

Promulgated on March 21, 2011, Effective on July 1, 2011

15 Crimes of Narcotics

This guideline applies to adult offenders (nineteen years of age or older) who committed any offenses falling under Toxic Control Act, Article 58, subparagraph 3, Narcotics Control Act, Article 58, paragraph 1 subparagraph 1 to 7, paragraph 2, Article 59, paragraph 1 subparagraph 1 to 8, subparagraph 11 to 13, paragraph 2, Article 60, paragraph 1 subparagraph 2 to 4, paragraph 2, Article 61, paragraph 1 subparagraph 1 to 4, subparagraph 7, subparagraph 8, paragraph 2, or Aggravated Punishment Act, Article. 11, paragraph 2 subparagraph 1, subparagraph 2.

I. TYPES OF OFFENSE AND SENTENCING PERIODS

01 | DRUG USE AND/OR POSSESSION OF DRUGS, OR OTHER SIMILAR ACTIVITIES

Type	Classification	Mitigated sentencing range	Standard sentencing range	Aggravated sentencing range
1	hallucinogenic substance	- 8months	6months - 1yr	8months - 1yr 6months
2	marijuana, psychotropic drugs listed under (d), (e), and others	6months - 10months	8months - 1yr 6months	10months - 2yrs
3	psychotropic drugs listed under (b) or (c)	6months - 1yr 6months	10months - 2yrs	1yr - 3yrs
4	narcotics, psychotropic drugs listed under (a) or others	10months - 2yrs	1yr - 3yrs	2yrs - 4yrs

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Engaging in Offense or Motive for Committing Offense Can be Taken into Particular Consideration 	<ul style="list-style-type: none"> Condemnable Motives Instigating the Subordinate Person to Commit the Offense
	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 Cooperated in Important Matters Related to the Investigation 	<ul style="list-style-type: none"> Habitual Offender Repeated Offenses of the Same Type (Within Three Years of Suspension of Sentence or Imposing of Other Sentence More Severe)
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Passive Participation 	<ul style="list-style-type: none"> Offense Committed in a Specially Protected Area Such As Within Proximity of Schools
	Actor /Etc.	<ul style="list-style-type: none"> Those with Mental Incapacity (These Are Cases Where the Offender Can be Held Liable. Drug Substance Abuser's Voluntary and Active Intention to Undergo Treatment No Prior Criminal History Offender's Cooperation with the Investigation on General Matters 	<ul style="list-style-type: none"> Criminal History by the Same Type of Offenses (This Applies When the Criminal History is Over Three Years But Within Ten Years After Imposing Suspension of Sentence or Sentence More Severe) or Repeated Offenses of Different Type under the Criminal Act

02¹ ENGAGING IN SELLING, BROKERING, OR OTHER SIMILAR ACTIVITIES

Type	Classification	Mitigated sentencing range	Standard sentencing range	Aggravated sentencing range
1	hallucinogenic substance listed under (d) or others	- 8months	6months - 1yr 4months	10months - 2yrs
2	marijuana, psychotropic drugs listed under (b), (c), and others	8months - 1yr 6months	1yr - 2yrs	1yr 6months - 4yrs
3	psychotropic drugs listed under (a) or others	2yrs 6months - 5yrs	- 7yrs	5yrs - 8yrs
4	Offense Committed For Profits or Habitual Offenders	5yrs - 9yrs	7yrs - 11yrs	9yrs - 14yrs

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Engaging in Offense or Motive for Committing Offense Can be Taken into Particular Consideration 	<ul style="list-style-type: none"> Organizational or Professional Crime Active Role in an Organizational Crime or Other Similar Roles Condemnable Motives Instigating the Subordinate Person to Commit the Offense
	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 Cooperated in Important Matters Related to the Investigation 	<ul style="list-style-type: none"> Habitual Offender (Type 1 or 2) Repeated Offenses of the Same Type (Within Three Years of Suspension of Sentence or Imposing of Other Sentence More Severe)
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Passive Participation 	<ul style="list-style-type: none"> Offense Committed in a Specially Protected Area Such As Within Proximity of Schools
	Actor /Etc.	<ul style="list-style-type: none"> Those with Mental Incapacity (These Are Cases Where the Offender Can be Held Liable. No Prior Criminal History Offender's Cooperation with the Investigation on General Matters 	<ul style="list-style-type: none"> Criminal History by the Same Type of Offenses (This Applies When the Criminal History is Over Three Years But Within Ten Years After Imposing Suspension of Sentence or Sentence More Severe) or Repeated Offenses of Different Type under the Criminal

