

JUVENILE PROTECTION ACT

Act No. 5297, Mar. 7, 1997
Amended by Act No. 5529, Feb. 28, 1998
Act No. 5817, Feb. 5, 1999
Act No. 5942, Mar. 31, 1999
Act No. 6146, Jan. 12, 2000
Act No. 6261, Feb. 3, 2000
Act No. 6460, Apr. 7, 2001
Act No. 6479, May 24, 2001
Act No. 6721, Aug. 26, 2002
Act No. 7161, Jan. 29, 2004
Act No. 7187, Mar. 11, 2004
Act No. 7292, Dec. 31, 2004
Act No. 7423, Mar. 24, 2005
Act No. 7799, Dec. 29, 2005
Act No. 7800, Dec. 29, 2005
Act No. 7849, Feb. 21, 2006
Act No. 7943, Apr. 28, 2006
Act No. 8877, Feb. 29, 2008
Act No. 9785, Jul. 31, 2009
Act No. 9932, Jan. 18, 2010

CHAPTER Ⅹ GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to regulate the distribution of harmful media materials and drugs, etc. among juveniles and their access to harmful entertainment establishments, and protect and rescue them from the injurious environment including harmful acts such as the abuse of and violence against them in order to help juveniles grow into the persons of sound character. <Amended by Act No. 5817, Feb. 5, 1999>

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 5817, Feb. 5, 1999; Act No. 5942, Mar. 31, 1999; Act No. 6146, Jan. 12, 2000; Act No. 6460, Apr. 7, 2001; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004; Act No. 7292, Dec. 31, 2004; Act No. 7423, Mar. 24, 2005; Act Nos. 7799 & 7800, Dec. 29, 2005; Act No. 7943, Apr. 28, 2006; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. The term “juvenile” means any person below full 19 years old: Pro-

JUVENILE PROTECTION ACT

vided, That any person who faces with January 1 of the year in which he/she becomes full 19 years old shall be excluded;

2. The term “media materials” means the materials falling under any of subparagraphs of Article 7;
3. The term “media materials harmful to juveniles” means the materials falling under any of the following items:
 - (a) Media materials which the Minister of Gender Equality and Family puts on public notice after the Juvenile Protection Committee decides and confirms as harmful to juveniles under the provisions of Articles 8 and 12;
 - (b) Media materials which deliberative organs resolve or decide (hereinafter referred to as the “decision”) as harmful to juveniles and then the Minister of Gender Equality and Family puts on public notice under the provisions of the proviso to Article 8 (1) or the Minister of Gender Equality and Family confirms as harmful to juveniles and puts on public notice under the provisions of Article 12;
4. The term “drugs, etc. harmful to juveniles” means the drugs (hereinafter referred to as “drugs harmful to juveniles”) falling under the following item (a) (☒) through (☒), which are identified as harmful to juveniles, and materials (hereinafter referred to as “materials harmful to juveniles”) falling under the following item (b) (☒) or (☒), which are identified as harmful to juveniles:
 - (a) Drugs harmful to juveniles:
 - (☒) Alcoholic liquors under the Liquor Tax Act;
 - (☒) Cigarettes under the Tobacco Business Act;
 - (☒) Narcotics under the Act on the Control of Narcotics, etc.;
 - (☒) and (☒) Deleted; *<by Act No. 6146, Jan. 12, 2000>*
 - (☒) Hallucinogen under the Toxic Chemicals Control Act; and
 - (☒) Drugs which are feared to seriously damage juveniles mentally and physically unless their use is restricted, such as other drugs which act on the central nerve to cause the habit, toxicity and tolerance, etc., harmfully affecting human bodies, and which the Minister of Gender Equality and Family puts on public notice after the Juvenile Protection Committee identifies after hearing the opinions from the related agencies pursuant to the standards as prescribed by Presidential Decree;

(b) Materials harmful to juveniles:

(☒) The sex-related materials, such as sex apparatus, which inspire juveniles to act lasciviously and the Minister of Gender Equality and Family puts on public notice after the Juvenile Protection Committee identifies as materials which are feared to seriously damage juveniles mentally and physically unless their use is restricted according to the standards set by Presidential Decree;

(☒) Toys, etc. which foster the lasciviousness, violence, cruelty and speculation, etc. among juveniles and the Minister of Gender Equality and Family puts on public notice after the Juvenile Protection Committee identifies as materials which are feared to seriously damage juveniles mentally and physically unless their use is restricted according to the standards set by the Presidential Decree;

5. The term “entertainment establishments harmful to juveniles” means the establishments falling under any of the following item (a) (hereinafter referred to as “establishments banned from employing juveniles or giving them access”), which are identified as harmful to juveniles if they are given access or employed and other establishments falling under any of the following item (b) (hereinafter referred to as “establishments banned from employing juveniles”), which are identified as permitted to give juveniles access but as banned from employing them. In this case, business actually performed by them shall be the standards for classifying the establishments regardless of their license, permission, registration and report which are required by other Acts and subordinate statutes:

(a) Establishments banned from employing juveniles or giving them access:

(☒) Restaurants prescribed by Presidential Decree among the restaurants under the Food Sanitation Act;

(☒) Establishments prescribed by Presidential Decree among video-show establishments under the Promotion of the Motion Pictures and Video Products Act and song-practice establishments under the Music Industry Promotion Act;

(☒) Dance-teaching establishments and dance establishments under

JUVENILE PROTECTION ACT

- the Installation and Utilization of Sports Facilities Act;
- (☒) Speculative business establishments under the Act on Special Cases concerning Regulation and Punishment of Speculative Acts, etc.;
 - (☒) Business with such principal purposes as intermediating the mutual voice conversations or voice and video conversations between the unspecified persons by equipping itself with telecommunications facilities: *Provided*, That the business which intermediates the communications under other Acts, such as the Telecommunications Business Act shall be excluded; and
 - (☒) Business identified harmful to juveniles if they are given access to or employed thereby, such as the business of manufacturing, producing and distributing the media materials harmful to juveniles, drugs harmful to juveniles and materials harmful to juveniles, and which the Minister of Gender Equality and Family puts on public notice after the Juvenile Protection Committee identifies pursuant to the standards set by Presidential Decree;
- (b) Establishments banned from employing juveniles:
- (☒) Restaurants prescribed by Presidential Decree among restaurants under the Food Sanitation Act;
 - (☒) Lodging establishments, barbershops and public bathhouses prescribed by Presidential Decree among business establishments under the Public Health Control Act;
 - (☒) Businesses as prescribed by Presidential Decree among the little theater business of showing video products under the Promotion of the Motion Pictures and Video Products Act or game service businesses, game service businesses of complex distribution under the Game Industry Promotion Act;
 - (☒) Deleted; <by Act No. 7161, Jan. 29, 2004>
 - (v) The toxic material business under the Toxic Chemicals Control Act: *Provided*, That the business having no direct relations with a use of toxic material, which is prescribed by Presidential Decree, shall be excluded;
 - (☒) The comic-book rental business renting comic books after collecting membership fees or other charges;

- (☒) The business of manufacturing, producing and distributing media materials harmful to juveniles, drugs harmful to juveniles, and materials harmful to juveniles, and other businesses identified as harmful to juveniles if such businesses employ them, and which the Minister of Gender Equality and Family puts on public notice after the Juvenile Protection Committee identifies pursuant to the standards set by Presidential Decree;
6. The term “distribution” means the act of selling (including street sales, vending machines and communications sales; hereinafter the same shall apply), renting, circulating, broadcasting (including the composite cable broadcasting; hereinafter the same shall apply), showing in performance establishments, screening, exhibiting, displaying, advertising the media materials and drugs or the act of providing the media materials and drugs for the purpose of audio-visual or their utilization or the act of printing, replicating or importing them for that purpose;
7. The term “juvenile violence” means the act of causing physical and mental damages to juveniles through violence.

