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Chapter 32

Gambling and Gaming Crimes

This guideline applies to adult offenders (nineteen years of age or older) who committed any offenses of speculative game products (Game Industry Promotion Act, Article 44, paragraph 1, Article 28, paragraph 2, Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 1-2, Article 28, paragraph 3, Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 2, Article 32, paragraph 1, subparagraph 1, subparagraph 4, subparagraph 7, Game Industry Promotion Act, Article 45, paragraph 2, Article 25, Article 26 paragraph 1, paragraph 2, paragraph 3, Game Industry Promotion Act, Article 45, paragraph 4, Article 32, paragraph 1, subparagraph 2, Bicycle and Motorboat Racing Act, Article 27, paragraph 1, subparagraph 1, Article 24 (However, this does not apply to profit-making activities relating to purchase, solicitation, transfer, etc. of betting tickets), Tourism Promotion Act, Article 81, paragraph 1, National Sports Promotion Act, Article 47, paragraph 2, Article 26, paragraph 1,

National Sports Promotion Act, Article 48, paragraph 4, Article 26, paragraph 2, subparagraph 1, Lottery Tickets and Lottery Fund Act, Article 34, paragraph 1, subparagraph 1, Act on Special Cases Concerning Regulation and Punishment of Speculative, Acts, etc., Article 30, paragraph 1, subparagraph 1, subparagraph 2, Act on Special Cases Concerning Regulation and Punishment of Speculative, Acts, etc., Article 30, paragraph 2, subparagraph 1, subparagraph 3, Traditional Bullfighting Act, Article 26, paragraph 1, subparagraph 1, Korean Racing Association Act, Article 50, paragraph 1, Article 48, paragraph 1, Article 48, paragraph 2, subparagraph 1, Article 48, paragraph 3, subparagraph 2, Criminal Act, Article 247, Criminal Act, Article 248, paragraph 1, subparagraph 2.

※ Note that the underlined provisions applied to certain crimes were deleted following the amendment of the law or changed after the sentencing guidelines were established (or amended). The sentencing guidelines on those crimes will be revised later. For this reason, full of a part of the current standards of sentencing would not be applied. (Refer to the Appendix for further details).



PART A — TYPES OF OFFENSES AND SENTENCING PERIODS

01 | SETTING UP SPACE FOR GAMBLING

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Issuing Lottery, Issuing or Mediating Lottery Tickets	4 mos. - 10 mos.	6 mos. - 1 yr. 6 mos.	1 yr. - 3 yrs.
2	Operating Speculative Gaming Machines, Operating Casino Businesses Without Permit	4 mos. - 10 mos.	8 mos. - 1 yr. 6 mos.	1 yr. - 3 yrs. 6 mos.
3	Opening Gambling Houses or Places	4 mos. - 10 mos.	8 mos. - 1 yr. 6 mos.	1 yr. - 4 yrs.

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Special considerations can be taken into account for engaging in the offense Passive participation Cases where it is not the main business 	<ul style="list-style-type: none"> Cases where offenders committed the crimes through the threat of collective force or by carrying a dangerous weapon, the offender played an active role in committing or orchestrating the commission of the crime Cases where gains from the crime or the business size are substantial Instigating the subordinate person to commit the offense
	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 or cases of whistleblowing 	<ul style="list-style-type: none"> Repeated offenses of the same type under the Criminal Act

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Cases where the actual gain from the offense is not substantial Cases where the offender meditates issuance of lottery tickets 	<ul style="list-style-type: none"> Deliberate concealment of profits gained from the offense Commission of crime through collusion with inspecting public officials Attempt to avoid inspection Inducing people through advertising or other media with rapid propagation
	Actor/ Etc.	<ul style="list-style-type: none"> Expresses sincere remorse No prior criminal history 	<ul style="list-style-type: none"> Destroying evidence or attempting to conceal evidence after crackdowns Repeated offenses of different type under the Criminal Act that do not constitute repeated offenses, the criminal history of imprisonment by the same type of offenses that does not constitute a repeated offense under the Criminal Act (This applies when the criminal history is within ten years after completion of sentence)

02¹ ILLEGAL SPORT GAMBLING, ETC.

