

Promulgated on April 24, 2009, Effective on July 1, 2009
Amended on June 29, 2010, Effective on July 15, 2010
Amended on March 21, 2011, Effective on April 15, 2011
Amended on January 30, 2012, Effective on March 16, 2012
Amended on April 22, 2013, Effective on June 19, 2013

③ Crimes of Sexual Assault

This guideline applies to adult offenders (nineteen years of age or older) who committed any offense of Rape (Criminal Act, Article 297), Sexual Penetration by Compulsion (Criminal Act, Article 297-2), Indecent Acts by Compulsion (Criminal Act, Article 298), *Quasi-Rape*, *Quasi-Indecent Acts* by Compulsion (Criminal Act, Article 299), Rape with Injury (Criminal Act, Article 301), Rape Resulting in Death (Criminal Act, Article 301-2), Statutory Rape, Sexual Penetration by Compulsion or Indecent Acts against Minor (Criminal Act, Article 305), Habitual Offense (Criminal Act, Article 305-2), Robbery and Rape (Criminal Act, Article 339), Rape/Sexual Penetration/Indecent Acts by Compulsion Accompanied by Intrusion upon Habitation, etc. (Sexual Crime Act, Article 3, paragraph 1), Rape/Indecent Acts by Compulsion Accompanied by Special Robbery, etc. (Sexual Crime Act, Article 3, paragraph 2), Special Rape/Sexual Penetration/Indecent Acts by Compulsion, etc. (Sexual Crime Act, Article 4), Rape/Indecent Acts by Compulsion, etc. by Relative (Sexual Crime Act, Article 5), Rape/Sexual Penetration/Indecent Acts by Compulsion of Disabled Person (Sexual Crime Act, Article 6), Rape/Sexual Penetration/Indecent Acts by Compulsion, etc. of Minors under Thirteen

Years of Age (Sexual Crime Act, Article 7), Rape, etc. with Injury (Sexual Crime Act, Article 8), Rape and so forth Resulting in Death (Sexual Crime Act, Article 9, Paragraph 2, 3), Rape/Sexual Penetration/Indecent Acts by Compulsion, and others offenses to Juveniles (Children-Juvenile Sexual Crime Act, Article 7), Sexual intercourse of Disabled Juvenile (Children-Juvenile Sexual Crime Act, Article 8), Rape with Injury (Children-Juvenile Sexual Crime Act, Article 9), Rape, etc. Resulting in Death (Children-Juvenile Sexual Crime Act, Article 10, paragraph 2), Sexual Offense by the Offender with Obligation to Report (Children-Juvenile Sexual Crime Act, Article 18) or Second Offense of Rape by a Robber under Aggravated Punishment Act (Aggravated Punishment Act, Article 5-5).

■ **Abbreviation**

- Sexual Crime Act : Act on Punishment of Sexual Crimes
- Children-Juvenile Sexual Crime Act : Act on Protection of Children and Juvenile from Sexual Abuse
- Aggravated Punishment Act : Act on Aggravated Punishment, etc. of Specific Crimes
- Special Violent Crime Act : Act on Punishment of Specific Violent Crimes

I. TYPES OF OFFENSE AND SENTENCING PERIODS

01¹ GENERAL APPLICABLE PRINCIPLES

1. RAPE (OF VICTIM THIRTEEN YEARS OF AGE OR OLDER)

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Standard Rape	1 yr 6 months - 3 yrs	2 yrs 6 months - 5yrs	4 yrs - 7 yrs
2	Rape by Relative/Rape After Intrusion Upon Habitation, etc. /Special Rape	3 yrs - 5 yrs 6 months	5 yrs - 8 yrs	6 yrs - 9 yrs
3	Rape After Robbery	5 yrs - 9 yrs	8 yrs - 12 yrs	10 yrs - 15 yrs

- ▷ Sexual Penetration by Compulsion against the adult falls within Type 1. However, the maximum and the minimum sentencing range shall be reduced to 2/3.
- ▷ Rape/Sexual Penetration by Compulsion against the minor (including sexual intercourse by deceptive schemes or by use of force/*quasi*-sexual intercourse) falls within Type 2.
- ▷ When the offense falls within *Repeated Crimes* as set forth in the Special Violent Crimes Act, increase the minimum and maximum sentencing range each by multiplying 1.5.
- ▷ When the offense falls within *Repeated Crimes* set forth in the Aggravated Punishment Act, increase the minimum and maximum sentencing range each by multiplying 1.5.

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct		<ul style="list-style-type: none"> ● Sadistic, Perverse Conduct or with Extreme Level of Sexual Humiliation ● Constant and Repeated Offense Against Multiple Victims ● Vulnerable Victims ● Offenders of Special Robbery Under the Special Sexual Crime Act, Article 3, paragraph 2 (Type 3) ● Offender Commits Rape After Intrusion Upon Habitation or Other Similar Settings or in a Special Rape Where the Victim is a Relative ● Gang-rape (Type 2,3) ● Pregnancy ● Instigating the Subordinate Person to Commit the Offense
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Visual Impairments ● Those with Mental Incapacity (Cases Where the Offender Cannot be Held Liable) ● Voluntary Surrender to Investigative Agencies ● Offender Expresses Remorse and the Victim Opposes Punishment 	<ul style="list-style-type: none"> ● Repeated Offenses of the Same Type Under the Aggravated Punishment Act or the Criminal Act that Does Not Constitute Repeated Offenses Under the Special Violent Crime Act ● Offenses Committed by the Person under Legal Obligation to Report or by Employee of Protection Facilities ● Habitual Offenders
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation ● Participation as a Result of Duress or Threat of Another 	<ul style="list-style-type: none"> ● Premeditated Crime ● Multiple Acts of Rape in Commission of the Same Offense ● Condemnable Motives ● Offense Committed by Causing Diminished Physical or Mental Capacity to the Victim ● Offense Committed by a Relative ● Offense Against a Minor

Classification		Mitigating Factor	Aggravating Factor
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Significant Amount of Money Deposited ● Expresses Sincere Remorse ● No Prior Criminal History 	<ul style="list-style-type: none"> ● Abuse of Trust in Relationships of Trust ● Repeated Offenses of Different Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Aggravated Punishment Act or the Special Violent Crime Act, Criminal History of Imprisonment by the Same Type of Offenses or by Crime of Violence that Does not Constitute Repeated Offense under the Criminal Act (This Applies When the Criminal History is Within Ten Years After Completion of Sentence) ● Harm caused in the Course of Reaching an Agreement (This Excludes Cases Where the Act Constitutes the Crime of Coercion)

▷ Apply the following classification in cases where sexual offenses was committed while intoxicated by the use of alcohol or drugs (including cases of Indecent Acts by Compulsion, Sexual Crimes against the Disabled Person, Sexual Crimes against Victim under Thirteen Years of Age, offenses that results in injuries or death):

- ① Cases where the offender voluntarily induced intoxication by taking alcohol or drugs and where the offender intended or foresaw the crime or attempted to use the condition as a ground for exemption, intoxication is considered as a general aggravating factor regardless of the fact that the offender was in a state of diminished mental capacity at the time of the crime.
- ② Cases where the offender had no intention of committing the offense or could not foresee the commission of such offense, but past behavior reveals possibility of harm caused to others while under influence of high-levels of alcohol or drugs, intoxication shall not be considered as a mitigating factor regardless offender was in a state of diminished mental capacity at the time of the crime.
- ③ Even if the cases do not fall within ①, ②, intoxication should not be taken into account as a mitigating factor unless the offender's mental state at the time of the crime constitutes *Those with Mental Incapacity*.