Article 3 (Family Role and Responsibility)

- (1) Any person who exercises his/her parental power over a juvenile or any other person who cares for a juvenile on behalf of the person having parental power (hereinafter referred to as “person having parental power, etc.”), shall make necessary efforts to keep juveniles from contacting or frequenting the media materials, drugs and establishments which are all harmful to juveniles, and protect them from the juvenile violence and abuse (hereinafter referred to as “environment harmful to juveniles”), and when juveniles intend to use the media materials and drugs harmful to them and visit establishments harmful to them, the person having parental power, etc. shall immediately restrain them from doing so. *<Amended by Act No. 5817, Feb. 5, 1999>*
- (2) Where necessary in making any efforts or restraining under the provisions of paragraph (1), the person having parental power, etc. shall have consultations with the consultation agency and organization, etc. related with the juvenile protection, and when there exist considerable reasons for admitting that there exist concerns over the relevant juveniles may make the runaway from home and misdeed, etc., he/she shall request

JUVENILE PROTECTION ACT

the guidance and control agencies related with the juvenile protection, to render cooperations. *<Newly Inserted by Act No. 7800, Dec. 29, 2005>*

Article 4 (Responsibility of Society)

(1) Anybody shall make efforts to keep juveniles away from the environments harmful to them and when they find any juveniles using the media materials and drugs harmful to them or engaging in violence and abuse, they shall restrain them from doing so and lead them not to do so, and when they find the media materials and drugs harmful to juveniles distributed among them, any juveniles employed by establishments harmful to them and any juveniles suffering violence and abuse, they shall make efforts necessary to protect them by reporting or filing complaints with relevant agencies, etc. under Article 21 (3). *<Amended by Act No. 5817, Feb. 5, 1999>*

(2) Any person who carries on the business of distributing the media materials and drugs harmful to juveniles and any other person who carries on the business of running establishments harmful to juveniles as well as organizations and associations created by them shall make efforts of their own to keep the media materials and drugs harmful to juveniles from distributed among them and establishments harmful to juveniles from employing them and allowing them to frequent such establishments.

Article 5 (Duties of State and Local Governments)

(1) The State shall formulate and implement policies necessary to clean up the environment harmful to juveniles for the purpose of protecting them and local governments shall make efforts necessary to protect the juveniles from the environments harmful to them under their jurisdictional areas.

(2) The State and local governments, keeping the fact in mind that the advent of new kinds of the media materials and drugs following the development of electronics and communications technologies and medicine is feared to damage juveniles physically and mentally, shall make efforts necessary to support the development of new technologies and research projects, and build a cooperative system with other countries to protect juveniles from such media materials and drugs.

(3) The State and local governments may encourage independent activities by juvenile-related organizations and the private sector to monitor the environment harmful to juveniles and file complaints against it and

provide necessary support for such activities. The State and local governments also may reflect recommendations from such organizations and the private sector on shaping relevant policies.

(4) In regulating the environment harmful to juveniles, the State and local governments shall faithfully perform their duties. *<Newly Inserted by Act No. 5817, Feb. 5, 1999>*

Article 6 (Relationship with Other Acts)

In imposing a criminal punishment in relation to the regulation of the environment harmful to juveniles, this Act shall prevail over other Acts.

<Amended by Act No. 5817, Feb. 5, 1999>

CHAPTER Ⅹ REGULATION OF DISTRIBUTION OF MEDIA MATERIALS HARMFUL TO JUVENILES

Article 7 (Scope of Media Materials)

The term “media materials” referred to in this Act means materials falling under any of the following subparagraphs: *<Amended by Act No. 5817, Feb. 5, 1999; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004; Act No. 7423, Mar. 24, 2005; Act No. 7943, Apr. 28, 2006; Act No. 9785, Jul. 31, 2009>*

1. Video products under the Promotion of the Motion Pictures and Video Products Act, game products under the Game Industry Promotion Act and Sound records under the Music Industry Promotion Act;
2. Deleted; *<by Act No. 6479, May 24, 2001>*
3. Movie, play, music, dance, and other entertainment programs under the Public Performance Act and the Promotion of the Motion Pictures and Video Products Act;
4. Encoding, literary words, sound or image information through telecommunications under the Telecommunications Business Act and the Framework Act on Telecommunications;
5. Broadcasting programs under the Broadcasting Act: *Provided*, That report broadcast programs shall be excluded;
6. General daily newspapers (excluding newspapers disseminating reports, comments and public opinions on politics, economy and society), special daily newspapers (excluding newspapers specializing in the fields of economy, industry, science, or religion), general weekly news-

JUVENILE PROTECTION ACT

papers (excluding newspapers specializing in the fields of politics or economy), special weekly newspapers (excluding newspapers specializing in the fields of economy, industry, science, current affairs, or religion) under the Act on the Promotion of Newspapers, etc. and magazines (excluding magazines specializing in the fields of politics, economy, industry, science, current affairs, or religion) under the Act on Promotion of Periodicals, Including Magazines, other publications prescribed by Presidential Decree (hereinafter referred to as “periodicals, etc.”), books, such as comic books, picture albums, pictorials, and novels, etc., electronic publications, and others prescribed by Presidential Decree among publications other than periodicals;

7. Signboards, stand-up signboards, posters, leaflets, and other similar commercial advertisements under the Outdoor Advertisements, etc. Control Act, and commercial advertisements which are contained, inserted, exhibited and included by other means in the media materials under subparagraphs 1 through 6;
8. Other media materials identified by Presidential Decree as feared to damage juveniles mentally and physically.

Article 8 (Deliberation on and Determination of Media Materials Harmful to Juveniles)

(1) The Juvenile Protection Committee shall deliberate on whether any of the media materials referred to in the provisions of Article 7 is harmful to juveniles and, if any of such media materials is identified as harmful to juveniles, the Juvenile Protection Committee shall determine it as media materials harmful to juveniles: *Provided*, That the same shall not apply to the case where there is any other organ authorized to deliberate on the ethics and healthiness of the media materials concerned (hereinafter referred to as “each deliberative organ”) under the provisions of other Acts and subordinate statutes. <Amended by Act No. 7161, Jan. 29, 2004; Act No. 7423, Mar. 24, 2005; Act Nos. 7799 & 7800, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>

(2) Where each deliberative organ fails to deliberate on whether the media materials in question are harmful to juveniles, the Juvenile Protection Committee may, when deemed necessary to protect juveniles, request each deliberative organ to deliberate on the media materials in question. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>

(3) With regard to the media materials falling under any of the following subparagraphs, the Juvenile Protection Committee may deliberate on whether they are harmful to juveniles and identify them as harmful to juveniles, notwithstanding the proviso to paragraph (1): *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

1. Media materials requested by each deliberative organ referred to in the proviso to paragraph (1); and
2. Media materials which are distributed without going through deliberation of each deliberative organ referred to in the proviso to paragraph (1) on whether they are harmful to juveniles.

(4) Where the Juvenile Protection Committee or each deliberative organ judges the media materials contain contents that are banned from distribution by the Criminal Act and other Acts and subordinate statutes as a result of deliberation, it shall request relevant administrative agencies for criminal punishment or administrative disposition before deciding on the harmfulness of the media materials to juveniles: *Provided*, That in cases where each deliberative organ has separate procedures under the corresponding Acts and subordinate statutes, the relevant procedures shall apply. *<Newly Inserted by Act No. 5817, Feb. 5, 1999; Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(5) With regard to the media materials which are produced and published for persons other than juveniles in light of the purpose of producing and publishing them and those whose distribution among juveniles is impossible to be blocked by identifying each of the media materials as harmful to juveniles, the Juvenile Protection Committee or each deliberative organ, upon receiving a request or *ex officio*, may specifically indicate kinds, titles and contents of the media materials in question and identify them as harmful to juveniles. *<Newly Inserted by Act No. 5817, Feb. 5, 1999; Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(6) Other necessary matters, such as the deliberation and determination methods of the Juvenile Protection Committee, shall be prescribed by Presidential Decree. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

Article 9 (Rating, etc.)

