

CRIMINAL ACT

Act No. 0, ,

Act No. 293, Sep. 18, 1953

Act No. 2745, Mar. 25, 1975

Act No. 4040, Dec. 31, 1988

Act No. 5057, Dec. 29, 1995

Act No. 5454, Dec. 13, 1997

Act No. 6543, Dec. 29, 2001

Act No. 7077, Jan. 20, 2004

Act No. 7427, Mar. 31, 2005

Act No. 7623, Jul. 29, 2005

Act No. 10259, Apr. 15, 2010

Act No. 11574, Dec. 18, 2012

Act No. 11731, Apr. 5, 2013

PART I GENERAL PROVISIONS

CHAPTER I LIMIT OF APPLICABILITY OF CRIMINAL CODE

Article 1 (Criminality and Punishability of Act)

- (1) The criminality and punishability of an act shall be determined by the law in effect at the time of the commission of that act.
- (2) When a law is changed after the commission of a crime, such act thereby no longer constitutes a crime under the new law, or the punishment therefor under the new law becomes less severe than under the previous law, the new law shall apply.
- (3) When a law is changed after the sentence for a crime committed under the previous law has become final and such act thereby no longer constitutes a crime, the execution of the punishment shall be remitted.

Article 2 (Domestic Crimes)

This Act shall apply to both Korean nationals and aliens who commit crimes in the territory of the Republic of Korea.

Article 3 (Crimes by Koreans outside Korea)

This Act shall apply to all Korean nationals who commit crimes outside the territory of the Republic of Korea.

Article 4 (Crimes by Aliens on Board Korean Vessel, etc. outside Korea)

This Act shall apply to aliens who commit crimes on board a Korean vessel or Korean aircraft outside the territory of the Republic of Korea.

Article 5 (Crimes by Aliens outside Korea)

This Act shall apply to aliens who commit any of the following crimes outside the territory of the Republic of Korea:

1. Crimes concerning insurrection;
2. Crimes concerning foreign aggression;
3. Crimes concerning the national flag;
4. Crimes concerning currency;
5. Crimes concerning securities, postage and revenue stamps;
6. Crimes specified in Articles 225 through 230 among crimes concerning documents; and
7. Crimes specified in Article 238 among crimes concerning seals.

Article 6 (Foreign Crimes against Republic of Korea and Korean National outside Korea)

This Act shall apply to aliens who commit crimes, other than those specified in the preceding Article, against the Republic of Korea or her nationals outside the territory of the Republic of Korea: Provided, That this shall not apply in case where such acts under Act in effect at the time of the act do not constitute a crime, or the prosecution thereof or the execution of the punishment therefor is remitted.

Article 7 (Execution of Sentence Imposed Abroad)

If an offender has undergone execution of sentence imposed abroad because of crime, either in whole or in part, the punishment therefor in Korea may be mitigated or remitted.

Article 8 (Application of General Provisions)

The general provisions of this Act shall also apply to such crimes as are provided by other Acts and subordinate statutes unless provided otherwise by such Acts and subordinate statutes.

CHAPTER II CRIME

Section 1 Commission of Crime and Mitigation or Exemption of Sentence

Article 9 (Criminal Minors)

The act of a person under fourteen years of age shall not be punished.

Article 10 (Persons with Mental Disorders)

(1) The act of a person who, because of mental disorder, is unable to make discriminations or to control one's will, shall not be punished.

(2) For the conduct of a person who, because of mental disorder, is deficient in the abilities mentioned in the preceding paragraph, the punishment shall be mitigated.

(3) The provisions of the preceding two paragraphs shall not apply to the act of one who, in anticipation of danger of a crime, has intentionally incurred one's mental disorder.

Article 11 (Deaf-Mutes)

Punishment shall be mitigated for the act of deaf-mutes.

Article 12 (Action Compelled)

Action compelled by either irresistible force or threat against the life or body of the compelled person or his relatives which cannot be protected shall not be punishable.

Article 13 (Criminal Intent)

Act performed through ignorance of the facts which comprise the constituent elements of a crime shall not be punishable, except as otherwise provided by Act.

Article 14 (Negligence)

Act performed through ignorance of the facts which comprise the constituents of a crime by neglect of normal attention, shall be punishable only when prescribed so by Act.

Article 15 (Misunderstanding of Fact)

(1) Act performed through ignorance of the facts which constitute especially more severe crimes shall not be punishable for such severe crimes.

(2) Crimes for which punishment become more severe due to results thereof, shall not be punishable for more severe crimes if such results were not foreseeable.

Article 16 (Mistake of Fact)

When a person commits a crime not knowing that his act constitutes a crime under existing Acts and subordinate statutes, he shall not be punishable if the misunderstanding is based on reasonable grounds.

Article 17 (Causation)

Any act which is not connected with the danger which is an element of a crime, it shall not be punishable for the results.

Article 18 (Crime Committed through Omission)

When a person who, having a duty to prevent the occurrence of danger, or having caused the occurrence of danger, does not prevent the occurrence of danger, that person shall be punished in accordance with the results of such danger.

Article 19 (Concurrence of Independent Act)

When a series of independent acts concur at the same time or at several times, each act shall be punished as an attempted crime, if it is not ascertainable which act has produced the result thereof.

Article 20 (Justifiable Act)

An act which is conducted in accordance with Acts and subordinate statutes, or in pursuance of accepted business practices, or other action which does not violate the social rules shall not be punishable.

Article 21 (Self-defense)

- (1) An act which is performed in order to prevent impending and unjust infringement of one's own or another person's legal interest shall not be punishable if there are reasonable grounds for that act.
- (2) When a preventive act has exceeded normal limits, the punishment may be mitigated or remitted according to the extenuating circumstances.
- (3) In the case of the preceding paragraph, an act performed through fear, surprise, excitement, or confusion in the night or under other extraordinary circumstances shall not be punishable.

Article 22 (Necessity)

- (1) An act which is performed in order to avoid impending danger against the one's own or another person's legal interest shall not be punishable when there are reasonable grounds.
- (2) The provisions of the preceding paragraph shall not apply to a person charged with duties not to avoid the danger.
- (3) The provisions of paragraphs (2) and (3) of the preceding Article shall apply mutatis mutandis to this Article.

Article 23 (Self-help)

- (1) When it is impossible to preserve a claim by legal procedure, the action taken in order to avoid the impossibility or significant difficulties of its execution shall not be punishable when there are reasonable

grounds.

(2) When the action defined in the preceding paragraph has exceeded reasonable limits, the punishment may be mitigated or remitted according to the circumstances.

Article 24 (Consent of Victim)

An act which infringes a legal interest with the consent of one who is authorized to dispose of such interest shall not be punishable except as otherwise provided by Acts.

Section 2 Criminal Attempts

Article 25 (Criminal Attempts)

(1) When an intended crime is not completed or if the intended result does not occur, it shall be punishable as an attempted crime.

(2) The punishment for attempted crime may be mitigated than that of consummated crime.

Article 26 (Voluntarily Ceased Crime)

When a person voluntarily ceases his criminal act which he began or prevents the result of the culmination thereof, the punishments shall be mitigated or remitted.

Article 27 (Impossible Crime)

Even though the occurrence of a crime is impossible because of the means adopted for the commission of the crime or because of mistake of objects, the punishment shall be imposed if there has been a resulting danger, but the punishment may be mitigated or remitted.

Article 28 (Conspiracy and Preparation)

When a conspiracy or the preparatory action for a crime has not reached commencement stage for the commission of the crime, the person shall not be punishable, except as otherwise provided by Acts.

Article 29 (Punishment of Attempts)

The punishment for attempted crimes shall be specifically provided in each Article concerned.

Section 3 Complicity

Article 30 (Co-Principals)

When two or more persons have jointly committed a crime, each of them shall be punished as a principal offender for the crime committed.

Article 31 (Instigator)

- (1) For a person who instigates another to commit a crime, the same punishment shall be applied to the instigator as one who actually commits the crime.
- (2) When a person is instigated and consents to carry out a crime but does not reach the commencement stage for the commission thereof, the punishment for conspiracies or preparations thereof shall apply *mutatis mutandis* to the instigator and the instigated person.
- (3) Even though the instigated person does not consent to the commission of a crime, the preceding paragraph shall apply to the instigator.

Article 32 (Accessories)

- (1) Those who aid and abet the commission of a crime by another person shall be punished as accessories.
- (2) The punishment of accessories shall be mitigated to less than that of the principals.

Article 33 (Complicity and Status)

To a person who collaborates in the commission of a crime in which person's status is an element, the provisions of the preceding three Articles shall apply even though that person lacks such status: Provided, That when the severity of a punishment varies with the accused's status, the heavier punishment shall not be imposed on that person who lacks such status.

Article 34 (Principal through Innocent Human Agent and Aggravation of Punishment for Particular Instigation or Aiding and Abetting)

- (1) A person who commits a crime by instigating or aiding and abetting another who is not punishable for such conduct, or who is punishable as an offender through negligence, shall be punishable in accordance with the provision for an instigator or accessory.
- (2) A person who causes the results envisaged in the preceding paragraph by instigating or aiding and abetting another person who is under his control and supervision, shall be punished by increasing one half of the maximum term or maximum amount of penalty provided for the principal in the case of instigating, and with the penalty provided for the principal in the case of aiding and abetting.

Section 4 Repeated Crime (Recidivism)

Article 35 (Repeated Crime)

- (1) A person who, having been punished with imprisonment without prison labor or more severe punishment within three years after the date on which the execution has been completed or remitted, commits such crimes as shall be punished with imprisonment without prison labor or more severe punishment shall be punished as a repeating offender.

(2) Punishment for a repeated crime may be aggravated to twice the maximum term of that specified for such crime.

Article 36 (Discovery of Repeated Crime after Imposition of Sentence)

When a repeated crime is discovered after the imposition of sentence, the punishment may be determined de novo by adding to the criminal sentence: Provided, That this shall not apply in case where the execution of the sentence imposed has been completed or remitted.

Section 5 Concurrent Crimes

Article 37 (Concurrent Crimes)

Several crimes for which judgment has not become final, or a crime for which judgment to punish with an imprisonment without prison labor or a heavier punishment has become final and the crimes committed before the said final judgment shall be regarded as concurrent crimes. <Amended by Act No. 7077, Jan. 20, 2004>

Article 38 (Concurrent Crimes and Application of Punishment)

(1) When concurrent crimes are adjudicated at the same time, punishment shall be imposed in accordance with the following classification:

1. In the event punishment specified for the most severe crime is a death penalty or imprisonment for life or imprisonment without prison labor for life, the punishment provided for the most severe crime shall be imposed;
2. In the event the punishments specified for each crime are of the same kind, other than a death penalty or imprisonment for life or imprisonment without prison labor for life, the maximum term or maximum amount for the most severe crime shall be increased by one half thereof, but shall not exceed the total of the maximum term or maximum amount of the punishments specified for each crime, although minor fine and minor fine, or confiscation and confiscation may be imposed concurrently; and
3. In the event the punishments specified for each crime are of different kind other than imprisonment for life or imprisonment without prison labor for life, they shall be imposed together.

(2) In regard to each subparagraph of the preceding paragraph, imprisonment and imprisonment without prison labor shall be regarded as the same kind of punishments and punishment shall be done with imprisonment.

Article 39 (Concurrent Crimes not Adjudicated; Several Judgments and Concurrent Crimes; Execution of Punishment and Concurrent Crimes)

(1) In the event there is a crime which has not been adjudicated among the concurrent crimes, a sentence shall be imposed on the said crime taking account of equity with the case where the said crime is

adjudicated concurrently with a crime which has been finally adjudicated. In this case the said punishment may be mitigated or exempted. <Amended by Act No. 7623, Jul. 29, 2005>

(2) Deleted. <by Act No. 7623, Jul. 29, 2005>

(3) When a person who has been sentenced for concurrent crimes receives amnesty or remission of the execution of punishment with respect to any one of the concurrent crimes, punishment for the remaining crimes shall be determined de novo.

(4) In the execution of punishment specified in the preceding three paragraphs, the period of sentence already served shall be taken into account.

Article 40 (Compound Crimes)

When a single act constitutes several crimes, punishment provided for the most severe crime shall be imposed.

CHAPTER III PUNISHMENT

Section 1 Kinds and Severity of Punishments

Article 41 (Kinds of Punishment)

Kinds of punishment shall be as follows:

1. Death penalty;
2. Imprisonment;
3. Imprisonment without prison labor;
4. Deprivation of qualifications;
5. Suspension of qualifications;
6. Fine;
7. Detention;
8. Minor fine; and
9. Confiscation.

Article 42 (Term of Imprisonment or Imprisonment without Prison Labor)

Imprisonment or imprisonment without prison labor shall be either for life or for a limited term, and the limited term shall be from one month to 30 years: Provided, That it may be extended 50 years in cases of the aggravation of punishment. <Amended by Act No. 10259, Apr. 15, 2010>

Article 43 (Imposition of Sentence, Deprivation of Qualifications and Suspension of Qualifications)

(1) A person who is sentenced to death penalty, imprisonment for life or imprisonment without prison labor for life, shall be deprived of the qualifications prescribed as follows:

1. Qualifications to become public officials;
 2. Suffrage and eligibility under public Act;
 3. Qualifications concerning business under public Act, for which necessary conditions have been prescribed by Acts; and
 4. Qualifications to become a director, auditor or manager of a juristic person or an inspector or custodian concerning the business of a juristic person.
- (2) A person who is sentenced to imprisonment for a limited term or imprisonment without prison labor for a limited term shall be under suspension of qualifications as mentioned in subparagraphs 1 through 3 of the preceding paragraph until the execution of punishment is completed or remitted.

Article 44 (Suspension of Qualifications)

- (1) Suspension of all or part of the qualifications specified in the preceding Article shall be for at least one year up to fifteen years.
- (2) When both limited imprisonment or limited imprisonment without prison labor and suspension of qualifications have been concurrently imposed, the term of suspension shall be calculated from the day when the execution of imprisonment or imprisonment without prison labor is completed or remitted.

Article 45 (Fine)

A fine shall be fifty thousand won or more; provided, in case of a mitigation, it may be less than fifty thousand won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 46 (Detention)

Detention shall be from one day to thirty days.

Article 47 (Minor Fine)

A minor fine shall be from two thousand to fifty thousand won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 48 (Confiscation and Additional Collection)

- (1) A thing which is not the property of a person other than the criminal, or which was acquired by a person other than the criminal with the knowledge of its nature after commission of the crime, may be confiscated in whole or in part if it is:
1. A thing which has been used or was sought to be used in the commission of a crime;
 2. A thing produced by or acquired by means of criminal conduct; and
 3. A thing received in exchange for a thing mentioned in the preceding two subparagraphs.
- (2) When the things mentioned in the preceding paragraph cannot be confiscated, the equivalent price thereof shall be collected.

(3) When only a part of a document, books and drawing, special media records, such as electromagnetic records, etc., or valuable security is confessable, that part shall be destroyed. <Amended by Act No. 5057, Dec. 29, 1995>

Article 49 (Additional Character of Confiscation)

Confiscation shall be imposed in addition to other punishment. Even though a judgment of conviction is not rendered against an accused, confiscation may be ordered when the requisites of confiscation are satisfied.

Article 50 (Severity of Punishments)

- (1) The severity of punishments shall be in the order stated in Article 41: Provided, That imprisonment without prison labor for life shall be deemed to be more severe than limited imprisonment. When the length of a fixed term of imprisonment without prison labor exceeds the length of a fixed term of imprisonment, the imprisonment without prison labor shall be deemed to be the more severe.
- (2) In case of punishments of the same kind, the one having a longer maximum term or larger maximum amount shall be deemed to be more severe, and when the maximum term or amount is equal, the one having the longer minimum term or larger minimum amount shall be deemed to be more severe.
- (3) Except for the application of the provisions of the preceding two paragraphs, severity shall be determined by the nature and circumstances of the crime.