2. INDECENT ACTS BY COMPULSION (OF VICTIM THIRTEEN YEARS OF AGE OR OLDER)

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Indecent Acts by Compulsion (Standard)	- 1 yr	6 months - 2yrs	1 yr 6 months - 3 yrs
2	Indecent Acts by Compulsion by Relative/ Indecent Acts by Compulsion After Intrusion Upon Habitation, etc. /Special Indecent Acts by Compulsion	1 yr 6 months - 3 yrs	2 yrs 6 months - 5 yrs	4 yrs - 7 yrs
3	Indecent Acts by Compulsion After Robbery	5 yrs - 8 yrs	7 yrs - 11 yrs	9 yrs - 13 yrs

- ▷ Indecent Acts by Compulsion (including sexual intercourse by deceptive schemes or by use of force) against the minor falls within Type 2. However, the maximum and the minimum sentencing range shall be reduced to 2/3.
- ▷ When the offense falls within *Repeated Crimes* set forth in the Aggravated Punishment Act, increase the minimum and maximum sentencing range each by multiplying 1.5.

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Cases where the Extent of Violence is Extremely Slight ● Cases where the Degree of Indecent Acts is Slight 	<ul style="list-style-type: none"> ● Sadistic, Perverse Conduct or with Extreme Level of Sexual Humiliation ● Constant and Repeated Offense Against Multiple Victims ● Vulnerable Victims ● Offender Commits Rape After Intrusion Upon Habitation or Other Similar Settings; or in a Special Rape Where the Victim is a Relative ● Instigating the Subordinate Person to Commit the Offense

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Visual Impairments ● Those with Mental Incapacity (Cases Where the Offender Cannot be Held Liable) ● Voluntary Surrender to Investigative Agencies ● Offender Expresses Remorse and the Victim Opposes Punishment 	<ul style="list-style-type: none"> ● Repeated Offenses of Same Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act ● Offenses Committed by the Person under Legal Obligation to Report or by Employee of Protection Facilities ● Habitual Offenders
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation ● Participation as a Result of Duress or Threat of Another 	<ul style="list-style-type: none"> ● Premeditated Crime ● Condemnable Motives ● Offense Committed by Causing Diminished Physical or Mental Capacity to the Victim ● Offense Committed by a Relative ● Offense Against a Minor
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Significant Amount of Money Deposited ● Expresses Sincere Remorse ● No Prior Criminal History 	<ul style="list-style-type: none"> ● Abuse of Relationships of Trust ● Repeated Offenses of Different Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act, Criminal History of Imprisonment by the Same Type of Offenses or by Crime of Violence that Does not Constitute Repeated Offense under the Criminal Act (This Applies When the Criminal History is Within Ten Years After <i>Completion of Sentence</i>) ● Harm caused in the Course of Reaching an Agreement (This Excludes Cases Where the Act Constitutes the Crime of Coercion)

3. SEXUAL CRIMES AGAINST DISABLED VICTIM (THIRTEEN YEARS OF AGE OR OLDER)

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Statutory Indecent Acts by Compulsion	- 10 months	8 months - 2 yrs	1 yr 6 months - 3 yrs
2	Statutory Rape/Indecent Acts by Compulsion	1 yr 6 months - 3 yrs	2 yrs 6 months - 5 yrs	4 yrs - 6 yrs
3	Sexual Penetration by Compulsion	2 yrs 6 months - 5 yrs	4 yrs - 7 yrs	6 yrs - 9 yrs
4	Rape	4 yrs - 7 yrs	6 yrs - 9 yrs	8 yrs - 12 yrs

- ▷ Indecent Acts by Deceptive Scheme or by Use of Force falls within Type 2 (However, the maximum and the minimum sentencing range shall be reduced to 1/2). Sexual penetration by deceptive scheme or by use of force falls within Type 4.
- ▷ In cases of Rape After Robbery (including special rape after robbery), Special Indecent Acts by Compulsion After Robbery (including special sexual penetration by compulsion after robbery), apply the sentencing guidelines set forth in Indecent Acts by Compulsion (*against victim of thirteen years of age or older*) and adjust sentencing range according to the sentencing factors set forth in *Sexual crimes against victim under thirteen years of age*.
- ▷ When the offense falls within *Repeated Crimes* set forth in the Aggravated Punishment Act, increase the minimum and maximum sentencing range each by multiplying 1.5.

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Cases where the Extent of Indecent Acts is Slight (Type 1, 2) 	<ul style="list-style-type: none"> ● Sadistic, Perverse Conduct or with Extreme Level of Sexual Humiliation ● Constant and Repeated Offense Against Multiple Victims ● Offense Committed With Special Robbery Prescribed in Special Sexual Crime Act, Article 3, paragraph 2 (Type 4) ● Gang-rape (Type 2, 4) ● Pregnancy (Type 2, 4) ● Instigating the Subordinate Person to Commit the Offense

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Speaking Impairments ● Those with Mental Incapacity (Cases Where the Offender Cannot be Held Liable) ● Voluntary Surrender to Investigative Agencies ● Offender Expresses Remorse and the Victim Opposes Punishment 	<ul style="list-style-type: none"> ● Repeated Offenses of Same Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act ● Offenses Committed by the Person under Legal Obligation to Report or by Employee of Protection Facilities ● Habitual Offenders
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation ● Participation as a Result of Duress or Threat of Another 	<ul style="list-style-type: none"> ● Premeditated Crime ● Multiple Acts of Rape in Commission of the Same Offense (Type 2, 4) ● Condemnable Motives ● Falls within Offense Prescribed in Sexual Crime Act, Article 3, paragraph 1, Article 4, or 5 ● Offense Committed by Causing Diminished Physical or Mental Capacity to the Victim
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Deposited Significant Amounts of Money ● Expresses Sincere Remorse ● No Prior Criminal History 	<ul style="list-style-type: none"> ● Abuse of Relationships of Trust ● Repeated Offenses of Different Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act, Criminal History of Imprisonment by the Same Type of Offenses or by Crime of Violence that Does not Constitute Repeated Offense under the Criminal Act (This Applies When the Criminal History is Within Ten Years After Completion of Sentence) ● Harm Caused in the Course of Reaching an Agreement (This Excludes Cases Where the Act Constitutes the Crime of Coercion)

4. SEXUAL CRIMES AGAINST VICTIM UNDER THIRTEEN YEARS OF AGE

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Statutory Indecent Acts by Compulsion	- 10 months	8 months - 2 yrs	1 yr 6 months - 3 yrs
2	Statutory Rape	1 yr 6 months - 3 yrs	2 yrs 6 months - 5 yrs	4 yrs - 6 yrs
3	Indecent Acts by Compulsion	2 yrs 6 months - 5 yrs	4 yrs - 7 yrs	6 yrs - 9 yrs
4	Sexual Penetration by Compulsion	4 yrs - 7 yrs	6 yrs - 9 yrs	8 yrs - 12 yrs
5	Rape	6 yrs - 9 yrs	8 yrs - 12 yrs	11 yrs - 15 yrs

