CHAPTER 13

Crimes of Animal Protection Act Violation

- Promulgated on March 24, 2025. Effective on July 1, 2025.
- Amended on March 30, 2026. Effective on July 1, 2026.

This guideline applies to adult offenders (nineteen years of age or older) who committed any offenses of Killing An Animal or Engaging in Acts Causing Death of An Animal (Animal Protection Act, Article 97, paragraph 1, subparagraph 1, 2), Causing Pain or Injury to An Animal [Animal Protection Act, Article 97, paragraph 2, subparagraph 1 (Article 10, paragraph 2), subparagraph 3], or Habitual Offender of any of the offenses above (Animal Protection Act, Article 97, paragraph 6).

PART A

TYPES OF OFFENSES AND SENTENCING RANGE

TYPE	CLASSIFICATION	MITIGATED SENTENCING RANGE	STANDARD SENTENCING RANGE	AGGRAVATED SENTENCING RANGE
1	Killing an animal or engaging in acts causing death of an animal	– 8 mos. Fine 1 million – 7 million	4 mos. – 1 yr. Fine 3 million– 12 million	8 mos. – 2 yrs. Fine 5 million – 20 million
2	Causing pain or injury to an animal	– 6 mos. Fine – 5 million	2 mos. – 10 mos. Fine 1 million – 10 million	4 mos. – 1 yr. 6 mos. Fine 3 million – 15 million

(unit: KRW)

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
Special Sentencing Factor	Conduct	• Cases with special extenuating circumstances that mitigate the offender's involvement • Extenuating motives for the offense • Dolus Eventualis • Death of the affected animal not directly caused by the offender (limited to cases lacking intent to kill) • Minor suffering or minor injury (Type 2)	• The offense was committed against unspecified or multiple animals, or repeatedly over a prolonged period • Morally reprehensible motives • Exceptionally cruel methods • Offenses caused serious injuries to the affected animal (Type 2) • Instigating the subordinate to commit the offense
	Offender /Etc.	• Hearing and/or speech disabilities • Diminished mental capacity (without fault) • Voluntary surrender to investigative authorities, internal whistle-blowing • Owner or keeper of the animal expresses the intent of non-punishment of the offender or substantial restitution to the victim	• Same-offense recidivism within the statutory recidivism period • Habitual offenses

CLASSIFICATION		MITIGATING FACTOR	AGGRAVATING FACTOR
General Sentencing Factor	Conduct	• Minor participation	• Planned crime
	Offender /Etc.	• Diminished mental capacity (with fault) • Sincere remorse • No prior criminal convictions • Considerable restitution	• Different-offense recidivism within the statutory recidivism period. Prior convictions for the same-offense or a crime of violence resulting in imprisonment which do not constitute statutory recidivism (within ten years after the completion of the sentence) • Causing harm in the course of attempted settlement (excluding cases where separate crimes such as coercion are established)

▷ Apply the following classification in cases where offense violating Animal Protection Act was committed while severely intoxicated by the use of alcohol or drugs

❶ Cases in which the offender voluntarily became intoxicated by alcohol or drugs with the intent to commit a crime, in anticipation of committing a crime, or to use as grounds for exemption after committing a crime, the state of intoxication shall be reflected as a general aggravating factor regardless of whether the defendant was in a state of diminished mental capacity at the time of the offense.

❷ Cases in which offender had no criminal intent and no anticipation of committing a crime, but past experiences, physical condition, or circumstances indicated a propensity to cause harm to others when intoxicated, the state of intoxication shall not be reflected as a mitigating factor regardless of the defendant's mental capacity at the time of the offense.

❸ Even in cases not falling under ❶ or ❷, if the offender did not suffer from diminished mental capacity at the time of the offense, the intoxication shall not be reflected as a mitigating factor.

DEFINITION OF OFFENSES

1 TYPE 1 — KILLING AN ANIMAL OR ENGAGING IN ACTS CAUSING DEATH OF AN ANIMAL

- This refers to an act that constitutes the offense with the following elements as prescribed in the applicable law.