Section 2 Determination of Punishment

Article 51 (General Principles for Determination of Punishment)

In determining punishment, the following shall be taken into consideration:

1. The age, character and conduct, intelligence and environment of the offender;
2. Offender's relation to the victim;
3. The motive for the commission of the crime, the means and the result; and
4. Circumstances after the commission of the crime.

Article 52 (Self-denunciation and Voluntary Confession)

- (1) When self-denunciation is made to competent authorities who have the responsibility to investigate the crimes, the punishment may be mitigated or remitted.
- (2) The preceding paragraph shall apply when voluntary confession is made to the victim in respect to crimes which cannot be prosecuted against the victim's will.

Article 53 (Discretionary Mitigation)

When there are extenuating circumstances in relation to the commission of a crime, the punishment may be mitigated.

Article 54 (Optional Penalty and Discretionary Mitigation)

Where there are several kinds of punishments prescribed for a single crime, the kinds of the punishment to be imposed shall first be decided and then a mitigation, if any, shall be made.

Article 55 (Statutory Mitigation)

(1) Statutory mitigation shall be as follows: *<Amended by Act No. 10259, Apr. 15, 2010>*

1. When a death penalty is to be mitigated, it shall be reduced to imprisonment, with or without prison labor, for life or for at least 20 years up to 50 years;
 2. When imprisonment for life, with or without prison labor, is to be mitigated, it shall be reduced to imprisonment, with or without prison labor, for at least ten years up to 50 years;
 3. When limited imprisonment or limited imprisonment without prison labor is to be mitigated, it shall be reduced by one half of the term of the punishment;
 4. When deprivation of qualifications is to be reduced, suspension of qualifications for at least seven years shall be imposed;
 5. When suspension of qualifications is to be mitigated, it shall be reduced by one half of the term thereof;
 6. When a fine is to be mitigated, it shall be reduced by one half of the maximum amount thereof;
 7. When detention is to be mitigated, it shall be reduced by one half of the maximum term thereof;
 8. When a minor fine is to be mitigated, it shall be reduced by one half of the maximum amount thereof.
- (2) When there are several grounds for which punishment is to be reduced by Acts, it may be repeatedly mitigated.

Article 56 (Order of Aggravation and Mitigation)

When the grounds for which punishment is to be increased or reduced have occurred at the same time, the following order shall apply:

1. Aggravation pursuant to relevant Articles of particular provisions;
2. Aggravation pursuant to Article 34 (2);
3. Aggravation for repeated crimes;
4. Statutory mitigation;
5. Aggravation for concurrent crimes; and
6. Discretionary mitigation for extenuating circumstances.

Article 57 (Inclusion of Number of Days of Confinement before Imposition of Sentence)

(1) The number of days of confinement before imposition of sentence shall be included in whole or in part to the period of limited imprisonment, or limited imprisonment without prison labor, or lockup at workhouse in respect to a fine or minor fine, or detention.

(2) In cases of the preceding paragraph, one day of confinement shall be reckoned as one day of the term of imprisonment, or imprisonment without prison labor, or lockup at workhouse in respect to a fine or minor fine, or detention.

Article 58 (Public Announcement of Judgment)

(1) When it is recognized as necessary for the interest of an injured party, public announcement of the judgment may be made at the expense of the accused but only at request of the injured party.

(2) When a judgment of not guilty or acquittal is rendered, public announcement of the judgment may be ordered.

Section 3 Suspension of Imposition of Sentence

Article 59 (Requisites for Suspension of Impositions of Sentence)

(1) If, in cases where punishments of imprisonment or imprisonment without prison labor for not more than one year, suspension of qualifications, or fines are to be imposed, there are extenuating circumstances in application of the provisions of Article 51 and the accused shows sincere repentance, the imposition of sentence may be suspended: Provided, That this shall not apply in case of a person who has previously been convicted and received a sentence of suspension of qualifications or more severe punishment.

(2) Even when punishments are concurrently imposed, the imposition of sentence may be suspended either in whole or in part.

Article 59-2 (Probation)

(1) In case where a sentence is suspended, if a guidance and assistance is deemed to be necessary to prevent any second offense, a probation order may be ordered.

(2) The period of the probation as referred to in paragraph (1) shall be one year.

Article 60 (Effect of Suspension of Imposition of Sentence)

After two years have elapsed since the suspension of imposition of sentence, that suspension shall be deemed to be acquitted.

Article 61 (Nullification of Suspension of Imposition of Sentence)

(1) The suspended sentence shall be imposed when another judgment of suspension of qualifications or more severe punishment is rendered, or when a prior conviction resulting in suspension of qualifications or more severe punishment is disclosed during the term of the said suspension of sentence.

(2) If a person who is subject to the stay of sentence for which the probation is ordered under Article 59-2, violates the probation order to be observed during the probation period, and the degree of such violation is grave, the suspended punishment may be sentenced. <Added by Act No. 5057, Dec. 29, 1995>

Section 4 Suspension of Execution of Sentence

Article 62 (Requisites for Suspension of Execution of Sentence)

(1) Where a sentence of imprisonment, with or without prison labor, for up to three years is to be imposed and extenuating circumstances exist, taking into account the facts specified in Article 51, the execution of the sentence may be suspended for a period of at least one year up to five years: Provided, That this shall not apply where a sentence is imposed for a crime committed during a period of three years after a final judgment sentencing imprisonment without prison labor or any heavier punishment was completed executed or discharged. <Amended by Act No. 7623, Jul. 29, 2005>

(2) When punishments are to be imposed concurrently, execution of a part of the punishment may be suspended separately.

Article 62-2 (Probation, Social Service or Order to Taking Lectures)

(1) In the event that the execution of sentence is stayed, probation orders, social service orders or orders to take lectures may be made.

(2) The period of the probation as referred to in paragraph (1) shall be the period in which the execution is stayed: Provided, That the court may determine the probation period within the limit of the period of stay.

(3) Order to do any social service, or to take lectures shall be executed within the period of suspension of execution of sentence.

Article 63 (Nullification of Suspension of Execution of Sentence)

When a person who was sentenced a suspension of execution of sentence is sentenced to an imprisonment without prison labor or a heavier punishment due to a crime committed deliberately during the period of the suspension, and if the judgement thereof becomes final, the sentence of suspension of execution of sentence shall be nullified. <Amended by Act No. 7623, Jul. 29, 2005>

Article 64 (Revocation of Suspension of Execution of Sentence)

(1) If the facts of the proviso of Article 62 are discovered after suspension of execution of punishment is rendered, the suspension of execution of sentence shall be revoked.

(2) If a person who is subject to the stay of execution by which the probation, social service or taking lecture is ordered, under Article 62-2, violates the matters to be observed or the order, and the degree of such violation is grave, the sentence of the stay of execution may be revoked. <Added by Act No. 5057, Dec. 29, 1995>

Article 65 (Effect of Suspension of Execution of Sentence)

After a suspension of sentence is rendered, and the term of suspension has fully elapsed without the sentence being nullified or revoked, the sentence shall lose its validity.

Section 5 Execution of Punishment

Article 66 (Death Penalty)

The death penalty shall be executed by hanging at a prison.

Article 67 (Imprisonment)

Imprisonment shall be executed by the confinement in prison and performance of prescribed work.

Article 68 (Imprisonment without Prison Labor and Detention)

Imprisonment without prison labor and detention shall be executed by confining in prison.

Article 69 (Fine and Minor Fine)

(1) Fine and minor fine shall be paid within thirty days from the day when the judgment has become final, but when a fine is imposed, confinement in a workhouse may be concurrently ordered until the amount thereof is paid in full.

(2) A person who does not pay a fine in full shall be confined in a workhouse and work for a term of at least one day nor more than three years, or in case of a minor fine, from one day to twenty-nine days.

Article 70 (Lockup at Workhouse)

When rendering a sentence of fine or minor fine, the court shall simultaneously determine and decree a substitute term of lockup in the event payment of such fine or minor fine is not made in full.

Article 71 (Deduction of Number of Days of Lockup)

When a person has paid only a portion of a fine or minor fine to which he was sentenced, such number of days corresponding to the amount of money paid shall be deducted, in accordance with the ratio of the entire fine or minor fine to the full period set for lockup.

Section 6 Parole

Article 72 (Requisites for Parole)

(1) A person under execution of imprisonment or imprisonment without prison labor who has behaved himself well and has shown sincere repentance may be provisionally released by an act of the

administrative authorities when 20 years of a life sentence or one-third of a limited term of punishment has been served. <Amended by Act No. 10259, Apr. 15, 2010>

(2) If a fine or minor fine has been imposed concurrently with the punishment specified in the preceding paragraph, the amount thereof shall be paid in full in order for the parole to be granted.

Article 73 (Confinement before Imposition of Sentence and Parole)

(1) In connection with release on parole, the number of days of confinement before imposition of sentence which is included in the period of sentence shall be counted as a period that has been served.

(2) The number of days of confinement before imposition of sentence counted as the period of confinement for fine or minor fine shall be deemed to be the payment of a corresponding amount in cases referred to in paragraph (2) of the preceding Article.

Article 73-2 (Period of Parole, and Probation)

(1) The period of parole shall be ten years for a person sentenced to imprisonment for life or shall be the remaining term for a person sentenced to imprisonment for a limited term but shall not exceed ten years.

(2) Any person released on parole, shall be subject to the probation during the period parole: Provided, That this shall not apply where the administrative agency which grants the parole deems it unnecessary.

Article 74 (Nullification of Parole)

When a judgment has become final by sentence of imprisonment without prison labor or more severe punishment during the period of parole, the grant of parole shall lose its effect: Provided, That this shall not apply in the cases where the sentence results from a negligence crime.

Article 75 (Revocation of Parole)

When a person who has been granted a parole violates the parole regulations concerning surveillance, or matters to be observed for the probation, and the extent of such violation is grave, the parole may be revoked.

Article 76 (Effect of Parole)

(1) When the period of parole has elapsed without losing its effect or being revoked, after the disposition of parole is made, the execution of sentence shall be considered to have been terminated. <Added by Act No. 5057, Dec. 29, 1995>

(2) In the case of the preceding two Articles, the number of days spent during parole shall not be included in the term of punishment.

Section 7 Prescription for Execution of Judgment of Guilty

Article 77 (Effect of Prescription)

A person who has been sentenced guilty shall be relieved of the execution thereof by reason of the completion of the period of prescription.

Article 78 (Period of Prescription)

A period of prescription is completed when judgment of guilt has not been executed for the following periods after the judgment has become final:

1. Thirty years, in the event of death penalty;
2. Twenty years, in the event of imprisonment for life or imprisonment without prison labor for life;
3. Fifteen years, in the event of imprisonment or imprisonment without prison labor for at least ten years;
4. Ten years, in the event of imprisonment or imprisonment without prison labor for at least three years, or in the event of suspension of qualifications for at least ten years;
5. Five years, in the event of imprisonment or imprisonment without prison labor for less than three years, or in the event of suspension of qualifications for at least five years;
6. Three years, in the event of suspension of qualifications for less than five years, fine, confiscation, or collection; and
7. One year, in the event of detention or minor fine.

Article 79 (Suspension of Prescription)

A period of prescription shall not elapse during the period of suspension or stay of the execution of punishment or parole, or other period within which the execution is suspended.

Article 80 (Interruption of Prescription)

The elapse of the period of prescription shall be interrupted by arrest of a person sentenced to a death penalty, imprisonment, imprisonment without prison labor, or detention, and by instituting execution proceedings in the case of fine, minor fine, confiscation, or collection.

Section 8 Extinction of Punishment

Article 81 (Nullification of Punishment)

If seven years have elapsed without, a person who had completed the execution of imprisonment or imprisonment without prison labor, or who had received remission of the execution, being sentenced to suspension of qualifications or more severe punishment after compensating the victim for his damages, the invalidation of the judgment may be rendered at the request of the person himself or a public prosecutor.

Article 82 (Restoration of Rights)

In case one half of the term of a suspended sentence has elapsed for any person who had been sentenced to suspension of qualifications without being sentenced to a further suspension of qualifications or more severe punishment after compensating the victim for his damages, the recovery of qualification may be granted upon the request of the person himself or a public prosecutor.

CHAPTER IV TERM

Article 83 (Computation of Period of Time)

Terms fixed by year or month shall be calculated in accordance with the calendar.

Article 84 (Computation of Term of Punishment)

- (1) Term of punishment shall be calculated from the day when the judgment becomes final.
- (2) The number of days for which confinement is not enforced in case of imprisonment, imprisonment without prison labor, detention or lock-up shall not be counted in the term of punishment.

Article 85 (First Day of Execution of Punishments and Period of Prescription)

The first day of execution of punishments, or of term of prescription shall be reckoned as a full day regardless of the hour.

Article 86 (Release Day)

Release shall be effected on the day of completion of the term of punishment.

PART II INDIVIDUAL PROVISIONS

CHAPTER I CRIME CONCERNING INSURRECTION

Article 87 (Insurrection)

A person who creates a violence for the purpose of usurping the national territory or subverting the Constitution shall be punished according to the following classifications:

1. A ring leader shall be punished by death, imprisonment for life or imprisonment without prison labor for life;
2. A person who participates in a plot, or commands, or engages in other essential activities shall be punished by death, imprisonment for life, imprisonment or imprisonment without prison labor, for at least five years; the same shall also apply to a person who has committed acts of killing, wounding, destroying or plundering; and

3. A person who merely responds to the agitation and follows the lead of another or merely joins in the violence shall be punished by imprisonment or imprisonment without prison labor for not more than five years.

Article 88 (Homicide for Purpose of Insurrection)

A person who kills another for the purpose of usurping the national territory, or subverting the Constitution shall be punished by death, imprisonment for life or imprisonment without prison labor for life.

Article 89 (Attempts)

Attempts to commit the crimes specified in the preceding two Articles shall be punished.

Article 90 (Preparations, Conspiracies, Agitation, or Propaganda)

(1) Anyone who prepares or conspires with intent to commit the crimes of Article 87 or 88 shall be punished by imprisonment, or imprisonment without prison labor for at least three years, but when he denounces himself before the intended crime is committed, the punishment shall be mitigated or remitted.

(2) The preceding paragraph shall apply to a person who agitates or propagates the crimes specified in Article 87 or 88.

Article 91 (Definition of Subverting Constitution)

The purpose of subverting the Constitution in this Chapter shall mean those acts which fall within any one of the following subparagraphs:

1. To extinguish the function of the Constitution or Acts without observing the procedure provided by the Constitution or Acts; and
2. To overthrow government organs established by the Constitution or to make render the exercise of their functions impossible by force.

CHAPTER II CRIMES CONCERNING FOREIGN AGGRESSION

Article 92 (Inducement of Foreign Aggression)

A person who, in conspiracy with a foreign country, causes to commence hostilities against the Republic of Korea, or who, in conspiracy with foreigners, fight against the Republic of Korea, shall be punished by death or imprisonment for life.

Article 93 (Taking Side with Enemy)

A person who fights against the Republic of Korea by joining an enemy country shall be punished by death.

Article 94 (Benefiting Enemy by Levying Soldiers)

- (1) A person who levies soldiers for an enemy country shall be punished by death or imprisonment for life.
- (2) A person who applies for conscription referred to in the preceding paragraph shall be punished by imprisonment for life or at least five years.

Article 95 (Benefiting Enemy by Providing Equipment)

- (1) A person who provides an enemy with country troops, fortresses, camps, or vessels, airplanes, such other places, equipments or structures to be used for military purpose, shall be punished by death or imprisonment for life.
- (2) A person who provides an enemy with country arms, ammunition, or such other goods to be used for military purpose shall also be punished as prescribed in the preceding paragraph.