03¹ IMPORTING, EXPORTING, OR MANUFACTURING DRUGS OR OTHER SIMILAR ACTIVITIES RELATED TO DRUGS

Type	Classification	Mitigated sentencing range	Standard sentencing range	Aggravated sentencing range
1	hallucinogenic substance listed under (d) or others	8months - 1yr 6months	10months - 2yrs	1yr 6months - 3yrs
2	marijuana, psychotropic drugs listed under (c)	1yr - 3yrs	2yrs - 4yrs	3yrs - 6yrs
3	psychotropic drugs listed under (a), (b), or others	2yrs 6months - 5yrs	4yrs - 7yrs	5yrs - 8yrs
4	Offense Committed For Profits or Habitual Offenders	5yrs - 9yrs	7yrs - 11yrs	9yrs - 14yrs

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Engaging in Offense or Motive for Committing Offense Can be Taken into Particular Consideration 	<ul style="list-style-type: none"> Organizational or Professional Crime Active Role in an Organizational Crime or Other Similar Roles Condemnable Motives Instigating the Subordinate Person to Commit the Offense
	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 Cooperated in Important Matters Related to the Investigation 	<ul style="list-style-type: none"> Habitual Offender (Type 1 or 2) Repeated Offenses of the Same Type (Within Three Years of Suspension of Sentence or Imposing of Other Sentence More Severe)
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Passive Participation 	<ul style="list-style-type: none"> Offense Committed in a Specially Protected Area Such As Within Proximity of Schools
	Actor /Etc.	<ul style="list-style-type: none"> Those with Mental Incapacity (These Are Cases Where the Offender Can be Held Liable. No Prior Criminal History Offender's Cooperation with the Investigation on General Matters 	<ul style="list-style-type: none"> Criminal History by the Same Type of Offenses (This Applies When the Criminal History is Over Three Years But Within Ten Years After Imposing Suspension of Sentence or Sentence More Severe) or Repeated Offenses of Different Type under the Criminal Act

04¹ OFFENSE AGAINST MULTITUDES

Type	Classification	Mitigated sentencing range	Standard sentencing range	Aggravated sentencing range
1	Type 1	2yrs - 4yrs	3yrs - 6yrs	5yrs - 8yrs
2	Type 2	3yrs - 6yrs	5yrs - 8yrs	7yrs - 10yrs
3	Type 3	6yrs - 9yrs	8yrs - 11yrs	10yrs - 14yrs

Classification		Mitigating Factor	Aggravating Factor
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Engaging in Offense or Motive for Committing Offense Can be Taken into Particular Consideration 	<ul style="list-style-type: none"> Organizational or Professional Crime Active Role in an Organizational Crime or Other Similar Roles Condemnable Motives Instigating the Subordinate Person to Commit the Offense
	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 Cooperated in Important Matters Related to the Investigation 	<ul style="list-style-type: none"> Repeated Offenses of the Same Type (Within Three Years of Suspension of Sentence or Imposing of Other Sentence More Severe)
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Passive Participation 	<ul style="list-style-type: none"> Offense Committed in a Specially Protected Area Such As Within Proximity of Schools
	Actor /Etc.	<ul style="list-style-type: none"> Those with Mental Incapacity (These Are Cases Where the Offender Can be Held Liable. No Prior Criminal History Offender's Cooperation with the Investigation on General Matters 	<ul style="list-style-type: none"> Criminal History by the Same Type of Offenses (This Applies When the Criminal History is Over Three Years But Within Ten Years After Imposing Suspension of Sentence or Sentence More Severe) or Repeated Offenses of Different Type under the Criminal Act

[DEFINITION OF OFFENSES]

01¹ DRUG USE AND/OR POSSESSION OF DRUGS, OR OTHER SIMILAR ACTIVITIES

1. TYPE 1 HALLUCINOGENIC SUBSTANCE

- This means offenses with the following elements of offense as prescribed in the applicable law (Applies to all offenses).