(1) With regard to media materials identified as unarmful to juveniles as a result of deliberation by the Juvenile Protection Committee and each deliberative organ under the provisions of Article 8, the Juvenile Protection

JUVENILE PROTECTION ACT

Committee and each deliberative organ may, when they deem it necessary, rate the media materials concerned taking into consideration the degree of their harmfulness to juveniles, the ages of juveniles utilizing them, their characteristics and hours and places of their utilization. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(2) The Juvenile Protection Committee may request each deliberative organ to rate the media materials in question under paragraph (1) when it deliberates and decides whether they are harmful to juveniles. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(3) Necessary matters concerning media materials subject to rating, kinds of rating and methods of rating under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 10 (Criteria for Deliberation on Media Materials Harmful to Juveniles)

(1) In performing the deliberation in accordance with the provisions of Article 8, the Juvenile Protection Committee and each deliberative organ shall identify media materials falling under any of the following subparagraphs as harmful to juveniles: *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

1. Voluptuous or obscene materials which may stimulate sexual desire of juveniles;
2. Materials which may cause violence and brutality of juveniles or incite them to commit a crime;
3. Materials which may stimulate or beautify the exercise of all sorts of violence including rape and the abuse of drugs;
4. Materials which are anti-social and non-ethical and that may hamper the cultivation of fine character and civic consciousness of juveniles; and
5. Materials which are feared to affect harmfully the mental and physical health of juveniles.

(2) In specifically applying the criteria referred to in paragraph (1), the generally accepted ideas of society shall be based, and literary, artistic, educational, medical and scientific aspects as well as characteristics of the media materials concerned shall be taken into account.

(3) Necessary matters concerning the specific criteria for deliberating

on whether any media materials are harmful to juveniles and their application shall be prescribed by Presidential Decree.

Article 11 (Adjustment of Particulars of Deliberation)

Where there is a wide difference between deliberative organs over the same media materials as a result of their deliberation in relation to the protection of juveniles, the Juvenile Protection Committee may request them to adjust the contents of deliberation and the deliberative organs which have received the request shall comply with such request unless there exist special reasons to the contrary. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

Article 12 (Self-Regulation of Harmful Media Materials)

(1) Any producers, any publishers, any distributors of media materials or any organizations concerned with media materials may autonomously determine whether their media materials are harmful to juveniles and request the Juvenile Protection Committee or each deliberative organ to confirm the details of their determination. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(2) The Juvenile Protection Committee or each deliberative organ, upon receiving the request referred to in paragraph (1), shall confirm whether the details of determination are appropriate, and the Juvenile Protection Committee, where it is deemed necessary, may commission its authority to confirm to each deliberative organ. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(3) Where the Juvenile Protection Committee or each deliberative organ makes the confirmation under paragraph (2), the media materials concerned may be stucked with indications showing the completion of the confirmation. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(4) Any producer, any publisher, any distributor of the media materials or any organization concerned with media materials may stick indications on the media materials that they are harmful to juveniles when he or it judges the relevant media materials harmful to juveniles under the provisions of Articles 14 and 15 without any determination by the Juvenile Protection Committee or each deliberative organ. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(5) When the Juvenile Protection Committee or each deliberative organ finds any media materials stucked autonomously with indications that they

JUVENILE PROTECTION ACT

are harmful to juveniles under paragraph (4), it shall determine whether the media materials concerned are harmful to juveniles. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>

(6) The media materials, on which the producer, the publisher, the distributor of the media materials or the organization concerned with the media materials has stuck indications that his or its products are harmful to juveniles under paragraph (4), shall be deemed harmful to juveniles under this Act until the Juvenile Protection Committee or each deliberative organ makes a final determination. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>

(7) Necessary matters concerning procedures for and methods of the determination on whether any media materials are harmful to juveniles and the confirmation of such determination under the provisions of paragraphs (1) through (6) shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 5817, Feb. 5, 1999]

Article 13 Deleted. <by Act No. 7161, Jan. 29, 2004>

Article 14 (Obligation of Indications)

(1) Any media materials harmful to juveniles shall carry indications that they are harmful to juveniles (hereinafter referred to as the "indications of being harmful to juveniles").

(2) Persons under obligation to stick the indications of being harmful to juveniles under paragraph (1), kinds, period and methods of the indications of being harmful to juveniles and other necessary matters shall be prescribed by Presidential Decree.

Article 15 (Obligation of Packing)

(1) Any media materials harmful to juveniles shall be packed: *Provided*, That the same shall not apply to the case where such media materials cannot be packed due to their characteristics.

(2) Kinds of media materials to be packed under paragraph (1), persons under obligation to pack them, methods of packing them, and other necessary matters concerning the packing of such media materials shall be prescribed by Presidential Decree.

Article 16 (Prohibition from Damaging Indications and Packages)

Nobody shall damage indications of being harmful to juveniles under the Article 14 and the packages under Article 15.

Article 17 (Prohibition from Selling, etc.)

(1) Any person who intends to sell, lend or distribute the media ma-

terials harmful to juveniles or provides them for showing, viewing and using shall confirm the age of such counterparts, and shall not sell, rent or distribute them to juveniles, or provide them for their showing, viewing and using. *<Amended by Act No. 6479, May 24, 2001>*

(2) Any media materials subject to the juvenile harmful indications under the provisions of Article 14 shall not be exhibited or displayed for the purpose of selling or renting them without such indications stuck.

(3) Any media materials subject to packing under the provisions of Article 15 shall not be displayed or exhibited for the purpose of selling or renting them without such media materials being packed.

(4) Other necessary matters concerning the prohibition of sales, etc. of media materials harmful to juveniles shall be prescribed by Presidential Decree.

Article 18 (Differentiation and Insulation, etc.)

(1) Any media materials harmful to juveniles shall not be exhibited or displaced for the purpose of selling and renting them without such media materials being differentiated and insulated from other media materials which are allowed to be distributed to juveniles.

(2) Any media materials harmful to juveniles, which fall under subparagraph 1 or 6 of Article 7, shall not be exhibited and displayed for the purpose of distributing them to juveniles through automats or vending machines: *Provided*, That the same shall not apply to cases falling under any of the following subparagraphs: *<Amended by Act No. 5817, Feb. 5, 1999>*

1. Cases where a person who has set up automats or vending machines can prohibit juveniles from using such automats or vending machines to buy media materials harmful to juveniles; and

2. Cases where automats or vending machines are set up in establishments banned from employing juveniles or giving them access under subparagraph 5 (a) of Article 2.

(3) Necessary matters concerning differentiation, insulation, selling methods, etc. under paragraphs (1) and (2) shall be prescribed by Presidential Decree.

Article 19 (Restrictions on Broadcasting Hours)

Media materials harmful to juveniles, which fall under subparagraph 5 of Article 7 and advertising materials which fall under subparagraph 7

JUVENILE PROTECTION ACT

of Article 7 shall be prohibited from being broadcasted during hours as prescribed by Presidential Decree.

Article 20 (Restrictions on Advertisements)

(1) Signboards, stand-up signboards, posters, leaflets and other advertisements prescribed by Presidential Decree under the provisions of subparagraph 7 of Article 7, which are media materials harmful to juveniles, shall not be set up, stuck or distributed publicly at the following places or by the following means: *<Amended by Act No. 5817, Feb. 5, 1999>*

1. Establishments other than those banned from employing juveniles or giving them access;
2. Places through which the public passes; and
3. Computer communications which have no function of restricting juveniles from gaining access to them.

(2) As media materials harmful to juveniles, advertisements referred to in the provisions of subparagraph 7 of Article 7 which are collected, inserted, exhibited, or included in other ways in other media materials and objects, etc. shall not be sold or leased to juveniles, or shall not be provided to them for viewing, showing or using.

(3) Necessary matters concerning methods and places of restriction on advertisements referred to in the provisions of paragraphs (1) and (2) and other matters related to the restrictions on advertisements shall be prescribed by Presidential Decree.

