, confidentiality of inspectors of registered information and penal provisions for any violation thereof, which are governed by the former Act at the time this Act enters into force, shall be governed by the provisions of Article 41 (2) of the wholly amended Act on the Protection of Juveniles from Sexual Abuse (Act No. 8634) and Article 45 (1) of the same Act.

Article 6 Omitted.

Article 7 (Relations with other Acts and Subordinate Statutes)

If other Acts and subordinate statutes cite the former Act on the Protection of Juveniles from Sexual Abuse and the provisions thereof at the time this Act enters into force, and if there are provisions corresponding thereto in this Act, they shall be deemed to have cited this Act or the corresponding provisions of this Act in lieu of the former provisions.

ADDENDA <Act No. 9932, Jan. 18, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted).

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10258, Apr. 15, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted).

Articles 2 through 6 Omitted.

ADDENDA <Act No. 10260, Apr. 15, 2010>

제39편 체육·관광 아동·청소년의 성보호에 관한 법률

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: *Provided*, That the amended provisions of Articles 31-2, 38-2 and 38-3 shall enter into force on January 1, 2011.

Article 2 (Applicability concerning Punishment, etc. of Sex Offense against Children or Juveniles)

The amended provisions of subparagraph 2 of Article 2, Articles 7-2, 10 through 14, 16, 18-2 through 18-4, 28-2 through 28-4 and 49 shall apply beginning with the first person who commits a sex offense against a child or juvenile after this Act enters into force.

Article 3 (Applicability concerning Management of Registered Information)

The amended provisions of Articles 36 shall apply beginning with the first person who commits a sex offense against a child or juvenile and is convicted of such offense after this Act enters into force.

Article 4 (Applicability concerning Notification of Registered Information)

The amended provisions of Article 38-2 and 38-3 shall apply beginning with the first person subject to notification of information who commits a sex offense against a child or juvenile and is sentenced to an order to notify information after the amended provisions enter into force.

Article 5 (Applicability concerning Restriction on Employment, etc. in Child or Juvenile-related Educational Institutions, etc.)

The amended provision of Article 44 shall apply beginning with the first person who commits a sex offense against a child or juvenile or an adult and whose punishment is made final and conclusive after this Act enters into force.

Article 6 (Transitional Measures concerning Progress of Prescription of Public Prosecution)

The amended provisions of Article 7-3 shall be applicable even to any sex offense against a child or juvenile which was committed before this Act enters into force and for which the prescription of a public prosecution has not been yet completed.

ADDENDA <Act No. 10261, Apr. 15, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Article 2 through 9 Omitted.

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ADDENDUM *<Act No. 10391, Jul. 23, 2010>*

This Act shall enter into force one month after the date of its promulgation.