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ hallucinogenic substance <ul style="list-style-type: none"> ● intake · inhaling/possession for those purposes 	<ul style="list-style-type: none"> ● Toxic Control Act, Article 58, subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 3 years or fine not exceeding 30 million won

2. TYPE 2 MARIJUANA, PSYCHOTROPIC DRUGS LISTED UNDER (D), (E), AND OTHERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ psychotropic item (d) <ul style="list-style-type: none"> ● carrying · possessing · using · managing · injecting · prescribing · compounding ● using/providing of the place · facilities · equipment · fund · means of transportation 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 4 ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 5 years or fine not exceeding 50 million won ● imprisonment not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ psychotropic item (e) <ul style="list-style-type: none"> ● using/providing of the place · facilities · equipment · fund · means of transportation 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 5 years or fine not exceeding 50 million won

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ marijuana, etc. <ul style="list-style-type: none"> ● cultivating · carrying · possessing · transporting · keeping · using of the marijuana ● taking, smoking of the marijuana · hemp plant seed skin/carrying of the marijuana · hemp plant seed · skin of that seed for those purposes ● using/providing of the place · facilities · equipment · fund · means of transportation of the marijuana 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 7 ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 8 ● Narcotics Control Act Article 61, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 5 years or fine not exceeding 50 million won ● imprisonment not exceeding 5 years or fine not exceeding 50 million won ● imprisonment not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ raw material for narcotics, raw material containing the component of narcotics · seed · seedling <ul style="list-style-type: none"> ● cultivating of the raw material, carrying, possessing of the raw material, seed · seedling 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 1 	<ul style="list-style-type: none"> ● imprisonment not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ raw material of psychotropic item (a) <ul style="list-style-type: none"> ● smoking, taking of the raw material/carrying, possessing for those purposes 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 2 	<ul style="list-style-type: none"> ● imprisonment for not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ habitual offender 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 2 	<ul style="list-style-type: none"> ● 1/2 aggravation

3. TYPE 3 PSYCHOTROPIC DRUGS LISTED UNDER (B) OR (C)

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ psychotropic item (b) <ul style="list-style-type: none"> ● carrying · possessing · using · managing · injecting · prescribing · compounding ● using/providing of the place · facilities · equipment · fund · means of transportation 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 60, paragraph 1 subparagraph 3 ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 10 years or fine not exceeding 100 million won ● imprisonment not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ psychotropic item (c) <ul style="list-style-type: none"> ● carrying · possessing · using · managing · injecting · prescribing · compounding ● using/providing of the place · facilities · equipment · fund · means of transportation 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 60, paragraph 1 subparagraph 3 ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 10 years or fine not exceeding 100 million won ● imprisonment not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ habitual offender 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 60, paragraph 2 ● Narcotics Control Act, Article 61, paragraph 2 	<ul style="list-style-type: none"> ● 1/2 aggravation ● 1/2 aggravation

4. TYPE 4 NARCOTICS, PSYCHOTROPIC DRUGS LISTED UNDER (A) OR OTHERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ narcotics <ul style="list-style-type: none"> ● carrying · possessing · managing · trading ● using/providing of the place · facilities · equipment · fund · means of transportation 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 1 ● Narcotics Control Act, Article 60, paragraph 1 subparagraph 2 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year ● imprisonment not exceeding 10 years or fine not exceeding 100 million won
<ul style="list-style-type: none"> ■ diacetylmorphine, its salts, or other substance containing its salts <ul style="list-style-type: none"> ● carrying · possessing · managing · giving or receiving · transporting · using · injecting 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 4 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ psychotropic item (a) <ul style="list-style-type: none"> ● carrying · possessing · using · managing ● using/providing of the place · facilities · equipment · fund · means of transportation 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 6 ● Narcotics Control Act, Article 60, paragraph 1 subparagraph 2 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year ● imprisonment not exceeding 10 years or fine not exceeding 100 million won
<ul style="list-style-type: none"> ■ habitual offender 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 2 ● Narcotics Control Act, Article 60, paragraph 2 	<ul style="list-style-type: none"> ● imprisonment not less than 3 years ● 1/2 aggravation