Article 21 (Preparation and Notification of Table of Lists of Media Materials Harmful to Juveniles)

(1) When the Juvenile Protection Committee and each deliberative organ has determined that media material is harmful to juveniles, it shall make a list of these media materials, and when each deliberative organ has made such a list, it shall present it to the Juvenile Protection Committee. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(2) The Minister of Gender Equality and Family shall draw up a table of the lists of media materials harmful to juveniles, synthesizing all the lists of the media materials determined to be harmful to juveniles. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

(3) The Minister of Gender Equality and Family shall notify each deliber-

ative organ, central administrative agencies related to juveniles or media materials, supervisory or regulatory agencies related to the protection of juveniles, and other entities related to the protection of juveniles, etc. (hereinafter referred to as “relevant agencies, etc.”) of the table of lists of media materials harmful to juveniles referred to in the provisions of paragraph (2), and may, if necessary, issue a notice for such table to individuals, juristic persons or entities that are engaged in circulating media materials, and may, if requested, notify the persons having parental power, etc. of such table. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) The methods of preparing the table of lists of media materials harmful to juveniles referred to in paragraph (2), timing of notification, objects of notification, and other necessary matters shall be prescribed by Ordinance of the Ministry of Gender Equality and Family. <Amended by Act No. 5529, Feb. 28, 1998; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 22 (Public Notice of Media Materials Harmful to Juveniles)

(1) The Minister of Gender Equality and Family shall publicly announce those media materials determined or confirmed by the Juvenile Protection Committee pursuant to the provisions of Articles 8 (1) (main sentence) and (3) and 12, as media materials harmful to juveniles. <Amended by Act No. 5817, Feb. 5, 1999; Act No. 6479, May 24, 2001; Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) Each deliberative organ shall submit the media materials concerned, along with a deliberation statement of such media materials to the Juvenile Protection Committee and the Juvenile Protection Committee shall request the Minister of Gender Equality and Family to put the media materials to public notice. <Amended by Act No. 5817, Feb. 5, 1999; Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) In issuing a public notice under the provisions of paragraphs (1) and (2), the Minister of Gender Equality and Family shall expressly indicate reasons for such public notice and when the effect of such public notice comes into force. <Amended by Act No. 5817, Feb. 5, 1999; Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) Necessary matters concerning the public notice referred to in paragraphs (1) through (3), shall be prescribed by Ordinance of the Ministry of Gender Equality and Family. <Amended by Act No. 5529, Feb. 28, 1998; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 23 (Revocation, etc. of Determination of Media Material Harmful

JUVENILE PROTECTION ACT

to Juveniles)

(1) Where it is deemed that media materials harmful to juveniles are no longer harmful to them, the Juvenile Protection Committee shall revoke the determination of media materials harmful to juveniles referred to in the provisions of Article 8 (1) and (3), and shall request the Minister of Gender Equality and Family to delete the media materials concerned from the list of media materials harmful to juveniles. In this case, the Minister of Gender Equality and Family shall delete them and notify relevant agencies, etc. of the fact. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

(2) Where each deliberative organ revokes the determination of media materials harmful to juveniles, it shall notify the Juvenile Protection Committee of the fact. In this case, the Juvenile Protection Committee shall request the Minister of Gender Equality and Family to delete such media materials from the list of media materials harmful to juveniles and the Minister of Gender Equality and Family shall delete them and notify relevant agencies, etc. of the fact. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

(3) Where the determination of media materials harmful to juveniles is revoked under paragraphs (1) and (2), the Minister of Gender Equality and Family shall put the revocation on public notice, expressly indicating the fact of the revocation and the reasons thereof. *<Amended by Act No. 5817, Feb. 5, 1999; Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

(4) Necessary matters concerning the revocation, etc. of the determination referred to in paragraphs (1) through (3), shall be prescribed by Ordinance of the Ministry of Gender Equality and Family. *<Amended by Act No. 5529, Feb. 28, 1998; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*

Article 23-2 (Special Cases for Foreign Media Materials)

No one shall, for the purpose of profit-making, distribute to the juveniles the media materials produced and published overseas (including cases where they are distributed through such methods as translation, adaptation, editing and subtitle interposition), which fall under the criteria for deliberation referred to in Article 10, or possess them for the same purposes. *<Amended by Act No. 6479, May 24, 2001>*

[This Article Newly Inserted by Act No. 5817, Feb. 5, 1999]

CHAPTER ㉞ REGULATION OF ESTABLISHMENTS, DRUGS, ACTS, ETC. HARMFUL TO JUVENILES

Article 24 (Prohibition of Establishments Harmful to Juveniles from Employing Juveniles or Giving Them Access)

(1) Any operators of establishments harmful to juveniles shall, in cases where they intend to employ workers, confirm their ages and shall not employ juveniles. <Amended by Act No. 6479, May 24, 2001>

(2) Any operators and employees of establishments harmful to juveniles, which are prohibited from employing juveniles and giving them access, shall check the ages of persons entering their establishments to keep such juveniles from entering or utilizing their establishments. <Amended by Act No. 5817, Feb. 5, 1999>

(3) Any operators and employees of establishments harmful to juveniles may demand the presentation of resident registration certificates or other vouchers capable of verifying the ages (hereafter in this paragraph referred to as the "vouchers") where deemed necessary for verifying ages under the provisions of paragraphs (1) and (2), and if any person who is requested to present vouchers refuses to do so without any justifiable grounds, they may restrict such person to gaining access to the said establishments or to utilizing them. <Newly Inserted by Act No. 7161, Jan. 29, 2004>

(4) Notwithstanding the provisions of paragraph (2), juveniles accompanied by a person having parental power, etc. may be allowed to enter such establishments under the conditions as prescribed by Presidential Decree: *Provided*, That the same shall not apply to cases where they enter the establishments prescribed by Presidential Decree from among the food and entertainment businesses under the Food Sanitation Act. <Amended by Act No. 7161, Jan. 29, 2004; Act No. 7423, Mar. 24, 2005>

(5) Any operators and employees of establishments harmful to juveniles shall set up signs indicating that their establishments are prohibited from giving juveniles access, allowing them to utilize and employing them under the conditions prescribed by Presidential Decree. <Newly Inserted by Act No. 5817, Feb. 5, 1999>

Article 25 (Designation, etc. of No-Passing Areas and Passing-Restricted Areas for Juveniles)

JUVENILE PROTECTION ACT

(1) Where any local government deems it necessary to protect juveniles, it shall designate areas which are likely to damage the mental and physical health of juveniles as no-passing areas or passing-restricted areas.

<Amended by Act No. 5817, Feb. 5, 1999>

(2) When there exist any special reasons for the need to prevent crimes and deviations by juveniles, any local government may prohibit or restrict the passing of juveniles in the areas designated under paragraph (1) during the specific time determined under the conditions as prescribed by Presidential Decree. *<Amended by Act No. 5817, Feb. 5, 1999>*

(3) Any local government shall prescribe specific standards for designating the no-passing and passing-restricted areas for juveniles referred to in paragraphs (1) and (2) and methods of guiding them properly and cracking down them in Municipal Ordinance of the local government. In this case, the opinions of the competent state police stations, schools, relevant organs and residents in the areas shall be reflected a prescribing such standards and methods. *<Amended by Act No. 5817, Feb. 5, 1999; Act No. Act No. 7849, Feb. 21, 2006>*

(4) When juveniles attempt to pass through the no-passing and passing-restricted areas in violation of the provisions of paragraph (2), any local government and the competent police station may block them from passing through the areas and evict any juveniles passing through the areas out of the areas. *<Newly Inserted by Act No. 5817, Feb. 5, 1999>*

Article 26 (Protection of Juveniles from Drugs, etc. Harmful to Them)

(1) No one shall be permitted to sell, lend or distribute drugs, etc. harmful to juveniles by having the juveniles as the targets. In this case, such cases shall be included as they are sold, lent or distributed by the automatic machine apparatus, unmanned sale apparatus or communications apparatus: *Provided*, That this shall not apply to those sold for the study, industry or medical treatment as prescribed by Presidential Decree. *<Amended by Act No. 6479, May 24, 2001>*

(2) The Minister of Gender Equality and Family shall prepare a table of the lists of drugs harmful to juveniles and shall issue a notice for the table to the central administrative agencies related to drugs, etc. harmful to juveniles, guidance or supervisory agencies related to the protection of juveniles, and other relevant entities aiming at protecting juveniles. The Minister of Gender Equality and Family may, if necessary, issue a notice for the table to individuals, juristic persons or entities that are

engaged in circulating drugs, and may, where requested, issue a notice for the table to the persons having parental power, etc. over juveniles. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(3) Methods of preparing the table of lists of drugs harmful to juveniles referred to in paragraph (2), timing of notification, object of notification, and other necessary matters, shall be prescribed by Ordinance of the Ministry of Gender Equality and Family. <Amended by Act No. 5529, Feb. 28, 1998; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) The provisions of Articles 14 through 16 shall apply *mutatis mutandis* to drugs, etc. harmful to juveniles.