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Similar Bicycle or Motorboat Racing, etc.	4 mos. -10 mos.	8 mos. - 1 yr. 6 mos.	1 yr. - 3 yrs.
2	Similar Horse Racing	4 mos. - 10 mos.	8 mos. - 1 yr. 6 mos.	1 yr. - 3 yrs. 6 mos.
3	Similar Sportstoto	4 mos. - 1 yr.	8 mos. - 2 yrs.	1 yr. 6 mos. - 4 yrs.



CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> • Special considerations can be taken into account for engaging in the offense • Passive participation 	<ul style="list-style-type: none"> • Cases where offenders committed the crimes through the threat of collective force or by carrying a dangerous weapon, the offender plays active role in committing or orchestrating the commission of the crime • Cases where gains from the crime or the business size are substantial • Instigating the subordinate person to commit the offense
	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 or cases of whistleblowing 	<ul style="list-style-type: none"> • Repeated offenses of the same type under the Criminal Act
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> • Actual gains from the offense are not substantial 	<ul style="list-style-type: none"> • Deliberate concealment of profits gained from the offense • Commission of crime through collusion with inspecting public officials • Attempt to avoid inspection • Inducing through advertising or other media with rapid propagation ability
	Actor/ Etc.	<ul style="list-style-type: none"> • Expresses sincere remorse • No prior criminal history 	<ul style="list-style-type: none"> • Destroying evidence or attempting to conceal evidence after crackdowns • Repeated offenses of different type under the Criminal Act that do not constitute repeated offenses, the criminal history of imprisonment by the same type of offenses that does not constitute a repeated offense under the Criminal Act (This applies when the criminal history is within ten years after completion of sentence)

03¹ PROVIDE ILLEGAL GAME PRODUCTS

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Provide Game Products with the Contents of Which are Different from the Rating Classification for Use	- 8 mos.	6 mos. - 1 yr. 2 mos.	10 mos. - 2 yrs.
2	Business of Converting into Money or Intermediate Conversion or Repurchase	4 mos. - 10 mos.	6 mos. - 1 yr. 6 mos.	1 yr. - 3 yrs. 6 mos.
3	Conduct Speculative Business of Using Game Products	4 mos. - 10 mos.	8 mos. - 1 yr. 6 mos.	1 yr. - 3 yrs. 6 mos.

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> • Special considerations can be taken into account for engaging in the offense • Passive participation • Cases where it is not the main business • Irrelevant to the encouragement of speculation 	<ul style="list-style-type: none"> • Cases where offenders committed the crimes through the threat of collective force or by carrying a dangerous weapon, the offender plays an active role in committing or orchestrating the commission of the crime • Cases where gains from the crime or the business size are substantial • Instigating the subordinate person to commit the offense
	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 or cases of whistleblowing 	<ul style="list-style-type: none"> • Repeated offenses of the same type under the Criminal Act



CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> Actual gains from the offense are not substantial 	<ul style="list-style-type: none"> Deliberate concealment of profits gained from the offense Prolonged and repeated commission of the offense Commission of crime through collusion with inspecting public officials Attempt to avoid inspection Inducing through advertising or other media with rapid propagation ability
	Actor/ Etc.	<ul style="list-style-type: none"> Expresses sincere remorse No prior criminal history 	<ul style="list-style-type: none"> Destroying evidence or attempting to conceal evidence after crackdowns Repeated offenses of different type under the Criminal Act that do not constitute repeated offenses, the criminal history of imprisonment by the same type of offenses that does not constitute a repeated offense under the Criminal Act (This applies when the criminal history is within ten years after completion of sentence)

04¹ DISTRIBUTION OF ILLEGAL GAME PRODUCTS, ETC.

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Game Products with the Contents of Which are Different from the Rating Classification	- 8 mos.	6 mos. - 1 yr. 2 mos.	10 mos. - 2 yrs.
2	Unrated or Speculative Game Products, Speculative Gaming Machine, Online Sportstoto Issuing System	4 mos. - 10 mos.	8 mos. - 1 yr. 6 mos.	1 yr. - 3 yrs. 6 mos.