02¹ ENGAGING IN SELLING, BROKERING, OR OTHER SIMILAR ACTIVITIES

1. TYPE 1 HALLUCINOGENIC SUBSTANCE LISTED UNDER (D) OR OTHERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ hallucinogenic substance <ul style="list-style-type: none"> ● selling · providing 	<ul style="list-style-type: none"> ● Toxic Control Act, Article 58 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 3 years or fine not exceeding 30 million won
<ul style="list-style-type: none"> ■ psychotropic item (d) <ul style="list-style-type: none"> ● trading · assisting of the trade · giving or receiving 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 4 	<ul style="list-style-type: none"> ● imprisonment not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ marijuana <ul style="list-style-type: none"> ● giving or receiving of marijuana ● trading · assisting the trade of hemp plant seed · skin of that seed 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 7 ● Narcotics Control Act, Article 61, paragraph 1 subparagraph 8 	<ul style="list-style-type: none"> ● imprisonment not exceeding 5 years or fine not exceeding 50 million won ● imprisonment not exceeding 5 years or fine not exceeding 50 million won
<ul style="list-style-type: none"> ■ habitual offender 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 61, paragraph 2 	<ul style="list-style-type: none"> ● 1/2 aggravation

2. TYPE 2 MARIJUANA, PSYCHOTROPIC DRUGS LISTED UNDER (B), (C), AND OTHERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ psychotropic item (b) <ul style="list-style-type: none"> ● trading · assisting of the trade · giving of taking 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 60, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 10 years or fine not exceeding 100 million won
<ul style="list-style-type: none"> ■ psychotropic item (c) <ul style="list-style-type: none"> ● trading · assisting of the trade · giving of taking 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 60, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not exceeding 10 years or fine not exceeding 100 million won
<ul style="list-style-type: none"> ■ marijuana <ul style="list-style-type: none"> ● trading · assisting of the trade/carrying · possessing for those purposes 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 12 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ raw material containing narcotics component · seed · seedling <ul style="list-style-type: none"> ● managing · giving or receiving · extracting of the component 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ raw material of narcotics, psychotropic <ul style="list-style-type: none"> ● trading · assisting of the trade for the purpose of manufacturing/carrying · possessing · using for the same purpose 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 5 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ raw material of psychotropic item (a) <ul style="list-style-type: none"> ● trading · assisting of the trade/carrying · possessing for those purposes 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 7 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ crimes of marijuana concerning minors <ul style="list-style-type: none"> ● giving or receiving · smoking · taking 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 13 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ habitual offender 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 2 ● Narcotics Control Act, Article 60, paragraph 2 	<ul style="list-style-type: none"> ● imprisonment not less than 3 years ● 1/2 aggravation

3. TYPE 3 PSYCHOTROPIC DRUGS LISTED UNDER (A) OR OTHERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ narcotics <ul style="list-style-type: none"> ● trading · assisting of the trade/carrying · possessing for those purposes ※ however, the cases of habitual offender fall under type 4 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 1 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years
<ul style="list-style-type: none"> ■ psychotropic item (a) <ul style="list-style-type: none"> ● trading · assisting of the trade · giving or receiving/carrying · possessing for those purposes ※ however, the cases of habitual offender fall under type 4 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 3 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years
<ul style="list-style-type: none"> ■ crimes narcotics · psychotropic concerning minors <ul style="list-style-type: none"> ● trading · giving or receiving · compounding · injecting ※ however, the cases of habitual offender fall under type 4 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 7 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years

4. TYPE 4 OFFENSE COMMITTED FOR PROFITS OR HABITUAL OFFENDERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ narcotics, psychotropic item (a) <ul style="list-style-type: none"> ● trading · assisting of the trade · giving or receiving, ect. for purpose to gain profit/trading · giving or receiving · compounding · injecting concerning minors ● habitual trading · assisting of the trade · giving or receiving, ect./trading · giving or receiving · compounding · injecting concerning minors 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 2 ● Narcotics Control Act, Article 58, paragraph 2 	<ul style="list-style-type: none"> ● death · imprisonment for life or imprisonment not less than 10 years ● death · imprisonment for life or imprisonment not less than 10 years
<ul style="list-style-type: none"> ■ other psychotropic <ul style="list-style-type: none"> ● trading · giving or receiving · compounding · injecting concerning minors with purpose for making profit ● habitual trading · giving or receiving · compounding · injecting concerning minors 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 2 ● Narcotics Control Act, Article 58, paragraph 2 	<ul style="list-style-type: none"> ● death · imprisonment for life or imprisonment not less than 10 years ● death · imprisonment for life or imprisonment not less than 10 years