Article 26-2 (Prohibition of Activities Harmful to Juveniles)

No one shall perform the activities falling under any of the following subparagraphs: <Amended by Act No. 6261, Feb. 3, 2000; Act No. 7161, Jan. 29, 2004>

1. Having juveniles sexually entertain through their physical contacts and the exposure of their sexual organs for the purpose of making profits, or arranging such lascivious things;
2. Having juveniles drink with clientele or entertain such clientele with songs and dance, or arranging such entertaining things for the purpose of making profits;
3. Having juveniles perform the lascivious activities for the purpose of making profits or entertainment;
4. Showing the physically deformed parts of juveniles to the public for the purpose of making profits or entertainment;
5. Having juveniles beg for money or goods or using them as a means to beg for money or goods;
6. Abusing juveniles;
7. Having juveniles lure customers on the street for the purpose of making profits;
8. Disrupting public morality by permitting male and female juveniles to sleep on the same beds and providing a place to juveniles for such purposes; and
9. Having juveniles deliver the teas, etc. deviating from the place of business which mainly prepares and sells the teas, etc., or promoting or tolerating it.

[This Article Newly Inserted by Act No. 5817, Feb. 5, 1999]

JUVENILE PROTECTION ACT

Article 26-3 (Invalid Claims against Juveniles)

- (1) Any claims held against juveniles in connection with the harmful acts by the person who has committed activities under Article 26-2 (hereafter in this paragraph referred to as the “harmful acts”) shall be made invalid irrespective of the forms or pretexts of contracts.
- (2) Any claims held against juveniles in connection with an employment by operators of establishments under subparagraph 5 (a) (☒) and (b) (☒) of Article 2 shall be made invalid irrespective of the forms or pretexts of contracts.

[This Article Newly Inserted by Act No. 7161, Jan. 29, 2004]

CHAPTER ☒ JUVENILE PROTECTION COMMITTEE, ETC.

Article 27 (Establishment of Juvenile Protection Committee)

The Juvenile Protection Committee shall be established under the control of the Minister of Gender Equality and Family, to take charge of the duties in the following subparagraphs: *<Amended by Act No. 9932, Jan. 18, 2010>*

1. Matters concerning the deliberation and determination of media materials harmful to juveniles, drugs harmful to juveniles, articles harmful to juveniles, businesses harmful to juveniles, etc. in order to protect juveniles from harmful environment;
2. Matters concerning the deliberation and determination of imposition of penalty surcharge to those who has published or imported periodicals, etc. under Article 49 (1);
3. Matters that the Minister of Gender Equality and Family has requested for deliberation in order to protect juveniles;
4. Other matters, etc. to be deliberated and determined pursuant to other Acts.

[This Article Newly Inserted by Act No. 8877, Feb. 29, 2008]

Article 28 (Composition of Juvenile Protection Committee)

- (1) The Juvenile Protection Committee shall consist of 11 or fewer members including a chairman, however, public officials in charge of juvenile duties who belong to the Senior Civil Service and are designated by the Minister of Gender Equality and Family shall be *ex officio* members. *<Amended by Act No. 9932, Jan. 18, 2010>*
- (2) The chairman of the Juvenile Protection Committee shall be appointed by the President on the recommendation of the Minister of Gender Equality

and Family from among the persons with abundant experience and knowledge in juveniles, and members shall be appointed or commissioned by the President on the recommendation of the chairman from among the persons falling under any of the following subparagraphs: *<Amended by Act No. 9932, Jan. 18, 2010>*

1. Persons who have been in the service of judge, prosecutor or lawyer for five years or more;
2. Persons majored in a field related to juveniles who are or have been an associate professor or higher, or who are or have been in a position equivalent thereto at universities or officially approved research institutions;
3. Public officials of Grade Ⅷ or equivalent thereto or higher, public officials belonging to the Senior Civil Service, and persons who are or have been in a position equivalent thereto at public agencies, and are experienced in the duties related to juveniles; or
4. Persons who have taken charge of the duties related to juveniles for ten years or more in juvenile facilities and organizations, and all kinds of organizations related to education, etc.

[This Article Newly Inserted by Act No. 8877, Feb. 29, 2008]

Article 29 (Chairman, etc.)

- (1) The chairman shall represent the Juvenile Protection Committee, and a member designated by the chairman shall act on behalf of the chairman when the chairman is unable to perform his duty due to unavoidable reasons.
- (2) The Juvenile Protection Committee shall begin its session with the presence of a majority of the member on the register and shall pass resolutions with concurrent vote of a majority of members present.

[This Article Newly Inserted by Act No. 8877, Feb. 29, 2008]

Article 30 (Term of Office of Members)

- (1) Members shall hold office for two years and may be reappointed or recommissioned.
- (2) When there is a vacancy of members, a substitute member shall be appointed or commissioned within 30 days from the day the vacancy occurred, and the term of office of the substitute member shall be the remaining term of office of the predecessor.

[This Article Newly Inserted by Act No. 8877, Feb. 29, 2008]

Article 31 (Independence in Duties and Guarantee of Status of Members)

JUVENILE PROTECTION ACT

(1) Members shall not be directed or interfered from outside during the term with regard to duties.

(2) Members shall not be relieved of their post except for the cases falling under any of the following subparagraphs:

1. Where they have been sentenced to punishment of imprisonment without prison labor or severer;
2. Where they are unable to perform their duties due to long-term weakness in the mind and body.

[This Article Newly Inserted by Act No. 8877, Feb. 29, 2008]

Article 32 (Meeting and Operation)

Matters necessary for the operation of the Juvenile Protection Committee other than those prescribed in this Act shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 8877, Feb. 29, 2008]

Article 33 Deleted. <by Act No. 7423, Mar. 24, 2005>

Article 33-2 (Juvenile Protection Center, etc.)

(1) A juvenile protection center may be established under the Ministry of Gender Equality and Family to protect temporally juveniles from violence, abuse and environment, etc. harmful to them. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The juvenile protection center may have lawyers specializing in juvenile affairs to provide legal assistance and counseling including the process attorney to juveniles who have suffered damages.

(3) A juvenile rehabilitation center may be established under the Ministry of Gender Equality and Family to help juveniles rehabilitate, who have suffered from violence, abuse and drugs or who have committed a violation. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) Detailed matters concerning the juvenile protection center and the juvenile rehabilitation center referred to in paragraphs (1) and (3) shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 5817, Feb. 5, 1999]

Articles 33-3 and 33-4 Deleted. <by Act No. 7423, Mar. 24, 2005>

CHAPTER Ⅹ SUPPLEMENTARY PROVISIONS

Article 34 (Reports, etc.)

