

ภาคผนวก

## ACT ON PHARMACOLOGIC TREATMENT OF SEX OFFENDERS SEXUAL IMPULSES

Amended by Act No. 10371, Jul. 23, 2010

Amended by Act No. 11005, Aug. 4, 2011

Act No. 11556, Dec. 18, 2012

Act No. 11557, Dec. 18, 2012

### Article 1 (Purpose)

The purpose of this Act is to prevent recidivism of sex crime by performing pharmacologic treatment on sexually deviant patients who have committed sex offenses and who are considered liable to committing a sex crime, thereby promoting their return to the society. *<Amended by Act No. Act No. 11557, Dec. 18, 2012>*

### Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 11005, Aug. 4, 2011; Act No.11556, Dec. 18, 2012>*

1. The term “sexual deviants” means a person who falls under Article 2 (1) 3 of the Medical Treatment and Custody Act and a person who is determined to be incapable of controlling his/her behavior due to sexual abnormalities according to the psychiatric assessment by a mental health professional;
2. The term “sexual assault” means a crime in any of the following items:
  - (a) Crimes prescribed in Article 7 of the Act on Protection of Children and Juveniles from Sexual Abuse;
  - (b) Crimes prescribed in Articles 3 through 13 (lewdness use of communications media) and crimes (referring only to criminal attempts under Articles 3 through 9) prescribed in Article 15 of the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes;
  - (c) Crimes prescribed in Articles 297, 298, 299, 300, 301, 301-2, 302, 303, 305, 339 and 340 (3) (referring only to rape of females) of the Criminal Act;

- (d) Crimes under items (a) through (c), for which punishment is aggravated as prescribed by other Acts;
3. The term “pharmacologic treatment of sex impulse” (hereinafter referred to as “pharmacologic treatment”) means treatment to suppress abnormal sexual impulses or desire, which is conducted by administering medication and psychotherapy, etc. to sexual deviants for weakening or normalizing sexual function.

**Article 3 (Requirements for Pharmacologic Treatment)**

Pharmacologic treatment shall meet the following requirements:

1. It must suppress or weaken abnormal sexual impulse or desire, which is medically well known;
2. It must not cause excessive physical side effects;
3. It must be performed according to well known medical procedures.

**Article 4 (Requests for Order of Pharmacologic Treatment)**

- (1) A public prosecutor may request a court to issue an order for pharmacologic treatment (hereinafter referred to as “medical treatment order”) to a person aged 19 or more who is a sexual deviant, who has committed sexual assault against a person and who is recognized to be liable to committing sexual assault. *<Amended by Act No. 11557, Dec. 18, 2012>*
- (2) A public prosecutor shall request a medical treatment order after a person subject to a medical treatment order (hereinafter referred to as “recipient of medical treatment order”) is diagnosed or evaluated by a mental health professional. *<Amended by Act No. 11005, Aug. 4, 2011>*
- (3) The request for a medical treatment order pursuant to paragraph (1) shall be made by the time of closing of oral proceedings at the appellate trial of a sex assault case (hereinafter referred to as “accused case”) for which public prosecution has been instituted or for which medical treatment in custody has been separately requested.
- (4) Where the court recognizes it necessary to give a medical treatment order as a result of inquiry into the accused case, the court may ask the public prosecutor to request a medical treatment order.

- (5) No medical treatment order shall be requested, after 15 years have passed from the time public prosecution is instituted or medical treatment in custody is independently requested without judgment on the accused case being finalized.
- (6) Matters necessary for diagnosis and evaluation by mental health professionals pursuant to paragraph (2) shall be prescribed by Presidential Decree. *<Amended by Act No. 11005, Aug. 4, 2011>*

#### **Article 5 (Investigations)**

- (1) Where deemed necessary to request a medical treatment order, a public prosecutor may request the head of a probation office (including a branch office; hereinafter the same shall apply) having jurisdiction over the place of residence of the recipient of a medical treatment order or over the public prosecutor's office (including a branch office; hereinafter the same shall apply) with which he/she is affiliated to investigate into necessary matters, such as the motive of crime, relationship with victims, state of mind, probability of recidivism, etc.
- (2) The head of a probation office who has been requested as prescribed in paragraph (1) shall designate a probation officer to make an investigation.
- (3) The probation officer who has been designated as prescribed in paragraph (2) shall promptly make an investigation into necessary matters under the direction of the public prosecutor and submit an investigation report to the public prosecutor.