- ▷ Statutory Sexual Penetration by Compulsion falls within Type 2. However, the maximum and the minimum sentencing range shall be reduced to 2/3 of the original range.
- ▷ Indecent Acts by Deceptive Scheme or by Use of Force falls within Type 3, Quasi-sexual Intercourse by Deceptive Scheme or by Use of Force falls within Type 4, Sexual Intercourse by Deceptive Scheme or by Use of Force falls within Type 5.
- ▷ In cases of Special Indecent Acts by Compulsion After Robbery (including special sexual penetration by compulsion after robbery), apply the sentencing guidelines set forth in *Indecent Acts by Compulsion (against victim of thirteen years of age or older)* and adjust sentencing range according to the sentencing factors set forth in *Sexual Crimes Against Victim Under Thirteen Years of Age*.
- ▷ When the offense falls within *Repeated Crimes* set forth in the Special Violent Crimes Act, increase the minimum and maximum sentencing range each by multiplying 1.5.

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Cases where the Extent of Indecent Acts is Slight (Type 1, 3) 	<ul style="list-style-type: none"> ● Sadistic, Perverse Conduct or with Extreme Level of Sexual Humiliation ● Constant and Repeated Offense Against Multiple Victims ● Offense Committed With Special Robbery Prescribed in Special Sexual Crime Act, Article 3, paragraph 2 (Type 5) ● Gang-rape (Type 2, 5) ● Pregnancy (Type 2, 5) ● Instigating the Subordinate Person to Commit the Offense

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Those with Hearing and Speaking Impairments ● Those with Mental Incapacity (Cases Where the Offender Cannot be Held Liable) ● Voluntary Surrender to Investigative Agencies ● Offender Expresses Remorse and the Victim Opposes Punishment 	<ul style="list-style-type: none"> ● Repeated Offenses of Same Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act ● Offenses Committed by the Person under Legal Obligation to Report or by Employee of Protection Facilities ● Habitual Offenders
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> ● Passive Participation ● Participation as a Result of Duress or Threat of Another 	<ul style="list-style-type: none"> ● Premeditated Crime ● Multiple Acts of Rape in Commission of the Same Offense (Type 2, 5) ● Condemnable Motives ● Falls within Offense Prescribed in Sexual Crime Act, Article 3, paragraph 1, Article 4, or 5 ● Offense Committed by Causing Diminished Physical or Mental Capacity to the Victim
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> ● Deposited Significant Amounts of Money ● Expresses Sincere Remorse ● No Prior Criminal History 	<ul style="list-style-type: none"> ● Abuse of Relationships of Trust ● Repeated Offenses of Different Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act, Criminal History of Imprisonment by the Same Type of Offenses or by Crime of Violence that Does not Constitute Repeated Offense under the Criminal Act (This Applies When the Criminal History is Within Ten Years After Completion of Sentence) ● Harm Caused in the Course of Reaching an Agreement (This Excludes Cases Where the Act Constitutes the Crime of Coercion)

02¹ CASES RESULTING IN BODILY INJURY

1. INJURY AGAINST VICTIM OR VICTIM OF THIRTEEN YEARS OF AGE OR OLDER

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Indecent Acts by Compulsion (Standard)	2 yrs 6 months - 4yrs	3 yrs - 5 yrs	4 yrs - 6 yrs
2	Rape (Standard)	2 yrs 6 months - 5yrs	4 yrs - 7 yrs	6 yrs - 9 yrs
3	Indecent Acts by Compulsion by the Relative of the Victim	3 yrs 6 months - 6yrs	5 yrs - 8 yrs	7 yrs - 10 yrs
4	Rape by the Relative of the Victim	4 yrs - 7 yrs	6 yrs - 9 yrs	8 yrs - 12 yrs
5	Indecent Acts by Compulsion after Intrusion of Habitation, etc./Special Indecent Acts by Compulsion	5 yrs - 8 yrs	7 yrs - 11yrs	10 yrs - 14 yrs
6	Rape after Intrusion of Habitation, etc./Special Rape	6 yrs - 9 yrs	8 yrs - 13yrs	12 yrs - 16 yrs

- ▷ Indecent Acts by Compulsion (including Indecent Acts by Deceptive Scheme or by Use of Force) against a Juvenile and Sexual Penetration by Compulsion against an Adult fall within Type 2.
- ▷ Rape (including Sexual Intercourse by Deceptive Scheme or by Use of Force) against a Juvenile and Sexual Penetration by Compulsion (including Sexual Penetration by Deceptive Scheme or by Use of Force) against a Juvenile falls within Type 3.
- ▷ When the offense falls within *Repeated Crimes* set forth in the Aggravated Punishment Act, increase the minimum and maximum sentencing range each by multiplying 1.5.
- ▷ Apply sentencing factors set forth in *Rape* (against victim of thirteen years of age or older) or Indecent Acts by Compulsion (against victim of thirteen years of age or older) and for cases when injury results but the base offense is attempt and minor injuries result add to special mitigating factors and for cases when serious bodily injuries result add to special aggravating factors.
- ▷ Cases where the bodily injury results from Rape after Robbery (including the case of special robbery), this falls within Type 6. For cases where the bodily injury results by Indecent Acts by Compulsion after Special Robbery, this falls within Type 5.
In such cases, add serious bodily injury to special aggravating factors, and non-serious bodily injury to general aggravating factors to the relevant sentencing factors (Rape or Indecent Acts by Compulsion against victim of thirteen years of age or older).

2. INJURY AGAINST DISABLED OR VICTIM UNDER THIRTEEN YEARS OF AGE

Type	Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
1	Statutory Indecent Acts by Compulsion	2 yrs 6 months - 4 yrs	3 yrs - 5 yrs 6 months	5 yrs - 8 yrs
2	Statutory Rape	2 yrs 6 months - 5 yrs	4 yrs - 7 yrs	6 yrs - 9 yrs
3	Indecent Acts by Compulsion	5 yrs - 8 yrs	7 yrs - 11 yrs	10 yrs - 14 yrs
4	Sexual Penetration by Compulsion	5 yrs - 9 yrs	8 yrs - 12 yrs	11 yrs - 15 yrs
5	Rape	6 yrs - 10 yrs	9 yrs - 14 yrs	More than 13 yrs or Life Imprisonment

- ▷ Statutory Sexual Penetration by Compulsion falls within Type 2, Indecent Acts by Deceptive Scheme or by Use of Force falls within Type 3, Sexual Intercourse by Deceptive Schemes or by use of Force falls within Type 5.
- ▷ When the offense falls within *Repeated Crimes* set forth in the Special Violent Crimes Act, increase the minimum and maximum sentencing range each by multiplying 1.5.
- ▷ Apply sentencing factors set forth in Sexual Crimes Against Disabled Victims (thirteen years of age or older) or Sexual Crimes Against Victims under thirteen years of age and for cases where injury results but the base offense is attempt and minor injuries result add to the special mitigating factors and for cases when serious bodily injuries result add to the special aggravating factors.
- ▷ Cases where the bodily injury results from Rape after Robbery (including the case of Special Robbery), this falls within Type 5. Indecent Acts by Compulsion after Special Robbery results in bodily injury falls within Type 3 and Sexual Penetration by Compulsion after Special Robbery resulting in bodily injury falls in Type 3. In such cases, add serious bodily injury to special aggravating factors, and non-serious bodily injury to general aggravating factors to the relevant sentencing factors (Sexual Crimes Against Disabled Victims (thirteen years of age or older) or Sexual Crimes Against Victims under thirteen years of age) respectively.