ELEMENTS OF OFFENSE	APPLICABLE LAW
Causing death in a cruel way, such as hanging	Animal Protection Act, Article 97, paragraph 1, subparagraph 1, Article 10, paragraph 1, subparagraph 1
Killing in a public place such as on the street or causing death in front of other animals of the same kind	Animal Protection Act, Article 97, paragraph 1, subparagraph 1, Article 10, paragraph 1, subparagraph 2
Using an animal as food for other animals despite the absence of unavoidable circumstances	Animal Protection Act, Article 97, paragraph 1, subparagraph 1, Article 10, paragraph 1, subparagraph 3
Other acts that cause death of an animal without reasonable grounds	Animal Protection Act, Article 97, paragraph 1, subparagraph 1, Article 10, paragraph 1, subparagraph 4
Capturing or killing animals roaming around without their owner, or abandoned animals	Animal Protection Act, Article 97, paragraph 1, subparagraph 2, Article 10, paragraph 3, subparagraph 2
Causing death of a companion animal in violation of the duty of rearing, management, or protection	Animal Protection Act, Article 97, paragraph 1, subparagraph 2, Article 10, paragraph 4, subparagraph 3

※ Habitual Violations

ELEMENTS OF OFFENSE	APPLICABLE LAW
Habitual violations of the above offenses	Animal Protection Act, Article 97, paragraph 6

2 TYPE 2 – CAUSING PAIN OR INFLICTING INJURY ON AN ANIMAL

○ This refers to an act that constitutes the offense with the following elements as prescribed in the applicable law.

ELEMENTS OF OFFENSE	APPLICABLE LAW
Inflicting injury by using physical or chemical methods such as tools and drugs	Animal Protection Act, Article 97, paragraph 2, subparagraph 1, Article 10, paragraph 2, subparagraph 1
Damaging the body of an animal while it is alive, collecting bodily fluids, or installing a device for collecting bodily fluids	Animal Protection Act, Article 97, paragraph 2, subparagraph 1, Article 10, paragraph 2, subparagraph 2
Inflicting injury on an animal for the purpose of gambling, advertising, amusement, entertainment, etc.	Animal Protection Act, Article 97, paragraph 2, subparagraph 1, Article 10, paragraph 2, subparagraph 3
Causing pain or injury to an animal without reasonable grounds	Animal Protection Act, Article 97, paragraph 2, subparagraph 1, Article 10, paragraph 2, subparagraph 4
Injuring, or causing disease to, a companion animal in violation of the duty of rearing, management, or protection	Animal Protection Act, Article 97, paragraph 2, subparagraph 3, Article 10, paragraph 4, subparagraph 2

※ Habitual Violations

ELEMENTS OF OFFENSE	APPLICABLE LAW
Habitual violations of the above offenses	Animal Protection Act, Article 97, paragraph 6

DEFINITION OF SENTENCING FACTORS

1. CASES WITH SPECIAL EXTENUATING CIRCUMSTANCES THAT MITIGATE THE OFFENDER'S INVOLVEMENT

- This applies where one or more of the following are present:
  - The offender participated in the crime under coercion or threats by another person (excluding cases that fall under Article 12 of the Criminal Act).
  - The defendant merely agreed to participate in the crime and neither directed nor directly took part in carrying out the offense.
  - Other cases with comparable mitigating factors.

2. EXTENUATING MOTIVES FOR THE OFFENSE

- This applies where one or more of the following are present:
  - The offense was committed impulsively without prior deliberation while the defendant was rearing, managing, or protecting the victim animal in a state of impaired judgment
  - The offense was committed as a result of physical and/or mental harm inflicted by the victim animal upon the defendant, a cohabitant, or a family member.
  - Other cases with comparable factors

3. DEATH OF THE AFFECTED ANIMAL NOT DIRECTLY CAUSED BY THE OFFENDER (LIMITED TO CASES LACKING INTENT TO KILL)

- This refers to cases in which the animal's death resulted from causes other than the defendant's acts, such that it is difficult to regard the offender's acts as having directly resulted in the animal's death.

4. MINOR BODILY INJURIES (TYPE 2)

- Minor bodily injuries means injuries that require two weeks or less medical care, affect only relatively limited parts of the body, do not interfere with the victim animal's day-to-day activities, and do not require medical interventions such as surgical stitches.

5. MORALLY REPREHENSIBLE MOTIVES

- This applies where one or more of the following are present:
  - The offense was committed out of retaliation, resentment, or hatred toward the victim animal or its owner or keeper
  - The offense was committed as a means to commit another offense
  - The offense was committed for economic gain
  - The offense was committed without any specific reason, including indiscriminate acts or cases in which the offender derived pleasure from committing the offense
  - Other cases with comparable factors

6. EXCEPTIONALLY CRUEL METHODS

- This refers to cases where the defendant involved inflicting extreme physical or mental pain exceeding the ordinary degree on the victim animal, having regard to both the intensity and duration of the pain.