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> • Special considerations can be taken into account for engaging in the offense • Passive participation • Irrelevant to the encouragement of speculation 	<ul style="list-style-type: none"> • Cases where offenders committed the crimes through the threat of collective force or by carrying a dangerous weapon, the offender plays an active role in committing or orchestrating the commission of the crime • Cases where gains from the crime or business size are substantial • Instigating the subordinate person to commit the offense
	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 or cases of whistleblowing 	<ul style="list-style-type: none"> • Repeated offenses of the same type under the Criminal Act
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> • Cases where the number of distributed game products, machines for amusement, issuance system, etc. are small 	<ul style="list-style-type: none"> • Deliberate concealment of profits gained from the offense • Commission of crime through collusion with inspecting public officials • Attempt to avoid inspection
	Actor/ Etc.	<ul style="list-style-type: none"> • Expresses sincere remorse • No prior criminal history 	<ul style="list-style-type: none"> • Destroying evidence or attempting to conceal evidence after crackdowns • Repeated offenses of the different type under the Criminal Act that do not constitute repeated offenses, the criminal history of imprisonment by the same type of offenses that does not constitute a repeated offense under the Criminal Act (This applies when the criminal history is within ten years after completion of sentence)



05¹ UNLICENSED · UNREGISTERED BUSINESS

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Game Producing, Distributing, or Providing	- 6 mos.	4 mos. - 10 mos.	8 mos. - 2 yrs.
2	Perform Speculative Acts, Produce or Sell Speculative Apparatus and Devices	- 8 mos.	6 mos. - 1 yr. 4 mos.	10 mos. - 2 yrs.

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Determinant	Conduct	<ul style="list-style-type: none"> • Special considerations can be taken into account for engaging in the offense • Passive participation • Cases where it is not the main business 	<ul style="list-style-type: none"> • Cases where offenders committed the crimes through the threat of collective force or by carrying a dangerous weapon, the offender plays an active role in committing or orchestrating the commission of the crime • Cases where gains from the crime or business size are substantial • Produce and distribute game products for the purpose of conducting speculative business or providing them to speculative business • Instigating the subordinate person to commit the offense
	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 or cases of whistleblowing 	<ul style="list-style-type: none"> • Repeated offenses of the same type under the Criminal Act
General Sentencing Determinant	Conduct	<ul style="list-style-type: none"> • Actual gains from the offense are not substantial • Cases where the number of distributed game products, machines for amusement, issuance system, etc. is small 	<ul style="list-style-type: none"> • Deliberate concealment of profits gained from the offense • Commission of crime through collusion with inspecting public officials • Attempt to avoid inspection

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
	Actor/ Etc.	<ul style="list-style-type: none"> • Expresses sincere remorse • No prior criminal history 	<ul style="list-style-type: none"> • Destroying evidence or attempting to conceal evidence after crackdowns • Repeated offenses of the different type under the Criminal Act that do not constitute repeated offenses, the criminal history of imprisonment by the same type of offenses that does not constitute a repeated offense under the Criminal Act (This applies when the criminal history is within ten years after completion of sentence)



DEFINITION OF OFFENSES

01 | OPENING GAMBLING HOUSES, ETC.

1. TYPE 1 — ISSUANCE OF LOTTERY, SALES AND MEDITATION OF LOTTERY TICKETS

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

ELEMENTS OF CRIME	APPLICABLE LAW	SENTENCING RANGE BY LAW
Lottery ticket sales	Criminal Act, Article 248, paragraph 1	Imprisonment for not more than five years, or a fine not exceeding 30 million won
Meditation of lottery ticket sales	Criminal Act, Article 248, paragraph 2	Imprisonment for not more than five years, or a fine not exceeding 20 million won
Issuance of lottery	Lottery Tickets and Lottery Fund Act, Article 34, paragraph 1, subparagraph 1,	Imprisonment for not more than three years, or a fine not exceeding 20 million won

2. TYPE 2 — OPERATE SPECULATIVE MACHINES FOR AMUSEMENT, UNLICENSED CASINO

ELEMENTS OF CRIME	APPLICABLE LAW	SENTENCING RANGE BY LAW
Operate a speculative business by using slot machines	Act on Special Cases Concerning Regulation and Punishment of Speculative Acts, etc., Article 30, paragraph 1, subparagraph 1	Imprisonment for not more than five years, or a fine not exceeding 50 million won
Operate a casino business without permission	Tourism Promotion Act, Article 81, paragraph 1	Imprisonment for not more than five years, or a fine not exceeding 50 million won

3. TYPE 3 — SETTING UP PLACES OR SPACE FOR GAMBLING

ELEMENTS OF CRIME	APPLICABLE LAW	SENTENCING RANGE BY LAW
Setting up places or space for gambling	Criminal Act, Article 247	Imprisonment for not more than five years, or a fine not exceeding 30 million won (may be imposed concurrently)

02¹ ILLEGAL SPORT GAMBLING, ETC.