Article 96 (Benefiting Enemy by Destroying Equipment)

A person who, for the benefit of an enemy country, destroys or makes preceding Article, shall be punished by death or imprisonment for life.

Article 97 (Benefiting Enemy by Delivering Goods)

A person who delivers to an enemy country such arms or ammunition as are not currently used for military purpose or goods usable for battle shall be punished by imprisonment for life or at least five years.

Article 98 (Spy)

- (1) A person who acts as a spy for an enemy country, or aids or abets a spy of an enemy country, shall be punished by death, imprisonment for life or for at least seven years.
- (2) The preceding paragraph shall also apply to a person who divulges military secrets to an enemy country.

Article 99 (Benefiting Enemy by Other Methods)

A person who injures military interests of the Republic of Korea or delivers an enemy country military benefit by crimes other than those specified in the preceding seven Articles, shall be punished by imprisonment for life or at least three years.

Article 100 (Attempts)

Attempts of the crimes provided in the preceding eight Articles shall be punished.

Article 101 (Preparations, Conspiracies, Agitation or Propaganda)

(1) A person who prepares or conspires with intent to commit any of the crimes of Articles 92 through 99 shall be sentenced to imprisonment for a limited term of at least two years: Provided, That when he denounces himself before carrying out the commission of the intended crimes, the punishment shall be mitigated or remitted.

(2) The preceding paragraph shall apply to a person who agitates or propagates any of the crimes specified in Articles 92 through 99.

Article 102 (Quasi-Enemy Country)

A foreign country or a group of foreigners in any of the crimes specified in Article 93 through the preceding Article takes hostile action against the Republic of Korea shall be deemed an enemy country.

Article 103 (Non-Performance of Munition Contract in Wartime)

(1) A person who, without justifiable reason, does not perform a contract concerning munitions or military structures for the government in time of war or during a warlike incident shall be punished by imprisonment for not more than ten years.

(2) A person who obstructs another from performing a contract specified in the preceding paragraph shall also be punished in accordance with the provisions of the preceding paragraph.

Article 104 (Allied Power)

The provisions of this Chapter shall apply to the act committed against an allied power.

Article 104-2 Deleted. <by Act No. 4040, Dec. 31, 1988>

CHAPTER III CRIMES CONCERNING THE NATIONAL FLAG

Article 105 (Profanation of National Flag or National Emblem)

A person who damages, removes or stains the national flag or the national emblem for the purpose of insulting the Republic of Korea shall be punished by imprisonment or imprisonment without prison labor for not more than five years, suspension of qualifications for not more than ten years, or a fine of not more than seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 106 (Defamation of National Flag or National Emblem)

A person who defames the national flag or the national emblem for the purpose mentioned in the preceding Article shall be punished by imprisonment or imprisonment without prison labor for not more than one year, suspension of qualification for not more than five years, or a fine of not more than two million won. <Amended by Act No. 5057, Dec. 29, 1995>

CHAPTER IV CRIMES CONCERNING FOREIGN RELATIONS

Article 107 (Assaults, etc. against Foreign Sovereign)

(1) A person who uses violence or intimidation against the sovereign of a foreign country sojourning in the Republic of Korea shall be punished by imprisonment or imprisonment without prison labor for not more than seven years.

(2) A person who insults, or defames the sovereign of a foreign country as referred to in the preceding paragraph shall be punished by imprisonment or imprisonment without prison labor for not more than five years.

Article 108 (Assaults, etc. against Foreign Envoy)

(1) A person who uses violence or intimidation against the envoy of a foreign country sent to the Republic of Korea shall be punished by imprisonment or imprisonment without prison labor for not more than five years.

(2) A person who insults or defames the envoy of a foreign country as referred to in the preceding paragraph shall be punished by imprisonment or imprisonment without prison labor for not more than three years.

Article 109 (Profanation of Foreign Flag or Foreign Emblem)

A person who, for the purpose of insulting a foreign country, damages, removes or stains a foreign national flag or emblem which is officially used for such country shall be punished by imprisonment or imprisonment without prison labor for not more than two years or by a fine not exceeding three million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 110 (Consent of Victim)

No public action may be instituted against the crimes as prescribed in Articles 107 through 109, against the express objection of the foreign government concerned. <Amended by Act No.5057, Dec. 29, 1995>

Article 111 (Private War against Foreign Country)

(1) A person who wages a private war against a foreign country shall be punished by limited imprisonment without prison labor for at least one year.

(2) Attempts to commit crimes specified in the preceding paragraph shall be punished.

(3) A person who makes preparations or conspires with intent to commit the crime of paragraph (1) shall be punished by imprisonment without prison labor for not more than three years or by a fine not exceeding five million won: Provided, That when he denounces himself before the commission of such intended crimes, the punishment shall be mitigated or remitted. <Amended by Act No. 5057, Dec. 29, 1995>

Article 112 (Violations of Neutrality Orders)

A person who violates an order concerning neutrality in a war between foreign countries shall be punished by imprisonment without prison labor for not more than three years or a fine of not more than five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 113 (Divulgence of Diplomatic Secrets)

(1) A person who divulges diplomatic secrets shall be punished by imprisonment for not more than five years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who searches for or collects diplomatic secrets for the purpose of divulging them.

CHAPTER V CRIMES AGAINST PUBLIC PEACE

Article 114 (Organization of Criminal Groups, etc.)

A person who organizes a syndicate or group with the intent to commit a crime punishable by death or imprisonment for life or for at least four years or who joins such syndicate or group or becomes a member of such syndicate or group shall be punished by the penalty prescribed for the intended crime: Provided, That the penalty may be mitigated.

Article 115 (Riot)

Persons who assemble in large numbers and use violence or intimidation or take destructive action shall be punished by imprisonment or imprisonment without prison labor for at least one year up to ten years or by a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 116 (Failure of Dispersion of Masses)

Persons who assemble in large number for the purpose of using violence or intimidation or taking destructive action and do not disperse after being ordered to do so for three or more times by officials authorized to control such matters, shall be punished by imprisonment or imprisonment without prison labor for not more than two years or by a fine not exceeding three million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 117 (Non Fulfillment of Contract of Public Demand in Wartime)

(1) A person who fails to perform, without justifiable reasons, a concluded contract for the supply of food or other necessities of life with the State or a public organization in wartime, calamity or other warlike incident shall be punished by imprisonment for not more than three years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who interferes with the performance of the contract of the preceding paragraph.

(3) In the case of the preceding two paragraphs, the prescribed fine may also be concurrently imposed.

Article 118 (False Impersonation of Public Official)

A person who exercises official authority by false impersonation of a public official shall be punished by imprisonment for not more than three years or by a fine of not more than seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

CHAPTER VI CRIMES CONCERNING EXPLOSIVES

Article 119 (Use of Explosives)

(1) One who injures a person or damages property or disturbs the public peace by using explosives shall be punished by death or imprisonment for life or for at least seven years.

(2) A person who commits the crimes of the preceding paragraph in time of war, calamity, or other warlike incident shall be punished by death or imprisonment for life.

(3) Attempts to commit the crimes of the preceding two paragraphs shall be punished.

Article 120 (Preparations, Conspiracies and Instigation)

(1) A person who prepares or conspires with intent to commit the crimes of paragraphs (1) and (2) of the preceding Article, shall be punished by imprisonment for at least two years, but if he denounces himself before the commission of the intended crimes, the punishment shall be mitigated or remitted.

(2) The preceding paragraph shall apply to a person who instigates another to commit the crimes of paragraphs (1) and (2) of the preceding Article.

Article 121 (Manufacture, etc. of Explosives in Wartime)

A person who manufactures, imports, exports, delivers, or possesses explosives without justifiable reason in time of war or warlike incident, shall be punished by imprisonment for not more than ten years.

CHAPTER VII CRIMES CONCERNING THE DUTIES OF PUBLIC OFFICIALS

Article 122 (Abandonment of Duties)

A public official who refuses to perform his duties or abandons his duties without justifiable reason shall be punished by imprisonment or imprisonment without prison labor for not more than one year or suspension of qualifications for not more than three years.

Article 123 (Abuse of Authority)

A public official who, by abusing his official authority, causes a person to perform the conduct which is not to be performed by the person, or obstructs the person from exercising a right which the person is entitled to exercise, shall be punished by imprisonment for not more than five years and suspension of qualifications for not more than ten years, or fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 124 (Unlawful Arrest and Unlawful Confinement)

(1) If a person who performs or assists in activities concerning judgment, prosecution, police, or other functions involving the restraint of the human body, arrests or imprisons another by abusing his official authority, he shall be punished by imprisonment for not more than seven years and suspension of qualifications for not more than ten years.

(2) Attempts to commit the crimes specified in the preceding paragraph shall be punished.

Article 125 (Violence and Cruel Act)

A person who, in performing or assisting in activities concerning judgment, prosecution, police or other functions involving the restraint of the human body, commits an act of violence or cruelty against a criminal suspect or against another person while in the performance of his duties, shall be punished by imprisonment for not more than five years and suspension of qualifications for not more than ten years.

Article 126 (Publication of Facts of Suspected Crime)

A person who, in the performance or supervision of, or in the assistance in, functions involving prosecution, police, or other activities concerning investigation of crimes, makes public, before request for public trial, the facts of a suspected crime which have come to his knowledge during the performance of his duties, shall be punished by imprisonment for not more than three years, or suspension of qualifications for not more than five years.

Article 127 (Divulgence of Official Secrets)

A public official or former public official who divulges official secrets obtained in the course of performing his duties and classified by Acts and subordinate statutes as secret shall be punished by imprisonment or imprisonment without prison labor for not more than two years or suspension of qualifications for not more than five years.

Article 128 (Obstruction of Election)

A public official, having duties concerning prosecution, police or army, who intimidates a voter, candidate, or a person who seeks to be candidate, in an election provided for by Acts and subordinate

statutes, or who obstructs the freedom of election by any other means, shall be punished by imprisonment for not more than ten years and suspension of qualifications for at least five years.

Article 129 (Acceptance of Bribe and Advance Acceptance)

(1) A public official or an arbitrator who receives, demands or promises to accept a bribe in connection with his duties, shall be punished by imprisonment for not more than five years or suspension of qualifications for not more than ten years.

(2) If a person who is to become a public official or an arbitrator receives, demands or promises to accept a bribe in response to a solicitation, in connection with the duty which he is to perform and he actually becomes a public official or arbitrator, imprisonment for not more than three years or suspension of qualifications for not more than seven years shall be imposed.

Article 130 (Bribe to Third Person)

A public official or an arbitrator who causes, demands or promises a bribe to be given to a third party on acceptance of an unjust solicitation in connection with his duties shall be punished by imprisonment for not more than five years or suspension of qualifications for not more than ten years.

Article 131 (Improper Action after Acceptance of Bribe and Subsequent Bribery)

(1) If a public official or an arbitrator takes an improper action after committing the offenses under the preceding two Articles, imprisonment for a limited term of at least one year shall be imposed.

(2) If a public official or an arbitrator receives, demands or promises to receive a bribe, or causes, demands or promises a bribe to be given to a third party, after taking an improper action in the course of performing his duties, the punishment specified in the preceding paragraph shall be imposed.

(3) If a person who was a public official or an arbitrator receives a bribe or demands or agrees to receive a bribe after taking an improper action in the course of performing his duties on acceptance of a solicitation made during his incumbency, imprisonment for not more than five years or suspension of qualifications for not more than ten years shall be imposed.

(4) In the case of the preceding three paragraphs, suspension of qualifications for not more than ten years may concurrently be imposed.

Article 132 (Acceptance of Bribe through Good Offices)

A public official who, by taking advantage of his post, receives, demands or agrees to receive a bribe concerning the use of the good offices in connection with the affairs which belong to the functions of another public official, shall be punished by imprisonment for not more than three years or suspension of qualifications for not more than seven years.

Article 133 (Offer, etc. of Bribe)

(1) A person who promises, delivers or manifests a will to deliver a bribe as stated in Articles 129 through 132 shall be punished by imprisonment for not more than five years or by a fine not exceeding twenty million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) The preceding paragraph shall apply to a person who, for the purpose of committing the crime specified in the preceding paragraph, delivers money or goods to a third party, or receives such delivery with the knowledge of its nature.

Article 134 (Confiscation and Subsequent Collection)

A bribe received or money or goods to be received as a bribe by an offender or by a third party having knowledge of its nature shall be confiscated, or, if confiscation is impossible, the value thereof shall be collected.

Article 135 (Aggravation of Punishment for Crimes in Course of Official Duty)

A public official who, taking advantage of his official authority, commits a crime other than those specified in this Chapter, shall be punished by increasing one half of the penalty specified for the crime committed: Provided, That this shall not apply in those cases where the punishment for the crime committed is specially prescribed because of the status of the public official.

CHAPTER VIII CRIMES CONCERNING OBSTRUCTION OF THE PERFORMANCE OF OFFICIAL DUTIES

Article 136 (Obstruction of Performance of Official Duties)

(1) A person who uses violence or intimidation against a public official engaged in the performance of his duties shall be punished by imprisonment for not more than five years, or five not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) The preceding paragraph shall apply to a person who uses violence or intimidation against a public official in order to cause him to perform, or refrain from performing an official act or in order to force his resignation.

Article 137 (Obstruction of Performance of Official Duties by Fraudulent Means)

A person who interferes with the execution of duties by a public official by fraudulent means, shall be punished by imprisonment for not more than five years, or five not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 138 (Contempt of Court or National Assembly)

A person who insults a court or the National Assembly or creates a disturbance in or near a court or the National Assembly for the purpose of disturbing or threatening the conduct of a court or the discussion of the Assembly, shall be punished by imprisonment for not more than three years or by a fine not exceeding seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 139 (Obstruction of Official Duties for Vindication of Human Rights)

A person who, performing police duties or assisting in such duties, interferes with the execution of duties of a public prosecutor concerning the vindication of human rights or who does not follow his instructions concerning the vindication of human rights, shall be punished by imprisonment for not more than five years or suspension of qualifications for not more than ten years.

Article 140 (Rendering Null and Void Symbol of Official Secrecy)

(1) A person who damages or conceals a seal or symbol of attachment or other execution which a public official has levied in his official duties or reduces its utility by any other methods, shall be punished by imprisonment for not more than five years or by a fine not exceeding seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) Any public official who opens any sealed or secretly designed document, book or picture in relation with his duties, shall also be punished by the same punishment as referred to in paragraph (1). <Amended by Act No. 5057, Dec. 29, 1995>

(3) Any public official who detects, book, picture, or special media records, such as electromagnetic records, etc., using any technical means, shall also be punished by the same punishment as referred to in paragraph (1). <Added by Act No. 5057, Dec. 29, 1995>

Article 140-2 (Infringement on Effect of Compulsory Execution to Immovables)

Any person who trespasses on any immovables vacated or delivered by any other way, shall be punished by imprisonment for not more than five years, or a fine not exceeding seven million won.

Article 141 (Invalidity of Public Documents, etc. and Destruction of Public Goods)

(1) A person who damages or conceals documents or other goods, or special media records, such as electromagnetic records, etc., used by a public office or spoils its utility by other methods, shall be punished by imprisonment for not more than seven years or by a fine not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) A person who destroys structures, vessels, trains, or airplanes, used by public offices, shall be punished by imprisonment for at least one year up to ten years.

Article 142 (Invalidity of Goods kept in Public Custody)

A person who damages or conceals his own goods for which a management order was issued by a public office and which have been placed under the custody of another person by order of the public office, or reduces their utility by other methods, shall be punished by imprisonment for not more than five years or by a fine not exceeding seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 143 (Attempts)

Attempts to commit the crimes specified in Articles 140 to the preceding Article shall be punished.