03¹ IMPORTING, EXPORTING, MANUFACTURING, OR OTHER SIMILAR ACTIVITIES RELATED TO DRUGS

1. TYPE 1 HALLUCINOGENIC SUBSTANCE LISTED UNDER (D) OR OTHERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ raw material of narcotics <ul style="list-style-type: none"> ● cultivating for purpose of importing or exporting · trading · manufacturing/ carrying · possessing of the raw material containing the component · seed · seedling for those purposes 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 2 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ hemp plant <ul style="list-style-type: none"> ● cultivating for purpose of exporting marijuana · trading · manufacturing 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 11 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ psychotropic item (d) <ul style="list-style-type: none"> ● importing or exporting · manufacturing/carrying · possessing for those purposes 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 60, paragraph 1 subparagraph 4 	<ul style="list-style-type: none"> ● imprisonment not exceeding 10 years or fine not exceeding 100 million won
<ul style="list-style-type: none"> ■ habitual offender 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 2 ● Narcotics Control Act, Article 60, paragraph 2 	<ul style="list-style-type: none"> ● imprisonment not less than 3 years ● 1/2 aggravation

2. TYPE 2 MARIJUANA, PSYCHOTROPIC DRUGS LISTED UNDER (C)

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ marijuana <ul style="list-style-type: none"> ● importing or exporting/ carrying · possessing for those purposes <ul style="list-style-type: none"> ※ however, the cases of habitual offender fall under type 4 ● manufacturing/carrying · possessing for that purpose 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 5 ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 12 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ psychotropic item (c) <ul style="list-style-type: none"> ● importing or exporting · manufacturing/carrying · possessing for those purposes 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 1 subparagraph 8 	<ul style="list-style-type: none"> ● imprisonment not less than 1 year
<ul style="list-style-type: none"> ■ habitual offender 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 59, paragraph 2 	<ul style="list-style-type: none"> ● imprisonment not less than 3 years

3. TYPE 3 PSYCHOTROPIC DRUGS LISTED UNDER (A), (B), OR OTHERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ narcotics <ul style="list-style-type: none"> ● importing or exporting · manufacturing/carrying · possessing for those purposes <ul style="list-style-type: none"> ※ however, the cases of habitual offender fall under type 4 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 1 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years
<ul style="list-style-type: none"> ■ psychotropic item (a) <ul style="list-style-type: none"> ● importing or exporting · manufacturing/carrying · possessing for those purposes ● extracting the component from the raw material/importing or exporting/carrying · possessing for those purposes <ul style="list-style-type: none"> ※ however, the cases of habitual offender fall under type 4 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 3 ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 4 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years ● imprisonment for life or imprisonment not less than 5 years

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ psychotropic item (b) <ul style="list-style-type: none"> ● importing or exporting · manufacturing/carrying · possessing for those purposes ※ however, the cases of habitual offender fall under type 4 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 6 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years
<ul style="list-style-type: none"> ■ raw material of narcotics, psychotropic <ul style="list-style-type: none"> ● importing or exporting · manufacturing the raw material with purpose to manufacture narcotics, psychotropic/carrying · possessing of the raw material for those purposes ※ however, the cases of habitual offender fall under type 4 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 1 subparagraph 2 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years

4. TYPE 4 OFFENSE COMMITTED FOR PROFITS OR HABITUAL OFFENDERS

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ narcotics, psychotropic item (a), (b), marijuana, narcotics, raw material of psychotropic <ul style="list-style-type: none"> ● importing or exporting · manufacturing, etc. for purpose to gain profit ● habitual importing or exporting · manufacturing, etc. 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58, paragraph 2 ● Narcotics Control Act, Article 58, paragraph 2 	<ul style="list-style-type: none"> ● death · imprisonment for life or imprisonment not less than 10 years ● death · imprisonment for life or imprisonment not less than 10 years

