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ACT ON THE PROTECTION OF CHILDREN AND YOUTH AGAINST SEX OFFENSES

[Enforcement Date 10. Dec, 2020.] [Act No.17352, 09. Jun, 2020., Amendment by
Other Act]

여성가족부 (아동청소년성보호과 - 일반사항)02-2100-6405



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CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose) The purpose of this Act is to prescribe special cases concerning punishment for committing sex offenses against children or youth and the procedures therefor, prepare procedures for relieving and assisting victimized children and youth, and systematically manage sex offenders against children or youth, thereby protecting them against sexual abuse and assisting them to become sound members of society.

Article 2 (Definitions) The definitions of the terms used in this Act are defined as follows:

<Amended on Dec. 18, 2012; Jan. 28, 2014; Jan. 16, 2018; May 19, 2020; Jun. 2, 2020>

1. The term "children or youth" 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 youth" means any of the following offenses:
 - (a) Offenses defined in Articles 7 through 15;
 - (b) Offenses against children or youth defined in Articles 3 through 15 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes;
 - (c) Offenses against children or youth defined in Articles 297, 297-2, 298 through 301, 301-2, 302, 303, 305, 339, and 342 (limited to an attempt to commit a crime referred to in Article 339) of the Criminal Act;
 - (d) Offenses against children or youth defined in subparagraph 2 of Article 17 of the Child Welfare Act;
3. The term "sexual violence against children or youth" means sex offenses against children or youth, excluding those defined in Articles 11 through 15;
- 3-2. The term "sexual offenses against adults" means sexual crimes defined in Article 2 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes: Provided, That crimes committed against children and youth referred to in Articles 302 and 305 of the Criminal Act shall be excluded herefrom;

4. The term "buying sex of a child or youth" means doing any of the following acts to a child or youth or compelling a child or youth to do such act, in return for offering or promising money, valuables or other property gains, services or favors to those who arrange to buy sex from a child or youth, or those who practically protect and supervise the child or youth, or any third person:
 - (a) Sexual intercourse;
 - (b) Pseudo-sexual intercourse using part of the body, such as the mouth and anus, or implements;
 - (c) Contacting or exposing all or part of the body, which causes sexual humiliation or repugnance of ordinary people;
 - (d) Masturbation;
5. The term "child or youth sexual exploitation materials" means depiction of children or youth, or persons or representations that can be obviously perceived as children or youth, doing any act defined in any of subparagraph 4 or engaging in any other sexual act, in the form of a film, video, game software, or picture, image, etc. displayed on computers, or other communications media;
6. The term "victimized children or youth" means children or youth who have become victims of offenses under subparagraph 2 (b) through (d) and Articles 7 through 15 (including children and youth against whom the offenses provided in Article 13 (1) are committed);
- 6-2. The term "children or youth victimized through commercial sex acts" means the persons against whom an offense under Article 13 (1) is committed or children or youth victimized by an offense under Articles 13 (2), 14 and 15, among victimized children or youth;
7. Deleted; <May 19, 2020>
8. Deleted; <Jun. 9, 2020>
9. The term "registered information" means the information on persons subject to registration under Article 42 (1) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes, which the Minister of Justice has registered in accordance with Article 44 (1) of the same Act.

Article 3 (Caution in Interpretation and Application) For purposes of interpreting or applying this Act, priority shall be given in considering the rights and interests of children and

youth, and caution shall be given to prevent unfair infringement of the rights of the relevant persons and their families.

Article 4 (Duties of the State and Local Governments) (1) The State and local governments shall conduct surveys and research and provide education and guidance, as well as raise necessary funds by preparing a legal and institutional framework, to prevent sex offenses against children or youth and to protect them from sexual exploitation and abuse.
(2) In recognition that child and youth sex exploitation and abuse are international crimes, the State shall endeavor to reinforce international cooperation through sharing of criminal information, criminal investigations and research, cooperation under international criminal law, extradition of criminals, etc.

Article 5 (Responsibilities of Society) Every citizen shall apply his or her utmost endeavors to rearrange social circumstances, and protect, assist, and educate children and youth to prevent them from becoming victims of any crime prescribed in this Act or from committing any crime prescribed in this Act. <Amended on May 19, 2020>

Article 6 (Production, Distribution, and Broadcasting of Promotional Films) (1) The Minister of Gender Equality and Family shall produce promotional films for the prevention of and guidance on sex offenses against children or youth, and treatment and rehabilitation, etc. of victims and distribute them to persons in charge of broadcast programming defined in subparagraph 23 of Article 2 of the Broadcasting Act.
(2) The Minister of Gender Equality and Family may request terrestrial broadcasting operators prescribed in subparagraph 3 (a) of Article 2 of the Broadcasting Act (hereinafter referred to as "broadcasting operator") to broadcast promotional video prescribed in paragraph (1) on each channel within the programming ratio of non-commercial public service advertisements prescribed by Presidential Decree, pursuant to Article 73 (4) of the said Act.
(3) Every broadcasting business operator may broadcast promotional films he or she has produced independently, aside from promotional films referred to in paragraph (1). In such cases, he or she may request the Minister of Gender Equality and Family to provide necessary cooperation and assistance.

CHAPTER II SPECIAL CASES CONCERNING PUNISHMENT OF AND PROCEDURES FOR SEX OFFENSES AGAINST CHILDREN OR YOUTH

Article 7 (Rape or Indecent Act by Force of Children or Youth) (1) Any person who rapes a child or youth by assault or threat shall be punished by imprisonment with labor for an indefinite term or for a limited term of at least five years.

(2) Any person who commits any of the following acts by assaulting or threatening a child or youth shall be punished by imprisonment with labor for a limited term of at least five years:

1. Putting genitals into a part of the body of the child or youth (excluding genitals), such as the mouth or anus;
2. Putting a part of the body (excluding genitals), such as fingers, or implements into the genital or anus of the child or youth.

(3) Any person who commits an offense prescribed in Article 298 of the Criminal Act against a child or youth shall be punished by imprisonment with labor for a limited term of at least two years or by a fine of at least 10 million won, but not more than 30 million won.

(4) Any person who commits an offense prescribed in Article 299 of the Criminal Act against a child or youth shall be punished in the same manner as prescribed in paragraphs (1) through (3).

(5) Any person who has sex with or commits an indecent act against a child or youth 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 prescribed in paragraphs (1) through (5) shall be punished.

Article 7-2 (Preparation and Conspiracy) Any person who prepares for or plots a crime as referred to in Article 7, with the intention of committing it, shall be punished by imprisonment for not more than three years.

[This Article Newly Inserted on Jun. 2, 2020]

Article 8 (Illicit Sex with Disabled Children or Youth) (1) Where a person aged 19 or older has illicit sex with a disabled child or youth (referring to a child or youth with a disability

defined in Article 2 (1) of the Act on Welfare of Persons with Disabilities, who is aged 13 or older and lacks judgment or decision-making capacity due to a physical or mental disability; hereinafter the same shall apply) or makes a disabled child or youth have illicit sex with any third person, he or she shall be punished by imprisonment with labor for a limited term of at least three years. <Amended on May 19, 2020>

(2) Where a person aged 19 or older commits an indecent act against a disabled child or youth or makes a disabled child or youth commit an indecent act against any third person, he or she shall be punished by imprisonment with labor for not more than 10 years or by a fine not exceeding 15 million won.

Article 8-2 (Illicit Sex with Children or Youth Aged 13 to under 16) (1) Where a person aged 19 or older has illicit sex with a child or youth aged 13 to under 16 (excluding a disabled child or youth prescribed in Article 8 who is aged under 16; hereafter the same shall apply in this Article) by taking advantage of his or her destitute conditions or makes such child or youth have illicit sex with any third person, he or she shall be punished by imprisonment with labor for a limited term of at least three years.

(2) Where a person aged 19 or older commits any indecent act against a child or youth aged 13 to under 16 by taking advantage of his or her destitute conditions or makes such child or youth commit any indecent act against any third person, he or she shall be punished by imprisonment with labor for not more than 10 years or by a fine not exceeding 15 million won.

[This Article Newly Inserted on Jan. 15, 2019]

Article 9 (Bodily Harm or Injuries Resulting from Rape) When a person who commits an offense prescribed in Article 7 injures or causes injury to another person, he or she shall be punished by imprisonment with labor for an indefinite term or for at least seven years.

Article 10 (Murder Associated with Rape, or Rape Resulting in Death) (1) When a person who commits an offense referred to in Article 7 murders another person, he or she shall be punished by death penalty or imprisonment with labor for an indefinite term.

(2) When a person who commits an offense referred to in Article 7 causes death of another person, he or she shall be punished by death penalty or imprisonment with labor for an indefinite term or for at least 10 years.

- Article 11 (Production or Distribution of Child or Youth Sexual Exploitation Materials)** (1) Any person who produces, imports, or exports child or youth sexual exploitation materials shall be punished by imprisonment with labor for an indefinite term or for a limited term of at least five years. <Amended on Jun. 2, 2020>
- (2) Any person who sells, lends, distributes, or provides child or youth sexual exploitation materials for commercial purposes, or possesses, transports, advertises or introduce them for any of such purposes, or publicly exhibits or displays them shall be punished by imprisonment with labor for not more than five years. <Amended on Jun. 2, 2020>
- (3) Any person who distributes or provides child or youth sexual exploitation materials, advertises or introduces them for any of such purposes, or publicly exhibits or displays them shall be punished by imprisonment with labor for not more than three years. <Amended on Jun. 2, 2020>
- (4) Any person who procures a child or youth for a child or youth sexual exploitation materials producer, knowing that he or she is to be used for producing child or youth child or youth sexual exploitation materials, shall be punished by imprisonment with labor for at least three years. <Amended on Jun. 2, 2020>
- (5) Any person who purchases child or youth sexual exploitation materials or possesses or views them with the knowledge that it is a child or youth sexual exploitation materials, shall be punished by imprisonment with labor for at least one year. <Amended on Jun. 2, 2020>
- (6) Any person who attempts to commit an offense prescribed in paragraph (1) shall be punished.
- (7) Any person who habitually commits offenses referred to in paragraph (1) shall be subject to an aggravated punishment by up to 1/2 of the penalty stipulated for such offense. <Newly Inserted on Jun. 2, 2020>
- [Title of This Article Amended on Jul. 2, 2020]

- Article 12 (Child or Youth Trafficking)** (1) Any person who buys or sells or sends a child or youth to a foreign country or brings a child or youth living in a foreign country into the Republic of Korea, knowing that he or she will become an object of an act of buying sex or producing child or youth sexual exploitation materials, shall be punished by imprisonment with labor for an indefinite term or for at least five years. <Amended on Jun. 2, 2020>

(2) Any person, who attempts to commit a crime provided for in paragraph (1), shall be punished.