Article 144 (Special Obstruction of Public Duty)

(1) A person who commits the crimes specified in Articles 136, 138, and 140 to the preceding Article through the threat of collective force or by carrying a dangerous weapon shall be punished by increasing one half of the punishments specified in the relevant Articles.

(2) A person who commits the crime of paragraph (1) to injure a public official shall be punished by imprisonment for a limited term of at least three years. If it results in the death of a public official, the perpetrator shall be punished by imprisonment for life or for a limited term of at least five years. <Amended by Act No. 5057, Dec. 29, 1995>

CHAPTER IX CRIMES OF ESCAPE AND HARBORING CRIMINALS

Article 145 (Escape and Violation of Summoning Order)

(1) A person who, having been in lawful arrest or custody, escapes, shall be punished by imprisonment for not more than one year.

(2) The preceding paragraph shall apply to a person, having been temporarily set free from custody due to a calamity, grave incident, or pursuant to the application of a law, violates the summoning order without justifiable reason.

Article 146 (Special Escape)

A person who, by destroying an accommodating device or shackle, or using violence or intimidation to others, or accompanied by two or more persons, commits the crime of paragraph (1) of the preceding Article, shall be punished by imprisonment for not more than seven years.

Article 147 (Helping Escape)

A person who forcibly abducts one who is in lawful custody or who causes such person to escape, shall be punished by imprisonment for not more than ten years.

Article 148 (Escape Caused by Prison Guard)

A prison guard or conveyor who causes a person in lawful custody to escape, shall be punished by imprisonment for at least one year nor more than ten years.

Article 149 (Attempts)

Attempts to commit the crimes specified in the preceding four Articles shall be punished.

Article 150 (Preparations, Conspiracies)

A person who makes preparations or conspires with intent to commit the crimes of Articles 147 and 148, shall be punished by imprisonment for not more than three years.

Article 151 (Harboring Criminal and Special Exceptions to Relatives)

(1) A person who harbors one who has committed a crime punishable by fine or more severe punishment, or who causes such person to escape, shall be punished by imprisonment for not more than three years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) If the crime of the preceding paragraph is committed by a relative or a family member living together with the said person for the benefit of the criminal, it shall not be punishable. *<Amended by Act No. 7427, Mar. 31, 2005>*

CHAPTER X CRIMES OF PERJURY AND DESTRUCTION OF EVIDENCE

Article 152 (Perjury, Malicious Perjury)

(1) A witness who, having sworn according to Acts, gives false statement, shall be punished by imprisonment for not more than five years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) As regards a criminal or disciplinary case, a witness who, for the purpose of causing injury to an accused, or a criminal, or disciplinary suspect, commits the crime of the preceding paragraph shall be punished by imprisonment for not more than ten years.

Article 153 (Confession, Self-denunciation)

When a person who, having committed the crime of the preceding Article, makes a voluntary confession or denounces himself before the judgment of a criminal or disciplinary case in which he has given false statement becomes final, punishment for him shall be mitigated or remitted.

Article 154 (Fraudulent Expert Opinion, Interpretation, and Translation)

An expert witness, interpreter, or translator who, having sworn according to Acts, gives a false expert opinion or a false interpretation or a false translation, shall be punished in accordance with the provisions of the preceding two Articles.

Article 155 (Destruction of Evidence, etc. and Special Exception to Relatives)

(1) A person who destructs, conceals, forges, or alters the evidence in a criminal or disciplinary case against another or who uses the forged or altered evidence, shall be punished by imprisonment for not more than five years or by a fine not exceeding seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) A person who harbors a witness or causes him not to testify in a criminal or disciplinary case against another, shall also be punished by the imprisonment or fine as referred to in paragraph (1). <Amended by Act No. 5057, Dec. 29, 1995>

(3) A person who, for the purpose of causing injury to an accused, or a criminal or disciplinary suspect, commits the crimes under the preceding two paragraphs, shall be punished by imprisonment for not more than ten years.

(4) If a crime under this Article is committed by a relative or a family member living together with the said person for the benefit of the criminal, it shall not be punishable. <Amended by Act No. 7427, Mar. 31, 2005>

CHAPTER XI CRIMES OF FALSE ACCUSATION

Article 156 (False Accusation)

A person who reports false information to a public office or a public official for the purpose of having a criminal or disciplinary punishment imposed upon another, shall be punished by imprisonment for not more than ten years, or a fine not exceeding fifteen million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 157 (Confession, Self-denunciation)

Article 153 shall apply mutatis mutandis to the preceding Article.

CHAPTER XII CRIMES CONCERNING DECEASED PERSONS

Article 158 (Disturbing Funeral Service, etc.)

A person who disturbs funeral rites, rituals, worship, or preaching, shall be punished by imprisonment for not more than three years or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 159 (Defiling Corpse, etc.)

A person who defiles a corpse, remains, or the hair of the dead, shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 160 (Excavation of Grave)

A person who excavates a grave shall be punished by imprisonment for not more than five years.

Article 161 (Exploring Tombs, etc.)

(1) A person who damages, destroys, abandons, conceals or takes possession of a corpse, remains, or hair of the dead, or any Article deposited in a coffin, shall be punished by imprisonment for not more than seven years.

(2) A person who commits the crime of the preceding paragraph by excavating a grave shall be punished by imprisonment for not more than ten years.

Article 162 (Attempts)

Attempts to commit the crimes provided in the preceding two Articles shall be punished.

Article 163 (Obstruction of Inquest over Unnatural Corpse)

Any person who conceals or alters a corpse of a person who has died unnaturally, or a corpse suspicious of unnatural death, or obstructs the inquest over such corpse by other way, shall be punished by a fine not exceeding seven million won.

CHAPTER XIII CRIMES OF ARSON AND FIRE CAUSED BY NEGLIGENCE

Article 164 (Setting Fire to Present Living Building, etc.)

(1) A person who sets fire to and burns any building which any person uses as a residence, or any building, train, street car, automobile, ship, aircraft, or mine shaft in which any person exists shall be punished by imprisonment for life or for a limited term of at least three years.

(2) A person who commits the crime of paragraph (1) to injure an person shall be punished by imprisonment for life or for a limited term of at least five years. If it results in death, he/she shall be punished by death or imprisonment for life or for at least seven years.

Article 165 (Setting Fire to Public Structures, etc.)

A person who sets fire to and burns a structure, train, electric car, automobile, ship, aircraft or mine which is used for official business or the public interest, shall be punished by imprisonment for life or at least

three years.

Article 166 (Setting Fire to Other Structures, etc.)

(1) A person who sets fire to and burns a structure, train, electric car, automobile, vessel, aircraft or mine other than those mentioned in the preceding two Articles, shall be punished by imprisonment for at least two years.

(2) A person who sets fire to and burns one of the objects mentioned in paragraph (1) which he owns and thereby causes public danger, shall be punished by imprisonment for not more than seven years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 167 (Setting Fire to General Goods)

(1) A person who sets fire to and burns an object other than those objects mentioned in the preceding three Articles and thereby causes public danger, shall be punished by imprisonment for at least one year nor more than ten years.

(2) If any object mentioned in paragraph is the offender's own property, he shall be punished by imprisonment for not more than three years or by a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 168 (Spread of Fire)

(1) If, in consequence of the commission of a crime of Article 166 (2) or paragraph (2) of the preceding Article, a fire spreads and burns out any of the objects mentioned in Article 164, 165, or 166 (1), the offender shall be punished by imprisonment for at least one year no more than ten years.

(2) If a fire spreads and burns out any of the objects mentioned in paragraph (1) of the preceding Article in consequence of the commission of a crime under paragraph (2) of the preceding Article, the offender shall be punished by imprisonment for not more than five years.

Article 169 (Obstruction to Fire Fighting)

A person who, at the time of a fire, conceals or damages fire fighting apparatus or other tools, or obstructs the extinguishing of the fire by other means, shall be punished by imprisonment for not more than ten years.

Article 170 (Fire Caused by Negligence)

(1) A person who, through negligence, burns an object mentioned in Article 164 or 165, or an object mentioned in Article 166 which is the property of another person shall be punished by a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who, through negligence, burns an object mentioned in Article 166 or 167 which is his own property and thereby causes public danger.

Article 171 (Fire Caused by Occupational Negligence, Fire by Gross Negligence)

A person who, through occupational or gross negligence, commits a crime mentioned in Article 170 shall be punished by imprisonment without prison labor for not more than three years or by a fine not exceeding twenty million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 172 (Burst of Explosive Substances)

- (1) A person who explodes a boiler, high pressure gas or other explosive substance and causes any danger to the life, body, or property of another person shall be punished by imprisonment for a limited term of at least one year.
- (2) A person who commits the crime of paragraph (1) to injure another person shall be punished by imprisonment for life or for a limited term of at least three years. If it results in death, the perpetrator shall be punished by imprisonment for life or for at least five years.

Article 172-2 (Discharge of Gas, Electricity, etc.)

- (1) A person who discharges, leaks, or sprays gas, electricity, steam, radiation or radioactive substance to cause any danger to the life, body, or property of another person shall be punished by imprisonment for at least one year up to ten years.
- (2) A person who commits the crime of paragraph (1) to injure another person shall be punished by imprisonment for life or for a limited term of at least three years. If it results in death, the perpetrator shall be punished by imprisonment for life or for at least five years.

Article 173 (Obstruction to Supply of Gas, Electricity, etc.)

- (1) A person who damages, destroys, or removes gas, electricity, or steam works or obstructs the supply or use of gas, electricity or steam by other means, thereby endangering the public, shall be punished by imprisonment for at least one year up to ten years. <Amended by Act No. 5057, Dec. 29, 1995>
- (2) The preceding paragraph shall apply to a person who damages, destroys, or removes gas, electricity, or steam works for public use or obstructs the supply or use of gas, electricity or steam by other means. <Amended by Act No. 5057, Dec. 29, 1995>
- (3) A person who commits the crime of paragraph (1) or (2) to injure another shall be punished by imprisonment for a limited term of at least two years. If it results in death, the perpetrator shall be punished by imprisonment for life or for at least three years. <Amended by Act No. 5057, Dec. 29, 1995>

Article 173-2 (Burst, etc. of Explosive Substances by Negligence)

- (1) A person who, by negligence, commits a crime prescribed in any provision of Articles 172 (1), 172-2 (1), 173 (1) and (2) shall be punished by imprisonment without prison labor for not more than five years or by a fine not exceeding fifteen million won.

(2) A person who, by occupational or gross negligence, commits the crime of paragraph (1) shall be punished by imprisonment without prison labor for not more than seven years or by a fine not exceeding twenty million won.

Article 174 (Attempts)

Attempts to commit the crimes as prescribed in Articles 164 (1), 165, 166 (1), 172 (1), 172-2 (1), 173 (1) and (2), shall be punished.

Article 175 (Preparations, Conspiracies)

A person who makes preparations or conspires with intent to commit the crimes of Articles 164 (1), 165, 166 (1), 172 (1), 172-2 (1), 173 (1) and (2), shall be punished by imprisonment for not more than five years: Provided, That when he denounces himself before the commission of such crimes as intended, the punishment shall be mitigated or remitted. <Amended by Act No. 5057, Dec. 29, 1995>

Article 176 (Criminal's Property Which is Subject to Another Person's Right)

Property owned by a criminal but subject to attachment or other execution or which is subject to another person's right or insurance is regarded as that of another person in application of the provisions of this Chapter.

CHAPTER XIV CRIMES CONCERNING INUNDATION AND WATER UTILIZATION

Article 177 (Inundation of Present Living Building, etc. with Water)

(1) A person who makes water overflow and damage any building used by another person as residence, or any building, train, street car, automobile, ship, aircraft or mine shaft in which another person exists shall be punished by imprisonment for life or for a limited term of at least three years.

(2) A person who commits the crime prescribed in paragraph (1) to injure another person shall be punished by imprisonment for life or for a limited term of at least five years. If it results in death, the perpetrator shall be punished by imprisonment for life or for a limited term of at least seven years.

Article 178 (Inundation to Public Structures, etc.)

A person who causes an inundation, thereby damaging a structure, train, electric car, automobile, vessel, aircraft or mine which is used for official business or public interest shall be punished by imprisonment for life or at least two years.

Article 179 (Inundation to Other Structures)

(1) A person who causes an inundation, thereby damaging a structure, train electric car, automobile, vessel, aircraft or mine other than mentioned in the preceding two Articles, or other property which belongs to another person, shall be punished by imprisonment for at least one year nor more than ten years.

(2) A person who causes an inundation and damages an object mentioned in the preceding paragraph which is his own property, thereby causing public danger, shall be punished by imprisonment for not more than three years or by a fine not exceeding seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

(3) The provisions of Article 176 shall apply mutatis mutandis to this Article.

Article 180 (Obstruction of Flood Control)

A person who, at the time of flood, damages or conceals flood protection apparatus or obstructs flood control by other means, shall be punished by imprisonment for not more than ten years.

Article 181 (Inundation Caused by Negligence)

A person who, through negligence, causes an inundation, thereby damaging an object mentioned in Article 177 or 178 or who damages an object mentioned in Article 179, thereby causing public danger, shall be punished by a fine not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 182 (Attempts)

Attempts to commit the crimes referred to in Articles 177 through 179 (1), shall be punished.

Article 183 (Preparations, Conspiracies)

A person who makes preparations or conspires with intent to commit the crimes of Articles 177 through 179 (1), shall be punished by imprisonment for not more than three years.

Article 184 (Obstruction of Water Utilization)

A person who breaks an embankment or destroys a sluice, or otherwise obstructs water utility, shall be punished by imprisonment for not more than five years or by a fine not exceeding seven million won.

<Amended by Act No.5057, Dec. 29, 1995>

CHAPTER XV CRIMES OF TRAFFIC OBSTRUCTION

Article 185 (General Obstruction of Traffic)

A person who damages, destroys or blocks a road, water-way, or bridge, or obstructs traffic by other means, shall be punished by imprisonment for not more than ten years or by a fine not exceeding fifteen million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 186 (Obstruction of Train and Vessel Traffic)

A person who, by damaging or destroying a railroad, light-house or its signal or by any other means, obstructs traffic of a train, electric car, automobile, vessel or aircraft, shall be punished by imprisonment for at least one year.

Article 187 (Derailing Train, etc.)

A person, who overturns, buries, crashes or destroys a train, electric car, automobile, vessel, or aircraft in which persons are actually present, shall be punished by imprisonment for life or at least three years.

Article 188 (Death or Injury caused by Obstruction of Traffic)

A person who commits any of the crimes of Articles 185 through 187, thereby injuring another person, shall be punished by imprisonment for life or for at least three years. If it results in death, the perpetrator shall be punished by imprisonment for life or for at least five years.

Article 189 (Negligence, Occupational Negligence, Gross Negligence)

(1) A person who, by negligence, commits the crimes of Articles 185 through 187 shall be punished by a fine not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) A person who, by occupational or gross negligence, commits the crimes specified in Article 185, shall be punished by imprisonment without prison labor for not more than three years or by a fine not exceeding twenty million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 190 (Attempts)

Attempts to commit the crimes specified in Articles 185 through 187 shall be punished.

Article 191 (Preparations, Conspiracies)

A person who makes preparations or conspires with intent to commit the crimes of Article 186 or 187, shall be punished by imprisonment for not more than three years.

CHAPTER XVI CRIMES CONCERNING DRINKING WATER

Article 192 (Obstruction of Use of Drinking Water)

(1) A person who, by polluting clean water which is intended for daily drinking purposes, renders such water unfit for that use, shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) A person who puts into drinking water specified in the preceding paragraph poisonous materials or other substances which may injure health, shall be punished by imprisonment for not more than ten years.