04¹ OFFENSE AGAINST MULTITUDES

1. TYPE 1

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ Crimes of narcotics, psychotropic under Narcotics Control Act, Article 59, paragraph 1, paragraph 2, Article 60 Para 1, Para 2, which the value of the concerned narcotics, etc. is 5 million won or more and less than 30 million won (Aggravated Punishment Act Article 11, paragraph 2 Subparagraph 2) 	<ul style="list-style-type: none"> ● Aggravated Punishment Act Article 11, paragraph 2 subparagraph 2 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 3 years

2. TYPE 2

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ Crimes of narcotics, psychotropic under Narcotics Control Act, Article 59, paragraph 1, paragraph 2, Article 60 Para 1, Para 2, which the value of the concerned narcotics, etc. is 30 million won or more and less than 50 million won (Aggravated Punishment Act Article 11, paragraph 2 Subparagraph 2) 	<ul style="list-style-type: none"> ● Aggravated Punishment Act Article 11, paragraph 2 subparagraph 2 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 3 years
<ul style="list-style-type: none"> ■ Crimes under Narcotics Control Act, Article 58, paragraph 1 Subparagraph 1 to 4, 6, 7, which the value of the concerned narcotics, etc. is 5 million won or more and less than 50 million won the narcotics 	<ul style="list-style-type: none"> ● Narcotics Control Act, Article 58 subparagraph 1 to 4, subparagraph 6, 7 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 5 years

3. TYPE 3

Elements of Offense	Applicable Law	Sentencing Range by law
<ul style="list-style-type: none"> ■ Crimes of narcotics, psychotropic under Narcotics Control Act, Article 59, paragraph 1, paragraph 2, Article 60 Para 1, Para 2, which the value of the concerned narcotics, etc. is 50 million won or more (Aggravated Punishment Act Article 11, paragraph 2 Subparagraph 1) ■ Crimes under Narcotics Control Act, Article 58, paragraph 1 Subparagraph 1 to 4, 6, 7, which the value of the concerned narcotics, etc. is 50 million won or more 	<ul style="list-style-type: none"> ● Aggravated Punishment Act Article 11, paragraph 2 subparagraph 1 ● Narcotics Control Act, Article 58 subparagraph 1 to 4, subparagraph 6, 7 	<ul style="list-style-type: none"> ● imprisonment for life or imprisonment not less than 10 years ● imprisonment for life or imprisonment not less than 5 years

[DEFINITION OF SENTENING FACTORS]

1. ENGAGING IN OFFENSE OR MOTIVE FOR COMMITTING OFFENSE CAN BE TAKEN INTO PARTICULAR CONSIDERATION

- This means one or more of the following factors apply:
 - Participation in the crime was forced by another person or resulted from threats (This excludes cases where Criminal Act, Article 12 is applicable);
 - When the offender merely agreed to participate in the crime but did not lead or actually participate in the commission of the crime;
 - Offense committed as a result of one-time mere curiosity; or
 - Other cases with comparable factors.

2. CONDEMNABLE MOTIVES

- This means cases with one or more of the following factors:
 - Offense committed through the use of distributing or secretly intoxicating other person for the purpose of convicting the other person;
 - Offense committed out of retaliation, grievance, or hatred; or
 - Other cases with comparable factors.

3. OFFENDER COOPERATED IN IMPORTANT MATTERS RELATED TO THE INVESTIGATION

- This means cases where the offender provided accurate and detailed facts for the investigation of one or more of the following offenses to the extent that the prosecution was possible or facilitated any future possible prosecutions:
 - Compared with the crime the offender has committed ① greater severity of the type of offense; or ② the same type of offense but greater severity due to the number of offenders, the phase of the commission of the offense, the amount of narcotics, the frequency and duration of the use of such narcotics involved.
 - Offense falling within Type 4 of *Engaging in Selling, Brokering, or Other Similar Activities* Category; Type 4 of *Importing, Exporting, or Manufacturing Drugs or Other Similar Activities Related to Drugs* Category; or Type 3 of *Offenses Against Multitudes* Category.