The head of *Si/Gun/Gu* (referring to the head of autonomous *Gu*, hereinafter the same shall apply) may, if deemed necessary to confirm whether to comply with matters provided for in this Act, request persons who circulate media materials harmful to juveniles, and drugs, etc. harmful to juveniles, operators of establishments harmful to juveniles, and other related persons to submit necessary report or necessary data or materials under the conditions as prescribed by Presidential Decree. <Amended by Act No. 7161, Jan. 29, 2004>

Article 35 (Inspection and Investigation, etc.)

(1) The head of *Si/Gun/Gu* may, if deemed necessary to confirm whether to comply with matters provided for in this Act, have public officials under his/her control inspect and investigate records, documents, places, and other necessary objects related to the circulation of media materials harmful to juveniles and drugs, etc. harmful to juveniles, the employment of juveniles by harmful business places, and juveniles' visitation to such places of business and may have these public officials hear the opinions of the parties concerned, interested parties, or reference persons at places designated under the conditions as prescribed by Presidential Decree. <Amended by Act No. 7161, Jan. 29, 2004>

(2) The head of *Si/Gun/Gu* may, if deemed necessary, refer to persons of special knowledge and experience for expert appraisal. <Amended by Act No. 7161, Jan. 29, 2004>

(3) A public official who performs the duties pursuant to the provisions of paragraph (1), shall carry a certificate indicating his/her power and produce it to the persons concerned.

Article 36 (Removal and Destruction)

(1) Where media materials identified as harmful to juveniles and drugs, etc. harmful to juveniles do not carry any indications of being harmful to juveniles under Article 14 (including a case applied *mutatis mutandis* in Article 26 (4)), or they are distributed without any package under Article 15 (including a case applied *mutatis mutandis* in Article 26 (4)) or any media materials, which are distributed without going through deliberation of each deliberative organ on whether they are harmful to juveniles, are identified as harmful to juveniles, the head of *Si/Gun/Gu* may order

JUVENILE PROTECTION ACT

the owners of such media materials or such drugs and other persons engaged in the relevant distribution to remove them. *<Amended by Act No. 5817, Feb. 5, 1999; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004>*

(2) The head of *Si/Gun/Gu* may, where a person who has received the order to remove such media materials and such drugs under paragraph (1) can not be identified or the person disobeys the order, remove or destroy such media materials or such drugs under the conditions as prescribed by Presidential Decree. *<Amended by Act No. 5817, Feb. 5, 1999; Act No. 7161, Jan. 29, 2004>*

(3) Necessary matters concerning the removal and destruction, etc. referred to in paragraphs (1) and (2) shall be prescribed by Presidential Decree.

(4) The head of *Si/Gun/Gu* and the head of a police station may remove, destroy or take necessary dispositions against drugs, etc. harmful to juveniles and media materials harmful to juveniles, such as liquors under the Liquor Tax Act, cigarettes under the Tobacco Business Act, and sex apparatuses, which juveniles own or possess. *<Newly Inserted by Act No. 5817, Feb. 5, 1999; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004; Act No. 7423, Mar. 24, 2005>*

(5) The head of *Si/Gun/Gu* and the head of a police station shall, when they take dispositions under paragraph (4), enter the names of items, the quantity of items, the owners or possessors of items and the contents of dispositions in related books. *<Newly Inserted by Act No. 5817, Feb. 5, 1999; Act No. 7161, Jan. 29, 2004>*

Article 37 (Corrective Order)

(1) The head of *Si/Gun/Gu* may order any person falling under any of the following subparagraphs to take corrective measures: *<Amended by Act No. 5817, Feb. 5, 1999; Act No. 7161, Jan. 29, 2004>*

1. A person who fails to make indications on his media materials that they are harmful to juveniles in violation of the provisions of Article 14;
2. A person who fails to pack his media materials harmful to juveniles in violation of the provisions of Article 15;
3. A person who exhibits or displays to sell or rent media materials harmful to juveniles without making indications on them that they are harmful to juveniles in violation of the provisions of Article 17

- (2) for the purpose of making profits;
4. A person who exhibits or displays to sell or rent media materials harmful to juveniles without packing them in violation of the provisions of Article 17 (3) for the purpose of making profits;
 5. A person who exhibits or displays to sell or rent media materials harmful to juveniles without differentiating and insulating them in violation of the provisions of Article 18 (1) for the purpose of making profits;
 6. A person who exhibits or displays to distribute media materials harmful to juveniles, which fall under subparagraph 1 or 6 of Article 7, through automats or vending machines in violation of the provisions of Article 18 (2) for the purpose of making profits; and
 7. A person who openly sets up, sticks and distributes advertisements harmful to juveniles in establishments other than those which are prohibited from employing juveniles or giving them access and in places through which the public pass, or who makes such advertisements by means of computer communications which have no function of restricting juveniles from gaining access to them, in violation of the provisions of Article 20 (1).
- (2) Necessary matters concerning kinds, procedures and compliance, etc. of such corrective order referred to in paragraph (1) shall be prescribed by Presidential Decree.

Article 38 (Specification of Reason)

The head of *Si/Gun/Gu* shall, where he/she takes a disposition, such as removal, destruction or corrective order referred to in the provisions of Articles 36 and 37, specify the reason for the disposition under the conditions as prescribed by Presidential Decree. *<Amended by Act No. 7161, Jan. 29, 2004>*

Articles 39 and 40 Deleted. *<by Act No. 7161, Jan. 29, 2004>*

Article 41 Deleted. *<by Act No. 6479, May 24, 2001>*

Article 42 (Cooperation of Heads of Relevant Administrative Agencies)

- (1) When the Minister of Gender Equality and Family deems it necessary for the enforcement of this Act, he/she may hear the opinions of the heads of relevant administrative agencies. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>*
- (2) When the Minister of Gender Equality and Family deems it necessary to ensure the fulfillment of duties referred to in the provisions of this Act,

JUVENILE PROTECTION ACT

he/she may ask the heads of relevant administrative agencies for cooperation.
<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 43 (Delivery of Certificate, etc.)

(1) The Minister of Gender Equality and Family may provide administrative and financial assistance to non-governmental supervisory or complaint organizations which perform activities for cleaning up environments harmful to juveniles, and may, if necessary to achieve the efficient performance of their functions, deliver to such organizations a certificate indicating that they are engaged in supervisory activities of environments harmful to juveniles under the conditions as prescribed by Presidential Decree.
<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) Teachers may be allowed to join the non-governmental supervisory or complaint organizations under paragraph (1). <Newly Inserted by Act No. 5817, Feb. 5, 1999>

(3) Specific kinds and titles of the non-governmental supervisory and complaint organizations referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Gender Equality and Family. <Amended by Act No. 5529, Feb. 28, 1998; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

Article 44 (Report)

(1) Any one who finds that media materials and drugs, etc. which are deemed harmful to juveniles are circulated to juveniles, that juveniles are employed in or enter business places harmful to them, or that any of the provisions of this Act is violated, shall submit a report thereon to the head of *Si/Gun/Gu*. <Amended by Act No. 7161, Jan. 29, 2004>

(2) The head of *Si/Gun/Gu* shall take necessary policies in order to encourage such reporting referred to in the provisions of paragraph (1), and may, if necessary, provide a reward, etc. to a person who has submitted a report thereon. <Amended by Act No. 7161, Jan. 29, 2004>

Article 44-2 (Notice, etc. of Juveniles Subject to Proper Guidance and Protection)

(1) With respect to the juveniles who have provided the causes for the violation of the provisions of Articles 17 (1), 24 (1) and (2), 26 (1), and subparagraphs 1 through 3 and 7 through 9 of Article 26-2, such as the positive induction of such violating acts, or cheating on their age, etc.,

the head of *Si/Gun/Gu* shall notify the persons having parental power, etc. of the relevant facts.

(2) With respect to the juveniles admitted to be in need of the measures for proper guidance and protection in view of the contents and level, etc. from among the juveniles of paragraph (1), the head of *Si/Gun/Gu* shall notify the head of competent police station, the president of competent school (limited to the case of students) and the person having parental power, etc. of such facts.