Article 193 (Obstruction of Use of Water Supply System)

(1) A person who, by polluting clean water which is supplied to the public for drinking purposes by a water supply system or by polluting a reservoir thereof, causes such water to be unfit for use, shall be punished by imprisonment for at least one year up to ten years.

(2) A person who puts into drinking water or in a reservoir specified in the preceding paragraph poisonous materials or other substances which may injure the health, shall be punished by imprisonment for at least two years.

Article 194 (Death or Injury caused by Mixing Drinking Water with Poison)

A person who commits any of the crimes of Article 192 (2) or 193 (2), thereby injuring another person, shall be punished by imprisonment for life or for at least five years.

Article 195 (Interference with Water Supply System)

A person who damages a water main intended for public drinking purposes or makes the facility inoperable by other means shall be punished by imprisonment for at least one year up to ten years.

Article 196 (Attempts)

Attempts to commit the crimes specified in Articles 192 (2) and 193 (2), and the preceding Article shall be punished.

Article 197 (Preparations, Conspiracies)

A person who makes preparations or conspires with intent to commit the crimes of Article 192 (2), 193 (2) or 195, shall be punished by imprisonment for not more than two years.

CHAPTER XVII CRIMES CONCERNING OPIUM

Article 198 (Manufacture, etc. of Opium, etc.)

A person who manufactures, imports, or sells opium, morphine, or its composite or who possesses it for the purpose of sale, shall be punished by imprisonment for not more than ten years.

Article 199 (Manufacture, etc. of Opium Smoking Instrument)

A person who manufactures, imports, or sells an instrument for smoking opium or who possesses it for the purpose of sale shall be punished by imprisonment for not more than five years.

Article 200 (Opium Importation by Customs Official)

A customs official who imports or permits importation of opium, morphine, or its composite or an instrument for smoking opium, shall be punished by imprisonment for at least one year.

Article 201 (Smoking Opium and Provision of Place)

- (1) A person who ingests opium or receives a morphine injection, shall be punished by imprisonment for not more than five years.
- (2) The preceding paragraph shall apply to a person who profits by providing a place for smoking opium or for injecting morphine.

Article 202 (Attempts)

Attempts to commit any of the crimes of the preceding four Articles shall be punished.

Article 203 (Habitual Crimes)

A person who habitually commits any of the crimes of the preceding five Articles shall be punished by aggravating the penalty by up to one half of the penalty specified in the relevant Article.

Article 204 (Suspension of Qualifications and Imposition of Fine)

In the case of Articles 198 through 203, the suspension of qualifications for not more than ten years, or a fine not exceeding twenty million won may be concurrently imposed. <Amended by Act No. 5057, Dec. 29, 1995>

Article 205 (Possession of Opium, etc.)

A person who possesses opium, morphine, its composite or an instrument for smoking opium, shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 206 (Confiscation, Subsequent Collection)

Opium, morphine, its composite, or an instrument for smoking opium, having been used for any crime in this Chapter, shall be confiscated. If it is impossible to confiscate such item, the equivalent price thereof shall be collected.

CHAPTER XVIII CRIMES CONCERNING CURRENCY

Article 207 (Crimes of Counterfeiting Currency)

- (1) A person who, for the purpose of uttering, counterfeits or alters a current coin, paper money, or bank note of the Republic of Korea shall be punished by imprisonment for life or at least two years.

(2) A person who, for the purpose of uttering, counterfeits or alters a foreign coin, paper money or bank note which is current in this country shall be punished by limited imprisonment for at least one year.

(3) A person who, for the purpose of uttering, counterfeits or alters a foreign coin, paper money or bank note which is current in a foreign country shall be punished by imprisonment for not more than ten years.

(4) A person who utters a counterfeited or altered currency as referred to in the preceding three paragraphs, or who, for the purpose of uttering, imports or exports same shall be punished by penalty as prescribed against each crime of counterfeit or alteration.

Article 208 (Acquisition of Counterfeited Currency)

A person who, for the purpose of uttering, acquires counterfeited or altered currency specified in Article 207 shall be punished by imprisonment for not more than five years or a fine exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 209 (Concurrent Imposition of Suspension of Qualifications or of Fine)

When a person is punished by limited imprisonment for the violations of Article 207 or 208, suspension of qualifications for not more than ten years or a fine not exceeding twenty million won may be concurrently imposed. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 210 (Circulation of Currency known to be Counterfeited)

A person who, after obtaining the currency specified in Article 207, utters the same, knowing it to be counterfeited or altered, shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 211 (Manufacture of Articles Similar to Currency)

(1) A person who, for the purpose of sale, manufactures, imports, or exports articles similar to a coin, paper money, or bank note which is current or circulated in this country or abroad, shall be punished by imprisonment for not more than three years or by a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who sells items specified in the preceding paragraph.

Article 212 (Attempts)

Attempts to commit the crimes specified in Articles 207, 208 and the preceding Article shall be punished.

Article 213 (Preparations, Conspiracies)

A person who makes preparation for or conspires with intent to commit the crimes under Article 207 (1) through (3), shall be punished by imprisonment for not more than five years: Provided, That punishment shall, be mitigated or remitted if self-denunciation is made before the commission of the intended crime.

CHAPTER XIX CRIMES CONCERNING VALUABLE SECURITIES AND POSTAGE AND REVENUE STAMPS

Article 214 (Counterfeiting Valuable Securities, etc.)

(1) A person who, for the purpose of uttering, counterfeits or alters a public bond or other valuable security of the Republic of Korea or of a foreign country, shall be punished by imprisonment for not more than ten years.

(2) The preceding paragraph shall apply to a person who, for the purpose of uttering, counterfeits or alters statements concerning the rights and obligations of valuable securities.

Article 215 (Drafting of Valuable Securities by Assuming False Capacity)

A person who, for the purpose of uttering, drafts valuable securities or makes an entry in matters concerning the rights and obligations thereof by assuming a false capacity, shall be punished by imprisonment for not more than ten years.

Article 216 (Drafting Untrue Valuable Securities)

A person who, for the purpose of uttering, drafts false valuable securities or makes an untrue entry therein shall be punished by imprisonment for not more than seven years or a fine not exceeding thirty million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 217 (Uttering Forged Valuable Securities)

A person who utters valuable securities which involve a counterfeit, alteration, drafting under a false capacity or making an untrue entry, or who, for the purpose of uttering, imports or exports the same, shall be punished by imprisonment for not more than ten years.

Article 218 (Forgery of Revenue or Postage)

(1) A person who, for the purpose of uttering, counterfeits or alters a revenue or postage stamp, or other vouchers indicating the postage of the Republic of Korea or of a foreign country, shall be punished by imprisonment for not more than ten years. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who utters a counterfeited or altered revenue or postage stamp, or other vouchers indicating the postage of the Republic of Korea or of a foreign country or who, for the purpose of uttering, imports or exports the same. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 219 (Acquisition of Forged Postage or Revenue Stamp)

A person who, for the purpose of uttering, obtains a counterfeited or altered postage or revenue stamp of the Republic of Korea or of a foreign country, shall be punished by imprisonment for not more than three years, or fine not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 220 (Concurrent Imposition of Suspension of Qualifications or of Fine)

If a person is punished by imprisonment for commitment of the crime as prescribed in Articles 214 through 219, the suspension of qualifications for not more than ten years or a fine not exceeding twenty million won may be imposed concurrently.

Article 221 (Erasure of Postmark)

Any person who erases, with the intention of use, the postmarks of any revenue or postage stamps issued by the Republic of Korea or foreign countries, or other vouchers indicating the postage, or other markings of use, shall be punished by imprisonment for not more than one year, or a fine not exceeding three million won.

Article 222 (Manufacture, etc. of Articles Similar to Stamps, Postage, etc.)

(1) Any person who manufactures, imports or exports with the intention of sale, the public bonds, revenue or postage stamp issued by the Republic of Korea or foreign countries, or things similar to the postmarks or vouchers indicating the postage, shall be punished by imprisonment for not more than two years, or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) The preceding paragraph shall apply to a person who sells the items mentioned in the preceding paragraph.

Article 223 (Attempts)

Attempts to commit any of the crimes of Articles 214 through 219 and the preceding Article shall be punished.

Article 224 (Preparations, Conspiracies)

A person who makes preparations or conspires with the intent to commit any of the crimes of Articles 214, 215 (1) and 218, shall be punished by imprisonment for not more than two years.

CHAPTER XX CRIMES CONCERNING DOCUMENTS

Article 225 (Counterfeit or Alteration of Official Document, etc.)

A person who, for the purpose of uttering, counterfeits or alters a document or drawing, of a public official or a public office, shall be punished by imprisonment for not more than ten years. <Amended by Act No. 5057, Dec. 29, 1995>

Article 226 (Drafting of Official Document by Assuming False Capacity)

A person who, for the purpose of uttering, makes a document or drawing by assuming a false capacity of public official or public office, shall be punished by imprisonment for not more than ten years. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 227 (Preparation, etc. of False Public Document)

If a public official prepares falsely or alters any document or drawing with the intention of use, in connection with his duties, one shall be punished by imprisonment for not more than seven years, or a fine not exceeding twenty million won.

Article 227-2 (False Preparation or Alteration of Public Electromagnetic Records)

A person with the intention of disrupting business falsely or alters electromagnetic documents of public official or public office shall be punished by imprisonment not more than ten years.

Article 228 (Untrue Entry in Officially Authenticated Original Deed)

(1) Any person who makes a false report to a public official and has that official enter record any false fact in the authentic deed or identical special media records, such as electronic records, shall be punished by imprisonment for not more than five years or a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) A person who makes an untrue statement to a public official, thereby causing a false entry to be made in a license, permit, registration certificate or passport, shall be punished by imprisonment for not more than three years or by a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 229 (Uttering of Falsified Public Document, etc.)

Any person who utters any document, drawing, special media records, such as electronic records, origin of the authentic deed, license, permit, registration certificate, or passport, which is made by the crime as prescribed in Articles 225 through 228, shall be punished by the penalty as prescribed against each crime.

Article 230 (Unlawful Uttering of Official Document)

A person, who unlawfully utters a document or drawing of a public official or public office, shall be punished by imprisonment or imprisonment without prison labor for not more than two years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 231 (Counterfeit or Alteration of Private Document, etc.)

A person who, for the purpose of uttering, counterfeits or alters another person's document or drawing which pertains to right, duty, or a certification of a fact by assuming the capacity of another person, shall

be punished by imprisonment for not more than five years, or a fine not exceeding ten million won.
<Amended by Act No. 5057, Dec. 29, 1995>

Article 232 (Drafting of Private Document by Assuming False Capacity)

A person who, for the purpose of uttering, makes a document or drawing which pertains to a right, duty, or a certification of a fact by assuming the capacity of another person, shall be punished by imprisonment for not more than five years, or a fine not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 232-2 (Falsification or Alteration of Private Electromagnetic Records)

Any person who falsifies or alters, with the intention of making any error in management of affairs, any special media records, such as another person's electromagnetic records concerning any years, shall be punished by imprisonment for not more than five years, or a fine not exceeding ten million won.

Article 233 (Preparation of Medical Certificate, etc.)

If a medical or herb doctor, dentist or midwife prepares false medical certificate, post-mortem examination or certificate life or death, one shall be punished by imprisonment or imprisonment without prison labor for not more than three years, suspension of qualifications for not more than seven years, or a fine not exceeding thirty million won.

Article 234 (Uttering of Falsified Private Document, etc.)

Any person who utters any document, drawing or special media records, such as electromagnetic records, etc., made by the crime as prescribed in Articles 231 through 233, shall be punished by the same penalty as prescribed for the respective crime.

Article 235 (Attempts)

Attempts to commit the crimes of Articles 225 through 234 shall be punished. <Amended by Act No. 5057, Dec. 29, 1995>

Article 236 (Unlawful Uttering of Private Document)

A person who unlawfully utters another person's document or drawing which pertains to a right, duty, or a certification of a fact shall be punished by imprisonment or imprisonment without prison labor for not more than one year or by a fine not exceeding three million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 237 (Concurrent Imposition of Suspension of Qualifications)

In case where a person has committed the crimes as prescribed in Articles 225 through 227-2 and should be punished by the imprisonment for such crimes, or the execution thereof, the penalty of suspension of qualifications for not more than ten years may be concurrently imposed. <Amended by Act No. 5057, Dec. 29,

Article 237-2 (Reproduced Documents, etc.)

For the crimes as prescribed in this Chapter, any copies of documents or drawings reproduced using the electronic reproduction machines, facsimile telegraphs or other similar apparatus, shall be considered as document or drawing.

CHAPTER XXI CRIMES CONCERNING SEALS

Article 238 (Counterfeit or Misappropriation of official Seal)

- (1) A person who, for the purpose of uttering, counterfeits or wrongfully uses the seal, signature, written name, or emblem of a public official or public office, shall be punished by imprisonment for not more than five years.
- (2) The preceding paragraph shall apply to a person who utters a counterfeited or misappropriated seal, signature, written name or emblem of public official or a public office.
- (3) In the case of the preceding two paragraphs, the penalty of suspension of qualifications for not more than seven years may be concurrently imposed.

Article 239 (Counterfeit or Misappropriation of Private Seal, etc.)

- (1) A person who, for the purpose of uttering, counterfeits or wrongfully uses another's seal, signature, written name, or emblem, shall be punished by imprisonment for not more than three years.
- (2) The preceding paragraph shall apply to a person who utters a counterfeited or misappropriated seal, signature, written name or emblem of another.

Article 240 (Attempts)

Attempts to commit the crimes in this Chapter shall be punished.

CHAPTER XXII CRIMES CONCERNING SEXUAL MORALS

Article 241 (Adultery)

- (1) A married person who commits adultery shall be punished by imprisonment for not more than two years. The same shall apply to the other participant.
- (2) The crime in the preceding paragraph shall be prosecuted only upon the complaint of the victimized spouse. If the victimized spouse condones or pardons the adultery, complaint can no longer be made.

Article 242 (Arranging for Prostitution)

A person who induces, entices, or procures a person to engage in sexual intercourse for gain shall be punished by imprisonment for not more than three years or by a fine not exceeding fifteen million won.

<Amended by Act No. 5057, Dec. 29, 1995; Act No. 11574, Dec. 18, 2012>

Article 243 (Distribution, etc. of Obscene Pictures)

Any person who distributes, sells, lends, openly displays or shows any obscene documents, drawing, pictures, films or other things, shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won.

Article 244 (Manufacture, etc. of Obscene Pictures)

A person who, for the purpose of accomplishing the acts as prescribed in Article 243, manufactures, possesses, imports or exports obscene goods, shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 245 (Public Indecency)

A person who publicly commits an obscene act shall be punished by imprisonment for not more than one year, a fine not exceeding five million won, detention or a minor fine. *<Amended by Act No. 5057, Dec. 29, 1995>*

CHAPTER XXIII CRIMES CONCERNING GAMBLING AND LOTTERY TICKETS

Article 246 (Gambling and Habitual Gambling)

(1) A person who commits the offense of gambling shall be punished by a fine not exceeding ten million won: Provided, That gambling for a mere pastime shall be exonerated from the punishment.

(2) A person who habitually commits the crime of paragraph (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million won.

Article 247 (Setting up Places for Gambling, etc.)

A person who, for gain, sets up a place or space for gambling shall be punished by imprisonment for not more than five years, or by a fine not exceeding thirty million won.

Article 248 (Sale, etc. of Lottery Tickets)

(1) A person who sells any lottery ticket unauthorized by law shall be punished by imprisonment for not more than five years, or by a fine not exceeding thirty million won.