03 | CASES RESULTING IN DEATH

Classification	Mitigated Sentencing Range	Standard Sentencing Range	Aggravated Sentencing Range
Rape Resulting in Death/Sexual Penetration by Compulsion Resulting in Death/Indecent Acts by Compulsion Resulting in Death	9 yrs - 12yrs	11 yrs - 14 yrs	More than 13 yrs or Life Imprisonment

▷ When the offense falls within *Repeated Crimes* set forth in the Aggravated Punishment Act, increase the minimum and maximum sentencing range by multiplying 1.5.

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Offender’s Conduct was Not Direct Cause of Death 	<ul style="list-style-type: none"> Vulnerable Victim Instigating the Subordinate Person to Commit the Offense
Special Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> Those with Hearing and Visual Impairments Those with Mental Incapacity (Cases Where the Offender Cannot be Held Liable) Voluntary Surrender to Investigative Agencies Offender Expresses Remorse and the Victim Opposes Punishment (This Includes Genuine Efforts to Reverse Harm) 	<ul style="list-style-type: none"> Absence of Remorse(This Excludes Cases where the Offender Merely Denies Offense) Repeated Offenses of Same Typeunder the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Indecent Acts by Compulsion is the Base Offense Passive Participation 	

Classification		Mitigating Factor	Aggravating Factor
General Sentencing Determinant	Actor /Etc.	<ul style="list-style-type: none"> • Deposited Significant Amounts of Money • Offender Expresses Sincere Remorse • No Prior Criminal History 	<ul style="list-style-type: none"> • Repeated Offenses of Different Type under the Criminal Act that Does Not Constitute Repeated Offenses under the Special Violent Crime Act, Criminal History of Imprisonment by the Same Type of Offenses or by Crime of Violence that Does not Constitute Repeated Offense under the Criminal Act (This Applies When the Criminal History is Within Ten Years After Completion of Sentence)

[DEFINITION OF OFFENSES]

01 | GENERAL STANDARDS

1. RAPE (AGAINST VICTIMS THIRTEEN YEARS OF AGE OR OLDER)

(1) TYPE 1 STANDARD RAPE

- Type 1, Standard Rape, means offenses with the following statutory elements of the offense under the applicable laws(hereinafter as so applied).

Elements of the Offense	Applicable Law
Sexual intercourse with victim by use of force or threat	Criminal Act, Article 297
Sexual Penetration without consent by use of force or threat	Criminal Act, Article 297-2
<i>Quasi</i> -rape(i.e., sexual intercourse with a female by taking advantage of her unconscious condition or inability to resist)	Criminal Act, Article 299

(2) TYPE 2 RAPE BY A RELATIVE/RAPE AFTER INTRUSION UPON HABITATION, ETC./SPECIAL RAPE

Elements of Offense	Applicable Law
Rape/ <i>Quasi</i> -rape/Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration after committing intrusion upon habitation, larceny accompanied by intrusion into habitation at nighttime (includes attempts thereof), special larceny(includes attempts thereof)	Sexual Crime Act, Article 3, paragraph 1
Rape or <i>Quasi</i> -rape committed while carrying a dangerous weapon or two or more persons involved in the offense	Sexual Crime Act, Article 4 paragraph 1, paragraph 3
Rape/ <i>Quasi</i> -rape/Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration against a juvenile (under nineteen years of age)	Children-Juvenile Sexual Crime Act, Article 7, paragraph 1, paragraph 2, paragraph 4
Sexual intercourse/ <i>Quasi</i> -Sexual Intercourse with a juvenile (under nineteen years of age) by use of deceptive schemes or use of force	Children-Juvenile Sexual Crime Act, Article 7 paragraph 5
Rape/ <i>Quasi</i> -rape by a relative	Sexual Crime Act, Article 5 paragraph 1, paragraph 3

(3) TYPE 3 RAPE AFTER ROBBERY

Elements of Offense	Applicable Law
Rape against victim thirteen years of age or older by the offender of a robbery	Criminal Act, Article 339
Rape / <i>Quasi</i> -rape/Sexual Penetration by Compulsion against victim thirteen of age or older by the offender of special robbery (includes attempts thereof)	Sexual Crime Act, Article 3 paragraph 2

2. INDECENT ACTS BY COMPULSION (AGAINST VICTIM THIRTEEN YEARS OF AGE OR OLDER)

(1) TYPE 1 STANDARD INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Indecent Acts by Compulsion by use of force or threat	Criminal Act, Article 298
<i>Quasi</i> -Indecent Acts by Compulsion (i.e., Indecent Acts by Compulsion by taking advantage of victim's unconscious condition or inability to resist)	Criminal Act, Article 299

(2) TYPE 2 INDECENT ACTS BY COMPULSION BY A RELATIVE/ INDECENT ACTS BY COMPULSION AFTER INTRUSION UPON HABITATION, ETC./SPECIAL INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Indecent Acts by Compulsion/ <i>Quasi</i> Indecent Acts by Compulsion after committing intrusion upon habitation, larceny accompanied by intrusion into habitation at nighttime (includes attempts thereof), special larceny(includes attempts thereof)	Sexual Crime Act, Article 3 paragraph 1
Indecent Acts by Compulsion/ <i>Quasi</i> Indecent Acts committed while carrying a dangerous weapon or two or more persons involved in the offense	Sexual Crime Act, Article 4 paragraph 2, paragraph 3
Indecent Acts by Compulsion/ <i>Quasi</i> Indecent Acts by Compulsion against juveniles(under nineteen years of age)	Children-Juvenile Sexual Crime Act, Article7 paragraph 3, paragraph 4
Indecent Acts against juvenile(under nineteen years of age) by using deceptive scheme or use of force	Children-Juvenile Sexual Crime Act, Article 7, paragraph 5
Indecent Acts by Compulsion/ <i>Quasi</i> Indecent Acts by Compulsion by a relative	Sexual Crime Act, Article 5 paragraph 2, and paragraph 3

(3) TYPE 3 INDECENT ACTS BY COMPULSION AFTER THE OFFENSE OF ROBBERY

Elements of Offense	Applicable Law
Indecent Acts by Compulsion/ <i>quasi</i> Indecent Acts by Compulsion by offender of special robbery (includes attempts thereof)	Sexual Crime Act, Article 3 paragraph 2

3. SEXUAL CRIMES AGAINST DISABLED VICTIMS (THIRTEEN YEARS OF AGE OR OLDER)

(1) TYPE 1 STATUTORY INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Indecent acts by an offender, nineteen years of age or older, against a disabled child or a disabled juvenile victim, or instigates a disabled child or disabled juvenile to commit indecent acts against the third party	Children-Juvenile Sexual Crime Act, Article 8, Paragraph 2