Article 13 (Buying Sex of Child or Youth) (1) Any person who buys sex of a child or youth shall be punished by imprisonment with labor for at least one year, but not more than 10 years, or by a fine of at least 20 million won, but not exceeding 50 million won.

(2) Any person who entices a child or youth so as to buy sex of him or her or solicits a child or youth to prostitute shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won.

(3) A person who commits any of the crimes provided in paragraph (1) or (2) against a disabled child or youth shall be aggravatingly punished by up to 1/2 of the punishment for the relevant offense. <Newly Inserted on May 19, 2020>

Article 14 (Coercive Conduct against Children or Youth) (1) Any of the following persons shall be punished by imprisonment with labor for a limited term of at least five years:

1. A person who compels a child or youth to become the counterpart in buying sex of a child or youth by threat or assault;
2. A person who compels a child or youth to become the counterpart in buying sex of a child or youth by placing them into a troubling situation by means of advanced payment or other debt, or by a deceptive scheme or force;
3. A person who compels a child or youth to become the counterpart in buying sex of a child or youth by taking advantage of the child's or youth's status under his or her protection or supervision due to his or her duties, employment, or any other relationship;
4. A person who, for business purposes, entices or solicits a child or youth to become the counterpart in buying sex of a child or youth.

(2) When a person who commits an offense prescribed in paragraph (1) 1 through 3 receives all or part of the consideration therefor, or demands or promises such consideration, he or she shall be punished by imprisonment with labor for a limited term of at least seven years.

(3) Any person who entices or solicits a person to become the counterpart in buying sex of a child or youth shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won.

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

Article 15 (Business of Arranging Prostitution) (1) Any of the following persons shall be punished by imprisonment with labor for a limited term of at least seven years:

1. A person who provides a place for buying sex of a child or youth as a profession;
2. A person who arranges to buy sex of a child or youth or a person who provides information on the arrangement thereof through an information and communications network as a profession;
3. A person who provides capital, land, or a building knowing that it will be used for crimes referred to in subparagraph 1 or 2;
4. A person who helps a business place providing a place to buy sex of a child or youth or arranging it as a pimp, to hire a child or youth as a profession.

(2) Any of the following persons shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won:

1. A person who entices, solicits, or coerces any third person to buy sex of a child or youth for business purposes;
2. A person who provides a place for buying sex of a child or youth;
3. A person who arranges to buy sex of a child or youth or a person providing information on the arrangement of the purchase thereof through an information and communications network;
4. A person who promises any act referred to in subparagraph 2 or 3 for business purposes.

(3) Any person who entices, solicits, or coerces any third person to buy sex of a child or youth shall be punished by imprisonment with labor for not more than five years or by a fine not exceeding 30 million won.

Article 16 (Forceful Demand to Victims) Any person who coerces a victim of a sex offense against a child or youth or a guardian defined in subparagraph 3 of Article 3 of the Child Welfare Act to reach a settlement by threat or assault shall be punished by imprisonment with labor for a limited term of at least seven years.

Article 17 Deleted. <Jun. 9, 2020>

Article 18 (Aggravated Punishment for Sex Offenses of Persons Liable to Report) Where the head of an institution, facility, or organization prescribed in the subparagraphs of Article 34 (2) or an employee thereof commits a sex offense against a child or youth under his or her

protection, supervision, or medical treatment, the punishment for such offense shall be increased by up to 1/2 of that prescribed for such offense.

Article 19 (Special Cases on Provisions concerning Mitigation of Punishment under the Criminal Act) @Articles 10 (1) and (2) and 11 of the Criminal Act may not apply to any sexual violence against a child or youth committed in a state of physical and mental incapacity induced by alcohol or drug.

Article 20 (Special Cases concerning Prescription of Public Prosecution) (1) The prescription of public prosecution of a sex offense against a child or youth shall commence on the date the child or youth victimized by the relevant sex offense reaches the age of majority, notwithstanding Article 252 (1) of the Criminal Procedure Act.

(2) The prescription of public prosecution of any of the offenses prescribed in Article 7 shall be extended by 10 years where any scientific evidence exists that may prove the relevant offense, such as DNA evidence.

(3) Where a person commits any of the following offenses against a person under 13 years of age or a person with a physical or mental disability, the prescription of public prosecution provided for in Articles 249 through 253 of the Criminal Procedure Act and Articles 291 through 295 of the Military Court Act shall not apply, notwithstanding paragraphs (1) and (2): <Amended on Jan. 15, 2019; May 19, 2020>

1. An offense prescribed in Article 297, 298, 299, 301 , 301-2 , or 305 of the Criminal Act;
2. An offense prescribed in Article 9 or 10;
3. An offense prescribed in Article 6 (2), 7 (2) and (5), 8, or 9 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes.

(4) Where any of the following offenses is committed, the prescription of public prosecution provided for in Articles 249 through 253 of the Criminal Procedure Act and Articles 291 through 295 of the Military Court Act shall not apply, notwithstanding paragraphs (1) and (2):

1. An offense prescribed in Article 301-2 of the Criminal Act (limited to murder after rape, etc.);
2. A crime falling under Article 10 (1) of this Act;
3. An offense prescribed in Article 9 (1) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes.

- Article 21 (Concurrent Imposition of Punishment and Order to Undergo Education)** (1) When the court suspends a sentence for a youth referred to in Article 2 of the Juvenile Act who has committed a sex offense against a child or youth, it must issue a probation order.
- (2) When the court declares or issues a summary order that a person is guilty of sex offenses against a child or youth, it shall concurrently issue an order to him or her to attend education necessary for prevention of recommitting a sexual violence within the range of 500 hours, or to complete a sexual violence treatment program (hereinafter referred to as "order to complete a program"): Provided, That this shall not apply where any extenuating circumstance exists making it impractical to impose an order to attend education or order to complete a program. <Amended on Jan. 16, 2018>
- (3) Where the court suspends a sentence for a person who has committed a sex offense against a child or youth, it shall concurrently issue an order to attend education prescribed in paragraph (2) within the period of the suspended execution; where it sentences or issues a summary order to a fine or greater punishment, it shall issue an order to complete a program: Provided, That no order to complete a program shall be imposed concurrently if a person who has committed a sex offense against a child or youth is subject to an order to complete a sexual violence treatment program under Article 9-2 (1) 4 of the Act on Electronic Monitoring. <Amended on Jan. 16, 2018; Feb. 4, 2020>
- (4) Where the court suspends a sentence for a person who has committed a sex offense against a child or youth, it may concurrently issue either of probation order or community service order, or both orders within the period of suspended execution.
- (5) An order to attend education or complete a program under paragraph (2) shall be executed within the period of the suspended execution when the execution of punishment is suspended, within six months from the day the judgment is made final and conclusive if punishment of a fine is sentenced, and within the period of punishment if imprisonment with labor or greater punishment is sentenced: Provided, That no order to attend education or complete a program shall be imposed concurrently if a person who has committed a sex offense against a child or youth is subject to an order to attend education or complete a program under Article 16 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes.
- (6) An order to attend education or complete a program under paragraph (2) shall be executed by the head of a probation office when it is issued concurrently with the

suspended execution of punishment or with the sentence of punishment of a fine, and by the head of a correctional institution when it is issued concurrently with any sentence of imprisonment with labor or greater punishment: Provided, That where no sentence can be executed on account of the release or parole of the relevant person, or inclusion of the number of days of pre-trial detention, etc. before the order to attend education or complete a program concurrently issued with the sentence of imprisonment with labor or greater punishment is fully executed, the unexecuted part of the order to attend education or order to complete a program shall be executed by the head of a probation office.

(7) An order to attend education or complete a program under paragraph (2) shall be executed as follows:

1. Diagnosis of and counseling for deviant abnormal behavior;
2. Education to promote a sound understanding of sex;
3. Other matters necessary for preventing sex offenders from recommitting an offense.

(8) The head of a probation office or correctional institution may wholly or partially entrust the Minister of Gender Equality and Family to execute an order to attend education or complete a program pursuant to paragraph (2).

(9) The Act on Probation, Etc. shall apply mutatis mutandis to matters concerning probation, community service, an order to attend education or complete a program, except as otherwise expressly prescribed by this Act.

Article 21-2 (Investigation of Recidivism) (1) The Minister of Justice may investigate whether a person who attended education or completed a program as ordered under Article 21 (2) have recommitted a sex offense against a child or youth to evaluate the effect of such education or program.

(2) For the purpose of investigation of recidivism under paragraph (1), the Minister of Justice may request the head of a related agency for the records of criminal history or investigation of a person who attended education or completed a program as ordered to investigate whether the person has recommitted a crime during a period of five years from the time the execution of order is completed.

[This Article Newly Inserted on May 29, 2016]

Article 22 (Pre-Judgment Investigation) (1) If deemed necessary for imposing a probation order, an order for community service, an order to attend education or complete a

program pursuant to Article 21, or an employment restriction order pursuant to Article 56, the court may request the head of a probation office having jurisdiction over the place of the domicile of the accused to investigate the matters concerning the accused, such as physical and mental characteristics and conditions, psychosexual development process, background of growth, home environment, occupation, living environment, network of friends, criminal intent, medical history, relationship with the victim, and risk of re-offending. <Amended on Jan. 16, 2018>

(2) Upon receipt of a request made under paragraph (1), the head of a probation office shall conduct an investigation without delay and inform the relevant court of the results thereof in writing. In such cases, if deemed necessary, he or she may summon the accused or other related persons and question them or have a probation officer under his or her jurisdiction investigate necessary matters.

(3) The court may require the director of a probation office who has been requested to carry out an investigation under paragraph (1) to report the progress of the investigation.

Article 23 (Application for Loss of Parental Authority) (1) If the offender in the relevant case is a person with parental power or a guardian of the relevant victimized child or youth, a prosecutor who investigates a sex offense case against a child or youth shall request the competent court to render an adjudication of divestment of parental power prescribed in Article 924 of the Civil Act or make a decision on the replacement of a guardian prescribed in Article 940 of the same Act: Provided, That this shall not apply where any extenuating circumstance exists wherein no divestment of parental power should be decided by adjudication or no decision on the replacement of a guardian should be made.