(2) A person who acts as a go-between for the sale of any lottery ticket under paragraph (1) shall be punished by imprisonment for not more than three years, or by a fine not exceeding twenty million won.

(3) A person who acquires any lottery ticket under paragraph (1) shall be punished by a fine not exceeding ten million won.

Article 249 (Concurrent Imposition of Fines)

A fine not exceeding ten million won may be concurrently imposed for a crime prescribed in Article 246 (2), 247, or 248 (1).

CHAPTER XXIV CRIMES OF HOMICIDE

Article 250 (Murder, Killing Ascendant)

(1) A person who kills another shall be punished by death, or imprisonment for life or for at least five years. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) A person who kills one's own or any lineal ascendant of one's spouse shall be punished by death, imprisonment for life or for not less seven years.

Article 251 (Infanticide)

A lineal ascendant who kills a baby while being delivered or immediately after the delivery in order to avoid disgrace or for fear of the impossibility of bringing the baby up or for some other extenuating motive shall be punished by imprisonment for not more than ten years.

Article 252 (Murder upon Request or with Consent)

(1) A person who kills another upon one's request or with one's consent shall be punished by imprisonment for at least one year up to ten years.

(2) The preceding paragraph shall apply to a person who instigates or aids and abets another to commit suicide.

Article 253 (Murder upon Request through Fraudulent Means, etc.)

A person who obtains another's request, consent or resolution to commit suicide in the case of the preceding Article through fraudulent means or by the threat of force shall be punished in accordance with Article 250.

Article 254 (Attempts)

Attempts to commit the crimes in the preceding four Articles shall be punished.

Article 255 (Preparations, Conspiracies)

A person who makes preparations or conspires with intent to commit the crimes of Articles 250 through 253, shall be punished by imprisonment for not more than ten years.

Article 256 (Concurrent Imposition of Suspension of Qualifications)

When limited imprisonment is to be imposed, for the crimes of Article 250, 252 or 253, suspension of qualifications for not more than ten years may be concurrently imposed.

CHAPTER XXV CRIMES OF INFLICTING BODILY INJURY AND VIOLENCE

Article 257 (Inflicting Bodily Injury on Other or on Lineal Ascendant)

- (1) A person who inflicts a bodily injury upon another shall be punished by imprisonment for not more than seven years or suspension of qualifications for not more than ten years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*
- (2) When the crime as referred in paragraph (1) is committed on a lineal ascendant of the offender or of his spouse, one shall be punished by imprisonment for not more than ten years or a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*
- (3) Attempts to commit the crimes of the preceding two paragraphs shall be punished.

Article 258 (Aggravated Bodily Injury on Other or on Lineal Ascendant)

- (1) A person who inflicts bodily injury upon another, thereby endangering one's life, shall be punished by imprisonment for at least one year up to ten years.
- (2) The preceding paragraph shall apply to a person who, in consequence of injuring another, causes one to be crippled or incurably or hopelessly diseased.
- (3) When the crimes of the preceding two paragraphs are committed on a lineal ascendant of the offender or of one's spouse, one shall be punished by limited imprisonment for at least two years.

Article 259 (Death Resulting from Bodily Injury)

- (1) A person who inflicts bodily injury upon another, thereby causing his death, shall be punished by limited imprisonment for at least three years. *<Amended by Act No. 5057, Dec. 29, 1995>*
- (2) When the crime of the preceding paragraph is committed on a lineal ascendant of the offender or of his spouse, he shall be punished by imprisonment for life or at least five years.

Article 260 (Crime of Violence)

- (1) A person who uses violence against another shall be punished by imprisonment for not more than two years, a fine not exceeding five million won, detention, or a minor fine. *<Amended by Act No. 5057, Dec. 29, 1995>*
- (2) When the crime as referred to in paragraph (1) is committed on a lineal ascendant of the offender or of his spouse, he shall be punished by imprisonment for not more than five years, or a fine not exceeding

seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

(3) The crimes as referred to in paragraphs (1) and (2) shall not be prosecuted over the express objection of the victim. <Amended by Act No. 5057, Dec. 29, 1995>

Article 261 (Special Violence)

When the crime as referred to in Article 260 (1) or (2) is committed through the threat of collective force or by carrying a dangerous weapon, the offender shall be punished by imprisonment for not more than five years or by a fine not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 262 (Death or Injury Resulting from Violence)

A person who commits the crimes of the preceding two Articles, thereby causing death or injury, shall be punished in accordance with Articles 257 through 259.

Article 263 (Simultaneous Crimes)

When two or more persons use violence against another and thereby injuring the latter, such persons, if it is impossible to determine which person caused the injury, shall be regarded to be co-principals.

Article 264 (Habitual Crimes)

A person who habitually commits any of the crimes of Article 257, 258, 260 or 261 shall be punished by increasing one half of the penalty specified for the relevant crime.

Article 265 (Concurrent Imposition of Suspension of Qualifications)

In the case of Articles 257 (2), 258, 260 (2), 261 and the preceding Article, the suspension of qualifications for not more than ten years may be concurrently imposed.

CHAPTER XXVI CRIMES OF INFLICTING BODILY INJURY AND DEATH THROUGH NEGLIGENCE

Article 266 (Bodily Injury by Negligence)

(1) A person who inflicts a bodily injury upon another through negligence shall be punished by a fine not exceeding five million won, detention or a minor fine. <Amended by Act No. 5057, Dec. 29, 1995>

(2) The crime as referred to in paragraph (1) shall not be prosecuted against the express objection of the victim. <Amended by Act No. 5057, Dec. 29, 1995>

Article 267 (Death by Negligence)

A person who causes the death of another by negligence shall be punished by imprisonment for not more than two years or by a fine not exceeding seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 268 (Death and Injury by Occupational or Gross Negligence)

A person who causes the death or injury of another by occupational or gross negligence, shall be punished by imprisonment for not more than five years or by a fine not exceeding twenty million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

CHAPTER XXVII THE CRIMES OF ABORTION

Article 269 (Abortion)

(1) A woman who procures her own miscarriage through the use of drugs or other means shall be punished by imprisonment for not more than one year or by a fine not exceeding two million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The provision of paragraph (1) shall apply to a person who procures the miscarriage of a female upon her request or with her consent. *<Amended by Act No. 5057, Dec. 29, 1995>*

(3) A person who in consequence of the commission of the crime of the as referred to in paragraph (2), causes the injury of a woman, shall be punished by imprisonment for not more than three years. When one causes her death in consequence of the commission of the crime as referred to in paragraph (2), he shall be punished by imprisonment for not more than seven years. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 270 (Abortion by Doctor, etc., Abortion without Consent)

(1) A doctor, herb doctor, midwife, pharmacist, or druggist who procures the miscarriage of a female upon her request or with her consent, shall be punished by imprisonment for not more than two years. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) A person who procures the miscarriage of a female without request or consent, shall be punished by imprisonment for not more than three years.

(3) When, in consequence of his commission of the crime as referred to in paragraph (1) or (2), the female is injured, he shall be punished by imprisonment for not more than five years. When she dies, he shall be punished by imprisonment for not more than ten years. *<Amended by Act No. 5057, Dec. 29, 1995>*

(4) In the case of the preceding three paragraphs, suspension of qualifications for not more than seven years shall be concurrently imposed.

CHAPTER XXVIII CRIMES OF ABANDONMENT AND MALTREATMENT

Article 271 (Abandonment of Lineal Ascendant)

(1) A person who abandons another person in need of help by reason of old age, infancy, illness or other circumstances, whom one has a legal or contractual duty to protect, shall be punished by imprisonment for

not more than three years, or a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) When the crime as referred to in paragraph (1) is committed on lineal ascendant of the offender or of his spouse, the offender shall be punished by imprisonment for not more than ten years, or a fine not exceeding fifteen million won. <Amended by Act No. 5057, Dec. 29, 1995>

(3) A person who, in consequence of his commission of the crime of paragraph (1), endangers the life of another, shall be punished by imprisonment for not more than seven years.

(4) A person who, in consequence of his commission of the crime of paragraph (2), endangers the life of another, shall be punished by limited imprisonment for at least two years.

Article 272 (Abandoning Baby)

A lineal ascendant who abandons a baby in order to avoid disgrace or for fear of not being able to bring the baby up or for some other extenuating motives, shall be punished by imprisonment for not more than two years or by a fine not exceeding three million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 273 (Cruelty to Another and to Lineal Ascendant)

(1) A person who cruelly treats another who is under one's protection or supervision, shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) When the crime of the preceding paragraph is committed on a lineal ascendant of the offender or of one's spouse, one shall be punished by imprisonment for not more than five years, or a fine not exceeding seven million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 274 (Hard Labor by Child)

A person who delivers a child under sixteen years of age who is under his protection or supervision over to a proprietor or his operator who will employ the child in such hard work as is dangerous to life or body, shall be punished by imprisonment for not more than five years. The same shall apply to the other participant who hires a child for such purpose.

Article 275 (Death or Injury caused by Abandonment)

(1) A person who commits any crime of Articles 271 through 273 to injure another person, shall be punished by imprisonment for not more than seven years. If it results in death, the perpetrator shall be punished by imprisonment for a limited term of at least three years.

(2) A person who commits any crime of Article 271 or 273 against a lineal ascendant of his/her own or his/her spouse to injure the lineal ascendant shall be punished by imprisonment for a limited term of at least three years. If it results in death, the perpetrator shall be punished by imprisonment for life or for a limited term of at least five years.

CHAPTER XXIX CRIMES OF FALSE ARREST AND ILLEGAL CONFINEMENT

Article 276 (False Arrest, Illegal Confinement, Those on Lineal Ascendant)

(1) A person who illegally arrests or confines another, shall be punished by imprisonment for not more than five years, or a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) When the crime as referred to in paragraph (1) is committed on the lineal ascendant of the offender or one's spouse, one shall be punished by limited imprisonment for not more than ten years, or a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 277 (Aggravated False Arrest, Aggravated Illegal Confinement, Those on Lineal Ascendant)

(1) A person who illegally arrests or confines another, thereby treating that person cruelly, shall be punished by imprisonment for not more than seven years.

(2) When the crime of the preceding paragraph is committed on the lineal ascendant of the offender or of one's spouse, one shall be punished by limited imprisonment for at least two years.

Article 278 (Special False Arrest or Illegal Confinement)

When a crime prescribed in any provision of the preceding two Articles is committed by means of the threat of collective force or by carrying a dangerous weapon, the perpetrator shall be punished by aggravating the penalty by up to one half of the penalty specified for the relevant crime.

Article 279 (Habitual Crimes)

A person who habitually commits any crime prescribed in Article 276 or 277 shall be punished under the preceding Article.

Article 280 (Attempts)

Attempts to commit any crime of the preceding four Articles shall be punished.

Article 281 (Death or Injury caused by Arrest, Confinement, etc.)

(1) A person who commits any crime of Articles 276 through 280 to injure another person shall be punished by imprisonment for a limited term of at least one year. If it results in death, the perpetrator shall be punished by imprisonment for a limited term of at least three years.

(2) A person who commits any crime of Articles 276 through 280 against a lineal ascendant of his/her own or his/her spouse to injure the lineal ascendant shall be punished by imprisonment for a limited term of at least two years. If it results in death, the perpetrator shall be punished by imprisonment for life or for at least five years.

Article 282 (Concurrent Imposition of Suspension of Qualifications)

For the crimes of this Chapter, suspension of qualifications for not more than ten years may be concurrently imposed.

CHAPTER XXX CRIMES OF INTIMIDATION

Article 283 (Intimidation, Intimidation on Lineal Ascendant)

- (1) A person who intimidates another shall be punished by imprisonment for not more than three years, a fine of not more than five million won, detention or a minor fine. *<Amended by Act No. 5057, Dec. 29, 1995>*
- (2) When the crime of the preceding paragraph is committed on a lineal ascendant of the offender or of one's spouse, the offender shall be punished by imprisonment for not more than five years or by a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*
- (3) The crime as referred to in paragraphs (1) and (2) shall not be prosecuted over the express objection of the victim. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 284 (Special Intimidation)

When the crime of paragraph (1) or (2) of the preceding Article is committed through the threat of elective force or by carrying a dangerous weapon, the offender shall be punished by imprisonment for not more than seven years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 285 (Habitual Crime)

When any crime of Article 283 (1) or (2) or the preceding Article is habitually committed, the perpetrator shall be punished by aggravating the penalty by one half of the penalty specified for the relevant crime.

Article 286 (Attempts)

Attempts to commit any crime of the preceding three Articles shall be punished.

CHAPTER XXXI CRIMES OF TRAFFICKING IN PERSONS

Article 287 (Kidnapping or Abduction of Minors)

A person who obtains and maintains a minor under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement shall be punished by imprisonment for not more than ten years.

Article 288 (Kidnapping, Abduction, etc. for Purpose of Indecent Acts, etc.)

(1) A person who obtains and maintains another under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of engaging in an indecent act, sexual intercourse or marriage, or for gain shall be punished by imprisonment for at least one year up to ten years.

(2) A person who obtains and maintains another under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs, shall be punished by imprisonment for at least two years up to fifteen years.

(3) The preceding paragraph shall apply to a person who obtains and maintains another under the control of his/hers or a third person by means of the threat, use of force or other forms of coercion, or by means of fraud, deception or enticement for the purpose of transporting him/her out of the Republic of Korea, or a person who transports such a victim out of the Republic of Korea.

Article 289 (Trafficking in Persons)

(1) A person who buys or sells another shall be punished by imprisonment for not more than seven years.

(2) A person who buys or sells another for the purpose of engaging in an indecent act, sexual intercourse, marriage, or for gain, shall be punished by imprisonment for at least one year up to ten years.

(3) A person who buys or sells another for the purpose of labor exploitation, sex trafficking, sexual exploitation, or the acquisition of organs shall be punished by imprisonment for at least two years up to fifteen years.

(4) The preceding paragraph shall apply to a person who buys or sells another for the purpose of transporting him or her out of the Republic of Korea, or a person who transports a purchased person out of the Republic of Korea.

Article 290 (Inflicting or Causing Another's Bodily Injury while in Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.)

(1) A person who commits any of the crimes of Articles 287 through 289, thereby inflicting the injury of a victim of such crime, shall be punished by imprisonment for at least three years up to twenty-five years.

(2) A person who commits any of the crimes of Articles 287 through 289, thereby causing the injury of a victim of such crime, shall be punished by imprisonment for at least two years up to twenty years.

Article 291 (Killing Another or Causing Death of Another while in Kidnapping, Abduction, Trafficking in Persons, Transportation, etc.)

(1) A person who commits any of the crimes of Articles 287 through 289, thereby killing a victim of such crime, shall be punished by death or imprisonment for life or for at least seven years.

(2) A person who commits any of the crimes of Articles 287 through 289, thereby causing the death of a victim of such crime, shall be punished by imprisonment for life or for at least five years.

Article 292 (Receiving, Harboring, etc. of Person Kidnapped, Abducted, Trafficked, or Transported)

(1) A person who receives or harbors a victim of any of the crimes of Articles 287 through 289, shall be punished by imprisonment for not more than seven years.

(2) The preceding paragraph shall apply to a person who recruits, transfers or delivers another with the intent to commit any of the crimes of Articles 287 through 289.

Article 293 Deleted. <by Act No. 11731, Apr. 5, 2013>

Article 294 (Attempts)

Attempts to commit any of the crimes of Articles 287 through 289 and Articles 290 (1), 291 (1) and 292 (1) shall be punished.

Article 295 (Concurrent Imposition of Fines)

In regard to the crimes of Articles 288 through 291 and Article 292 (1) and the attempts to commit these crimes, a fine not exceeding fifty million won may be concurrently imposed.