(2) TYPE 2 STATUTORY RAPE/INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Sexual Intercourse by an offer, nineteen years of age or older, against a disabled child or a disabled juvenile victim or instigates a disabled child or a disabled juvenile victim to have sexual intercourse with a third party	Children-Juvenile Sexual Crime Act, Article 8, Paragraph 1
Indecent Acts by Compulsion/ <i>Quasi</i> -Indecent Acts committed against physically or mentally disabled victim	Sexual Crime Act, Article 6 paragraph 3, paragraph 4
Indecent Acts by Deceptive Scheme or by Use of Force against a physically or mentally disabled victim	Sexual Crime Act, Article 6, paragraph 6

(3) TYPE 3 SEXUAL PENETRATION BY COMPULSION

Elements of Offense	Applicable Law
Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration by Compulsion against a physically or mentally disabled victim	Sexual Crime Act, Article 6, paragraph 2, paragraph 4
Indecent Act by Deceptive Schemes or by Use of Force against a physically or mentally disabled victim, when the extent of the indecent act is comparable to <i>quasi</i> -sexual intercourse	Sexual Crime Act, Article 6, paragraph 6

(4) TYPE 4 RAPE

Elements of Offense	Applicable Law
Rape/ <i>Quasi</i> -Rape against a physically or mentally disabled victim	Sexual Crime Act, Article 6, paragraph 1, paragraph 4
Sexual Intercourse by Deceptive Schemes or by Use of Force against a physically or mentally disabled victim	Sexual Crime Act, Article 6, paragraph 5

4. SEXUAL CRIMES AGAINST VICTIMS UNDER THIRTEEN YEARS OF AGE

(1) TYPE 1 STATUTORY INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Statutory Indecent Acts by Compulsion (Indecent Acts against victim under thirteen years of age)	Criminal Act, Article 305 (Article 298)

(2) TYPE 2 STATUTORY RAPE

Elements of Offense	Applicable Law
Statutory Rape (Sexual Intercourse with victim under thirteen years of age)	Criminal Act, Article 305 (Article 297)
Statutory Sexual Penetration by Compulsion (Sexual Intercourse with victim under thirteen years of age)	Criminal Act, Article 305 (Article 297-2)

(3) TYPE 3 INDECENT ACT BY COMPULSION

Elements of Offense	Applicable Law
<i>Quasi</i> -Sexual Intercourse by Compulsion against victim under thirteen years of age	Sexual Crime Act, Article 7, paragraph 3, paragraph 4
<i>Quasi</i> -Sexual Intercourse with victim under thirteen years of age by Deceptive Schemes or Use of Force	Sexual Crime Act, Article 7, paragraph 5

(4) TYPE 4 SEXUAL PENETRATION BY COMPULSION

Elements of Offense	Applicable Law
Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration by Compulsion against victim under thirteen years of age	Sexual Crime Act, Article 7, paragraph 2, paragraph 4
Sexual Penetration/ <i>Quasi</i> -Sexual Penetration by Deceptive Schemes or by Use of Force against victim under thirteen years of age	Sexual Crime Act, Article 7, paragraph 2, paragraph 5

(5) TYPE 5 RAPE

Elements of Offense	Applicable Law
Rape/ <i>Quasi</i> -Rape against victim under thirteen years of age	Sexual Crime Act, Article 7, paragraph 1, paragraph 4
Sexual Relationship by Deceptive Schemes or Use of Force against victim under thirteen years of age	Sexual Crime Act, Article 7, paragraph 5
Rape against victim under thirteen years of age by the robbery offender	Criminal Act, Article 339
Rape/ <i>Quasi</i> -Rape against victim under thirteen years of age by the special robbery offender (including attempt offenses)	Sexual Crime Act, Article 3, paragraph 2

※ The following offense constitutes *Repeated Crimes* as prescribed in Aggravated Punishment Act or Special Violent Crime Act (Applies to all offenses)

Elements of Offense	Applicable Law
An offender, after sentenced for the offense of rape after robbery (including attempts thereof), repeats the commission of such offense within three years upon the completion of sentence, or upon exemption from sentence.	Aggravated Punishment Act, Article 5-5
An offender, after sentenced for the offense of a special violent crime as prescribed in Special Violent Crime Act, repeats the commission of a sexual crime as prescribed in the Act, Article 2, paragraph 1, subparagraph 3 and 4 within three years upon the completion of sentence, or upon exemption from sentence.	Special Violent Crime Act, Article 3

02¹ CASES RESULTING IN BODILY INJURIES

1. BODILY INJURIES AGAINST VICTIMS THIRTEEN YEARS OF AGE OR OLDER

(1) TYPE 1 STANDARD INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Bodily injuries is caused as a result of Indecent Acts by Compulsion, <i>Quasi</i> -Indecent Acts by Compulsion(including attempts thereof)	Criminal Act, Article 301(Article 298, Article 299)

(2) TYPE 2 STANDARD RAPE

Elements of Offense	Applicable Law
Bodily injury is caused as a result of rape/ <i>Quasi</i> -Rape (including attempts thereof)	Criminal Act, Article 301(Criminal Act, Article 297, Article 297-2, Article 299)
Bodily injury is caused to a juvenile victim as a result of Indecent Acts by Compulsion/ <i>Quasi</i> -Indecent Acts by Compulsion/Indecent Acts by Deceptive Schemes or by Use of Force (including attempts thereof)	Children-Juvenile Sexual Crime Act, Article 9, (Article 7 paragraph 3 to paragraph 5)

(3) TYPE 3 INDECENT ACTS BY COMPULSION BY THE VICTIM'S RELATIVE

Elements of Offense	Applicable Law
Bodily injury is caused as a result of Indecent Acts by Compulsion/ <i>Quasi</i> -Indecent Acts by Compulsion as prescribed in Sexual Crime Act, Article 5 (including attempts thereof)	Sexual Crime Act, Article 8, paragraph 2 (Sexual Crime Act, Article 5 paragraph 2, paragraph 3)
Bodily injury is caused to a juvenile victim as a result of Rape/ <i>Quasi</i> -Rape/Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration by Compulsion/Sexual Intercourse by Deceptive Schemes or by Use of Force (including attempts thereof)	Children-Juvenile Sexual Crime Act, Article 9 (Article 7 paragraph 1, 2, 4, 5)

(4) TYPE 4 RAPE BY VICTIM’S RELATIVE

Elements of Offense	Applicable Law
Bodily injury is caused as a result of Rape/ <i>Quasi</i> -Rape	Sexual Crime Act, Article 8 paragraph 2 (Article 5 paragraph 1, paragraph 3)

(5) TYPE 5 INDECENT ACTS BY COMPULSION AFTER INTRUSION UPON HABITATION, ETC./SPECIAL INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Bodily injury is caused as a result of Rape/ <i>Quasi</i> -rape as prescribed in Sexual Crime Act,, Article 3, paragraph 1 and Article 4 (including attempts thereof)	Sexual Crime Act, Article 8 paragraph 1 (Article 3, paragraph 1, Article 4 paragraph 2, paragraph 3)