(2) The heads of the following institutions, facilities, or organizations may request prosecutors to file a request referred to in paragraph (1). In such cases, the prosecutors, in receipt of such request, shall notify the heads of such institutions, facilities, or organizations of the outcomes of processing such request within 30 days after receipt of such request: <Amended on Jan. 15, 2019>

1. The National Center for the Rights of the Child prescribed in Article 10-2 of the Child Welfare Act or a specialized child protection agency prescribed in Article 45 of the same Act;
2. A counseling center for the victims of sexual violence prescribed in Article 10 of the Sexual Violence Prevention and Victims Protection Act or a protection facility for victims

of sexual violence prescribed in Article 12 of the same Act;

3. Youth counseling and welfare centers under Article 29 (1) of the Youth Welfare Support Act and youth shelters under subparagraph 1 of Article 31 of the same Act;

(3) When the head of each institution, facility, or organization notified of the outcomes of processing pursuant to the latter part of paragraph (2) has an objection to such outcomes, he or she may file a request prescribed in paragraph (1) directly with the competent court within 30 days after receiving the notification.

Article 24 (Decisions on Protective Measures for Victimized Children or Youth) Where the court adjudicates the offender in a sex offense case against a child or youth to be divested of his or her parental power pursuant to Article 924 of the Civil Act, it may decide on a protective measure, such as delivering the relevant victimized child or youth to another person with parental power or a relative, or to an institution, facility, or organization referred to in Article 45 or 46. In such cases, the court shall respect the opinion of the relevant child or youth.

Article 25 (Considerations in Investigation Procedures and Judicial Proceedings) (1) Each of investigation agency, court, and person involved in the litigation shall pay attention not to impair the victim's character or honor or infringe upon his or her privacy in the course of investigation, examination, or judgment, taking into careful consideration the age, mental state, and existence of any stress disorder, etc. of the victim of the sex offense against child or youth.

(2) When investigating, examining, or judging a victim of the sex offense against child or youth, each investigation agency and court shall create a circumstance where the victim can make his or her statements comfortably, and shall minimize the number of investigation, examination, and judgment to the least required.

Article 26 (Taking and Keeping of Videos) (1) Statements of a victim of a sex offense against a child or youth and the process of investigation shall be recorded with a recording device, such as a video recorder, and preserved.

(2) No image under paragraph (1) shall be recorded when the victim or his or her legal representative expresses his or her intention that disapproves of the recording: Provided, That this shall not apply where the offender is one of those who have parental power.

(3) Video recording under paragraph (1) shall include both the entire process from the beginning to the end of the investigation and the objective circumstances; and, once the video recording is complete, the original recording medium shall be sealed without delay in the presence of the victim or his or her counsel, and the victim shall be required to write his or her name and affix his or her seal or signature thereto.

(4) A public prosecutor or a judicial police officer shall enter the time on which the victim arrives at the place of video recording under paragraph (1), the time on which the video recording begins and ends, and other details necessary to confirm the developments of the recording process in the investigation record or a separate document, and incorporate the record or document into the investigation files.

(5) Where requested by a victim or his or her legal representative, a prosecutor or judicial police officer shall deliver to the requester a copy of the protocol prepared in the course of recording images, or allow him or her to play and watch the images.

(6) The statement of a victim contained in the images recorded in accordance with the procedures in paragraphs (1) through (4) may be used as evidence when the veracity of its constitution is acknowledged, on the date of preparation of a trial or on the date of a trial, by the victim or a person in fiduciary relationship who has sit in company with the victim in the process of investigation.

(7) No one shall use images recorded under paragraph (1) for any purpose other than investigation and court judgment.

Article 27 (Special Cases concerning Preservation of Evidence) (1) When any circumstance exists wherein it is substantially impracticable for a victim of a sex offense against a child or youth to make a testimony by presenting himself or herself on the date of trial, the victim, his or her legal representative, or the police may, by clearly explaining the reason, ask the prosecutor who investigates the relevant sex offense to request the preservation of images recorded under Article 26 or other evidence, in accordance with Article 184 (1) of the Criminal Procedure Act.

(2) A prosecutor who is asked to make a request under paragraph (1) shall file a request for the preservation of evidence, if he or she deems that such asking has due grounds.

Article 28 (Sitting with Trusted Persons) (1) In examining a victim of a sex offense against a child or youth as a witness, the court shall require a person who is in a fiduciary

relationship with a victim to sit in company with the victim, if requested by the prosecutor, victim or his or her legal representative, unless any extenuating circumstance exists, such as concern about disruption of the trial.

(2) Paragraph (1) shall apply *mutatis mutandis* where an investigation is conducted against the victim referred to in paragraph (1).

(3) In cases falling under paragraphs (1) and (2), neither the court nor the investigative agency shall allow the appearance of a person in a relationship of trust with the victim if it is unfavorable to the victim or is not desired by the victim.

Article 29 (Reading or Photocopying Documents or Evidence) A victim of a sex offense against a child or youth, his or her legal representative, or lawyer may read or photocopy the relevant documents or evidence after obtaining permission from the presiding judge.

Article 30 (Special Cases concerning Appointment of Lawyer for Victimized Child or Youth) (1)

A victim of a sex offense against a child or youth, or his or her legal representative may appoint a lawyer to protect himself or herself from any harm which may be caused during the criminal procedure and to ensure legal assistance.

(2) Article 27 (2) through (6) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes shall apply *mutatis mutandis* to a lawyer appointed under paragraph (1).

Article 31 (Confidentiality) (1) No current or former public official who is responsible for, or involved in, investigations or trials on sex offenses against children or youth shall make public or divulge to any third person any personal information that may identify such children or youth, such as the address, name, age, school, occupation and appearance of the victimized children or youth, or their pictures, etc., or confidential information about the privacy of such children or youth. <Amended on May 19, 2020>

(2) No head of any institution, facility or organization under Articles 45 and 46 or a person who has served or serves as their assistants shall divulge any confidential information he or she has become aware of in the course of performing his or her duties to any third person.

(3) No person shall publish any personal information that may identify victimized children or youth, such as the address, name, age, school, occupation and appearance of such children or youth, or their pictures, etc. in newspapers or other publications, or make them public through broadcasting defined in subparagraph 1 of Article 2 of the Broadcast Act (hereinafter referred to as "broadcasting") or any information and communications

network. <Amended on May 19, 2020>

(4) Any person who violates any of paragraphs (1) through (3) shall be punished by imprisonment with labor for not more than seven years or by a fine not exceeding 50 million won. In such cases, imprisonment with labor and a fine may be imposed concurrently.

Article 32 (Joint Penalty Provisions) When the representative of a corporation, or an agent, employee, or other servant of the corporation or an individual commits an offense falling under any of Articles 11 (3) and (5), 14 (3), 15 (2) and (3), and 31 (3) in connection with the business of the corporation or the individual, not only shall such offender be punished, but the corporation or individual shall also be punished by a fine under the relevant provisions, and where such person commits an offense falling under any of Articles 11 (1), (2), (4) and (6), 12, 14 (1), (2) and (4), and 15 (1), not only shall such offender be punished, but the corporation or individual shall also be punished by a fine not exceeding 50 million won: Provided, That this shall not apply where such corporation or individual has not been negligent in paying due attention and supervision concerning the relevant duties to prevent such offense.

Article 33 (Punishment of Korean Citizens who Commit Offenses Overseas) Where criminally prosecuting a Korean citizen who commits a sex offense against a child or youth outside the territory of the Republic of Korea, pursuant to Article 3 of the Criminal Act, the State shall endeavor to obtain criminal information swiftly from the relevant foreign country and punish such offender.

CHAPTER III REPORTS ON, AND EMERGENCY MEASURES IN RESPONSE TO, SEX OFFENSES AGAINST CHILDREN OR YOUTH, AND PROTECTION AND SUPPORT FOR VICTIMIZED CHILDREN AND YOUTH

Article 34 (Reporting on Sex Offenses against Children or Youth) (1) Any person who becomes aware of the occurrence of a sex offense against a child or youth may report such offense to an investigative agency.

(2) When the head of any of the following institutions, facilities, or organizations and any employee thereof becomes aware of the occurrence of a sex offense against a child or

youth in the course of performing his or her duties, he or she shall immediately report such offense to an investigative agency:<Amended on Jan. 21, 2014; Jan. 16, 2018; Nov. 26, 2019>

1. The kindergartens provided for by subparagraph 2 of Article 2 of the Early Childhood Education Act;
2. Schools defined in Article 2 of the Elementary and Secondary Education Act and schools defined in Article 2 of the Higher Education Act;
3. Medical institutions defined in Article 3 of the Medical Service Act;
4. Child welfare facilities defined in subparagraph 10 of Article 3 of the Child Welfare Act;
5. A welfare facility for persons with disabilities referred to in Article 58 of the Act on Welfare of Persons with Disabilities;
6. A child care center referred to in subparagraph 3 of Article 2 of the Infant Care Act;
7. Private teaching institutes defined in 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 Teaching Institutes and Extracurricular Lessons;
8. Supporting institutions for victims, etc. of sexual traffic under Article 5 of the Act on the Prevention of Commercial Sex Acts and Protection, etc. of Victims and counseling centers for victims, etc. of sexual traffic under Article 10 of the same Act;
9. Single-parent family welfare facilities under Article 19 of the Single-Parent Family Support Act;
10. Counseling centers related to domestic violence under Article 5 of the Act on the Prevention of Domestic Violence and Protection, etc. of Victims and protection facilities for victims of domestic violence under Article 7 of the same Act;
11. A counseling center for the victims of sexual violence prescribed in Article 10 of the Sexual Violence Prevention and Victims Protection Act or a protection facility for victims of sexual violence prescribed in Article 12 of the same Act;
12. Facilities for youth activities defined in subparagraph 2 of Article 2 of the Youth Activity Promotion Act;
13. Youth counseling and welfare centers under Article 29 (1) of the Youth Welfare Support Act and youth shelters under subparagraph 1 of Article 31 of the same Act;
14. Centers for the protection and rehabilitations of youth under Article 35 of the Youth Protection Act;

15. Sports organizations under subparagraph 9 (a) and (b) of Article 2 of the National Sports Promotion Act.

(3) Except as provided in other statutes, no person shall publish any information or material that may identify reporters, etc., such as their personal information or pictures, in publications, or disclose them through broadcasting or any information and communication network.

Article 35 (Education of Persons Liable to Report) (1) The heads of the relevant administrative agencies shall include educational contents related to the prevention of sex offenses against children or youth and obligations to report, in the curriculum for acquiring a license for the heads of institutions, facilities, or organizations under each subparagraph of Article 34 (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 34 (2) and the employees thereof.

(3) Matters necessary for providing the education prescribed in paragraph (2) shall be prescribed by Presidential Decree.

Article 36 (Protection of Victimized Children or Youth) @Articles 5, 8, 29, and 49 through 53 of the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence shall apply mutatis mutandis where a person who commits a sex offense against a child or youth is in a family relationship prescribed in subparagraph 2 of Article 2 of the same Act with the relevant victimized child or youth, and it is necessary to protect such victimized child or youth.