[This Article Wholly Amended by Act No. 7800, Dec. 29, 2005]

Article 45 Deleted. *<by Act No. 6721, Aug. 26, 2002>*

Article 46 (Entrustment of Authorities)

The Juvenile Protection Committee may entrust a part of its authorities under this Act to a non-profit corporation or organization relating to the juvenile protection, media materials or drugs, etc., under the conditions as prescribed by Presidential Decree. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

[This Article Wholly Amended by Act No. 7161, Jan. 29, 2004]

Article 47 (Establishment, etc. of Local Juvenile Affairs Office)

(1) The Special Metropolitan City Mayor, Metropolitan City Mayor, or *Do* governor (hereinafter referred to as "Mayor/*Do* governor") may establish local juvenile affairs offices under the conditions as prescribed by Municipal Ordinance in order to protect juveniles within his/her jurisdictional areas. *<Amended by Act No. 5817, Feb. 5, 1999>*

(2) Other necessary matters for protecting juveniles within the Special Metropolitan City, Metropolitan Cities, *Dos* shall be prescribed by Municipal Ordinances of relevant local governments.

Article 48 (Legal Fiction as Public Officials in Application of Penal Provisions)

(1) Members or employees other than those public officials engaged in the duties of the Juvenile Protection Committee shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act, and Article 2 of the Act on the Aggravated Punishment, etc. of Specific Crimes. *<Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008>*

(2) Members, officers, or employees of the Korea Publication Ethics Commission, corporate bodies or entities which are engaged in deliberation duties among the duties entrusted pursuant to the provisions of Article

JUVENILE PROTECTION ACT

46 shall be deemed public officials in applying Articles 129 through 132 of the Criminal Act and Article 2 of the Act on the Aggravated Punishment, etc. of Specific Crimes. <Amended by Act No. 7423, Mar. 24, 2005>

Article 49 (Penalty Surcharge)

(1) The Minister of Gender Equality and Family may impose and collect a penalty surcharge not exceeding 20 million won from any person having published or imported the periodicals, etc., who has distributed or is distributing the media materials harmful to juveniles which are in conflict with the criteria for deliberation under Article 10, without making any indications on them to the effect of being harmful to juveniles or packing them under the provisions of Articles 14 and 15, before the determination and public announcement of the relevant media materials harmful to juveniles. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(2) The head of *Si/Gun/Gu* may impose and collect a penalty surcharge not exceeding 10 million won from any person having gained profits by performing an act falling under any of subparagraphs of Article 50 or 51, under the conditions as prescribed by Presidential Decree: *Provided*, That the same shall not apply to the cases where such administrative dispositions as a revocation of business license, closedown of business place, business suspension or imposition of a penalty surcharge, etc. under the provisions of other Acts have been taken or it is possible to take such dispositions.

(3) When a person fails to pay the penalty surcharge referred to in paragraph (1) or (2) within a fixed period, the Minister of Gender Equality and Family or the head of *Si/Gun/Gu* shall collect the said surcharge by referring to the practices of dispositions on default of national taxes or local taxes. <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

(4) When the Minister of Gender Equality and Family or the head of *Si/Gun/Gu* deems that it is difficult to pay the whole amount of penalty surcharge in a lump sum due to reasons falling under any of the following subparagraphs, he/she may extend the deadline of such payment or grant the payment in installments: <Amended by Act No. 7423, Mar. 24, 2005; Act No. 7799, Dec. 29, 2005; Act No. 8877, Feb. 29, 2008; Act No. 9932, Jan. 18, 2010>

1. Where suffered from significant losses of assets due to natural disas-

- ters, fire, etc.;
2. Where faced with serious crisis by suffering from significant losses in business;
 3. Where presumed to be badly off due to the payment of penalty surcharge in a lump sum; and
 4. Other reasons equivalent to subparagraphs 1 through 3.
- (5) The amount of penalty surcharge collected pursuant to paragraphs (1) through (3) shall be used by a collector for the purpose falling under any of the following subparagraphs:
1. Development and propagation of programs designed to clean up the environment harmful to juveniles;
 2. Production and assistance of media materials beneficial to juveniles;
 3. Assistance in private sector initiatives for instructing and protecting juveniles, and civil movements organized to clean up the environment harmful to juveniles; and
 4. Other projects prescribed by the Presidential Decree to guide and protect juveniles properly.
- (6) Imposition criteria for penalty surcharge and method of imposition and payment of penalty surcharge referred to in paragraphs (1) through (4), and other matters necessary for the imposition and collection of penalty surcharge shall be prescribed by the Presidential Decree.

[This Article Wholly Amended by Act No. 7161, Jan. 29, 2004]

CHAPTER Ⅹ PENAL PROVISIONS

Article 49-2 (Penal Provisions)

Any person, who has violated the provisions of subparagraph 1 of Article 26-2, shall be punished by imprisonment for not less than one year but not more than 10 years.

[This Article Newly Inserted by Act No. 5817, Feb. 5, 1999]

Article 49-3 (Penal Provisions)

Any person, who has violated the provisions of subparagraph 2 or 3 of Article 26-2, shall be punished by imprisonment for not more than 10 years.

[This Article Newly Inserted by Act No. 5817, Feb. 5, 1999]

Article 49-4 (Penal Provisions)

JUVENILE PROTECTION ACT

Any person, who has violated the provisions of subparagraphs 4 through 6 of Article 26-2, shall be punished by imprisonment for not more than 5 years.

[This Article Newly Inserted by Act No. 5817, Feb. 5, 1999]

Article 50 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than three years or by a fine not exceeding 20 million won: *<Amended by Act No. 5817, Feb. 5, 1999; Act No. 6261, Feb. 3, 2000; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004>*

1. A person who has sold, lent or distributed the media materials harmful to juveniles to the juveniles, or provided them for seeing and hearing, viewing or utilizing for the purpose of profit-making in violation of Article 17 (1);
- 1-2. A person who has made the juveniles distribute the media materials, etc. which tend to cause criminal urges, for the purpose of profit-making in violation of Article 23-2;
2. A person who has employed juveniles to work for establishments harmful to them in violation of Article 24 (1);
3. A person who has sold, rented or distributed drugs referred to in subparagraph 4 (a) (☒) or (☒) of Article 2 or materials referred to in item (b) of the same subparagraph to juveniles in violation of Article 26 (1);
4. A person who has violated the provisions of subparagraphs 7 through 9 of Article 26-2; and
5. A person who has failed to remove the media materials harmful to juveniles, drugs harmful to juveniles, etc. in violation of Article 36 (1).

Article 51 (Penal Provisions)

Any person falling under any of the following subparagraphs shall be punished by imprisonment for not more than two years or by a fine not exceeding 10 million won: *<Amended by Act No. 5817, Feb. 5, 1999; Act No. 6479, May 24, 2001; Act No. 7161, Jan. 29, 2004; Act No. 7423, Mar. 24, 2005>*

1. A person who has failed to stick indications on the media materials, establishments or drugs harmful to juveniles in violation of Articles 14, 24 (5) and 26 (4);
2. A person who has failed to pack any media material harmful to ju-

veniles in violation of Article 15;

3. and 4. Deleted; <by Act No. 7161, Jan. 29, 2004>

5. A person who has broadcasted any media material harmful to juveniles in violation of Article 19;

6. A person who has installed, attached or distributed any advertisement in violation of Article 20 (1);

7. A person who has allowed juveniles to enter harmful business places in violation of Article 24 (2);

8. A person who has sold the liquors under the Liquor Tax Act or the cigarettes under the Tobacco Business Act to juveniles in violation of Article 26 (1).

Article 52 (Penal Provisions)

A person who has damaged the indications on the media materials harmful to juveniles to the effect of being harmful to them or their package in violation of Article 16, shall be punished by a fine not exceeding five million won.

Article 53 (Penal Provisions)

A person who has refused, interfered with, or evaded an inspection and investigation by relevant public officials in violation of Article 35, shall be punished by a fine not exceeding three million won.