(6) TYPE 6 RAPE AFTER INTRUSION UPON HABITATION, ETC./SPECIAL RAPE BY COMPULSION

Elements of Offense	Applicable Law
Bodily injury is caused as a result of Rape/ <i>Quasi</i> -rape/Sexual Penetration by Compulsion as prescribed in Sexual Crime Act, Article 3, paragraph 1 or Article 4 (including attempts thereof)	Sexual Crime Act, Article 8 paragraph 1 (Article 3, paragraph 1, Article 4 paragraph 1, paragraph 3)

2. BODILY INJURIES AGAINST DISABLED VICTIMS OR VICTIMS UNDER THIRTEEN YEARS OF AGE

(1) TYPE 1 STATUTORY INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Bodily injury is caused against victim under thirteen years of age as a result of Indecent Acts by Compulsion (including attempts thereof)	Criminal Act, Article 305, Article 301

(2) TYPE 2 STATUTORY RAPE

Elements of Offense	Applicable Law
Bodily injury is caused against victim under thirteen years of age as a result of Sexual Intercourse, <i>Quasi</i> -Sexual Intercourse (including attempts thereof)	Criminal Act, Article 305, Article 301

(3) TYPE 3 INDECENT ACTS BY COMPULSION

Elements of Offense	Applicable Law
Bodily injury is caused against a victim under thirteen years of age as a result of Indecent Acts by Compulsion, <i>Quasi</i> -Indecent Acts by Compulsion/Indecent Act by Deceptive Schemes or by Use of Force as prescribed in Sexual Crime Act, Article 7, paragraph 3 to 5 (including attempts thereof)	Sexual Crime Act, Article 8 paragraph 1 (Article 7, paragraph 3 to paragraph 5)
Bodily injury is caused against a disabled victim as a result of Indecent Acts by Compulsion, <i>Quasi</i> -Indecent Acts by Compulsion/Indecent Act by Deceptive Schemes or by Use of Force as prescribed in Sexual Crime Act, Article 6, paragraph 3, 4, 6 (including attempts thereof)	Sexual Crime Act, Article 8 paragraph 1 (Article 6, paragraph 3, paragraph 4, paragraph 6)

(4) TYPE 4 QUASI-RAPE

Elements of Offense	Applicable Law
Bodily injury is caused against a victim under thirteen years of age as a result of Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration by Deceptive Schemes or by Use of Force as prescribed in Sexual Crime Act, Article 7, paragraph 2, paragraph 4, paragraph 5 (including attempts thereof)	Sexual Crime Act, Article 8 paragraph 1 (Article 7 paragraph 2, paragraph 4, paragraph 5)
Bodily injury is caused against disabled victim as a result of Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration by Compulsion as prescribed in Sexual Crime Act, Article 6, paragraph 2, paragraph 4 (including attempts thereof)	Sexual Crime Act, Article 8 paragraph 1 (Article 6, paragraph 2, paragraph 4)

(5) TYPE 5 RAPE

Elements of Offense	Applicable Law
Bodily injury is caused as a result of Rape/ <i>Quasi</i> -Rape/Sexual Intercourse by Deceptive Schemes or by Use of Force as prescribed in Sexual Crime Act, Article 7, paragraph 1, paragraph 4, paragraph 5 (including attempts thereof)	Sexual Crime Act, Article 8, paragraph 1 (Article 7 paragraph 1, paragraph 4, paragraph 5)
Bodily injury is caused as a result of Rape/ <i>Quasi</i> -Rape/Sexual Intercourse by Deceptive Schemes or by Use of Force as prescribed in Sexual Crime Act, Article 6, paragraph 1, paragraph 4, paragraph 5 (including attempts thereof)	Sexual Crime Act, Article 8, paragraph 1 (Article 6, paragraph 1, paragraph 4, paragraph 5)

03 | CASES RESULTING IN DEATH (RAPE RESULTING IN DEATH, SEXUAL PENETRATION BY COMPULSION RESULTING IN DEATH, INDECENT ACTS BY COMPULSION RESULTING IN DEATH)

Elements of Offense	Applicable Law
Death as a result of Rape/ <i>Quasi</i> -Rape /Sexual Penetration by Compulsion/ <i>Quasi</i> -Sexual Penetration by Compulsion/Indecent Acts by Compulsion/ <i>Quasi</i> -Indecent Acts by Compulsion (including attempts thereof)	Criminal Act, Article 301-2
Death of the victim as a result of crimes as prescribed in Sexual Crime Act, from Article 4, Article 5 (including attempts thereof)	Sexual Crime Act, Article 9 paragraph 2
Death of the victim as a result of sexual crimes as prescribed in Sexual Crime Act, Article 6, Article 7 (including attempts thereof)	Sexual Crime Act, Article 9 paragraph 3

[DEFINITION OF SENTENCING FACTORS]

01 | GENERAL STANDARDS

1. SADISTIC AND PERVERSE CONDUCTS

- This means cases where one or more of the following factors apply and the resulting harm or bodily injury is considerably severe:
 - Conducts that cause prolonged immobility to the victim by use of means such as typing;
 - Conducts that inflicts bodily harm to the victim’s body by use of instruments such as cigarette butt, needle, club, and the like;
 - Conducts that inserts substances into the sexual organs of the victim; or
 - Other conducts with other comparable factors.

2. EXTREME LEVELS OF SEXUAL HUMILIATION

- This means cases where one or more of the following factors apply and as a result of the commission of the offense caused extreme levels of humiliation to the victim:
 - When the commission of the offense was filmed;
 - When the offense was committed in the presence of the victim’s others such as the victim’s children, spouse or parents;
 - When substances or instruments were used for sexual pleasure; or
 - Other cases with comparable factors.

3. CONSTANT AND REPEATED OFFENSE AGAINST MULTIPLE VICTIMS

- This means cases where the offender committed sexual crimes against multiple victims of five or more in a constant and repeated manner.

4. VULNERABLE VICTIMS

- This means cases where the victim was especially vulnerable due to reduced physical or mental capacity or age at the time of the crime and the offender was already aware of or possibly aware of the victim’s such circumstances.

5. PREGNANCY

- This means cases where the victim has been impregnated as a result of the offense.

6. OFFENSE COMMITTED IN A SPECIALLY PROTECTED AREA

- This means cases where the offender induces or attempts to induce the victim from areas that are specially protected for children under thirteen years of age. This applies to schools (including school ground and building), nurseries, orphanages, kindergartens, other educational facilities, places nearby the facilities, streets leading to the facilities, stairways, elevators in apartment complexes and the like.

7. OFFENDER EXPRESSES REMORSE AND THE VICTIM OPPOSES PUNISHMENT

- This means cases where there is sincere remorse by the offender with genuine efforts to reach an agreement has been made and where the offender pays suitable compensation for the damage caused, and the victim acknowledges this and expresses objection to punishing the offender with clear understanding of the legal and social implications of such objections.
- However, this should not apply in the following cases:
 - In cases where the offender actually forced or deceived the victim to express objection for punishment since the victim is not stating the intent freely.
 - In cases where the victim is a minor, disabled, or a blood relative of the offender, and no generally accepted grounds can be found in the victim or the legal representative's objections for punishment.
- This means cases where there the victim is a minor, disabled, or a blood relative of the offender and the like, the objections for punishment can only be possible after thorough and careful examination of the victim or the legal representative's ability to fully understand the meaning, implications and effect of such objections according to the victim's age, mental capacity, and intelligence, and whether the objection genuinely represents the victim's intention.