Article 37 (Counseling and Treatment of Victimized Children or Youth) (1) For physical and mental recovery of victimized children, youth, etc., the State may request the counseling facilities referred to in Article 46 or the medical institutions taking exclusive charge of victims of sexual violence designated under Article 27 of the Sexual Violence Prevention and Victims Protection Act to provide counseling or treatment programs (hereinafter referred to as "counseling and treatment programs") to the following persons:

1. A victimized child or youth;
2. The guardian or siblings of a victimized child or youth;

3. Other persons prescribed by Presidential Decree.

(2) No institution in receipt of a request to provide counseling and treatment programs under paragraph (1) shall reject such request without any justifiable ground.

Article 38 (Measures for Children or Youth Victimized through Commercial Sex Acts) (1)

Notwithstanding Article 21 (1) of the Act on the Punishment of Arrangement of Commercial Sex Acts, Etc., no child or youth against whom an offense prescribed in Article 13 (1) is committed shall be punished in order to protect him or her. <Amended on May 19, 2020>

(2) Upon discovering any child or youth victimized through commercial sex acts, a public prosecutor or judicial police officer shall without delay investigate the case and make a report thereon to the Minister of Gender Equality and Family, and the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor having jurisdiction over the support center for children and youths provided in Article 47-2 (hereinafter referred to as "Mayor/Do Governor"). <Amended on May 19, 2020>

(3) Upon receipt of notice under paragraph (2), the Minister of Gender Equality and Family shall take any of the following measures for the child or youth victimized through commercial sex acts: <Amended on May 19, 2020>

1. Connection with protection facilities under Article 45 or counseling facilities under Article 46;
2. Participation in educational, counseling, support programs, etc. provided by support centers for children and youth victimized through commercial sex acts under Article 47-2.

(4) Deleted. <May 19, 2020>

[Title of This Article Amended on May 19, 2020]

Article 39 Deleted. <May 19, 2020>

Article 40 Deleted. <May 19, 2020>

Article 41 (Requests for Measures for Victimized Children or Youth) If deemed necessary to keep a child or youth victimized by a sex offense out of harm's way or to protect him or her continuously, a prosecutor may file a request with the court for taking measures under subparagraphs 2 through 5, along with the probation under subparagraph 1: Provided,

That the same shall not apply where the matters to be complied with are imposed to the offender in accordance with Article 9-2 (1) 2 and 3 of the Act on Electronic Monitoring, such as prohibition from entry to a specific area: <Amended on Feb. 4, 2020>

1. Probation against the offender under the Act on Probation, Etc.;
2. Measures to separate the offender from the residence, etc. of the victimized child or youth or evict the offender therefrom;
3. Measures to prohibit the offender or his or her agent from approaching within 100 meters from the residence, school, etc. of the victimized child or youth;
4. Prohibiting the offender from contacting the victimized child or youth or his or her guardians by means of telecommunications defined in subparagraph 1 of Article 2 of the Framework Act on Telecommunications or by mail;
5. Measures necessary for protecting the victimized child or youth, such as a decision to entrust him or her to a protection facility prescribed in Article 45.

Article 42 (Judgments on Protective Dispositions on Victimized Children or Youth) (1) When

the court deems that a request for a protective disposition filed under Article 41 has reasonable grounds, a protective disposition for a fixed period not exceeding six months shall be sentenced by a judgment.

(2) Any of the protective dispositions prescribed in the subparagraphs of Article 41 may be imposed concurrently.

(3) A prosecutor may, if deemed necessary, request the court to extend the period of a protective disposition referred to in paragraph (1). In such cases, the number of extensions shall be not more than three times, and the period of each extension shall not exceed six months.

(4) A judgment on a protective disposition shall be sentenced concurrently with a judgment on a sex offense against a child or youth.

(5) A victim or his or her legal representative may request the competent court to change the decision on a protective disposition, when the victim has moved his or her residence, etc. after the protective disposition had been rendered under subparagraphs 1 and 2 of Article 41.

(6) When the court decides to impose a protective disposition under paragraph (1), it shall notify each of prosecutor, victim, offender, probation officer, and head of the relevant protection facility entrusted with and performs a protective disposition: Provided, That if

the protection facility is operated by a private entity, consent to the entrustment shall be obtained from the head of a protection facility.

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

Article 43 (Change or Termination of Protective Dispositions on Victimized Children or Youth)

(1) A prosecutor may request the court to change the details of a protective disposition decided under Article 42 or terminate the effect thereof.

(2) Where any request is filed under paragraph (1), the court shall examine the appropriateness of the relevant protective disposition imposed on a victimized child or youth, and shall change its details or terminate its effect, if deemed necessary.

Article 44 (Treatment of Child or Youth Perpetrators) (1) Where a child or youth who is more than 10 years, but less than 14 years old, commits any offense defined in subparagraph 2 (b) or (c) of Article 2 or Article 7, an investigative agency shall investigate it immediately, and forward the case to the juvenile department in the competent court.

(2) Where any child or youth who is more than 14 years, but less than 16 years old, commits any offense falling under paragraph (1) and the case is forwarded to the juvenile department in the competent court, the judge of the juvenile department in the court in receipt of the case may impose any of the following protective dispositions on such child or youth:

1. A protective disposition under each subparagraph of Article 32 (1) of the Juvenile Act;
2. A protective disposition to entrust the centers for the protection and rehabilitations of youth under Article 35 of the Youth Protection Act with guidance and protection.

(3) Where a judicial police officer discovers any child or youth perpetrator referred to in paragraph (1), he or she shall notify the legal representative, etc. of such child or youth perpetrator thereof, in the absence of special circumstances.

(4) Where a judge imposes a disposition prescribed in Article 32 (1) 4 or 5 of the Juvenile Act against a child or youth perpetrator whose case has been forwarded to the juvenile department in the competent court under paragraph (1) or (2), he or she shall issue an order to attend education necessary for the prevention of re-offending.

(5) Where a prosecutor examines whether to forward a case of a child or youth perpetrator to the juvenile department and concludes that forwarding it is inappropriate, he or she shall require such child or youth perpetrator to complete educational or counseling programs necessary for the prevention of re-offending.

(6) Matters necessary for educational or counseling programs referred to in paragraph (5) shall be prescribed by Presidential Decree.

Article 45 (Protection Facilities) Youth support facilities under Article 9 (1) 2 of the Act on the Prevention of Commercial Sex Acts and Protection, etc. of Victims, youth counseling and welfare centers under Article 29 (1) of the Youth Welfare Support Act and youth shelters under subparagraph 1 of Article 31 of the same Act or centers for the protection and rehabilitations of youth under Article 35 of the Youth Protection Act may fulfill each of the following duties: <Amended on May 19, 2020>

1. Affairs prescribed in Article 46 (1);
2. Protection of children and youth victimized through commercial sex acts and support for their self-reliance;
3. Connecting and entrusting children or youth victimized through commercial sex acts who require long-term medical care, to other institutions.

Article 46 (Counseling Facilities) (1) Counseling centers for victims, etc. of sexual traffic under Article 17 of the Act on the Prevention of Commercial Sex Acts and Protection, etc. of Victims and youth counseling and welfare centers under Article 29 (1) of the Youth Welfare Support Act may fulfill each of the following duties: <Amended on May 19, 2020>

1. Receipt of reports on offenses under Articles 7 through 18 and counseling;
2. Connecting and entrusting children or youth victimized through commercial sex acts to hospitals or relevant facilities;
3. Any other surveys and research related to commercial sex acts of children or youth, etc.

(2) Counseling centers for the victims of sexual violence under Article 10 of the Sexual Violence Prevention and Victims Protection Act and protective facilities for the victims of sexual violence under Article 12 of the same Act may fulfill each of the following duties: <Amended on May 19, 2020>

1. Receipt of reports on offenses under Articles 7, 8, 8-2, 9 through 11 and 16 and counseling;

2. Taking victimized children or youth disabled to live an ordinary life by sexual violence against them or who are in need of urgent protection due to other circumstances to hospitals or protective facilities for the victims of sexual violence, or providing them with temporary protection;
3. Helping victimized children or youth physically and mentally recover and return to the society;
4. Requesting the Korean Bar Association, the Korea Legal Aid Corporation and other relevant institutions to render necessary cooperation and support for taking judicial proceedings, such as civil and criminal procedures and claiming compensation for damage;
5. Operation of educational and counseling programs for child or youth perpetrators of sexual crimes against children or youth and their legal representatives;
6. Education of experts in protection of children and youth against sexual abuse;
7. Public relations campaigns for the prevention and prohibition of sexual violence against children or youth;
8. Surveys and research on sexual violence against children or youth and damage therefrom;
9. Other duties required for protecting victimized children or youth.

Article 47 (Establishment and Operation of Institutions Specialized in Sex Education for Children and Youth)

(1) In order to create sound sex values and prevent sex offenses, the State and local governments may establish institutions specialized in sex education for children and youth (hereinafter referred to as "institutions specialized in sex education") or entrust the relevant duties to specialized organizations.

(2) Matters concerning entrustment under paragraph (1) and matters necessary for qualifications for employees, including staff members of institutions specialized in sex education, and standards for establishment and operation thereof shall be prescribed by Presidential Decree.

Article 47-2 (Establishment of Support Centers for Children and Youth Victimized through Commercial Sex Acts)

(1) The Minister of Gender Equality and Family, a Mayor/Do Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) may establish and operate a support center for children

and youth victimized through commercial sex acts (hereinafter referred to as "support center for children and youth victimized through commercial sex acts") to protect children and youth victimized through commercial sex acts.

(2) The support centers for children and youth victimized through commercial sex acts shall perform the following duties:

1. Receipt of reports on offenses under Articles 12 through 15 and counseling;
2. Education, counseling, and support for children or youth victimized through commercial sex acts;
3. Taking children or youth victimized through commercial sex acts to hospitals or support facilities defined in Article 9 of the Act on the Prevention of Commercial Sex Acts and Protection of Victims, or providing temporary protection to them;
4. Helping children or youth victimized through commercial sex acts in their physical and psychological treatment, restoration of stability and rehabilitation to the society;
5. Operation of educational and counseling programs for legal representatives of children or youth victimized through commercial sex acts;
6. Surveys and research on commercial sex acts of children and youth, etc.;
7. Other duties necessary for protecting and supporting children and youth victimized through commercial sex acts as prescribed by Presidential Decree.

(3) The State and local governments shall subsidize, within budgetary limits, part of the expenses incurred by support centers for children and youth victimized through commercial sex acts under paragraph (2).

(4) The operation of support centers for children and youth victimized through commercial sex acts may be entrusted to a non-profit corporation or organization, as prescribed by Ordinance of the Ministry of Gender Equality and Family.