#### **Article 6 (Jurisdiction over Requests for Medical Treatment Orders)**

- (1) The jurisdiction over a request for a medical treatment order shall be pursuant to the jurisdiction of the accusation being tried simultaneously with the request for medical treatment order.
- (2) The trial of requests for a medical treatment order shall be under the jurisdiction of the collegiate division of a district court (including the collegiate division of a branch of district court; hereinafter the same shall apply).

#### **Article 7 (Matters to Be Stated in Requests for Medical Treatment Order)**

- (1) The following matters shall be stated in a request for medical treatment orders:
  - 1. Name of the recipient of medical treatment orders and details by which the recipient of medical treatment orders can be identified;
  - 2. Facts constituting the grounds for request;

3. Relevant legal provisions;
  4. Other matters prescribed by Presidential Decree.
- (2) Upon receipt of a request for medical treatment order, the court shall promptly serve a duplicate of the request for medical treatment order on the recipient of medical treatment order or his/her defense counsel. In such cases, if a request for medical treatment order is made simultaneously with the institution of a public prosecution or with an independent request for medical treatment in custody, the court shall serve it by no later than five days before the first trial date, and if a request for medical treatment order is made while the accused case is being tried, the court shall serve it no later than five days before the next trial date.

**Article 8 (Judgment, etc. of Medical Treatment Order)**

- (1) If a court recognizes that a request for medical treatment order has reasonable grounds, it shall issue a medical treatment order, specifying a treatment period up to 15 years.
- (2) The person who is sentenced to a medical treatment order (hereinafter referred to as “person issued with a medical treatment order”) shall be placed under probation as prescribed by the Act on Probation, etc. while being medically treated.
- (3) The court shall dismiss a request for medical treatment order by judgment in any of the following subparagraphs:
  1. When the court finds that a request for medical treatment order is groundless;
  2. When the court declares by judgment or decision that such person is not guilty (excluding cases in which medical treatment in custody is issued for reasons of insanity) or is acquitted of public action, or public action thereon is dismissed;
  3. When the court imposes a fine to the accused allegation;
  4. When the court suspends the sentence of the accused case or sentences suspension of execution.
- (4) The sentencing on a request for medical treatment order shall be made simultaneously with the judgment of the accused allegation.
- (5) The reasons for judgment of sentence of medical treatment order shall clearly indicate facts constituting requirements, main points of evidence and applicable provisions.

- (6) No sentence of medical treatment order shall be considered favourably in weighing the judgment of the accused allegation.
- (7) Where an appeal, waiver of appeal or withdrawal of appeal pursuant to the Criminal Procedure Act against the sentence of the accused allegation exists, an appeal, waiver of appeal or withdrawal of appeal against the sentence of the case of request for medical treatment order shall be deemed to exist. The same shall apply to a request for the reinstatement of a right to appeal, request for retrial or extraordinary appeal.
- (8) The public prosecutor, recipient of medical treatment order and the person prescribed in Articles 340 and 341 of the Criminal Procedure Act may lodge, waive or withdraw an appeal pursuant to the Criminal Procedure Act independently from the medical treatment order. The same shall apply to the request for the reinstatement of a right to appeal, request for retrial or extraordinary appeal.

**Article 9 (Evaluation, etc. by Mental Health Professionals)**

Where it is difficult to judge whether the recipient of a medical treatment order is a sexual deviant based on the diagnosis or evaluation of a mental health professional pursuant to Article 4 (2), the court may order another mental health professional to diagnose or evaluate such person.  
*<Amended by Act No. 11005, Aug. 4, 2011>*

**Article 10 (Obligations)**

- (1) The person who has been issued with a medical treatment order shall fulfill the obligations prescribed in the subparagraphs (excluding subparagraph 4) of Article 32 (2) of the Act on Probation, etc. and the following obligations during the period of medical treatment:
  - 1. That he/she shall faithfully comply with the pharmacologic treatment according to the direction of a probation officer;
  - 2. That he/she shall periodically take hormone level tests according to the direction of the probation officer;
  - 3. That he/she shall complete the psychical treatment program, such as cognitive behavioral therapy according to the direction of the probation officer.
- (2) Where the court issues a medical treatment order pursuant to Article 8 (1), it may impose obligations prescribed in the subparagraphs of Article 32 (3) of the Act on Probation, etc..