Article 295-2 (Mitigation of Punishment)

If a person who has committed any of the crimes of Articles 287 through 290 and Articles 292 and 294 releases the victim to a safe place, the punishment may be mitigated.

Article 296 (Preparations or Conspiracies)

A person who makes preparations or conspires with the intent to commit any of the crimes of Articles 287 through 289 and Articles 290 (1), 291 (1) and 292 (1), shall be punished by imprisonment for not more than three years.

Article 296-2 (Universality)

Articles 287 through 292 and Article 294 shall apply to aliens who commit any of the crimes in these Articles outside the territory of the Republic of Korea.

CHAPTER XXXII CRIMES CONCERNING RAPE AND INFAMOUS CONDUCT

Article 297 (Rape)

A person who, by means of violence or intimidation, has sexual intercourse with another shall be punished by imprisonment for a limited term of at least three years. <Amended by Act No. 11574, Dec. 18, 2012>

Article 297-2 (Imitative Rape)

A person who, by means of violence or intimidation, inserts his/her sexual organ into another's bodily part (excluding a genital organ), such as mouth or anus, or inserts his/her finger or other bodily part (excluding a genital organ) or any instrument into another's genital organ or anus shall be punished by imprisonment for a limited term of at least two years.

Article 298 (Indecent Act by Compulsion)

A person who, through violence or intimidation, commits an indecent act on another shall be punished by imprisonment for not more than ten years or by a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 299 (Quasi-Rape, Quasi-Indecent Act by Compulsion)

A person who has sexual intercourse with another or commits an indecent act on another by taking advantage of the other's condition of unconsciousness or inability to resist shall be punished in accordance with Article 297, 297-2, or 298. *<Amended by Act No. 11574, Dec. 18, 2012>*

Article 300 (Attempts)

Attempts to commit any of the crimes of Articles 297, 297-2, 298 and 299 shall be punished. *<Amended by Act No. 11574, Dec. 18, 2012>*

Article 301 (Inflicting or Causing Another's Bodily Injury by Rape, etc.)

A person who commits any of the crimes of Articles 297, 297-2, and 298 through 300, thereby inflicting or causing the injury of a victim of such crime, shall be punished by imprisonment for life or for at least five years. *<Amended by Act No. 11574, Dec. 18, 2012>*

Article 301-2 (Killing Another or Causing Death of Another by Rape, etc.)

A person who commits any of the crimes of Articles 297, 297-2, and 298 through 300 and kills a victim of such crime shall be punished by death or imprisonment for life. If the commission of such crime results in the death of the victim, the perpetrator shall be punished by imprisonment for life or for at least ten years. *<Amended by Act No. 11574, Dec. 18, 2012>*

Article 302 (Sexual Intercourse with Minor, etc.)

A person who, through fraudulent means or by the threat of force, has sexual intercourse or commits an indecent act on a minor or feeble-minded person, shall be punished by imprisonment for not more than five years.

Article 303 (Sexual Intercourse by Abuse of Occupational Authority, etc.)

(1) A person who, by means of fraud or by the threat of authority, has sexual intercourse with another who is under his or her protection or supervision for his or her business, employment or other relationship, shall be punished by imprisonment for not more than five years, or by a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995; Act No. 11574, Dec. 18, 2012>*

(2) A person who has sexual intercourse with another held in his or her custody according to an Act shall be punished by imprisonment for not more than seven years. *<Amended by Act No. 11574, Dec. 18, 2012>*

Article 304 Deleted. *<by Act No. 11574, Dec. 18, 2012>*

Article 305 (Sexual Intercourse or Indecent Acts with Minor)

A person who has sexual intercourse with another who is under thirteen years of age or commits an indecent act on such person shall be punished under Article 297, 297-2, 298, 301, or 301-2. *<Amended by Act No. 5057, Dec. 29, 1995; Act No. 11574, Dec. 18, 2012>*

Article 305-2 (Habitual Offenders)

A person who habitually commits any of the crimes of Articles 297, 297-2, 298 through 300, 302, 303, and 305 shall be punished by aggravating the penalty by up to one half of the penalty specified for the crime committed. *<Amended by Act No. 11574, Dec. 18, 2012>*

Article 306 Deleted. *<by Act No. 11574, Dec. 18, 2012>*

CHAPTER XXXIII CRIMES AGAINST REPUTATION

Article 307 (Defamation)

(1) A person who defames another by publicly alleging facts shall be punished by imprisonment or imprisonment without prison labor for not more than two years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) A person who defames another by publicly alleging false facts shall be punished by imprisonment for not more than five years, suspension of qualifications for not more than ten years, or a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 308 (Defamation of Dead Person)

A person who defames a dead person by publicly alleging false facts shall be punished by imprisonment without prison labor for not more than two years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 309 (Defamation through Printed Materials)

(1) A person who commits the crime of Article 307 (1), by means of newspaper, magazine, radio, or other publication with intent to defame another, shall be punished by imprisonment or imprisonment without prison labor for not more than three years or by a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) A person who commits the crime of Article 307 (2), by the method described in paragraph (1), shall be punished by imprisonment for not more than seven years or suspension of qualifications for not more than ten years, or a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 310 (Justification)

If the facts alleged under Article 307 (1) are true and solely for the public interest, the act shall not be punishable.

Article 311 (Insult)

A person who publicly insults another shall be punished by imprisonment or imprisonment without prison labor for not more than one year or by a fine not exceeding two million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 312 (Complaint)

(1) The crimes of Articles 308 through 311 shall be prosecuted only upon complaint. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The crimes of Articles 307 through 309 shall not be prosecuted over the express objection of the victim. *<Amended by Act No. 5057, Dec. 29, 1995>*

CHAPTER XXXIV CRIMES AGAINST CREDIT, BUSINESS AND AUCTION

Article 313 (Injuring Credit)

A person who injures the credit of another by circulating false facts or through fraudulent means, shall be punished by imprisonment for not more than five years or by a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 314 (Interference with Business)

(1) A person who interferes with the business of another by the method of Article 313 or by the threat of force, shall be punished by imprisonment for not more than five years or by a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) Any person who interferes with another person's business by damaging or destroying any data processor, such as computer, or special media records, such as electromagnetic records, or inputting false information or improper order into the data processor, or making any impediment in processing any data by other way, shall also be subject to the same punishment as referred to in paragraph (1). *<Added by Act No. 5057, Dec. 29, 1995>*

Article 315 (Interference with Auction or Bidding)

A person who interferes with the impartial conduct of an auction or a bid through fraudulent means or by the threat of force or by other means, shall be punished by imprisonment for not more than two years or by a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

CHAPTER XXXV CRIMES OF VIOLATION OF SECRECY

Article 316 (Violation of Secrecy)

(1) A person who opens a sealed or other secretly composed letter, document, or drawing shall be punished by imprisonment or imprisonment without prison labor for not more than three years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) Any person who detects the contents of another person's sealed or secretly designed letter, document, drawing, picture, or special media records, such as electromagnetic records, using any technical means, shall be subject to the same punishment as referred to in paragraph (1). *<Added by Act No. 5057, Dec. 29, 1995>*

Article 317 (Occupational Disclosure of Other's Secrets)

(1) A doctor, dentist, herb doctor, pharmacist, druggist, midwife, lawyer, patent attorney, certified public accountant, notary, scrivener or his assistant or any person formerly engaged in such profession who discloses another's secret which has come to his knowledge in the course of the practice of his profession, shall be punished by imprisonment or imprisonment without prison labor for not more than three years, suspension of qualifications for not more than ten years or a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995; Act No. 5454, Dec. 13, 1997>*

(2) The preceding paragraph shall apply to a person of a religious profession who discloses another's secret which he has learned in the performance of his duties.

Article 318 (Complaint)

The crimes of this Chapter shall be prosecuted upon complaint. *<Amended by Act No. 5057, Dec. 29, 1995>*

CHAPTER XXXVI CRIMES OF INTRUSION UPON A HUMAN HABITATION

Article 319 (Intrusion upon Habitation, Refusal to Leave)

(1) A person who intrudes upon a one's residence, guarded building, structure or ship or occupied room, shall be punished by imprisonment for not more than three years or by a fine not exceeding five million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who refuses to leave such a place upon demand as specified in the preceding paragraph.

Article 320 (Special Intrusion upon Human Habitation)

A person who commits the crimes of the preceding Article through the threat of collective force, or by carrying a dangerous weapon, shall be punished by imprisonment for not more than five years.

Article 321 (Illegal Search of Human Habitation and Body)

A person who illegally searches another's body or one's habitation, guarded building, structure, automobile, ship, aircraft or occupied room, shall be punished by imprisonment for not more than three years. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 322 (Attempts)

Attempts to commit any crime of this Chapter shall be punished.

CHAPTER XXXVII CRIMES OF OBSTRUCTING ANOTHER FROM EXERCISING HIS RIGHT

Article 323 (Obstructing Another from Exercising One's Right)

A person who carries away, conceals, destroys or damages his own property, or special media records, such as electromagnetic records, etc., which is possessed by another or is subject to another's right, thereby obstructing the latter from exercising ones right, shall be punished by imprisonment for not more than five years or by a fine not exceeding seven million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 324 (Coercion)

A person who obstructs another from exercising his right by violence or intimidation, or coerces one to do any unobliged work, shall be punished by imprisonment for not more than five years. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 324-2 (Coercion by Hostage)

A person who arrests or confines another or obtains or maintains another under the control of his/hers as hostage by use of force or by enticement and interferes with the exercise of a right by a third person or

force a third person to do any work the third party is not obliged to do shall be punished by imprisonment for a limited term of at least three years.

Article 324-3 (Injury by Hostage)

If a person who has committed the crime as prescribed in Article 324-2, injures the hostage, or making the hostage injured, the person shall be punished by imprisonment for life or five or more years.

Article 324-4 (Murder of Hostage, etc.)

If a person who has committed the crime as prescribed in Article 324-2, murders the hostage, the person shall be punished by death or imprisonment for life. If it results in the death, he shall be punished by imprisonment for life or ten or more years.

Article 324-5 (Attempts)

Attempts to commit any crime of Articles 324 through 324-4 shall be punished.

Article 324-6 (Mitigation of Punishment)

If a person who has committed the crime as prescribed in Article 324-2 or 324-3, or who has attempt the crime, releases the hostage to a safe place, the punishment may be mitigated.

Article 325 (Forcible or Quasi-Forcible Taking)

(1) A person who forcibly takes his or her own property from another's possession by violence or intimidation, shall be punished by imprisonment for not more than seven years or suspension of qualifications for not more than ten years.

(2) The preceding paragraph shall apply to a person who takes his or her own property from another's possession and uses violence or intimidation in order to resist their recovery, to escape arrest or to obliterate a trace of the crime.

(3) Attempts to commit any crime of the preceding two paragraphs shall be punished.

Article 326 (Aggravated Obstruction)

A person who endangers another's life by committing the crimes as prescribed in Article 324 or 325, shall be punished by imprisonment for not more than ten years. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 327 (Evasion of Execution)

A person who, for the purpose of evading execution, conceals, destroys, damages, fraudulently transfers or encumbers his property, thereby causing a loss to ones creditor, shall be punished by imprisonment for not more than three years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 328 (Crimes and Complaints among Relatives)

(1) When the crime of Article 323 is committed against lineal blood relatives of the offender, the spouse, relatives living together, family members living together or their spouses, punishment therefor shall be remitted. *<Amended by Act No. 7427, Mar. 31, 2005>*

(2) When the crime of Article 323 is committed against relatives other than those in paragraph (1), the prosecution shall be instituted only upon complaint. *<Amended by Act No. 5057, Dec. 29, 1995>*

(3) The preceding paragraph shall not apply to an accomplice who is not a relative within the meaning of the preceding two paragraphs.

CHAPTER XXXVIII CRIMES OF LARCENY AND ROBBERY

Article 329 (Larceny)

A person who steals another's property shall be punished by imprisonment for not more than six years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 330 (Compound Larceny)

A person who steals another's property by trespassing upon residence, guarded dwelling house, structure or ship or occupied room at night, shall be punished by imprisonment for not more than ten years.

Article 331 (Special Larceny)

(1) A person who steals another's property by trespassing at night upon the places specified in the preceding Article after destroying or damaging the gate, the wall or a part of the structure, shall be punished by imprisonment for at least one year up to ten years.

(2) The preceding paragraph shall apply to a person who steals another's property, armed with a deadly weapon or accompanied by one or more persons.

Article 331-2 (Unlawful Use of Automobile, etc.)

Any person who uses temporarily another person's automobile, ship, air craft or motor-equipped bicycle, without consent of the person having the right to it, shall be punished by imprisonment for not more than three years. fine not exceeding five million won, detention or a minor fine.

Article 332 (Habitual Crimes)

A person who habitually commits the crimes under Articles 329 through 331-2, shall be punished by aggravating by up to one half of the penalty specified in the relevant crime. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 333 (Robbery)

A person who forcibly takes another's property or obtains pecuniary advantage from another or causes a third person to do so through violence or intimidation, shall be punished by limited imprisonment for at least three years.

Article 334 (Special Robbery)

(1) A person who commits the crime as prescribed in Article 333 by trespassing upon a human habitation, managed building, structure, ship or aircraft or occupied room at night, shall be punished by imprisonment for life or at least five years. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The above paragraph shall apply to a person who commits the crime of the preceding Article, armed with a deadly weapon, or accompanied by one or more persons.

Article 335 (Quasi-Robbery)

A thief who uses violence or intimidation in order to resist recovery of stolen property, to escape arrest or to obliterate a trace of the crime, shall be punished in accordance with the preceding two Articles.

Article 336 (Robbery by Hostage)

A person who arrests or confines another or obtains or maintains another under the control of his or hers as hostage by use of force or by enticement and acquires any property or economic benefits or has a third person acquire them shall be punished by imprisonment for a limited term of at least three years.

Article 337 (Bodily Injury resulting from Robbery)

A robber who injures another or causes injury to another, shall be punished by imprisonment for life or at least seven years. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 338 (Murder, etc. by Robbery)

If a robber murders another person, he shall be punished by death or imprisonment for life. If it results in the death, one shall be punished by imprisonment for life or ten or more years.

Article 339 (Robbery and Rape)

A robber who commits rape in the course of robbery shall be punished by imprisonment for life or for at least ten years. *<Amended by Act No. 11574, Dec. 18, 2012>*

Article 340 (Piracy)

(1) A person who, through the threat of collective force in the sea, forcibly seizes a ship or forcibly takes another's property after intruding upon a ship, shall be punished by imprisonment for life or for at least

seven years.

(2) A person who commits the crime of paragraph (1), thereby inflicting or causing injury to another, shall be punished by imprisonment for life or for at least ten years. *<Amended by Act No. 5057, Dec. 29, 1995>*

(3) A person who commits the crime of paragraph (1), thereby killing another or causing another person's death or committing rape, shall be punished by death or by imprisonment for life. *<Amended by Act No. 5057, Dec. 29, 1995; Act No. 11574, Dec. 18, 2012>*

Article 341 (Habitual Crimes)

A person who habitually commits the crimes specified in Article 333, 334, 336 or paragraph (1) of the preceding Article shall be punished by imprisonment for life or for at least ten years.

Article 342 (Attempts)

A person who attempts to commit any crime of Articles 329 through 341 shall be punished.

Article 343 (Preparations or Conspiracies)

A person who makes preparations or conspires with the intent to commit robbery shall be punished by imprisonment for not more than seven years.

Article 344 (Crimes Among Relatives)

The provisions of Article 328 shall apply mutatis mutandis to the crimes of Articles 329 through 332 and attempts thereof.

Article 345 (Concurrent Imposition of Suspension of Qualifications)

When limited imprisonment is to be imposed on a person who commits the crimes of this Chapter, the suspension of qualifications may be concurrently imposed.