[This Article Newly Inserted on May 19, 2020]

Article 48 Deleted. <May 19, 2020>

CHAPTER IV DISCLOSURE OF PERSONAL INFORMATION AND RESTRICTION ON EMPLOYMENT OF PERSON FINALLY AND CONCLUSIVELY CONVICTED OF SEX OFFENSES

Article 49 (Disclosure of Registered Information) (1) With respect to any of the following persons, the court shall pronounce an order to disclose information prescribed in

paragraph (4) through an information and communications network during the registration period prescribed in Article 45 (1) of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes (hereinafter referred to as "order to disclose information") in concurrence with a judgment on a sex offense case against a child or youth: Provided, That the same shall not apply where the accused is a child or youth, or any other special circumstance against disclosure of personal information exists: [<Amended on Nov. 26, 2019; May 19, 2020>](#)

1. A person who has committed a sex offense against a child or youth;
2. A person who commits a crime under any of Articles 2 (1) 3 and 4, 2 (2) (limited to paragraph (1) 3 and 4), and 3 through 15 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes;
3. An unpunishable person under Article 10 (1) of the Criminal Act even though he or she has committed an offense falling under subparagraph 1 or 2, and is deemed likely to recommit an offense falling under subparagraph 1 or 2.

(2) The period for disclosing registered information prescribed in paragraph (1) (the period shall not exceed the period prescribed in Article 7 of the Act on the Lapse of Criminal Sentences) shall be counted from the time when a judgment becomes final and conclusive. [<Amended on May 29, 2016; Nov. 26, 2019>](#)

(3) None of the following periods shall be counted towards the disclosure period specified in paragraph (1): [<Newly Inserted on Nov. 26, 2019>](#)

1. The period during which a person ordered to disclose information (hereinafter referred to as "person subject to disclosure") is committed to a correctional facility or a medical treatment and custody facility for a sex offense which causes the disclosure of personal information: In such cases, where a sex offense which causes the disclosure of personal information and other crimes are concurrent under Article 37 (limited to cases where several crimes for which judgment has not become final are regarded as concurrent crimes) of the Criminal Act, and sentences are pronounced accordingly under Article 38 of the same Act, all of such sentences shall be deemed to have been pronounced for the sex offense which causes the disclosure of personal information;
2. A period during which a person subject to disclosure has been placed in a correctional facility or a medical treatment and custody facility for another crime prior to and consecutively with the period referred to in subparagraph 1;

3. A period during which a person subject to disclosure has been placed in a correctional facility or a medical treatment and custody facility for another crime following and consecutively with the period referred to in subparagraph 1.

(4) Registered information provided for disclosure under paragraph (1) (hereinafter referred to as "information for disclosure") shall be as follows:<Amended on Nov. 26, 2019; Feb. 4, 2020>

1. Name;

2. Age;

3. Address and actual place of residence (up to road name as defined in subparagraph 5 of Article 2 of the Road Name Address Act and building number as defined in subparagraph 7 of the same Article);

4. Information on physical build (height and weight);

5. Photograph;

6. Summary of a sex offense subject to registration (including date of judgment, name of the offense and pronounced sentence);

7. Previous criminal record of sexual violence (names of crimes and number of time of crimes);

8. Whether an electronic device is attached under the Act on Electronic Monitoring.

(5) The detailed form and contents of information for disclosure shall be prescribed by Presidential Decree.<Amended on Nov. 26, 2019>

(6) Any person who intends to inspect information for disclosure via an information and communications network shall undergo procedures for actual name verification.<Amended on Nov. 26, 2019>

(7) Detailed methods of, and procedures for, actual name verification, and technology and management for preventing information for disclosure from being leaked shall be prescribed by Presidential Decree.<Amended on Nov. 26, 2019>

Article 50 (Notification of Registered Information) (1) With respect to any of the following persons, who are subject to disclosure of information, the court shall issue an order to notify the persons prescribed in paragraph (5) of the information subject to notification under paragraph (4) (hereinafter referred to as "order to notify information") during a period set to disclose information under Article 49 by a court judgment, in concurrence with a judgment on a sex offense case subject to registration: Provided, That the same shall not apply where the accused is a child or youth, or where any other special

circumstance against disclosure of personal information exists: <Amended on May 19, 2020>

1. A person who has committed a sex offense against a child or youth;
2. A person who commits a crime under any of Articles 2 (1) 3 and 4, 2 (2) (limited to paragraph (1) 3 and 4), and 3 through 15 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes;
3. An unpunishable person under Article 10 (1) of the Criminal Act even though he or she has committed an offense falling under subparagraph 1 or 2, and is deemed likely to recommit an offense falling under subparagraph 1 or 2.

(2) A person against whom an order to notify information is sentenced (hereinafter referred to as "person subject to notification of information") shall be deemed a person against whom an order to disclose information is sentenced.

(3) An order to notify information shall be executed within the following periods:

1. In cases of a person subject to notification of information who is sentenced to suspended execution, within one month from the date of the first registration of his or her personal information;
2. In cases of a person subject to notification of information sentenced to imprisonment without labor or greater punishment, within one month from the date of moving-in to the region where he or she shall be domiciled after being released from prison;
3. Where a person subject to notification of information relocates to another region, within one month from the date of registration of changed information.

(4) Information to be notified under paragraph (1) shall be as follows:<Amended on Nov. 26, 2019>

1. Where a person subject to notification of information is already domiciled or has moved in, information for disclosure under Article 49 (4): Provided, That his or her address and actual place of domicile referred to in Article 49 (4) 3 shall include his or her detailed address;
2. Where a person subject to notification of information relocates, information notified under subparagraph 1 and information concerning his or her relocation.

(5) Information to be notified under paragraph (4) shall be notified to households of the persons with parental authority or legal representatives of children and youth residing in an Eup/Myeon/Dong where a person subject to notification of information is domiciled,

the heads of day care centers under the Infant Care Act, kindergartens under the Early Childhood Education Act and the heads of schools as defined in Article 2 of the Elementary and Secondary Education Act, the heads of Eup/Myeon offices and Dong community centers (including Eups/Myeons/Dongs which share the common boundaries), the heads of private teaching institutes for school curriculum as defined in Article 2-2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, the heads of regional centers for children under Article 52 (1) 8 of the Child Welfare Act, and the heads of youth training facilities under subparagraph 1 of Article 10 of the Youth Activity Promotion Act. <Amended on Jan. 21, 2014>

Article 51 (Execution of Orders to Notify Information) (1) The Minister of Gender Equality and Family shall execute orders to notify information.

(2) When a judgment on an order to notify information becomes final and conclusive, the court shall forward a certified copy of the written judgment to the Minister of Justice within 14 days from the date the judgment becomes final and conclusive, and the Minister of Justice shall forward the information on the person subject to notification of information at the time of initial registration and registration for change, period for notification, and information to be notified under the subparagraphs of Article 50 (4) to the Minister of Gender Equality and Family without delay so that the order to notify information can be executed within the period prescribed in Article 50 (3).

(3) Where a person subject to notification of information is released from prison, the Minister of Justice shall forward the following information to the Minister of Gender Equality and Family by no later than one month prior to his or her release:

1. A prearranged date on which a person subject to notification of information is to be released from prison;
2. A detailed address of the place of residence where a person subject to notification of information will be domiciled.

(4) The Minister of Gender Equality and Family shall execute an order to notify information in the manner of sending information to be notified under Article 50 (4) to the households of the persons with parental authority or legal representatives of children and youth residing in the region under his or her jurisdiction, the heads of day care centers under the Infant Care Act, kindergartens under the Early Childhood Education Act, the heads of schools as defined in Article 2 of the Elementary and Secondary Education Act, the heads

of Eup/Myeon offices and Dong community centers, the heads of private teaching institutes for school curriculum as defined in Article 2-2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, the heads of regional centers for children under Article 52 (1) 8 of the Child Welfare Act, and the heads of youth training facilities under subparagraph 1 of Article 10 of the Youth Activity Promotion Act and posting it on the bulletins of Eup/Myeon offices or Dong (including Eups/Myeons/Dongs which share the common boundaries) community centers for 30 days. <Amended on Jan. 21, 2014>

(5) The Minister of Gender Equality and Family shall send by mail the information to be notified under Article 50 (4) to the households of the persons with parental authority or legal representatives of children and youth residing in the region under his or her jurisdiction for whom birth reports, adoption reports or moving-in reports have been filed after having executed an order to notify information under paragraph (4), and to the heads of child-care centers under the Infant Care Act, kindergartens under the Early Childhood Education Act, the heads of schools as defined in Article 2 of the Elementary and Secondary Education Act, the heads of private teaching institutes for school curriculum as defined in Article 2-2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, the heads of regional centers for children under Article 52 (1) 8 of the Child Welfare Act, and the heads of youth training centers under subparagraph 1 of Article 10 of the Youth Activity Promotion Act who have failed to receive by mail the information to be notified on persons subject to notification of information. <Amended on Jan. 21, 2014>

(6) The Minister of Gender Equality and Family may entrust the head of the Eup/Myeon where a person subject to notification of information actually resides or the head of the relevant Dong community center with affairs concerning the mailing of information to be notified or posting thereof in bulletins under paragraphs (4) and (5) among the affairs related to the execution of an order to notify information.

(7) The head of an Eup/Myeon or the head of a Dong community center who is entrusted under paragraph (6) shall perform the affairs related to the mailing and posting in bulletins.

(8) The Minister of Gender Equality and Family may execute an order to notify information by any means, other than notification prescribed in paragraph (4).

(9) Matters necessary for the execution of orders to notify information and procedures for notification shall be prescribed by Ordinance of the Ministry of Gender Equality and Family.

Article 51-2 (Correction of Notified Information) (1) Any person who finds errors in the information notified according to Article 51 may request correction thereof to the Minister of Gender Equality and Family.

(2) The Minister of Gender Equality and Family may, in receipt of the request for correction of the notified information under paragraph (1), inform the Minister of Justice of such request, and the Minister of Justice may require the chief of a police station having jurisdiction over the place of address of a person subject to notification to ascertain the authenticity of and confirm any modification to the notified information through direct confrontation or other measures.

(3) Where the Minister of Justice confirms the notified information has errors under paragraph (2), he or she shall register modifications to the information as prescribed by the Presidential Decree, and send the results thereof to the Minister of Gender Equality and Family, and the Minister of Gender Equality and Family shall inform that the information notified in the manner referred to in Article 51 (4) has been corrected.

(4) The Minister of Gender Equality and Family shall notify a person who requested a correction of notified information under paragraph (1) of the results of process under paragraph (3).