7. SERIOUS BODILY INJURIES (TYPE 2)

- Serious bodily injuries refers to an injury requiring four to five weeks or more of medical treatment. This includes, but is not limited to, injuries resulting in protracted functional impairment or severe disfigurement, injuries to vital body parts, or cases where further physical complications are anticipated.

8. OWNER OR KEEPER OF THE ANIMAL EXPRESSES THE INTENT OF NON-PUNISHMENT OF THE OFFENDER

- This indicates cases in which the defendant shows sincere remorse with genuine efforts to reach a settlement and the owner or keeper of the victim animal fully understands the legal and social implications of opposing punishment and clearly expresses the intent not to seek punishing the offender. However, this should not apply in the following cases:
  - (1) in cases in which the owner or keeper of the victim animal opposes punishment as a result of *de facto* coercion or deceit by the offender against their will, or
  - (2) where there is no reasonable or convincing basis for the owner or keeper of the victim animal to express no desire for punishment.

- This applies only to cases in which, upon careful and thorough examination and assessment of the owner or keeper of the victim animal, or their legal representative's age, intelligence, and ability to fully understand the meaning, content, and legal implications of expressing an intent not to seek punishment, it is determined that such expression is both informed and genuine.

9. SUBSTANTIAL RESTITUTION TO THE VICTIM

- This refers to cases where the defendant has restored the damage to a degree equivalent to a settlement through sincere efforts to remediate the harm, such as providing active medical treatment for the victim animal, or where such a degree of recovery is deemed certain.
- Provided that, in the case of a court deposit, it strictly refers to instances determined to constitute substantial recovery of damage following a careful investigation and assessment of: the opinions of the victim animal's owner, keeper, or their legal representative regarding the deposit; whether the defendant has the statutory right or intent to withdraw the deposited funds; the nature of the infringed legal interest; and the scale and severity of the damage.

10. MINOR PARTICIPATION

- This indicates cases in which the nature of participation in the commission of the offense was passive or the defendant had a limited role.
- However, this is not applicable in cases in which the defendant had an active role in the commission of the offense by causing another person to commit the offense.

11. PLANNED OFFENSE

- This applies where one or more of the following are present:
  - Preparation for and possession of a weapon used in the offense
  - A planned conspiracy
  - Inducing the animal
  - Preparation for the destruction of evidence
  - Advance planning of escape or flight
  - Other cases involving comparable aggravating factors

12. SINCERE REMORSE

- This indicates cases in which the defendant is deemed to show genuine remorse for the offense after examining and assessing the specific circumstances surrounding the offender's admission of the offense and any voluntary efforts made toward restitution and/or the prevention of re-offending.

13. NO PRIOR CRIMINAL CONVICTIONS

- It means that the defendant has no previous criminal conviction before. However, this does not apply to cases targeting unspecified or multiple animals, or cases in which the offense was committed repeatedly over an extended period.

14. CAUSING HARM WHILE ATTEMPTING TO REACH A SETTLEMENT WITH THE OWNER OR KEEPER OF THE AFFECTED ANIMAL (EXCLUDING CASES WHERE THE ACT CONSTITUTES ANY OTHER CRIME SUCH AS THE CRIME OF COERCION)

- This indicates cases in which the defendant persistently harassed the owner or keeper of the victim animal or exerted undue pressure by implying tangible or intangible disadvantages in the course of attempting to reach a settlement, or otherwise caused harm through comparable means in response to the victim's refusal to settle.

PRINCIPLES APPLICABLE TO SENTENCING FACTORS

1 DETERMINING THE SENTENCING RANGE

- When determining the appropriate sentencing range, judges must consider only the Special Sentencing Factors.
- However, where multiple Special Sentencing Factors are present, the applicable sentencing range shall be determined after assessing the factors in accordance with the following principles:
  - ❶ Greater weight is accorded to Conduct Factors than to Offender/Etc. Factors of equal number. However, where the owner or keeper of the affected animal has intent of non-punishment, such wishes may be treated on a par with a Conduct Factor.
  - ❷ Conduct Factors *inter se*, and Offender/Etc. Factors *inter se*, shall be treated as equivalent.
  - ❸ If the sentencing range applicable cannot be determined by the aforementioned principles in ❶ and ❷, judges are to decide the sentencing range by a comprehensive comparison and assessment of Special Sentencing Factors based on the principles set forth in ❶ and ❷.
- After the assessment of sentencing factors, where aggravating factors outweigh mitigating factors, the aggravating sentencing range is recommended; where mitigating factors outweigh aggravating factors, the mitigating sentencing range is recommended; and in all other cases, the standard sentencing range is recommended.