1. TYPE 1 — SIMILAR BICYCLE AND MOTORBOAT RACING, ETC.

ELEMENTS OF CRIME	APPLICABLE LAW	SENTENCING RANGE BY LAW
Issue betting or grant money to persons who correctly predict the winner for profit-making (exclude purchase, solicitation and transfer of betting tickets)	Bicycle and Motorboat Racing Act, Article 27, paragraph 1, subparagraph 1, Article 24	Imprisonment for not more than three years, or a fine not exceeding 10 million won (This may be imposed concurrently)
Issue betting tickets for bullfighting, conduct bullfighting games to grant money to persons who correctly predict the winner	Traditional Bullfighting Act, Article 26, paragraph 1, subparagraph 1, Article 22	Imprisonment for not more than three years, or a fine not exceeding 20 million won (This may be imposed concurrently)

2. TYPE 2 — SIMILAR HORSE RACING

ELEMENTS OF CRIME	APPLICABLE LAW	SENTENCING RANGE BY LAW
Conduct horse racing	Korean Racing Association Act, Article 50, subparagraph 1, Article 48, paragraph 1	
Gave wealth or pecuniary advantage to person who correctly predict the winner as a similar pool betting activities of horse racing which Korean Racing Association conducts	Korean Racing Association Act, Article 50, subparagraph 1, Article 48, paragraph 2, subparagraph 1	Imprisonment for not more than five years, or a fine not exceeding 50 million won (This may be imposed concurrently)
Conduct pool betting or other similar activities by using electronic methods for racing which is conducted abroad	Korean Racing Association Act, Article 50, subparagraph 1, Article 48, paragraph 3, subparagraph 2	



3. TYPE 3 — SIMILAR SPORTSTOTO

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Issue sports betting tickets or similar things and provide property or financial benefits to persons who win at the betting	National Sports Promotion Act, Article 47, subparagraph 2, Article 26, paragraph 1	Imprisonment for not more than seven years, or a fine not exceeding 70 million won (This may be imposed concurrently)
Provide system of issuing sports betting tickets by means of information and communication networks to the public for use	National Sports Promotion Act, Article 48, subparagraph 4, Article 26, paragraph 2, subparagraph 1	Imprisonment for not more than five years, or a fine not exceeding 50 million won (This may be imposed concurrently)

03¹ PROVIDE ILLEGAL GAME PRODUCTS

1. TYPE 1

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Providing game products the contents of which are different from the classification obtained or displaying or keeping the same	Game Industry Promotion Act, Article 45, subparagraph 4, Article 32, paragraph 1, subparagraph 2	Imprisonment for not more than two years, or a fine not exceeding 20 million

2. TYPE 2

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Exchanges of money, intermediating exchanges, or repurchasing of tangibles and intangibles	Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 2, Article 32, paragraph 1, subparagraph 7	Imprisonment for not more than five years, or a fine not exceeding 50 million won

3. TYPE 3 — SPECULATIVE BUSINESS MAKING USE OF USING GAME PRODUCTS

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Game products related business entity conducts speculative acts by making use of game products or leaves others to do such things	Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 1, Article 28, subparagraph 2	Imprisonment for not more than five years, or a fine not exceeding 50 million won
Game products-related business promotes speculation by offering free gifts, etc.	Game Industry Promotion Act, Article 44, paragraph 1, 1-2, Article 28, subparagraph 3	Imprisonment for not more than five years, or a fine not exceeding 50 million won
Providing game products that have not been classified, displayed, or keeping game products	Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 2, Article 32, paragraph 1, subparagraph 1	Imprisonment for Not Imprisonment for not more than five years, or a fine not exceeding 50 million won
Providing game products that the classification were refused, and displaying or keeping these	Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 2, Article 32, paragraph 1, subparagraph 4	Imprisonment for not more than five years, or a fine not exceeding 50 million won

04¹ DISTRIBUTION OF ILLEGAL GAME PRODUCTS, ETC.