(5) The methods and procedure of requesting a correction of notified information under paragraph (1), notification to the Minister of Justice under paragraph (2), request for inquiry or information, methods and procedure of requesting confirmation, and methods, etc. of notification of the results of process under paragraph (4) shall be prescribed by Presidential Decree.

[This Article Newly Inserted on Jan. 16, 2018]

Article 52 (Execution of Orders to Disclose Information) (1) The Minister of Gender Equality and Family shall execute orders to disclose information through an information and communications network.

(2) Where a judgment on order to disclose information becomes final and conclusive, the court shall forward a certified copy of the written judgment to the Minister of Justice within 14 days from the date the judgment becomes final and conclusive, and the Minister

of Justice shall forward the information on the person subject to disclosure of information at the time of initial registration and registration for change, period of disclosure, and information for disclosure prescribed in the subparagraphs of Article 49 (4) to the Minister of Gender Equality and Family without delay so that the order to notify information can be executed within the period of disclosure prescribed in Article 49 (2).<Amended on Nov. 26, 2019>

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

Article 53 (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 youth, and other matters necessary for guidance on at least two occasions each year.

(2) To analyze tendencies, etc. of sex offenses under paragraph (1), the Minister of Gender Equality and Family may request the relevant administrative agencies to provide data on persons who have received final and conclusive verdict of guilty on their sex offenses.

Article 54 (Confidentiality) No person who performs or has performed the duties of disclosing and notifying personal information of sex offenders subject to registration shall divulge any registered information that he or she has become aware of in the course of performing his or her duties.

Article 55 (Prohibition of Abuse of Information for Disclosure) (1) Information for disclosure shall be used only to identify persons who are likely to commit sex offenses in order to protect children and youth against sexual abuse.

(2) No one who ascertains information for disclosure shall do any of the following acts by using such information for disclosure:

1. Releasing information for disclosure through a newspaper, magazine, or other publication, broadcasting or information and communications networks;
2. Correcting or deleting information for disclosure.

(3) No one who has ascertained the information for disclosure shall discriminate against persons subject to disclosure of information by using such information for disclosure for any of the following purposes, other than for the purposes of protection from sex offenses subject to registration: <Amended on Jan. 16, 2018>

1. Employment (excluding employment by child or youth-related institutions, etc. under Article 56 (1));
2. Use of houses or social welfare facilities;
3. Education and vocational training at educational institutions.

Article 56 (Restrictions of Employment at Child or Youth-Related Institutions) (1) Where the court sentences a person to a penalty or medical treatment and custody for committing a sex offense against a child, youth, or adult (hereinafter referred to as "sex offense"), it shall issue an order (notifies in cases of a summary order) to prohibit such person from operating any of the following facilities, institutions, or workplace (hereinafter referred to as "child or youth-related institutions, etc.") referred to in the following subparagraphs, or from finding a job at, or providing de facto labor to, the child or youth-related institutions, etc. (hereinafter referred to as an employment restriction order) for a specified period from the date the execution of such penalty or medical treatment and custody is wholly or partially terminated, suspended, or exempted (where a person is sentenced to punishment of a fine, referring to the date such sentence is made final and conclusive; hereinafter referred to as "period of restricted employment"), concurrently as it renders a judgment on the sex offense: Provided, That the foregoing shall not apply where the person is very unlikely to recommit a crime, or where it is deemed there are extenuating circumstances to lift the restriction of employment: <Amended on Mar. 23, 2013; Jan. 21, 2014; Jan. 19, 2016; May 29, 2016; Jan. 16, 2018; Mar. 13, 2018; Nov. 26, 2019; Jun. 2, 2020>

1. The kindergartens provided for by subparagraph 2 of Article 2 of the Early Childhood Education Act;
2. Schools defined in Article 2 of the Elementary and Secondary Education Act, entrusted educational institutions referred to in Article 28 of the said Act and Article 54 of the Enforcement Decree of the said Act, and schools defined in Article 2 of the Higher Education Act;
- 2-2. Student counseling centers or entrusted educational institutions that are established and operated directly, or operated by entrustment, by Offices of Education of Special Metropolitan City, Metropolitan Cities, Special Self-Governing City, Special Self-Governing Province, or Offices of Education referred to in Article 34 of the Local Education Autonomy Act;

- 2-3. International schools established under Article 223 of the Special Act on the Establishment of Jeju Special Self-Governing Province and the Development of Free International City;
3. Private teaching institutes defined in subparagraph 1 of Article 2 of the Act on the Establishment and Operation of Private Teaching Institutes and Extracurricular Lessons, teaching schools defined in subparagraph 2 and private tutors defined in subparagraph 3 of the same Article of the same Act (referring to private teaching institutes, teaching schools, and private tutors for children and youth designated by the Minister of Education, the use of which by children and youth is not restricted);
4. Centers for the protection and rehabilitations of youth under Article 35 of the Youth Protection Act;
5. Facilities for youth activities defined in subparagraph 2 of Article 2 of the Youth Activity Promotion Act;
6. Youth counseling and welfare centers under Article 29 (1) of the Youth Welfare Support Act and youth shelters under subparagraph 1 of Article 31 of the same Act;
- 6-2. A support center for out-of-school youth under Article 12 of the Act on the Support for Out-of-School Youth;
7. A child care center referred to in subparagraph 3 of Article 2 of the Infant Care Act;
8. Child welfare facilities defined in subparagraph 10 of Article 3 of the Child Welfare Act and integrated service centers defined in Article 37 of the said Act;
9. Youth support facilities under Article 9 (1) 2 of the Act on the Prevention of Commercial Sex Acts and Protection, etc. of Victims and counseling centers for victims, etc. of sexual traffic under Article 17 of the same Act;
10. Housing management offices of collective housing defined in subparagraph 3 of Article 2 of the Housing Act. In such cases, limited to a person directly engaged in security work;
11. Sports facilities designated by the Minister of Culture, Sports and Tourism, the use of which by children and youth is not restricted, among sports facilities established pursuant to Article 3 of the Installation and Utilization of Sports Facilities Act;
12. Medical institutions defined in Article 3 of the Medical Service Act. In such cases, limited to medical personnel defined in Article 2 of the Medical Service Act;

13. Places of business for following businesses under the Game Industry Promotion Act:
 - (a) A business providing Internet computer game facilities defined in subparagraph 7 of Article 2 of the Game Industry Promotion Act;
 - (b) A combined distribution and game providing business defined in subparagraph 8 of Article 2 of the Game Industry Promotion Act;
14. Corporations providing security services defined in subparagraph 1 of Article 2 of the Security Services Industry Act. In such cases, limited to a person directly engaged in security work;
15. Places of business for planning, supervising and operating youth activities defined in subparagraph 3 of Article 3 of the Framework Act on youth for commercial purposes (hereinafter referred to as "business establishments for planning youth activities");
16. Places of business where popular culture planners defined in subparagraph 7 of Article 2 of the Popular Culture and Arts Industry Development Act train, guide, counsel popular culture artists defined in subparagraph 3 of the same Article in line with popular culture planning business defined in subparagraph 6 of the same Article (hereinafter referred to as "business establishments for popular culture and arts planning");
17. Any of the following institutions, facilities or places of business where the employment of children or youth or their entrance is permitted (hereafter referred to as "facilities, etc." in this subparagraph), the types of which are prescribed by Presidential Decree:
 - (a) Facilities, etc. where there exist or may exist business-related or de-facto power relationship between children or youth, and the operators or employees of, or persons providing de facto labor to, relevant facilities, etc.;
 - (b) Facilities, etc. favored and frequented by children and youth, over which there are concerns that children and youth could fall victim to sexual assault by the operators, employees, or persons providing de facto labor in the process of operating relevant facilities, etc.;
18. Places of business which recruit or hire persons who provide educational services directly to children and youth who come for learning or by other ways such as visiting home of children and youth (hereinafter referred to as workplace of private tutors visiting home, etc.). In such cases, limited to a person engaged in business of educational services provided directly to children and youth;

19. Special education support centers referred to in Article 11 of the Act on Special Education for Persons with Disabilities, Etc. and institutions and organizations providing special education-related services under Article 28 of the same Act;
 20. Public facilities designated by the Minister of the Interior and Safety that are used by children and youth, among public facilities referred to in Article 144 of the Local Autonomy Act;
 21. Educational institutions for children and youth, among educational institutions referred to in Article 32 of the Local Education Autonomy Act;
 22. Local institutes of food and nutrition service for children under Article 21 (1) of the Special Act on Safety Management of Children's Dietary Lifestyle.
- (2) The period of restricted employment under paragraph (1) shall not exceed 10 years.
<Newly Inserted on Jan. 16, 2018>
- (3) Where the court intends to issue an employment restriction order under paragraph (1), it may seek opinions on the recidivism risk of the person subject to restriction order of employment from neuropsychiatrists, psychologists, scholars of social welfare science, and other relevant experts. <Newly Inserted on Jan. 16, 2018>
- (4) The head of a local government, the superintendent of education or the head of a district office of education having jurisdiction over the establishment of, authorization for, or reporting on the establishment of child or youth-related institutions, etc. under the subparagraphs (excluding subparagraph 10) of paragraph (1) shall request the heads of the relevant agencies for an inquiry of sex offense history of a person who intends to run child or youth-related educational institutions, etc.: Provided, That if a person who intends to run child or youth-related institutions, etc. directly submits a written reply to a request for inquiry of sex offense history to the head of a local government, the superintendent of education or the head of a district office of education, it shall be deemed the inquiry of sex offense history has been conducted. <Amended on May 29, 2016; Jan. 16, 2018>
- (5) The head of each child or youth-related institution, etc. shall verify the sex offense history of a person currently working for or providing de facto labor to the institution, or a person intending to be employed by or to provide de facto labor to the institution (hereinafter referred to as "employees, etc."), and in such cases, he or she shall request the heads of the relevant agencies to inquire into sex offense history after obtaining consent from the relevant person: Provided, That if employees, etc. directly submit a written reply

to a request for inquiry of sex offense history to the heads of child or youth-related institutions, etc., it shall be deemed the inquiry of sex offense history has been conducted.
<Amended on May 29, 2016; Jan. 16, 2018>

(6) The heads of the relevant agencies shall issue a written reply to a request for inquiry of sex offense history upon receipt of a request for inquiry into sex offense history under paragraphs (4) and (5). <Newly Inserted on May 29, 2016; Jan. 16, 2018>

(7) Where the head of the Center for Children's Foodservice Management referred to in paragraph (1) 22 makes an inquiry on the sex offense history of an employee under paragraph (5), and the employee in employment actually provides labor to another child or youth-related institution, etc. in performing his or her duties, the head of such child or youth-related institution, etc., shall be deemed an inquiry on the sex offense history, notwithstanding paragraph (5). <Newly Inserted on Nov. 26, 2019>

(8) Matters necessary for procedures for and scope of making inquiries into sex offense history under paragraphs (4) through (6) and others shall be prescribed by Presidential Decree. <Amended on May 29, 2016; Jan. 16, 2018; Nov. 26, 2019>

[Title Amended on Jan. 16, 2018]

[Paragraph (1) of this Article is amended by Act No. 15352, Jan. 16, 2018, for being found unconstitutional by the Constitutional Court based on its decisions such as 2013 Hun Ma 585, Mar. 31, 2016; 2015 Hun Ma 98, Apr. 28, 2016; 2015 Hun Ma 359, Jul. 28, 2016; 2015 Hun Ma 914, Jul. 28, 2016; and 2014 Hun Ma 709, Oct. 27, 2016.]