- (3) When the court issues a medical treatment order, it shall explain the purpose of the medical treatment order to the person being issued with a medical treatment order and deliver a document stating his/her obligations.
- (4) Matters necessary for psychical treatment program, such as cognitive behavioral therapy prescribed in paragraph (1) 3 shall be prescribed by Presidential Decree.

**Article 11 (Notification of Judgment, etc. of Medical Treatment Order)**

- (1) When the court issues a medical treatment order pursuant to Article 8 (1), it shall send a certified copy of judgment and documents stating his/her obligations to the head of a probation office having jurisdiction over the place of residence of a person issued with a medical treatment order within three days from the date such judgment is finalized.
- (2) When a person issued with a medical treatment order is released, the head of a correctional institute, juvenile correctional institute, detention center or facility for medical treatment in custody shall notify the head of a probation office having jurisdiction over his/her place of residence of such fact by no later than three months before such person is released.

**Article 12 (Public Defenders, etc.)**

Articles 282 and 283 of the Criminal Procedure Act shall apply mutatis mutandis to cases of requests for medical treatment orders.

**Article 13 (Direction for Execution)**

- (1) A medical treatment order shall be executed under the direction of a public prosecutor.
- (2) Directions made pursuant to paragraph (1) shall be performed with a document accompanied by a certified copy of judgment.

**Article 14 (Execution of Medical Treatment Orders)**

- (1) A medical treatment order shall be executed by providing medication according to the diagnosis and prescription of a doctor pursuant to the Medical Service Act, by implementing a psychical treatment program, such as cognitive behavioral therapy, etc. or other program by a mental health professional pursuant to the Mental Health Act, etc.
- (2) A probation officer shall sufficiently explain the efficacy and side effects of medication, and method, frequency, procedures, etc. of medication to the person who has been issued with a medical treatment order before executing such medical treatment order.

- (3) Where a person who has been issued with a medical treatment order is released due to the termination of execution of punishment, or exemption or temporary release from execution of punishment, or due to the termination or temporary termination of execution of medical treatment in custody, or due to the entrustment of medical treatment, a probation officer shall execute the medical treatment order to the person who has been issued with a medical treatment order within two months before such person is released.
- (4) The execution of medical treatment order shall be suspended in any of the following cases:
  1. Where the person is detained as an arrest warrant is executed while a medical treatment order is being executed;
  2. Where imprisonment without prison labor or heavier is executed upon the person while a medical treatment order is being executed;
  3. Where a temporary release, temporary termination or temporary discharge is canceled or invalidated for a person who is temporarily released, whose medical treatment order is temporarily terminated or who is temporarily discharged from a probation office in the course of medical treatment.
- (5) A medical treatment order which has been suspended as prescribed in Article (4) shall be executed according to the following classifications during the remaining period of the medical treatment order:
  1. In cases of paragraph (4) 1, the medical treatment order shall be executed for the remaining period from the time detention is canceled, or from the time it becomes definite that imprisonment without prison labor or heavier is not to be executed;
  2. In cases of paragraph (4) 2, the medical treatment order shall be executed for the remaining period from the time the execution of punishment is terminated, exempted or the person is released on parole;
  3. In cases of paragraph (4) 3, the medical treatment order shall be executed for the remaining period from the time the execution of punishment, medical treatment in custody or protective custody is terminated or exempted.
- (6) Other matters necessary for the execution and suspension of medical treatment orders shall be prescribed by Presidential Decree.



**Article 15 (Responsibilities of Persons Issued with Medical Treatment Orders)**

- (1) A person who has been issued with a medical treatment order shall not harm the efficacy of medical treatment by taking countervailing medications, etc. during the period of the medical treatment.
- (2) A person who has been issued with a medical treatment order shall report in writing after presenting himself/herself at the probation office having jurisdiction over his/her place of residence within ten days from the date the execution of punishment is terminated or exempted, or he/she is released on parole.
- (3) If a person who has been issued with a medical treatment order relocates his/her place of residence, makes a trip within Korea for seven days or more, or leaves Korea, he/she shall obtain permission from his/her probation officer in advance.