Article 346 (Energy)

In regard to the crimes of this Chapter, energy which is subject to human control shall be deemed to be property.

CHAPTER XXXIX CRIMES OF FRAUD AND EXTORTION

Article 347 (Fraud)

(1) A person who defrauds another, thereby taking property or obtaining pecuniary advantage from another, shall be punished by imprisonment for not more than ten years or by a fine not exceeding twenty million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who, by the methods of the preceding paragraph, causes a third person to take property or to obtain pecuniary advantage from the latter.

Article 347-2 (Fraud by Use of Computer, etc.)

Any person who acquires any benefits to property or has a third person acquire them, by making any data processed after inputting a false information or improper order, or inputting or altering the data without any authority into the data processor, such as computer, etc., shall be punished by imprisonment for not more than ten years, or a fine not exceeding twenty million won.

Article 348 (Quasi-Fraud)

(1) A person who, by taking advantage of the inexperience of a minor or the mental disorders of another, takes property or obtains pecuniary advantage from the latter, shall be punished by imprisonment for not more than ten years or by a fine not exceeding twenty million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who, by the methods of the preceding paragraph, causes a third person to take property or to obtain pecuniary advantage from the latter.

Article 348-2 (Unlawful Use of Facilities for Convenience)

Any person who acquires any property or benefits to property using any automatic vending machine, public telephone or other pay automatic equipment, without paying the price, by an unlawful way, shall be punished by imprisonment for not more than three years, or a fine not exceeding five million won, detention or a minor fine.

Article 349 (Unjustifiable Profit)

(1) A person who makes unjustifiable profits by taking advantage of the needy condition of another, shall be punished by imprisonment for not more than three years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who, by the methods of the preceding paragraph, causes a third person to make unjustifiable profits.

Article 350 (Extortion)

(1) A person who, by extortion, causes another to surrender his property or obtains pecuniary advantage from the latter, shall be punished by imprisonment for not more than ten years or by a fine not exceeding twenty million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who, by the methods of the preceding paragraph, causes a third person to obtain a surrender of such person's property or to obtain pecuniary advantage from the latter.

Article 351 (Habitual Crimes)

A person who habitually commits the crimes of Articles 347 through 350, shall be punished by increasing one half of the penalty specified in the relevant crime.

Article 352 (Attempts)

Attempts to commit any crime of Articles 347 through 348-2, 350 and 351 shall be punished.

Article 353 (Concurrent Imposition of Suspension of Qualifications)

In regard to the crimes of this Chapter, suspension of qualifications for not more than ten years may be concurrently imposed.

Article 354 (Crimes among Relatives, Energy)

The provisions of Articles 328 through 346 shall apply mutatis mutandis to the crimes of this Chapter.

CHAPTER XL CRIMES OF EMBEZZLEMENT AND BREACH OF TRUST

Article 355 (Embezzlement and Breach of Trust)

(1) A person who, having the custody of another's property, embezzles or refuses to return it, shall be punished by imprisonment for not more than five years or by a fine not exceeding fifteen million won.

<Amended by Act No. 5057, Dec. 29, 1995>

(2) The preceding paragraph shall apply to a person who, administering another's business, obtains pecuniary advantage or causes a third person to do so from another in violation of ones duty, thereby causing loss to such person.

Article 356 (Occupational Embezzlement, Occupational Breach of Trust)

A person who commits the crime as prescribed in Article 355 in violation of the duties of ones occupation, shall be punished by imprisonment for not more than ten years or by a fine not exceeding thirty million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 357 (Receiving or Giving Bribe by Breach of Trust)

(1) A person who, administering another's business, receives property or obtains pecuniary advantage from a third person in response to an illegal solicitation concerning his duty, shall be punished by imprisonment for not more than five years or by a fine not exceeding ten million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) A person who gives the property or pecuniary advantage as specified in paragraph (1), shall be punished by imprisonment for not more than two years or by a fine not exceeding five million won.

<Amended by Act No. 5057, Dec. 29, 1995>

(3) The property mentioned in paragraph (1) which has been obtained by the offender shall be confiscated. When confiscation is impossible or pecuniary advantage has been obtained, the equivalent price thereof shall be collected.

Article 358 (Concurrent Imposition of Suspension of Qualifications)

In regard to the crimes of the preceding three Articles, suspension of qualifications for not more than ten years may be concurrently imposed.

Article 359 (Attempts)

Attempts to commit any crime of Articles 355 through 357 shall be punished.

Article 360 (Embezzlements of Lost Articles)

(1) A person who wrongfully appropriates lost articles, driftage, or any other property of which possession has been lost, shall be punished by imprisonment for not more than one year or a fine not exceeding three million won or a minor fine. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who appropriates buried articles.

Article 361 (Crimes among Relatives, Energy)

The provisions of Articles 328 and 346 shall apply mutatis mutandis to the crimes of this Chapter.

Article 362 (Acquiring Stolen Property, Aiding, etc.)

(1) A person who acquires, transports or takes custody of stolen property, shall be punished by imprisonment for not more than seven years or by a fine not exceeding fifteen million won. *<Amended by Act No. 5057, Dec. 29, 1995>*

(2) The preceding paragraph shall apply to a person who aids in the crime of the preceding paragraph.

Article 363 (Habitual Crimes)

(1) A person who habitually commits the crimes specified in the preceding Article shall be punished by imprisonment for at least one year up to ten years.

(2) In regard to paragraph (1), suspension of qualifications for not more than ten years or a fine not exceeding fifteen million won may be concurrently imposed. *<Amended by Act No. 5057, Dec. 29, 1995>*

Article 364 (Occupational Negligence, Gross Negligence)

A person who commits the crimes of Article 362 through occupational negligence or gross negligence shall be punished by imprisonment for not more than one year or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 365 (Crimes among Relatives)

(1) The provisions of Article 328 shall apply mutatis mutandis to the case where there is such a relationship as specified in, Article 328 (1) and (2) between the person who commits any of the crimes of the preceding three Articles and the victim.

(2) When there is such a relationship as specified in Article 328 (1) between the person who commits any of the crimes of the preceding three Articles and the original criminal, the punishment may be mitigated or remitted: Provided, That these provisions shall not apply to an accomplice who lacks such a relationship.

CHAPTER XLII CRIMES OF DESTRUCTION AND DAMAGE

Article 366 (Destruction and Damage, etc. of Property)

A person who, by destroying, damaging, or concealing another's property document or special media records, such as electromagnetic records, etc., or by any other means, reduces their utility, shall be punished by imprisonment for not more than three years or by a fine not exceeding seven million won.

<Amended by Act No. 5057, Dec. 29, 1995>

Article 367 (Destruction of Structure for Public Use)

A person who destroys a structure being used for the public interest, shall be punished by imprisonment for not more than ten years or by a fine not exceeding twenty million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 368 (Aggravated Destruction and Damage)

(1) A person who commits any crime of the preceding two Articles, thereby endangering another's life or limb, shall be punished by imprisonment for at least one year up to ten years.

(2) A person who commits any crime of Article 366 or 367 to injure another person shall be punished by imprisonment for a limited term of at least one year. If it results in death, the perpetrator shall be punished by imprisonment for a limited term of at least three years. <Amended by Act No. 5057, Dec. 29, 1995>

Article 369 (Special Destruction and Damage)

(1) A person who commits the crime of Article 366 through the threat of collective force or by carrying a dangerous weapon, shall be punished by imprisonment for not more than five years, or by a fine not exceeding ten million won. <Amended by Act No. 5057, Dec. 29, 1995>

(2) A person who commits the crime of Article 367 by the methods paragraph (1) shall be punished by limited imprisonment for at least one year or by a fine not exceeding twenty million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 370 (Trespassing Boundary)

A person who, by destroying, damaging, altering, or removing a boundary sign or by any other methods, obliterates a boundary line of land, shall be punished by imprisonment for not more than three years or by a fine not exceeding five million won. <Amended by Act No. 5057, Dec. 29, 1995>

Article 371 (Attempts)

Attempts to commit any crime of Articles 366, 367 and 369 shall be punished.

Article 372 (Energy)

Article 346 shall apply mutatis mutandis to the crimes of this Chapter.

ADDENDA

Article 1 (Previous Criminal Act, Other Acts and Subordinate Statutes and Relative Gravity of Punishment)

The relative severity between punishments provided by this Act including Acts and subordinate statutes (hereinafter referred to as "other new Acts and subordinate statutes") enforced after this Act comes into effect, and the previous Criminal Act (hereinafter referred to as the "Previous Criminal Act") Code including Acts and subordinate statutes, proclamation (hereinafter referred to as "other repealed Acts and subordinate statutes") repealed by this Act as well as Acts and subordinate statutes, and proclamation (hereinafter referred to as "other existing Acts and subordinate statutes") prior existing Act presently in force, shall be determined by Article 50.

Article 2 (Comparison of Different Kinds of Punishment)

- (1) The comparison of relative severity of punishment for crimes committed before the enforcement of this Act shall be determined by the maximum period of confinement or the maximum fine.
- (2) When the relative severity cannot be determined by the maximum period of confinement or the maximum fine, it shall be determined by the minimum period of confinement or a fine.
- (3) If it is impossible to determine the relative severity of penalty by reference to the preceding two paragraphs, the penalty which provides other punishment to be concurrently imposed shall be deemed to be the gravest and the penalty which has other punishment to be made optional shall be deemed to be the next gravest.
- (4) Increase or reduction of penalty, if any, shall be made in accordance with previous Act or this Act before comparison of penalty provided in the preceding three paragraphs is made.

Article 3 (Application of Most Favorable Act to Criminal)

In regard to the crimes committed before the enforcement of this Act, the Act which is more favorable to the offender shall be applied even though it has no connection with the relative gravity of the penalty.

Article 4 (Application of Previous and New Act to One Crime)

(1) If a crime is committed before and after the enforcement of this Act, it shall be deemed to have been committed before the enforcement of this Act.

(2) If continuing crime or a connected crime begins before and extends after the enforcement of this Act, the Act which was in effect before the enforcement of this Act shall be deemed to be the one violated.

Article 5 (Limited Application of Punishment concerning Qualification)

In regard to the crime committed before the enforcement of this Act, Article 43 shall not be applicable even if this Act or other new Acts and subordinate statutes are applicable.

Article 6 (Application of New Act to Concurrent Crime)

When several crimes committed before the enforcement of this Act or crimes committed after the enforcement of this Act together with prior offenses constitute a concurrent crime, the provisions of this Act referring to concurrent crime shall apply.

Article 7 (Effect of Punishment)

The punishment provided by the previous Criminal Act, other repealed Acts and subordinate statutes, or existing Acts and subordinate statutes shall have the same effect as provided by this Act.

Article 8 (Application of General Rules)

(1) The provision of this Act shall apply to the crimes committed before the enforcement of this Act, regarding the determination of punishment, execution of the punishment, suspension of imposition of sentence, suspension of execution of sentence, exemption of punishment, prescription or extinction. The same shall apply to the repeated crimes and provisional release.

(2) The penalty pronounced before the enforcement of this Act, the suspension of execution of sentence or the effect of provisional release shall follow the relevant provisions of this Act as long as extinction has not occurred.

(3) In the preceding two paragraphs, the provisions of proviso of Articles 49, 58 (1) and 63, and the proviso of Articles 69 (1), Article 74 and the provisions concerning prescription of confiscation or additional collection shall not be applicable.

Article 9 (Quotation of Article from Old Criminal Act)

Articles of the previous Criminal Act quoted in other existing Acts and subordinate statutes shall be regarded as changed to the corresponding Articles of this Act.

Article 10 (Acts to be Repealed)

The following Acts, proclamations, or Acts and subordinate statutes in force just prior to the enforcement of this Act are hereby repealed:

1. Previous Criminal Act;
2. Act for enforcement of the previous Criminal Act;
3. Penal Provision of Control of Explosives;
4. Act concerning Counterfeit, Alteration, or Imitation of Coin or Bank notes Circulated Abroad;
5. The provision of Articles 48 and 55 (1) relating to "attempts of offenses as mentioned in Article 48" and the provision of Articles 55 (2), 55-2 and 55-3 of the Postal Service Act;
6. Act for Punishment in relation to Revenue Stamps;
7. Act on Imitation of Currency and Securities;
8. Matters concerning Duels;
9. Act relating to Punishment for Act of Violence, etc.;
10. Act concerning prevention of and Dealing with Theft, Robbery, etc.;
11. USAMGIK Ordinance No. 70 (Sale of Females Prohibited);
12. USAMGIK Ordinance No. 120 (Increase of Fine and the Right of Jurisdiction, etc. of Special Judicial Officer);
13. USAMGIK Ordinance No. 172 (Ordinance for Parole of Prisoners); and
14. USAMGIK Ordinance No. 208 (Crimes for Disobedience, Piracy and others).

Article 11 (Date of Enforcement)

This Act shall enter into force on October 3, 4286 Dangi (1953 A.D.).

ADDENDUM <Act No. 2745, Mar. 25, 1975>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 4040, Dec. 31, 1988>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 5057, Dec. 29, 1995>

Article 1 (Date of Enforcement)

This Act shall enter into force on July. 1, 1996 : Provided, That the revised provisions of Articles 59-2, 61 (2), 62-2, 64 (2), 73-2 (2), and matters of the revised provisions of Article 75 concerning the probation, shall enter into force on January 1, 1997.

Article 2 (Examples of General Application)

This Act shall also apply to any crimes as prescribed by the previous Criminal Act and committed before this Act enters into force: Provided, That this shall not apply in case where the previous provisions are favorable to the offender.

Article 3 (Transitional Measures concerning Single Act)

If a single act is performed before and after the enforcement of this Act, it shall be considered to have been performed after this Act enters into force.

Article 4 (Transitional Measures concerning Punishment)

Any person who is sentenced to any punishment pursuant to the provisions of the previous Criminal Act before this Act enters into force, shall be considered to have been sentenced to the punishment under this Act. The same shall also apply in case where he is sentenced to a stay of execution or is subject to a stay of sentence.

Article 5 (Relation with Other Acts and Subordinate Statutes)

In case where other Acts and subordinate statutes cite the provisions (including the subtitles of Chapters) of the previous Criminal Act, at the time this Act enters into force, if the provisions corresponding to them are included in this Act, such corresponding provisions of this Act shall be considered to have been cited in lieu of previous provisions.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDUM <Act No. 6543, Dec. 29, 2001>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 7077, Jan. 20, 2004>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 7427, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That ...

Articles 2 through 7 Omitted.

ADDENDA <Act No. 7623, Jul. 29, 2005>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Applicability) This Act shall apply also to the crimes committed before this Act enters into force: Provided, That the same shall not apply in cases where the application of the previous provisions is more

favorable to the doer.

ADDENDA <Act No. 10259, Apr. 15, 2010>

- (1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 305-2 shall enter into force on the date of its promulgation.
- (2) (Applicability to Requirements for Parole) The amended provisions of Article 72 (1) shall also apply to persons in prison as at the time this Act enters into force.

ADDENDA <Act No. 11574, Dec. 18, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Abolition of Crimes Prosecutable Only upon Complaint)

The amended provisions of Articles 296 and 306 shall apply, from the first crime committed on or after the date this Act enters into force.

Article 3 Omitted.

ADDENDA <Act No. 11731, Apr. 5, 2013>

Article 1 (Enforcement Date)

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

Article 2 Omitted.

Article 3 (Relation with other Acts and Subordinate Statutes)

A citation of a provision of the former Criminal Act by any other Act or subordinate statute in force as at the time this Act enters into force shall be deemed a citation of the relevant provision of this Act in lieu of the former provision, if such relevant provision exists herein.

Last updated : 2013-09-24