Article 57 (Checking and Verification of Former Sex Offenders) (1) The Minister of Gender Equality and Family or the heads of the relevant central administrative agencies shall check and verify at least once a year whether any person issued an employment restriction order operates, is employed by, or provides de facto labor to child or youth-related institutions, etc. in accordance with the following classification, directly or by methods such as requesting relevant agencies for an inquiry. In such cases, checking and verification of child and youth-related institutions prescribed in Article 56 (1) 17 shall be conducted by the heads of the relevant central administrative agencies prescribed by Presidential Decree:

<Amended on Mar. 23, 2013; May 29, 2016; Jan. 16, 2018; Mar. 13, 2018; Nov. 26, 2019>

1. The Minister of Education: Kindergartens referred to in Article 56 (1) 1, schools and entrusted educational institutions referred to in Article 56 (1) 2, student counseling centers or entrusted educational facilities referred to in subparagraph 2-2 of the same

paragraph, private teaching institutes and teaching schools and private tutors for children and youth designated by the Minister of Education, the use of which by children and youth is not restricted under Article 56 (1) 3, and special education support centers and institutions and organizations providing special education-related services referred to in subparagraph 19 of the same paragraph, and educational institutions referred to in subparagraph 21 of the same paragraph;

2. The Minister of the Interior and Safety: Public facilities referred to in Article 56 (1) 20;
3. The Minister of Culture, Sports and Tourism: Sports facilities under Article 56 (1) 11 designated by the Minister of Culture, Sports and Tourism, the use of which by children and youth is not restricted, and places of business running a business providing Internet computer game facilities and combined distribution and game providing business under the items of Article 56 (1) 13, and business establishments for popular culture and arts planning under Article 56 (1) 16;
4. The Minister of Health and Welfare: Child-care centers referred to in Article 56 (1) 7, child welfare facilities referred to in Article 56 (1) 8, and integrated service centers and medical institutions referred to in Article 56 (1) 12;
5. The Minister of Gender Equality and Family: Centers for the protection and rehabilitations of youth referred to in Article 56 (1) 4, facilities for youth activities referred to in Article 56 (1) 5, youth counseling and welfare centers and youth shelters referred to in Article 56 (1) 6, support centers for out-of-school youth referred to in Article 56 (1), and youth support facilities and counseling centers for victims, etc. of sexual traffic referred to in Article 56 (1) 9, business establishments for planning youth activities referred to in Article 56 (1) 15 and workplace of private tutors visiting home, etc. referred to in Article 56 (1) 18;
6. The Minister of Land, Infrastructure and Transport: Housing management offices of collective housing referred to in Article 56 (1) 10;
7. The Minister of Food and Drug Safety: The Center for Children's Foodservice Management prescribed in Article 56 (1) 22;
8. The Commissioner General of the Korean National Police Agency: Corporations providing security services under Article 56 (1) 14;
9. The Superintendent of Education of Jeju Special Self-Governing Province: International schools under Article 56 (1) 2-3.

(2) If necessary for checking and verification under paragraph (1), the heads of the central administrative agencies or the Superintendent of the Provincial Office of Education of Jeju Special Self-Governing Province referred to in the subparagraphs of paragraph (1) may request the heads of child or youth-related institutions, etc. or relevant supervisory institutions to submit relevant data.<Amended on Jan. 16, 2018; Nov. 26, 2019>

(3) The Minister of Gender Equality and Family, the heads of the relevant central administrative agencies, or the Superintendent of the Provincial Office of Education of Jeju Special Self-Governing Province shall disclose the results of checking and verification conducted under paragraph (1) by using a website, etc., as prescribed by Presidential Decree.<Amended on Nov. 26, 2019>

- Article 57 (Checking and Verification of Former Sex Offenders)** (1) The Minister of Gender Equality and Family or the head of a related central administrative agency shall conduct an inspection and verification at least once a year to ascertain whether a person issued an employment restriction order for a sex offense operates, is employed by, or provides de facto labor to a child or youth-related institution, etc.:
1. The Minister of Education: Schools defined in Article 2 of the Higher Education Act, among institutions falling under Article 56 (1) 2;
 2. The Minister of the Interior and Safety: Public facilities referred to in Article 56 (1) 20;
 3. The Minister of Gender Equality and Family: A center for the protection and rehabilitation of youth under Article 56 (1) 4 or a support center for out-of-school youth under Article 56 (1) 6-2;
 4. The Minister of Food and Drug Safety: The Center for Children's Foodservice Management prescribed in Article 56 (1) 22;
 5. The Commissioner General of the Korean National Police Agency: Corporations providing security services under Article 56 (1) 14.
- (2) Where a child or youth-related institution, etc. not falling under any subparagraph of paragraph (1) is established and operated by a relevant central administrative agency, such as the Ministry of Education, the Ministry of the Interior and Safety, the Ministry of Culture, Sports and Tourism, the Ministry of Health and Welfare, the Ministry of Gender Equality and Family, and the Ministry of Land, Infrastructure and Transport, the head of the relevant central administrative agency shall conduct an inspection and verification pursuant to paragraph (1).

(3) A Mayor/Do Governor or the head of a Si/Gun/Gu shall check and verify at least once a year whether any person issued an employment restriction order operates, is employed by, or providing de facto labor to a child or youth-related institution, etc. in accordance with the following classification, directly or by methods such as requesting relevant agencies for an inquiry: Provided, That the same shall not apply to child or youth-related institutions, etc. falling under paragraph (2): <Amended on May 19, 2020>

1. Facilities for youth activities prescribed in Article 56 (1) 5;
2. Youth counseling and welfare centers and youth shelters prescribed in Article 56 (1) 6;
3. Daycare centers prescribed in Article 56 (1) 7;
4. Child welfare facilities and integrated service centers prescribed in Article 56 (1) 8;
5. Youth support facilities and counseling centers for victims of commercial sex acts prescribed in Article 56 (1) 9;
6. Management offices of multi-family housing referred to in Article 56 (1) 10;
7. Sports facilities prescribed in Article 56 (1) 11;
8. Medical institutions prescribed in Article 56 (1) 12;
9. Business places in which business providing facilities for Internet computer games or combined distribution and game providing business falling under each subparagraph of Article 56 (1) 13 is conducted;
10. Business establishments for planning youth activities prescribed in Article 56 (1) 15;
11. Business establishments for popular culture and art planning prescribed in Article 56 (1) 16;
12. Facilities, etc., the employment of or access to which is permitted for children or youth under Article 56 (1) 17, as prescribed by Presidential Decree;
13. Workplaces of private tutors visiting home, etc. referred to in Article 56 (1) 18 of the Act.

(4) The superintendent of education shall check and verify at least once a year whether a person issued an employment restriction order for committing a sex offense operates, is employed by, or provides de facto labor to any of the following child or youth-related institutions, etc., directly or by means of inquiring of the related institutions, etc.: Provided, That this shall not apply to child or youth-related institutions, etc. falling under paragraph (2):

1. Kindergartens under Article 56 (1) 1;
2. Schools defined in Article 2 of the Elementary and Secondary Education Act and entrusted educational institutions referred to in Article 28 of the same Act, among institutions referred to in Article 56 (1) 2;
3. Student counseling centers and entrusted educational facilities referred to in Article 56 (1) 2-2;
4. International schools prescribed in Article 56 (1) 2-3.
5. Private teaching institutes, teaching schools, and private tutors referred to in Article 56 (1) 3;
6. Special education support centers and institutions and organizations providing special education-related services prescribed in Article 56 (1) 19;
7. Educational institutions for children or youth referred to in Article 56 (1) 21.

(5) Where necessary for the checking and verification under paragraphs (1) through (4), the heads of central administrative agencies, Mayors/Do Governors, the heads of Si/Guns/Gus or the superintendents of education under paragraphs (1) and (2) may request the heads of child or youth-related institutions, etc. or relevant supervisory institutions to submit the relevant data.

(6) The Minister of Gender Equality and Family, the head of a related central administrative agency, a Mayor/Do Governor, the head of a Si/Gun/Gu, or the superintendent of education shall make public the results of the checking and verification under paragraphs (1) through (4) by using the websites, etc., as prescribed by Presidential Decree.

[This Article Wholly Amended on Feb. 18, 2020]

[Enforcement Date: Jan. 1, 2021] Article 57

Article 58 (Requests to Dismiss Employees) (1) If any person is employed by, or provides de facto labor to, a child or youth-related institution, etc., in violation of Article 56 (1), the head of a central administrative agency or the Provincial Office of Education of Jeju Special Self-Governing Province referred to in the subparagraphs of Article 57 (1) may request the head of the child or youth-related institution, etc. to dismiss such person. <Amended on Jan.