1. TYPE 1 — GAME PRODUCTS DIFFERENT FROM THE CLASSIFICATION OBTAINED

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Distributing game products which the contents are different from the classification obtained, and displaying or keeping these products	Game Industry Promotion Act, Article 45, subparagraph 4, Article 32, paragraph 1, subparagraph 2	Imprisonment for not more than two years, or a fine not exceeding 20 million won



2. TYPE 2 — NON-CLASSIFIED OR SPECULATIVE GAME PRODUCTS, SPECULATIVE GAMING MACHINE, ONLINE SPORTSTOTO ISSUING SYSTEM

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Distributing game products which were not classified, and displaying or keeping them for distribution	Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 2, Article 32, paragraph 1, subparagraph 1	Imprisonment for not more than five years, or a fine not exceeding 50 million won
Distributing game products which the classification were refused, and displaying or keeping them	Game Industry Promotion Act, Article 44, paragraph 1, subparagraph 2, Article 32, paragraph 1, subparagraph 4	Imprisonment for not more than five years, or a fine not exceeding 50 million won
Selling slot machines or speculative gaming machines, and manufacturing or importing them for sale	Act on Special Cases Concerning Regulation and Punishment of Speculative Acts, etc., Article 30, paragraph 1, subparagraph 2	Imprisonment for not more than five years, or a fine not exceeding 50 million won
Design, produce, or distribute the system of issuing sports betting tickets by means of information and communication networks to the public for use	National Sports Promotion Act, Article 48, paragraph 4, Article 26, paragraph 2, subparagraph 1	Imprisonment for not more than five years, or a fine not exceeding 50 million won (This may be imposed concurrently)

05¹ UNLICENSED OR UNREGISTERED BUSINESS

1. TYPE 1 — GAME PRODUCING · GAME DISTRIBUTING BUSINESS, GAME PROVIDING BUSINESS

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Producing or distributing unregistered Game Business	Game Industry Promotion Act, Article 45, paragraph 2, Article 25	Imprisonment for not more than two years, or a fine not exceeding 20 million won
Unauthorized or unregistered game providing business	Game Industry Promotion Act, Article 45, subparagraph 2, Article 26, paragraph 1, subparagraph 2, subparagraph 3	Imprisonment for not more than two years, or a fine not exceeding 20 million won

2. TYPE 2 — OPERATING A SPECULATIVE BUSINESS, PRODUCING AND SELLING SPECULATIVE GAMING MACHINE

ELEMENTS OF THE OFFENSE	APPLICABLE LAW	SENTENCING RANGE BY LAW
Operating a speculative business	Act on Special Cases Concerning Regulation and Punishment of Speculative Acts, etc., Article 30, paragraph 2, subparagraph 1	Imprisonment for not more than three years, or a fine not exceeding 20 million won
Unauthorized business of producing or selling speculative gaming machine	Act on Special Cases Concerning Regulation and Punishment of Speculative Acts, etc., Article 30, paragraph 2, subparagraph 3	Imprisonment for not more than three years, or a fine not exceeding 20 million won



DEFINITION OF SENTENCING FACTORS

01 | SPECIAL CONSIDERATION CAN BE TAKEN INTO ACCOUNT FOR ENGAGING IN THE OFFENSE

- “Special considerations can be taken into account for engaging in the offense” 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 the Criminal Act, Article 12 is applicable).
 - When the offender merely agreed to participate in the crime but did not lead or participate in the commission of the crime
 - Other cases with comparable factors

02 | PASSIVE PARTICIPATION

- This means cases the offender did not plan, orchestrate, or had an active role in the commission of the offense. However, the offender had a limited role in the commission of it.

03 | NOT THE MAIN BUSINESS

- This indicates cases in which offensive activities were committed as ancillary business activities to main business and profits made by the offense are insignificant, the degree of the act being condemnable is relatively light, or business feasibility is low.