Article 54 (Joint Penal Provisions)

Where the representative of a juristic person or entity, or an agent, servant or employee of a juristic person, an entity or an individual commits an offense under the provisions of Articles 49-2 through 49-4 and 50 through 53 in respect of the business of such juristic person, entity, or individual, not only shall the wrongdoer be punished but the juristic person, the entity or the individual shall be punished by a fine as prescribed in the respective applicable Article. <Amended by Act No. 7161, Jan. 29, 2004>

Article 55 (Mitigation of Punishment)

Where a person who has committed an offense under Articles 50 through 52 was issued a corrective order referred to in the provisions of Article 37, and has complied with it, the punishment may be mitigated.

Article 56 (Fine for Negligence)

(1) Any person, who has disobeyed the corrective order under Article 37 (1) 1, 2, or 7, shall be punished by a fine for negligence not ex-

JUVENILE PROTECTION ACT

ceeding five million won.

(2) Any person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding one million won:

1. A person who has failed to comply with a request for report and submission of data referred to in the provisions of Article 34, or a person who has submitted false reports or data; and

2. A person who has disobeyed the corrective order referred to in the provisions of Article 37 (1) 3 through 6.

(3) The fine for negligence referred to in paragraphs (1) and (2) shall be imposed and collected by the head of *Si/Gun/Gu* (hereinafter referred to as the “imposing authority”) under the conditions as prescribed by the Presidential Decree.

(4) Any person who is dissatisfied with the disposition of the fine for negligence referred to in paragraph (3) may raise an objection to the imposing authority within 30 days from the day he is notified of that disposition.

(5) When any person subjected to a disposition of the fine for negligence under paragraph (3) raises an objection under paragraph (4), the imposing authority shall promptly notify the competent court thereof, and the court in receipt of said notice shall bring the case to a trial for the fine for negligence under the Non-Contentious Case Litigation Procedure Act. *<Amended by Act No. 7423, Mar. 24, 2005>*

(6) If neither an objection is raised nor is a fine for negligence paid within the period as prescribed in paragraph (4), it shall be collected by referring to the practices of dispositions on default of local taxes.

[This Article Wholly Amended by Act No. 7161, Jan. 29, 2004]

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1997.

Article 2 (Transitional Measures concerning Korea Publications Ethics Committee)

Incorporated association the Korea Publications Ethics Committee existing at the time when this Act enters into force shall be regarded as the Korea Publications Ethics Committee prescribed under this Act, in

the case where the Committee obtains the authorization of modification of the articles of association by the Minister of Culture and Sports within three months after the date this Act enters into force. In this case, the Korea Publications Ethics Committee shall be regarded as the successor of all the rights and obligations of the former Korea Publications Ethics Committee.

JUVENILE PROTECTION ACT

ADDENDA <Act No. 5529, Feb. 28, 1998>

Article 1 (Enforcement Date)

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

Articles 2 through 7 Omitted.

ADDENDA <Act No. 5817, Feb. 5, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 1999: *Provided*, That the amended provisions of Articles 27 through 31 shall enter into force after the elapse of three months from the date this Act is promulgated.

Article 2 (Transitional Measures concerning Members of Juvenile Protection Committee)

The terms of office for members of the Juvenile Protection Committee, who are appointed or commissioned under the previous provisions of Article 29 (2) at the time of enforcing this Act shall be dealt with according to the previous provisions.

Article 3 (Abrogation of Other Act)

The Protection of Minors Act is hereby abrogated.

Article 4 (Transitional Measures concerning Penal Provisions, etc.)

(1) The application of the penal provisions to any acts violating the previous provisions of the Protection of Minors Act and Article 9 (3) of the National Health Promotion Act before the enforcement of this Act shall be dealt with according to the previous provisions.

(2) Cigarettes, liquor and related articles, substandard comic books, and lascivious documents, books, sound records, video products and other articles, which are removed by the heads of police stations under the previous provisions of Article 5 of the Protection of Minors Act at the time of enforcing this Act, shall be returned or disposed of and then entered in related books under the previous provisions.

(3) The juvenile off-limits areas designated under the previous provisions of Article 2 (2) of the Protection of Minors Act at the time of enforcing this Act shall be deemed the juvenile off-limits areas under the amended provisions of Article 25 of this Act.

Article 5 Omitted.

ADDENDA <Act No. 5942, Mar. 31, 1999>

Article 1 (Enforcement Date)

(Supp. 30)

1029-3

This Act shall enter into force on July 1, 1999. (Proviso Omitted.)
Articles 2 through 5 Omitted.

ADDENDA <Act No. 6146, Jan. 12, 2000>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2000.
Articles 2 through 9 Omitted.

ADDENDA <Act No. 6261, Feb. 3, 2000>

(1) (Enforcement Date) This Act shall enter into force on July 1, 2000.
(2) and (3) Omitted.

ADDENDA <Act No. 6460, Apr. 7, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2001.
Articles 2 through 4 Omitted.

ADDENDA <Act No. 6479, May 24, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation: *Provided*, That the amended provisions of subparagraph 5 (b) (☒) of Article 2 shall enter into force four months after the date of its promulgation.

Article 2 (Transitional Measures on Penal Provisions)

In applying the penal provisions to the offenses committed prior to the enforcement of this Act, the previous provisions shall govern.

Article 3 Omitted.

ADDENDA <Act No. 6721, Aug. 26, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.
Articles 2 through 8 Omitted.

ADDENDA <Act No. 7161, Jan. 29, 2004>

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

(2) (Transitional Measures concerning Raising Objection) The previous provisions shall govern any objections accepted prior to the enforcement of this Act.

(3) (Transitional Measures concerning Filing of Lawsuits) The previous provisions shall govern any filing of lawsuits against the objections accepted prior to the enforcement of this Act.

(4) (Transitional Measures concerning Penal Provisions, etc.) The previous provisions shall govern any applications of penal provisions or fines for negligence to the acts committed prior to the enforcement of this Act.

ADDENDA <Act No. 7187, Mar. 11, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDA <Act No. 7292, Dec. 31, 2004>

Article 1 (Enforcement Date)

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

Articles 2 through 12 Omitted.

ADDENDA <Act No. 7423, Mar. 24, 2005>

(1) (Enforcement Date) This Act shall enter into force on the date when the Presidential Decree concerning the organization of the Juvenile Committee following the partial amendment of the Framework Act on Juveniles, Act No. 7421, takes effect.

[The date when the organization of the Juvenile Committee enters into force is set for April 27, 2005 pursuant to the Presidential Decree No. 18806 enacted on April 27, 2005]

(2) (Transitional Measures concerning Jurisdictional Affairs, Public Officials, etc. following Abolition and Establishment of Office) At the time of the enforcement of this Act, the jurisdictional affairs of the Juvenile Protection Committee shall be succeeded to by the Juvenile Committee, and the public officials affiliated with the Juvenile Protection Committee shall be deemed to belong to the Juvenile Committee.

(3) (Relation with Other Acts and Subordinate Statutes) Where the Juve-

JUVENILE PROTECTION ACT

nile Protection Committee and its chairman and public officials have been cited in other Acts and subordinate statutes at the time of the enforcement of this Act, the Juvenile Committee and its chairman and public officials shall be considered to have been cited in lieu thereof, respectively.

ADDENDA <Act No. 7799, Dec. 29, 2005>

Article 1 (Enforcement Date)

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

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 7800, Dec. 29, 2005>

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

ADDENDA <Act No. 7849, Feb. 21, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2006. (Proviso Omitted.)

Articles 2 through 41 Omitted.

ADDENDA <Act No. 7943, Apr. 28, 2006>

Article 1 (Enforcement Date)

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

Articles 2 through 15 Omitted.

ADDENDUM <Act No. 8877, Feb. 29, 2008>

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

ADDENDA <Act No. 9785, Jul. 31, 2009>

Article 1 (Enforcement Date)

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

Articles 2 through 9 Omitted.

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

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.