**Article 16 (Extension, etc. of Medical Treatment Period)**

- (1) If sufficient grounds to continue pharmacologic treatment on a person issued with a medical treatment order exist in view of the treatment progress, or reasons falling under any of the following subparagraphs exist, the court may extend the treatment period by decision at the request of the public prosecutor, which is made on the application of the head of a probation office: Provided, That the total period including the previous treatment period shall not exceed 15 years:
  1. Where he/she violates his/her obligations pursuant to Article 32 (2) (excluding subparagraph 4) or (3) of the Act on Probation, etc. without justifiable reasons;
  2. Where he/she fails to make a report in violation of Article 15 (2) without justifiable grounds;
  3. Where he/she relocates the place of residence, makes a trip within Korea or leaves Korea without obtaining permission without justifiable grounds.
- (2) Where a person issued with a medical treatment order falls under any of the subparagraphs of paragraph (1), the court may make a decision of adding or changing his/her obligations to those prescribed in Article 10 (2) at the request of the public prosecutor, which is made on the application of the head of a probation office.
- (3) Apart from the matters prescribed in the subparagraphs of paragraph (1), where the court recognizes changes in circumstances as considerable grounds, it may decide to add, change or

delete his/her obligations prescribed in Article 10 (2), at the request of the public prosecutor following the application of the head of a probation office.

**Article 17 (Application, etc. for Temporary Rescission of Medical Treatment Orders)**

- (1) The head of a probation office, or a person issued with a medical treatment order as well as his/her legal representative may file an application for the temporary rescission of the medical treatment order to the Probation Examination Committee (hereinafter referred to as “Examination Committee”) pursuant to Article 5 of the Act on Probation, etc. having jurisdiction over the relevant probation office.
- (2) The application pursuant to paragraph (1) shall be filed within six months from the date the execution of a medical treatment order commences. Where such application is rejected, he/she may again file another application after six months from the date such application is rejected.
- (3) When one files an application for temporary rescission, he/she shall submit such application accompanied by data that may serve as reference in the examination of provisional rescission.

**Article 18 (Examination and Decision of Provisional Rescission of Medical Treatment Orders)**

- (1) When the Examination Committee examines provisional rescission, it shall consider expert opinions, etc. on the character of the person who has been issued with a medical treatment order, attitude toward life, status of implementation of medical treatment orders and likelihood of recidivism.
- (2) Where it is necessary for the examination of provisional examination, the Examination Committee may have the head of a probation office inspect necessary matters or summon the person who has been issued with a medical treatment order or other interested parties for inquiry or examination.
- (3) The head of a probation office who has received a request pursuant to paragraph (2) shall make an examination of necessary matters and notify the Examination Committee thereof.
- (4) If the Examination Committee recognizes that the person who has been issued with a medical treatment order is not liable to committing another offense because he/she has so improved that the execution of the medical treatment order is unnecessary, it may decide on the provisional rescission of the medical treatment order.

- (5) When the Examination Committee decides not to grant provisional rescission, it shall clearly state the reasons therefor on the written decision.
- (6) Where a medical treatment order has been provisionally rescinded as prescribed in paragraph (4), matters to be observed pursuant to the subparagraphs of Article 10 (1) and to paragraph (2) of the same Article shall be deemed provisionally rescinded.

**Article 19 (Cancellation, etc. of Provisional Rescission)**

- (1) If a person whose medical treatment order has been provisionally rescinded is considered likely to reoffend, such as that he/she commits sexual assault, fails to report the relocation of his/her place of residence, etc., the head of a probation office may file an application for the cancellation of provisional rescission to the Examination Committee. In such cases, if the probability of reoffending by a person whose medical treatment order has been provisionally rescinded is deemed considerable, the Examination Committee shall cancel provisional rescission.
- (2) A person whose medical treatment order has been provisionally rescinded shall take pharmacologic treatment during the remaining medical treatment period. In such cases, the period of provisional rescission shall be excluded from the medical treatment period.

**Article 20 (Termination of Execution of Medical Treatment Orders)**

The execution of a medical treatment order sentenced as prescribed in Article 8 (1) shall be terminated if it falls under any of the following subparagraphs:

- 1. When the medical treatment period is past;
- 2. When punishment sentenced simultaneously with a medical treatment order is pardoned and thus the sentence is invalidated;
- 3. When the remaining medical treatment period of a person whose medical treatment order has been provisionally rescinded is past without having such provisional rescission been canceled.

**Article 21 (Prescription of Medical Treatment Order)**

- (1) If the prescription of punishment or medical treatment in custody sentenced simultaneously with a medical treatment order completes without having the medical treatment order executed after the sentence is finalized, a person who has been issued with a medical treatment order shall be exempted from such execution.