8. OFFENSE COMMITTED BY THE PERSON WITH LEGAL OBLIGATION TO REPORT OR BY EMPLOYEE OF PROTECTION FACILITIES

- This means cases where one or more of the following factors apply:

- Offense committed by the director of an organization or the employee of the institution or facilities prescribed in the Children-Juvenile Sexual Crime Act, Article 34, paragraph 2 against a child or juvenile victim who is under the protection, supervision, or medical treatment of the offender.
- Offense committed by the director of an organization or the employee of the institution or facilities established with the purpose to protect and education disabled persons.

9. PASSIVE PARTICIPATION

- This means cases where the nature of participation in the commission of the offense was passive or the offender had a limited role.
- However, this is not applicable in cases where the offender had an active role in the commission of the offense by causing another person to commit the crime by means such as in an attempt to fulfill the offender’s voyeurism.

10. PREMEDITATED CRIME

- This means cases with one or more of the following factors:
 - Advance preparation and possession of the crime weapon;
 - Planned conspiracy;
 - Inducement of victim;
 - Preparation of destruction of evidence;
 - Prior planning of a flight plan; or
 - Other cases with comparable factors.

11. CONDEMNABLE MOTIVES

- This means cases with one or more of the following factors:
 - Offense committed for the purpose of preventing victim’s report of another crime that the offender committed;
 - Offense committed out of retaliation, grievance, or hatred;
 - Offense committed for economic gain; or
 - Other cases with comparable factors.

12. OFFENSE COMMITTED BY CAUSING DIMINISHED PHYSICAL OR MENTAL CAPACITY TO THE VICTIM

- This means cases where the reduced mental capacity is caused by the use of alcohol, substances, or the like with the purpose of diminishing the victim's perception and control for the commission of the offense.

13. SIGNIFICANT AMOUNT OF MONEY DEPOSITED

- This means cases where the offender has deposited significant amounts of money after failed attempt to reach an agreement with the victim in a genuine effort to bring restoration for the inflicted harm.

14. ABUSE OF RELATIONSHIPS OF TRUST

- This means cases where the offender abused the mutual trust in the relationship such as the following as established between the offender and the victim:
 - Teacher and student relationship
 - Children of an acquaintance
 - Other comparable relationships

15. PRIOR CRIMINAL HISTORY OF THE SAME OFFENSE

- This means cases of criminal history for sexual assault offense as set forth in the sentencing guideline.

16. HARM CAUSED IN THE COURSE OF ATTEMPT TO REACH AN AGREEMENT WITH THE VICTIM

- This means cases where the offender consistently harassed, publicized or threatened to publicize the criminal facts, or used other comparable means to force the victim to settle in the course of reaching an agreement.

02¹ CASES WITH INJURY AS A RESULT

1. MINOR BODILY INJURIES

- This means cases where the inflicted injury requires less than two weeks of medical care,

affecting relatively limited bodily parts, which does not disrupt day-to-day activities of the victim, and does not require medical intervention such as surgical stitches and the like.

2. SERIOUS BODILY INJURIES

- This means cases where the recovery from the inflicted injury requires more than 4 to 5 weeks of medical care in general, including cases with after-effects causing impairment, severe disability resulting from the offense, injuries inflicted to vulnerable body parts or further anticipated bodily injuries.

03 | CASES RESULTING IN DEATH

1. OFFENDER'S CONDUCT WAS NOT DIRECT CAUSE OF DEATH

- This means cases where intervening causes unforeseen by the offender existed at the time of the commission of the offense and, therefore, the offender cannot be held liable for the direct cause of the death.

2. OFFENDER EXPRESSES REMORSE AND THE VICTIM OPPOSES PUNISHMENT (THIS INCLUDES GENUINE EFFORTS TO REVERSE HARM)

- This means cases where there is sincere remorse by the offender with genuine efforts to reach an agreement has been made and where the offender pays suitable compensation for the damage caused, and the victim acknowledges this and expresses objection to punishing the offender with clear understanding of the legal and social implications of such objections.
- This includes cases where deposits are made in a considerable amount of money comparable to reaching of an agreement with the family of the deceased or the victim as a result of the offender's genuine efforts to reverse harm.

3. ABSENCE OF REMORSE (THIS EXCLUDES CASES WHERE THE OFFENDER MERELY DENIES OFFENSE CONDUCT)

- This means cases where the offender admits to committing the crime yet does not express any sign of guilt or remorse but rather justifies the offense conduct. This should be distinguished from merely denying the offense conduct.

[ASSESSING PRINCIPLES APPLICABLE TO THE SENTENCING FACTORS]

01¹ DETERMINING APPROPRIATE SENTENCING RANGE

- In determining the appropriate sentencing range, the judge must only consider the special sentencing determinants.
- However, in cases involving more than two special sentencing determinant, the applicable sentencing range is adjusted after assessing the factors as set forth below:
 - ① The same number of conduct factor shall be considered with greater significance than the actor/etc. factor. However, this shall be assessed equally to the victim or the family member of the deceased victim's objection to the punishment.
 - ② Each factor within the relevant categories of conduct or actor/etc. factors should be treated as equal.
 - ③ If the applicable sentencing range is unable to be determined by the aforementioned principles ①, ②, the judge is to decide the applicable sentencing range through a comprehensive comparison and assessment based on the principles set forth in ①, ②.
- It is recommended that when the assessment reveals greater aggravating factors to select the aggravated zone, the mitigating factors is greater to select the mitigating zone, and the same number of aggravating factors and mitigating factors to select the standard zone as a sentencing range.

02¹ DETERMINING THE APPLICABLE SENTENCE

- The judge should select the proper point within the sentencing range as assessed in accordance with the above principles, along with the special sentencing determinant and general sentencing determinant taken together.
- When the maximum of the sentencing range exceeds twenty-five years, the judge may impose a life imprisonment.

[GENERAL APPLICATION PRINCIPLES]

01 | SPECIAL ADJUSTMENTS TO THE SENTENCING RANGE

- ① In cases where the aggravating factor is selected and the assessment of the special sentencing determinant reveals only two or more special aggravating factors or the special sentencing determinant outnumbers the special mitigating determinant by two or more, then the sentencing range should be increased up to 1/2 from the maximum level. If this results in a maximum level that exceeds twenty-five years, then the judge may impose a life imprisonment.
- ② For cases where the mitigating factor is selected as a result of assessment of the special sentencing determinant, and there are two or more special mitigating determinant or the special mitigating determinant outnumbers the special aggravating determinant by two or more, the sentencing range should be decreased up to 1/2 from the minimum level.

02 | RELATION BETWEEN THE RECOMMENDED SENTENCING RANGE GUIDELINES AND APPLICABLE SENTENCING RANGE BY LAW

When the sentencing range under this guideline conflicts with the range drawn in accordance with the aggravation and mitigation of applicable law, the sentencing range prescribed by applicable law governs.