04¹ IRRELEVANT TO ENCOURAGING SPECULATIVE GAMES

- This indicates cases in which the contents of game products which are different from the classification obtained or which have not been classified are irrelevant to encouraging speculative games or the purpose of converting into money, intermediating such conversion, or repurchasing of tangible and intangible results are unrelated.

05¹ CASES WHERE PROFITS MADE BY THE OFFENSE

- This indicates cases in which one or more of the following factors apply:
 - Cases where the amount of money the offender collects from participants in the name of betting money is substantial or the amount of money received in the name of proceeds or fees excluding money returned to them as dividends or prizes is enormous
 - Cases in which the amount of money the offender collects from participants as betting money is substantial or the money received as proceeds or fees (excluding money returned as dividends or prizes) is enormous
 - Cases in which the number of users of the game products or speculative business, or the number of participants in betting is many, or the size of a speculative business site is huge, or it has been in operation for a long period
 - Other cases with comparable factors

06¹ ATTEMPT TO AVOID INSPECTION

- This means one or more following factors apply:
 - Cases in which surveillance devices, such as CCTVs, access control devices, or facilities to flee were set
 - Cases where all or part of the offense is committed abroad to avoid inspection
 - Other cases with comparable factors



07¹ PRODUCE OR DISTRIBUTE GAME PRODUCTS FOR SPECULATIVE BUSINESS OR PROVIDING TO THOSE BUSINESSES

- “Speculative business” means that unauthorized or unregistered game product businesses provide speculative acts or allows others to do so.
- “Producing or distributing game products for the purpose of providing them to speculative business” means an unauthorized or unregistered business produces and distributes game products for such purposes.

ASSESSING PRINCIPLES APPLICABLE TO SENTENCING FACTORS

01 | DETERMINING THE SENTENCING RANGE

- When determining the appropriate sentencing range, the court must consider only the special sentencing determinants.
- However, in cases involving more than two special sentencing determinants, the applicable sentencing range is adjusted after assessing the factors as set forth below:
 - ① The same number of conduct factors shall be considered with greater significance than the actor or other factors.
 - ② The same number of conduct factors reciprocally, or the actor, or other factors reciprocally shall be treated as the same.
 - ③ If the sentencing range applicable cannot be determined by the aforementioned principles in ① and ②, the court is to decide the sentencing range by a comprehensive comparison and assessment based on the principles set forth in ① and ②.
- After an assessment, if a greater number of aggravating factors than the mitigating factors exist, then the aggravating zone is recommended when determining the sentencing range. If a greater number of mitigating factors exist, then a mitigating sentencing range is recommended. For other cases, the standard sentencing range is recommended.

02 | DETERMINING THE SENTENCE APPLICABLE

- When determining the sentence, the court shall consider the special and general sentencing determinants that are within the sentencing range assessed according to 1 above comprehensively



GENERAL APPLICATION PRINCIPLES

01 | SPECIAL ADJUSTMENTS TO THE SENTENCING RANGE

- ① When only two or more special aggravating factors apply, or the special sentencing determinant outnumber the special mitigating determinants by two or more, then increase the maximum level of the recommended sentencing range up to $\frac{1}{2}$.
- ② When only two or more special mitigating factors apply, or the special sentencing determinant outnumber the special aggravating determinants by two or more, then reduce the minimum level of the recommended sentencing range down to $\frac{1}{2}$.

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

- When the sentencing range under this guideline conflicts with the range determined according to the aggravation and mitigation of the applicable law, the sentencing range prescribed by the applicable law shall govern.

03 | APPLICATION OF STATUTORY MITIGATING FACTORS AS DISCRETIONARY

- When the court declines to apply a permissive mitigating factor under applicable law as listed in this guideline's sentencing table, the factor shall be treated as a discretionary mitigating factor.

GUIDELINES ON SENTENCING MULTIPLE OFFENSES

01 | APPLICABLE SCOPE

- This section applies to concurrent crimes prescribed in the first part of Article 37 of the Criminal Act. However, when concurrent crimes under the first part of Article 37 of the Criminal Act involve an offense set forth in the sentencing guidelines, as well as an offense the sentencing guidelines do not cover, then the minimum level should be the minimum of the sentencing range of the offense that is set forth in this sentencing guideline.