- (2) The prescription of a medical treatment order shall be interrupted when a person who has been issued with a medical treatment order is arrested.

**Article 22 (Requests for Medical Treatment Orders for Inmates Convicted of Sexual Assault)**

- (1) A public prosecutor may request the district court (including branch court; hereinafter the same shall apply) which has jurisdiction over the place of residence or current location of a person who is sexually deviant and deemed liable to committing sexual assault, and who agrees to take pharmacologic treatment, from among inmates for whom imprisonment with prison labor or heavier punishment has been sentenced final and conclusive on charges of committing sexual assault but a medical treatment order under Article 8 (1) has not been declared (hereinafter referred to as “inmates convicted of sexual assault”), to issue a medical treatment order to such person. *<Amended by Act No. Act No. 11557, Dec. 18, 2012>*
- (2) The procedures for medical treatment orders to prisoners pursuant to paragraph (1) shall be in accordance with the following subparagraphs:
1. The head of a correctional institute or detention center (hereinafter referred to as “confinement facility”) shall sufficiently explain the details, methods, processes, efficacy, side effects, assumption of expenses, etc. of pharmacologic treatment to inmates who are qualified for parole pursuant to Article 72 (1) of the Criminal Act and confirm whether they agree;
  2. Where inmates convicted of sexual assault in subparagraph 1 agree to pharmacologic treatment, the head of a confinement facility shall promptly notify a public prosecutor of the district prosecutor's office having jurisdiction over the confinement facility of necessary matters, such as personal information, prison records, etc. of the inmates;
  3. The public prosecutor may request the head of a probation office having jurisdiction over the address of the affiliated prosecutor's office or the address of inmates convicted of sexual assault to make an investigation pursuant to Article 5 (1);
  4. The head of a probation office shall submit an investigation report under Article 5 (3) within two months from the date a request pursuant to subparagraph 3 is received;
  5. After explaining the details, methods, processes, efficacy, side effects, assumption of expenses, etc. of pharmacologic treatment to an inmate convicted of sexual assault and

confirming whether he/she agrees thereto and obtaining a diagnosis or evaluation by a mental health professional, the public prosecutor may request the court for a medical treatment order. On this occasion, the public prosecutor shall state the fact that the recipient of a medical treatment order agrees thereto in addition to the matters prescribed in the subparagraphs of Article 7 (1) in the written request for the medical treatment order;

6. If the court recognizes that the request for a medical treatment order made pursuant to subparagraph 5 has grounds, it shall notify the medical treatment order by decision and deliver a document stating matters to be observed to the person who is issued with a medical treatment order.
- (3) The period of medical treatment according to the decision in paragraph (2) 6 shall not exceed 15 years.
- (4) Where it is necessary for the diagnosis and evaluation by a mental health professional pursuant to paragraph (2) 5, a public prosecutor may have the head of a confinement facility transfer inmates convicted of sexual assault to a facility for medical treatment in custody, etc.  
<Amended by Act No. 11005, Aug. 4, 2011>
- (5) If the decision pursuant to paragraph (2) 6 falls under any of the following subparagraphs, a public prosecutor, an inmate convicted of sexual assault or his/her legal representative may lodge an appeal to the high court within seven days from the date such decision is notified:
  1. Where violations of Acts and subordinate statutes or gross error of fact, which may have influence on the relevant decision, exist;
  2. Where the disposition is substantially unjust.
- (6) When an appeal is to be lodged, a written appeal shall be submitted to the trial court, and the court that has received the written appeal shall deliver records accompanied by its opinions to the appellate court within three days.
- (7) Where the appellate court recognizes that the process of appeal violates the provisions of any Act or the appeal is groundless, it shall reject such appeal by decision.
- (8) Where the appellate court recognizes that the appeal has grounds, it shall reverse the previous decision and make its own decision, or transfer it to another competent court.