16, 2018; Nov. 26, 2019>

(2) The head of a central administrative agency or the Provincial Office of Education of Jeju Special Self-Governing Province referred to in each subparagraph of Article 57 (1) may request the head of a child or youth-related institution, etc. operating the child or youth-

related institution, etc., in violation of Article 56 (1), to close the child or youth-related institution, etc. <Amended on Jan. 16, 2018; Nov. 26, 2019>

(3) Where the head of a child or youth-related institution, etc. or the Provincial Office of Education of Jeju Special Self-Governing Province refuses a request to close the relevant institution under paragraph (2) without any justifiable ground or fails to meet requirements within one month, the head of a central administrative agency referred to in each subparagraph of Article 57 (1) may request the head of the relevant administrative agency to close such child or youth-related institution or to revoke the registration, permission, etc. thereof. <Amended on Jan. 16, 2018; Nov. 26, 2019>

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

Article 58 (Requests to Dismiss Employees) (1) If any person is employed by, or provides de facto labor to, a child or youth-related institution, etc. during the period of restricted employment provided in Article 56 (1), the head of a central administrative agency, the Mayor/Do Governor, the head of a Si/Gun/Gu, or the superintendents of education referred to in each subparagraph of Article 57 (1) and paragraph (2) of that Article may request the head of the child or youth-related institution, etc. to dismiss such person. <Amended on Feb. 18, 2020>

(2) The head of a central administrative agency, the Mayor/Do Governor, the head of a Si/Gun/Gu, or the superintendents of education referred to in each subparagraph of Article 57 (1) and paragraph (2) of that Article may request the head of a child or youth-related institution, etc. operating the child or youth-related institution, etc., in violation of Article 56 (1), to close the child or youth-related institution, etc. <Amended on Feb. 18, 2020>

(3) Where the head of a child or youth-related institution, etc. refuses a request to close the relevant institution under paragraph (2) without any justifiable ground or fails to meet requirements within one month, the head of a central administrative agency referred to in each subparagraph of Article 57 (1) and paragraph (2) of that Article may request the head of the relevant administrative agency to close such child or youth-related institution or to revoke the registration, permission, etc. thereof. <Amended on Feb. 18, 2020>

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

[Enforcement Date: Jan. 1, 2021] Article 58

Article 59 (Monetary Awards) (1) The Minister of Gender Equality and Family may grant monetary rewards within budgetary limits to a person who files a report with an investigative agency on a person who has committed an offense falling under any of Articles 8, 8-2, 11 (1), (2) and (4), and 13 through 15. <Amended on Jan. 15, 2019; Jun. 2, 2020>

(2) Matters necessary for standards for, methods of, and procedures for granting monetary rewards pursuant to paragraph (1), detailed amounts thereof, etc. shall be prescribed by Presidential Decree.

Article 60 (Delegation of Authority) (1) The authority of 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, Infrastructure and Transport granted under Articles 57, 58 and 67 may be partially delegated to Mayors/Do Governors or the heads of Sis/Guns/Gus (referring to the heads of autonomous Gus), as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; May 19, 2020>

(2) The authority of the Minister of Education granted under Articles 57, 58 and 67 may be partially delegated to the superintendent of education and the head of a district office of education, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013>

(3) The authority of the Commissioner General of the Korean National Police Agency granted under Articles 57, 58 and 67 may be partially delegated to the commissioner of a district police agency, as prescribed by Presidential Decree. <Newly Inserted on Nov. 26, 2019>

(3) The authority of the Commissioner General of the Korean National Police Agency granted under Articles 57, 58 and 67 may be partially delegated to the commissioner of a district police agency, as prescribed by Presidential Decree. <Amended on Nov. 26, 2019>

Article 60 (Delegation of Authority) (1) The heads of central administrative agencies provided for in the each subparagraph of Article 57 (1) and paragraph (2) of the same Article (excluding the Minister of Education) may delegate part of their authority under Article 67 to Mayors/Do Governors or the heads of Sis/Guns/Gus, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Feb. 18, 2020; May 19, 2020>

(2) The authority of the Minister of Education or a superintendent of education under Article 67 may be partially delegated to the superintendent of education or the head of a

district office of education, as prescribed by Presidential Decree. <Amended on Mar. 23, 2013; Feb. 18, 2020>

(3) The authority of the Minister of Food and Drug Safety granted under Articles 57, 58 and 67 may be partially delegated to the heads of the regional offices of food and drug safety, as prescribed by Presidential Decree.<Newly Inserted on Nov. 26, 2019>

(4) The authority of the Commissioner General of the Korean National Police Agency granted under Articles 57, 58 and 67 may be partially delegated to the commissioner of a district police agency, as prescribed by Presidential Decree.<Amended on Nov. 26, 2019>

[Enforcement Date: Jan. 1, 2021] Article 60

CHAPTER V PROBATION

Article 61 (Probation) (1) A prosecutor shall request the court to issue an order to a person who has committed a sex offense against a child or youth and who is deemed at risk of recommitting an offense, to place him or her under probation under the Act on Probation, Etc. (hereinafter referred to as "probation order") from the time the punishment is completely executed: Provided, That this shall not apply where a prosecutor has requested a probation order under Article 21-2 of the Act on Electronic Monitoring.

(2) When the court examines a prosecuted sex offense against a child or youth and consequently acknowledges the necessity to issue a probation order, it may ask the prosecutor to request the probation order.

(3) When a person who has committed a sex offense against a child or youth is punishable by imprisonment without labor or greater punishment and the court deems the request for a probation order is well-founded, a probation order shall be concurrently pronounced fixing a period of at least two years, but not more than five years.

(4) When necessary for issuing a probation order, the court may request the head of the probation office (including a branch thereof) having jurisdiction over the residence of the accused or the seat of the competent court (including the branch court; hereinafter the same shall apply) to investigate necessary matters concerning the accused, such as the motives of the crime, relationship with the victim, mental state, and risk of re-offending. In such cases, the head of the probation office shall investigate them without delay and notify the outcomes therefrom in writing to the relevant court.

(5) A probation period shall be calculated from the date the punishment of a person to be subject to such probation (hereinafter referred to as "person subject to probation") is completely executed, and if a person subject to probation is released on parole, it shall be calculated from the date of the provisional release.

Article 62 (Extension of Probation Period of Persons Subject to Probation) (1) Where the risk of re-offending has increased, such as a person subject to probation violating matters, etc. to be observed under Article 32 of the Act on Probation, Etc. during a probation period, the court may extend the probation period in excess of the five-year term prescribed in Article 61 (3) upon request of the prosecutor, following the request of the head of the probation office.

(2) Matters to be observed under paragraph (1) shall be explained by the presiding judge at the courtroom as well as notified in writing.

Article 63 (Obligations of Persons Subject to Probation to Report) (1) A person subject to probation shall report to the head of the prison, junior correctional institution, detention center, military prison, or institute of forensic psychiatry, before being released therefrom, on the predetermined residence after the release, predetermined place of work, network of friends, and other matters prescribed by Presidential Decree as necessary for probation.

(2) A person subject to probation shall report in writing to the probation officer on the place of residence, job, and other matters prescribed by Presidential Decree, which are necessary for probation, within 10 days after he or she is released.

Article 64 (Termination of Probation) Where the Probation Review Committee established under the Act on Probation, Etc. deems that no risk of re-offending exists considering the satisfactory probation record of the relevant person subject to probation, it may decide to terminate the probation even before the end of the probation period.

CHAPTER VI?PENALTY PROVISIONS

Article 65 (Penalty 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 divulges registered information he or she has become aware of in the course of performing his or her duties, in violation of Article 54;
 2. A person who violates Article 55 (1) or (2);
 3. A person who changes or deletes registered information without due authorization.
- (2) Any person who violates a protective disposition imposed under Article 42 shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won.
- (3) Where any person on whom concurrent punishment of imprisonment with labor or greater punishment and an order to complete a program under Article 21 (2) was imposed has disobeyed any of the instructions of the head of the probation office or the correctional institution concerning the execution of the order to complete a program, and again fails to comply with such instructions without any justifiable ground after receiving a warning under the Act on Probation, Etc. or the Administration and Treatment of Correctional Institution Inmates Act, he or she shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding 10 million won.
- (4) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding five million won:
1. A person who publishes information or material that may identify reporters, etc. in publications, or discloses them through broadcasting or any information and communications network, in violation of Article 34 (3);
 2. A person that violates Article 55 (3).
- (5) Where any person on whom concurrent punishment of a fine and an order to complete a program under Article 21 (2) was imposed has disobeyed any of the instructions of the head of the probation office concerning the execution of the order to complete a program and received a warning under the Act on Probation, Etc., but after that fails again to comply with such instructions without any justifiable ground, he or she shall be punished by a fine not exceeding 10 million won.

Article 66 (Penalty Provisions) If any person subject to probation re-violates the matters to be observed without good cause after he or she has been subjected to sanctions under Article 62 (1), he or she shall be punished by imprisonment with labor for not more than three years or by a fine not exceeding 10 million won.

Article 67 (Administrative Fine) (1) Deleted. <Jun. 9, 2020>

(2) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won: <Amended on Jan. 16, 2018>

1. The head of a counseling facility or medical institution that refuses to provide counseling and treatment programs without any justifiable ground, in violation of Article 37 (2);
2. The head of a child or youth-related institution that refuses a request for dismissal made under Article 58 without any justifiable ground or fails to meet requirements within one month.

(3) The head of any child or youth-related institution, etc. who fails to verify the sex criminal records of a person currently employed by or providing de facto labor to the institution or a person intending to be employed by or provide de facto labor to the institution, in violation of Article 56 (5), shall be subject to an administrative fine not exceeding five million won. <Amended on Jan. 16, 2018>

(4) Where the head of any institution, facility or organization falling under any subparagraph of Article 34 (2) and the employees thereof fail to report, or fraudulently report, to an investigative agency the occurrence of a sex offense against a child or youth that they became aware of in the course of performing their duties, they shall be subject to an administrative fine not exceeding three million won.

(5) Administrative fines under paragraphs (2) through (4) shall be imposed and collected by the Minister of Education, the Minister of Culture, Sports and Tourism, the Minister of Health and Welfare, the Minister of Gender Equality and Family, the Minister of Land, Infrastructure and Transport, the Minister of Food and Drug Safety, the Commissioner General of the National Police Agency, or the Superintendent of the Provincial Office of Education. <Amended on Mar. 23, 2013; Nov. 26, 2019; Jun. 9, 2020>

Article 67 (Administrative Fine) (1) Deleted. <Jun. 9, 2020>

(2) Any of the following persons shall be subject to an administrative fine not exceeding 10 million won: <Amended on Jan. 16, 2018>

1. The head of a counseling facility or medical institution that refuses to provide counseling and treatment programs without any justifiable ground, in violation of Article 37 (2);

2. The head of a child or youth-related institution that refuses a request for dismissal made under Article 58 without any justifiable ground or fails to meet requirements within one month.

(3) The head of any child or youth-related institution, etc. who fails to verify the sex criminal records of a person currently employed by or providing de facto labor to the institution or a person intending to be employed by or provide de facto labor to the institution, in violation of Article 56 (5), shall be subject to an administrative fine not exceeding five million won. <Amended on Jan. 16, 2018>

(4) Where the head of any institution, facility or organization falling under any subparagraph of Article 34 (2) and the employees thereof fail to report, or fraudulently report, to an investigative agency the occurrence of a sex offense against a child or youth that they became aware of in the course of performing their duties, they shall be subject to an administrative fine not exceeding three million won.

(5) Administrative fines under paragraphs (2) through (4) shall be imposed and collected by the heads of the central administrative agencies, Mayors/Do Governors, the head of a Si/Gun/Gu or the superintendents of education under each subparagraph of Article 57 (1) and paragraph (2) of that Article. <Amended on Feb. 18, 2020; Jun. 9, 2020>

[Enforcement Date: Jan. 1, 2021] Article 67