02 | DETERMINING THE BASE OFFENSE

- The “base offense” indicates the most severe offense that results after selecting the penalty and determining the statutory aggravation and mitigation. However, in cases in which the maximum sentencing range is lower than that of the maximum sentencing range of the other offense as set forth in this guideline, the offense resulting in the concurrent crime becomes the base offense.

03 | CALCULATING THE SENTENCING RANGE

- To calculate the sentence of an offender convicted of multiple offenses that is not treated as a single offense under this guideline, the court shall apply the following principles:
 - ① In setting the sentencing range for an offender convicted of two offenses, the sentencing range should be the total sum of the maximum sentencing range of the base offense and the $\frac{1}{2}$ of the maximum sentencing range of the second offense.



- ② In setting the sentencing range for an offender convicted of three or more offenses, the sentencing range should be the total sum of the following: (1) of the maximum sentencing range of the base offense, sum of $\frac{1}{2}$ of the maximum sentencing range of the offense with the highest sentencing range, and (2) $\frac{1}{3}$ of the maximum sentencing range of the remaining offense with the second-highest sentencing range.
- ③ For cases in which the minimum sentencing range of the other offense is higher than that of the base offense, the minimum sentencing range resulting from the multiple offense should be the minimum sentencing range of the other offense.

PART B — GUIDELINES ON SUSPENDING A SENTENCE

CLASSIFICATION	ADVERSE	AFFIRMATIVE
Primary Consideration Factor	<ul style="list-style-type: none"> • Cases where offenders played an active role in committing or orchestrating the commission of the crime • Cases where benefits from the crime or business size are large • Criminal history of the same offense (imposing suspension of a sentence or more severe punishment within five years or more than three incidents of fines) exists • Cases where the offender recommitted the same offense within a short period of time after a crackdown 	<ul style="list-style-type: none"> • Special considerations can be taken into account for engaging in the offense • Passive participation • Not the main business • Irrelevant to the encouragement of speculation • No prior criminal history • Voluntary surrender to investigative agencies of whistleblowers
General Consideration Factor	<ul style="list-style-type: none"> • Active role as an accomplice • Deliberate concealment of profits gained from the offense • Commission of crime through collusion with inspecting public officials • Attempt to avoid inspection • Destroying evidence or attempting to conceal evidence after crackdowns • Two or more criminal history on the suspension of the sentence or for a greater offense) • Lack of social ties • No sincere remorse 	<ul style="list-style-type: none"> • Passive participation as an accomplice • Actual gain is insignificant • Cases the number of distributed game product, gambling machines, issuing system are small • Strongly-established social ties • Expresses sincere remorse • No criminal history of the suspension of the sentence or imposing of other sentences more severe • Cases of elderly offenders • Cases of physically ill offenders • Cases where the arrest of the offender would cause severe hardship to the offender's dependant family member



DEFINITIONS OF FACTORS TO CONSIDER IN SUSPENDING A SENTENCE

- In cases in which the factors to consider in suspending a 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 that involve a suspension of the sentence, the prior criminal history is calculated from the date the defendant's suspension of the sentence was affirmed until the date of the commission of the offense. In cases that impose imprisonment, the prior criminal history is calculated from the final date the sentence was completed until the date the offense was committed.

ASSESSING PRINCIPLES APPLICABLE TO THE FACTORS TO CONSIDER IN SUSPENDING A SENTENCE

- In deciding whether the suspension of a sentence is appropriate in cases in which imprisonment is imposed, the court should give the primary consideration factor greater importance than the general consideration factors. The following principles should be considered:
 - ① In cases in which only two or more primary affirmative factors exist or when the primary affirmative factors outnumber the major adverse factors by two or more, it is recommended to suspend the sentence.
 - ② In cases in which only two or more primary affirmative factors exist or when the primary affirmative factors outnumber the major adverse factor by two or more, suspension of the sentence is recommended.
 - ③ In cases in which ① or ② apply, but the difference between the number of general adverse (affirmative) factors and general affirmative (adverse) factors is greater than the difference between the number of primary affirmative (adverse) factors and primary adverse (affirmative) factors, or in cases other than ① or ②, the court shall decide whether to suspend the sentence after comparing and assessing the factors listed under the suspension of sentence section comprehensively.