- (9) The re-appeal to the Supreme Court may be lodged only if the decision of the appellate court violates the provisions of any Act or subordinate statute.
- (10) The period to lodge a re-appeal shall be seven days from the date on which the decision to dismiss an appeal is notified.
- (11) Appeals and re-appeals shall not have the effect of suspending the execution of decision.
- (12) No later than five days before an inmate convicted of sexual assault is released, shall the head of a confinement facility notify the head of a probation office having jurisdiction over the address of such inmate of such fact.
- (13) The execution of a medical treatment order notified as prescribed by paragraph (2) 6 shall terminate when imprisonment with prison labor or heavier punishment pursuant to paragraph (1) sentenced to an inmate convicted of sexual assault is forgiven and such sentence loses its validity.
- (14) When ten years have lapsed since a decision of medical treatment order is determined final and conclusive but not executed to a person in receipt of such order, he/she shall be exempted from execution with the completion of legal prescription.

**Article 23 (Parole)**

- (1) The head of a confinement facility shall apply for an evaluation of qualifications for parole of an inmate convicted of sexual assault for whom a decision pursuant to Article 22 (2) 6 has become definite to the Parole Examination Committee under Article 119 of the Administration and Treatment of Correctional Institution Inmates Act.
- (2) When the Parole Examination Committee examines the qualifications for parol of inmates convicted of sexual assault, it shall take into consideration the fact that a medical treatment order has been decided.

**Article 24 (Bearing of Expenses)**

- (1) A person for whom a medical treatment order pursuant to Article 22 (2) 6 has been decided shall bear medical treatment expenses during medical treatment period: Provided, That in cases of a person who cannot afford to bear such medical treatment expenses, the State may bear expenses.
- (2) Matters necessary for the bearing of expenses shall be prescribed by Presidential Decree.

### **Article 25 (Provisional Termination, etc. and Medical Treatment Orders)**

- (1) Within the period of the probation, the Committee for Deliberation of Medical Treatment in Custody (hereinafter referred to as “Committee for Deliberation of Medical Treatment in Custody”) pursuant to Article 37 of the Medical Treatment and Custody Act may impose a medical treatment order on a person who is sexually deviant and has been given medical treatment in custody and for whom the execution of medical treatment in custody is provisionally terminated or whose medical treatment is entrusted to another institute while medical treatment in custody is being executed, or a person under protective custody (hereinafter referred to as “person whose execution is provisionally terminated, etc.”) who is provisionally released from the facility while protective custody is being executed from among the convicts of sexual assault.
- (2) Where the Committee for Deliberation of Medical Treatment in Custody decides to impose a medical treatment order as prescribed in paragraph (1), it must take into consideration the diagnosis or evaluation of a mental health professional performed within six months before the date of such decision. *<Amended by Act No. 11005, Aug. 4, 2011>*
- (3) Where the Committee for Deliberation of Medical Treatment in Custody has decided to impose a medical treatment order as prescribed in paragraph (1), it shall immediately notify the head of a probation office having jurisdiction over the address of the person whose execution is provisionally terminated, etc.

### **Article 26 (Obligations)**

Where the Committee for Deliberation of Medical Treatment in Custody imposes a medical treatment order pursuant to Article 25, it may impose one or more of the obligations pursuant to the subparagraphs of Article 32 (3) of the Act on Probation, etc., specifying a period for compliance within the extent of the medical treatment period.

### **Article 27 (Execution of Medical Treatment Orders)**

A probation officer shall execute a medical treatment order within two months before the execution on a person whose execution is provisionally terminated, etc. is terminated provisionally, before medical treatment of such person is entrusted to another institute, or before such person is paroled: Provided, That in cases of a person whose execution is provisionally terminated and who is imposed with both medical treatment in custody and punishment, the

medical treatment order shall be executed within two months before such person is released due to the termination of execution of punishment or exemption therefrom if the prison term remains.

**Article 28 (Termination of Execution of Medical Treatment Orders)**

The execution of pharmacologic treatment pursuant to Article 25 shall be terminated when it falls under any of the following subparagraphs:

1. When the medical treatment period has passed;
2. When the probation period has passed due to provisional release, provisional termination or entrustment of medical treatment or probation is terminated.

**Article 29 (Provisions to be Applied *mutatis mutandis*)**

- (1) Article 10 (1) and (4), Article 14 (1), (2), (4) 1 and 2, and (5) 1 and 2, Article 15, Articles 17 through 19 and subparagraph 3 of Article 20 shall apply *mutatis mutandis* to the medical treatment order under this Chapter.
- (2) Articles 6 (2), 7, 8 (2) and (5), 9, 10 (2), 11 (1), 12, 13, 14 (3), (4) 3 and (5) 3 and 16, subparagraph 1 of Article 20 and Article 21 (2) shall apply *mutatis mutandis* to the medical treatment order pursuant to Article 22 in addition to the provisions pursuant to paragraph (1).

