Attachment (referenced provisions)

Act on Measures for the Prevention, etc. of Sexual Violence, etc. against Children by School Administrators, etc. and Private Education and Childcare Providers (Act No. 69 of 2024) (Excerpt)

(definition)
Article 2 (Omitted)
7 In this Act, "specified sex offenses" refers to the following crimes:
(i) Crimes under Article 176, Article 177, Articles 179 through 182, Article 241, paragraph (1) or (3), or Article 243 (limited to the portion pertaining to the crime under the same paragraph) of the Penal Code (Act No. 45 of 1907).
(ii) An offense under Article 4 of the Act on the Prevention of and Disposition for Theft, etc. (Act No. 9 of 1930) (limited to acts constituting an offense under Article 241, paragraph (1) of the Penal Code)
(iii) An offense under Article 60, paragraph (1) of the Child Welfare Act
(iv) Offenses under Articles 4 through 8 of the Act on the Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children (Act No. 52 of 1999)
(v) Offenses under Articles 2 through 6 of the Act on the Punishment of Acts Such as Capturing Images of Sexual Nature and the Deletion of Electromagnetic Records Containing Such Images Recorded on Seized Items (Act No. 67 of 2023)
(vi) An offense stipulated by a prefectural ordinance that is designated by Cabinet Order as one that penalizes any of the acts listed in (a) through (d) below:
(a) The act of touching a part of another person's body without justification.
(b) The act of—without a legitimate reason—peeping at another person's undergarments or body (where such parts are normally concealed by clothing), photographing them using a camera or other device (hereinafter referred to as a "camera, etc." in this item (b)), or positioning or installing a camera, etc., for the purpose of photographing such undergarments or body.
(c) The act of engaging in lewd or obscene conduct or speech without justification (excluding acts listed in (a) or (b)).
(d) The act of engaging in sexual intercourse with a child, or performing an obscene act upon a child.

8. In this Act, the term "person falling under the category of having committed a specified

sexual offense" refers to a person who meets any of the following criteria:

(i) A person for whom a judgment imposing a custodial sentence for a specified sexual offense has become final (excluding a person who has been granted a suspension of the execution of the entire sentence—unless such suspension has been revoked; hereinafter referred to as a "person with a suspended sentence" in the following item), and for whom fewer than 20 years have elapsed since the date on which the execution of the sentence was completed or the person otherwise ceased to be subject to the execution of the sentence.

(ii) A person who has received a final judgment of a sentence of imprisonment for a specified sex offense, for which the execution of the sentence has been suspended, and for whom less than ten years have elapsed since the date on which said judgment became final.

(iii) A person who has received a final judgment of a fine for a specified sex offense, and for whom less than ten years have elapsed since the date on which the execution of said sentence was completed or the person otherwise became no longer subject to the execution of said sentence.

Supplementary Provisions

(Application of this Act to offenses stipulated in the Penal Code prior to amendment)
Article 2:
For the purpose of applying the provisions of Article 2, paragraph 7 (limited to the portion pertaining to item 1), the offenses listed below shall be deemed to be the offenses listed in said item.

(i) The offenses under Article 178-2, Article 181, paragraph 3, or Article 241 of the Penal Code as in force prior to the amendment by the Act for Partial Amendment to the Penal Code (Act No. 72 of 2017; referred to as the "Act for Partial Amendment to the Penal Code" in the following paragraph), or attempts to commit such offenses.

(ii) The offenses under Articles 176 through 178 of the Penal Code as in force prior to their amendment by the provisions of Article 1 of the Act Partially Amending the Penal Code and the Code of Criminal Procedure (Act No. 66 of 2023), or attempts to commit such offenses.

2. For the purpose of applying the provisions of Article 2, paragraph 7 (limited to the portion pertaining to item 2), an offense under Article 4 of the Act on the Prevention and Punishment of Thefts, etc.—as it stood prior to its amendment by the provisions of Article 3 of the Supplementary Provisions of the Act Partially Amending the Penal Code—shall be deemed

to be an offense listed in said item (limited to cases involving the commission of an offense under the first part of Article 241 of the Penal Code, or an attempt thereof, as the Penal Code stood prior to its amendment by the Act Partially Amending the Penal Code).

(Application of this Act to proceedings in which a sentence of imprisonment is imposed)
Article 3　For the purpose of applying the provisions of Article 2, paragraph 8 (limited to the parts pertaining to items 1 and 2) and Article 34, paragraph 2 (limited to the parts pertaining to item 1 and item 2, sub-items (b) and (e)), a judicial decision imposing a sentence of imprisonment (chōeki) — or a sentence of imprisonment with the execution of the entire sentence suspended — as provided for in Article 12 of the Penal Code prior to its amendment by the provisions of Article 2 of the Act Partially Amending the Penal Code, etc. (Act No. 67 of 2022), shall be deemed a judicial decision imposing a sentence of incarceration (kōkin-kei) — or a sentence of incarceration with the execution of the entire sentence suspended.

* The offense referred to in Article 2, Paragraph 7, Item 6 is an offense that is—or was—stipulated by the ordinances listed in Article 2 and Paragraph 2 of the Supplementary Provisions of the Cabinet Order for the Enforcement of the Act on Measures for the Prevention of Sexual Violence, etc. against Children by School Operators and Private Education/Childcare Providers (Cabinet Order No. 440 of 2025) (i.e., the various prefectural ordinances commonly known as "nuisance prevention ordinances" and "ordinances for the sound development of youth"), and which penalizes any of the acts specified in (a) through (d) of the same item.