03 | APPLICATION OF STATUTORY MITIGATING FACTORS AS DISCRETIONARY

When the judge declines to apply the optional mitigation factor under the applicable law as listed in the sentencing table of this guideline, this shall be considered as the discretion for mitigation.

[GUIDELINE ON MULTI-COUNT CONVICTIONS]

01 | APPLICABLE SCOPE

- This part on multi-count convictions applies to concurrent crimes prescribed in the first part of Article 37 of the Criminal Act as set forth in this sentencing guideline. However, in cases of this article's concurrent crimes where offenses that fall within and outside of the sentencing guidelines are involved, the minimum level should be the minimum of the sentencing range of the offense that is set forth in this sentencing guideline.
 - ※ This sentencing guideline also applies in cases where *Constant and Repeated Crime Against Multiple Victims* is taken into account as a special aggravating factor.

02 | DETERMINING BASE OFFENSE

- The “base offense” means the most severe offense that results after the selection of penalty and statutory aggravation and mitigation as prescribed in Criminal Act, Article 50. However, in cases where the maximum sentencing range is lower than that of the maximum sentencing range of the other counts as provided in this guideline, then such other count becomes the base offense.

03 | CALCULATING SENTENCING RANGE

- For purposes of calculating sentencing range for multi-count conviction cases, the judge shall apply the following unless the offenses are deemed as a single offense under the sentencing guideline.
 - ① In setting sentencing range for an offender convicted of two counts, the sentencing range should be the total sum of the maximum sentencing range of the base offense and the 1/2 of the maximum sentencing range of the second count.
 - ② In setting sentencing range for an offender convicted of three or more counts, the sentencing range should be the total sum of the following: (1) maximum

sentencing range of the base offense, (2) $1/2$ of the maximum sentencing range of the count with the highest sentencing range, and (3) $1/3$ of the maximum sentencing range of the remaining count with the second highest sentencing range.

- ③ For cases where the minimum sentencing range of the other count is higher than that of the base offense, the minimum sentencing range resulting from the multi-count offense should be the minimum sentencing range of the other count.

II. GUIDELINE ON SUSPENSION OF SENTENCE

Classification		Adverse	Affirmative
Primary Consideration Factor	Risk of Recidivism, etc.	<ul style="list-style-type: none"> ● Premeditated Crime ● Sadistic, Perverse Conduct or with Extreme Level of Sexual Humiliation ● Offense Committed in a Specially Protected Area (Applies for Sexual Offense Against Victim Under Thirteen Years of Age) ● Criminal History of the Same Offense (for Suspension of Sentence or Imposing of Sentence More Severe Within Ten Years) ● Repeated Crimes ● Vulnerable Victims ● Use of Dangerous Objects ● Gang-rape 	<ul style="list-style-type: none"> ● Cases where the Extent of Violence is Extremely Slight in Indecent Acts by Compulsion (Against Victim Thirteen Years of Age or Older, Excluding Offenses Committed Against Disabled Persons) ● Offender Attempted to Thwart the Accomplice's Commission of the Crime ● Cases where the Extent of the Indecent Acts is Slight
	Other Factors	<ul style="list-style-type: none"> ● Offense as Prescribed in Sexual Crime Act, Article 5 ● Pregnancy ● Serious Bodily Injuries 	<ul style="list-style-type: none"> ● Bodily Injuries Resulting from a Base Offense of Attempt ● Offender Expresses Remorse and Victim Opposes Punishment
General Consideration Factor	Risk of Recidivism, etc.	<ul style="list-style-type: none"> ● Two or More Criminal Record on Suspension of Sentence or Greater Offense ● Lack of Social Ties ● Offense Committed by Causing Diminished Physical or Mental Capacity to the Victim ● Drug or Alcohol Addiction ● Absence of Remorse 	<ul style="list-style-type: none"> ● No Criminal History of Same Offense and No Criminal History of Suspension of Sentence or Imposing of Other Sentences More Severe ● Strongly-Established Social Ties ● Non-premeditated Crime ● Voluntary Surrender to Investigative Agencies ● Expresses Sincere Remorse ● Offense by Deceptive Schemes or Use of Authority, Excluding Use of Force or Threats (Against Victim Thirteen Years of Age or Older) ● Cases of Old-age Offenders

Classification		Adverse	Affirmative
	Other Factors	<ul style="list-style-type: none"> ● Active Participation as an Accomplice ● Destroying Evidence or Attempting to Conceal Evidence After Commission of the Offense 	<ul style="list-style-type: none"> ● Passive Participation as an Accomplice ● Significant Amount of Money Deposited ● Cases of Physically-ill Offenders ● Cases where the Arrest of the Offender would Cause Severe Hardship to the Offender's Dependent Family Member

[DEFINITIONS OF CONSIDERATION FACTORS FOR SUSPENSION OF SENTENCE]

- In cases where the consideration factors for suspension of sentence of sentencing and the sentencing factors are identical, refer to the definitions set forth in the *Definition of Sentencing Factors*.

- Determining Criminal History
 - Prior criminal history is calculated as follows: In cases involving suspension of sentence, calculate from the date the defendant's suspension of sentence was affirmed up to the date of the commission of the offense. In cases imposing imprisonment, calculate from the final date of the completion of the sentence up to the date of the commission of the offense.

- Repeated Crimes
 - This means cases where the judge determines that the offender has committed similar offenses repeatedly by comprehensively taking into account the substance of the offense, criminal history, multi-count convictions, and the like.
 - However, this is not applicable to cases where multiple conducts of sexual intercourse constitute as a single offense.

- Non-premeditated Crimes
 - This means cases where the offender did not make prior plans to induce the victim through means such as causing diminished physical or mental capacity of the victim. In addition, it is applicable to cases where the offense was a result of contacting the victim for purposes other than that of the intent to commit the offense.

[ASSESSING PRINCIPLES APPLICABLE TO THE CONSIDERATION FACTORS FOR SUSPENSION OF SENTENCE]

- For cases where the imposing penalty is imprisonment, in deciding whether the suspension of sentence is appropriate, the primary consideration factor should be taken into account with greater importance than the general consideration factors. This is further specified as follows:
 - ① In cases where only two or more primary affirmative factors exist or when primary affirmative factors outnumber the major adverse factor by two or more, suspension of sentence is recommended.
 - ② In cases where two or more primary adverse factors exist or when primary adverse factors outnumber the primary affirmative factor by two or more, imprisonment is recommended.
 - ③ In cases other than ①, ②, or even if cases of ①, ②, if the difference between the number of general adverse(affirmative) factors and general affirmative (adverse) factors is greater than that of adverse and affirmative factors of the primary consideration, then the judge shall decide whether to suspend the sentencing after assessing and comprehensively taking into account the factors listed under the suspension of sentence section.
 - ④ Even for cases of ③, sentence is recommended for cases listed below:
 - Rape, Sexual Penetration by Compulsion against a victim under thirteen years of age, or Rape against a Disabled Victim (over thirteen years of age)
 - Rape after the Robbery, Indecent Acts by Compulsion After Special Robbery
 - Continued and Repeated Acts against Victims of Three or More
 - Criminal History for Suspension of Sentence or Imposing Sentence More Severe within Three Years Concerning the Same Offense