**Article 30 (Calculation of Medical Treatment Periods)**

The medical treatment period shall be counted from the date sex hormone regulating medicines are first administered, and the first date shall be counted as a day irrespective of the time when such medicines are administered.

**Article 31 (Designation of Probation Officers in Exclusive Charge of Execution of Medical Treatment Orders, etc.)**

The head of a probation office shall designate a probation officer who takes exclusive charge of the following matters from among probation officers affiliated therewith:

1. Investigation into the recipient of a medical treatment order necessary for the request for a medical treatment order;
2. Execution of a medical treatment order;
3. Imposition of necessary measures, such as medical treatment, etc. for the prevention of reoffending by persons having been issued with medical treatment orders and for the sound rehabilitation to society;



4. Guidance, supervision and support for persons issued with medical treatment orders, including confirmation, etc. of whether persons having been given medical treatment orders fulfilled obligations pursuant to the Act on Probation, etc.

**Article 32 (Cooperation by the Heads of Confinement Facilities)**

The heads of confinement facilities, heads of facilities for medical treatment in custody, heads of protective custody shall cooperate in the execution of medical treatment orders pursuant to Articles 14 (3) and 27, such as giving medications, supply of medical manpower, such as doctors, nurses, etc.

**Article 33 (Special Provisions for Persons to Whom Military Acts Are Applicable)**

For the purposes of this Act, with respect to persons falling under the subparagraphs of Article 2 (1) of the Military Court Act, the military court shall perform the duties of a court to under this Act, military prosecutors shall perform the duties of public prosecutors thereunder, military judicial police officers shall perform the duties of judicial police officers thereunder, and the heads of military prisons shall perform the duties of the wardens of correctional institutions thereunder.

**Article 34 (Other Acts to Be Applied Mutatis Mutandis)**

For the purposes of this Act, the Criminal Procedure Act and the Act on Probation, etc. shall apply mutatis mutandis except for cases prescribed by this Act insofar as such Acts are not contrary to the character of this Act.

**Article 35 (Penal Provisions)**

- (1) Where a person subject to pharmacologic treatment pursuant to this Act flees or violates the responsibilities pursuant to Article 15 (1) without justifiable grounds, he/she shall be punished by imprisonment for not more than seven years or by a fine not exceeding 20 million won.
- (2) Where a person subject to pharmacologic treatment pursuant to this Act violates his/her obligations pursuant to the subparagraphs of Article 10 (1) without justifiable grounds, he/she shall be punished by imprisonment for not more than three years or by a fine not exceeding 10 million won.

- (3) Where a person subject to pharmacologic treatment pursuant to this Act violates his/her obligations pursuant to the subparagraphs of Article 10 (2) without justifiable grounds, he/she shall be punished by a fine not exceeding 10 million won.

#### ADDENDA

- (1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.
- (2) (Transitional Measures concerning Requests for Medical Treatment Orders) The request for medical treatment order pursuant to Article 4 (1) shall apply even to sexual assault committed before this Act enters into force.
- (3) (Transitional Measures concerning Requests for Medical Treatment Orders for Inmates, etc. Convicted of Sexual Assault) The medical treatment orders issued pursuant to Articles 22 and 25 shall apply even to a sexual deviant on whom punishment, medical treatment in custody or protective custody is being executed on charges of committing sexual assault as at the time this Act enters into force.

#### ADDENDA <Act No. 11005, Aug. 4, 2011>

##### **Article 1 (Enforcement Date)**

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

##### **Articles 2 through 4 Omitted.**

#### ADDENDA <Act No. 11556, Dec. 18, 2012>

##### **Article 1 (Enforcement Date)**

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

##### **Articles 2 through 10 Omitted.**

#### ADDENDA <Act No. 11557, Dec. 18, 2012>

##### **Article 1 (Enforcement Date)**

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

##### **Articles 2 (Applicable Cases concerning Requests for Medical Treatment Order)**

The amended provisions of Article 4 (1) shall also apply to sexual assault committed before this Act enters into force.

**Articles 3 (Applicable Cases concerning Requests for Medical Treatment Order for Inmates  
Convicted of Sexual Assault)**

The amended provisions of Article 22 (1) shall apply as well to inmates on whom punishment is being executed on conviction of sexual assault as at the time this Act enters into force.