-
- However, this is not applicable in cases where the offender deliberately engaged in drug related crimes for the purpose of deriving benefit under the *Offender's Cooperation with the Investigation* sentencing determinants.

4. 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 crimes.

5. DRUG SUBSTANCE ABUSER'S VOLUNTARY AND ACTIVE INTENTION TO UNDERGO TREATMENT

- This means cases where under objective judgment the offender, as a drug substance abuser, demonstrates clear indication of intent to undergo treatment prior to the narcotics enforcement; the drug substance abuse treatment has been voluntary and the offender expresses a pro-active attitude toward the treatment.

6. OFFENDER'S COOPERATION WITH THE INVESTIGATION ON GENERAL MATTERS

- This means cases where the offender provided cooperation with the investigation but not to the extent as set forth in the *Offender Cooperated in Important Matters Related to the Investigation* factor.
- However, this is not applicable in cases where the offender deliberately engaged in drug related crimes for the purpose of deriving benefit under the *Offender's Cooperation with the Investigation* sentencing determinants.

7. ORGANIZATIONAL OR PROFESSIONAL CRIME

- This means cases where one or more following factors apply:
 - Offender is a member of an organization or having association with a criminal organization;
 - Multiple persons involved in a organized manner for the purpose of committing the offense;

- Offense committed through the use of professional devices or technology; or
- Other cases with comparable factors.

8. HABITUAL OFFENDER (TYPE 1 OR 2)

- This means habitual offenders of offense falling within Type 1 or 2 of the *Engaging in Selling, Brokering, or Other Similar Activities* Category and of the *Importing, Exporting, Manufacturing, or Other Similar Activities Related to Drugs* Category.
- However, this is not applicable to habitual offenders of Type 2 (*Marijuana, Psychotropic drugs listed under (c)*) of the *Importing, Exporting, or Manufacturing Drugs or Other Similar Activities Related to Drugs* Category and *Importing or Exporting of Marijuana or Carrying or Possession of Marijuana for Such Purposes* (Narcotics Control Act, Article 58, paragraph 1, subparagraph 5; and Article 58, paragraph 2 of the Same Act).

[ASSESSING PRINCIPLES APPLICABLE TO THE SENTENCING FACTORS]

01 | 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.
 - 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.

02 | 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.

[GENERAL APPLICATION PRINCIPLES]

01¹ 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.
- 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.

02¹ 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.

03¹ 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.

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
<p>Primary Consideration Factor</p>	<ul style="list-style-type: none"> ● Condemnable Motives ● Organizational or Professional Crime ● Active Role in an Organizational Crime or Other Similar Roles ● Drug Related Offense Against Minors ● Habitual Offender ● Offense Committed Against Multitudes ● Criminal History of the Same Offense (Imposing of Suspension of Sentence or More Severe Punishment Within Five Years or More Than Three Incidents of Fines) 	<ul style="list-style-type: none"> ● Efforts to Obstruct or Confront the Accomplice's Commission of the Offense ● Engaging in Offense or Motive for Committing Offense Can be Taken into Particular Consideration ● Offender Cooperated in Important Matters Related to the Investigation ● Voluntary Surrender to Investigative Agencies ● No Prior Criminal History
<p>General Consideration Factor</p>	<ul style="list-style-type: none"> ● Two or More Criminal History on Suspension of Sentence or for a Greater Offense ● Lack of Social Ties ● Absence of Remorse ● Active Participation as an Accomplice ● Destroying Evidence or Attempting to Conceal Evidence After Commission of the Offense 	<ul style="list-style-type: none"> ● Strongly-Established Social Ties ● Expresses Sincere Remorse ● No Prior Criminal History of Suspension of Sentence or Punishment More Severe ● Cases of Old-age Offenders ● Passive Participation As an Accomplice ● Cases of Physically-ill Offenders ● Cases where the Arrest of the Offender would Cause Severe Hardship to the Offender's Dependent Family Member ● Offender's Cooperation with the Investigation on General Matters ● Drug Substance Abuser's Voluntary and Active Intention to Undergo Treatment (Drug Use and/or Possession of Drugs Category)

[DEFINITIONS OF CONSIDERATION FACTORS FOR SUSPENSION OF SENTENCE]

- In cases where the consideration factors for suspension of sentence 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.

[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.