2 DETERMINING THE SENTENCE TO BE IMPOSED

- The sentence to be imposed shall be determined within the sentencing range established under paragraph 1 above, by comprehensively taking into account both General Sentencing Factors and Special Sentencing Factors.

GENERAL APPLICATION PRINCIPLES

1 SPECIAL ADJUSTMENTS TO THE RECOMMENDED SENTENCING RANGE

❶ After the assessment of Special Sentencing Factors, if a case falls within the Aggravating Sentencing Range and either i) two or more Special Aggravating Factors exist alone, or ii) Special Aggravating Factors outnumber Special Mitigating Factors by two or more, the upper limit of the recommended sentencing range may be increased by up to 1/2.

❷ After the assessment of Special Sentencing Factors, if a case falls within the Mitigating Sentencing Range and either i) two or more Special Mitigating Factors exist alone, or ii) Special Mitigating Factors outnumber Special Aggravating Factors by two or more, the lower limit of the recommended sentencing range may be reduced by up to 1/2.

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

- Where the sentencing range recommended under this guideline conflicts with the statutory applicable aggravated/mitigated sentencing range, the upper or lower limit of the applicable sentencing range by law shall govern.

3 APPLICATION OF DISCRETIONARY MITIGATING FACTORS BY LAW

- Where a judge declines to apply discretionary statutory mitigating factors listed in the Sentencing Factor Table of this guideline, such factors shall be considered as extenuating circumstances among mitigating factors.

GUIDELINES ON SENTENCING MULTIPLE OFFENSES

1 APPLICABLE RANGE

- 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 include both an offense set forth in the sentencing guidelines and an offense not covered by the sentencing guidelines, then the minimum level should be the minimum of the sentencing range of the offense that is set forth in this sentencing guideline.

2 DETERMINING THE BASE OFFENSE

- The "base offense" refers to the offense subject to the most severe punishment after selecting the type of punishment and applying any statutory aggravation and/or mitigation thereto. However, where the upper end of the sentencing range under the sentencing guidelines for an offense covered by this chapter is lower than the upper end of the sentencing range under the sentencing guidelines for the other concurrent offense, the other concurrent offense shall become the base offense.

3 DETERMINING THE SENTENCING RANGE FOR THE CONCURRENT MULTIPLE OFFENSES

- Except for concurrent offenses that are treated as a single offense under the sentencing guidelines, the following method of aggravation for multiple offenses shall apply:
  - ❶ For multiple offenses involving two offenses, the upper end of the sentencing range shall be determined by adding 1/2 of the upper end of the sentencing range of the other offense to the upper end of the sentencing range of the base offense.

❷ For multiple offenses involving three or more offenses, the upper end of the sentencing range shall be determined by adding the following three figures: (1) the upper end of the sentencing range of the base offense, (2) 1/2 of the upper end of the sentencing range of the offense with the highest sentencing range among the other offenses, and (3) 1/3 of the upper end of the sentencing range of the offense with the second highest sentencing range among the other offenses.

❸ For multiple offenses where the lower end of the sentencing range of the other offense is higher than the lower end of the sentencing range of the base offense, the lower end of the sentencing range after applying the method of aggravation for multiple offenses shall be the lower end of the sentencing range of the other offense.

PART B

GUIDELINE ON SUSPENDING A SENTENCE

CLASSIFICATION	ADVERSE	AFFIRMATIVE
Primary Circumstance	• Morally reprehensible motives • Exceptionally cruel methods • Killing the animal or causing serious physical injury to the animal • The offense was committed against multiple/indiscriminate animals, or repeatedly over a prolonged period • Prior convictions for the same-offense [a suspended sentence of imprisonment or a more severe penalty within the past five years, or three or more fines (including suspended sentences)]	• Cases with special extenuating circumstances that mitigate the offender's participation in, or motives for the offense • Dolus Eventualis • Minor or slight physical pain or injury (Type 2) • Death of the affected animal not directly caused by the offender (limited to cases lacking intent to kill) or serious bodily injury on the animal did not directly result from the offender's acts • The offender attempted to prevent the offense by hindering the co-offender • No prior criminal convictions • Owner or keeper of the victim animal expresses the intent of non-punishment of the defendant or substantial restitution to the victim
General Circumstance	• Two or more criminal convictions of a suspension of execution of the sentence of imprisonment without labor or greater offense • Lack of family/social ties • Drug or alcohol addiction • Absence of sincere remorse • Planned crime • Leading role as a co-offender • Post-offense evidence tampering or attempt to conceal or destroy evidence • No effort made to restitute damages • Causing harm in the course of attempted settlement (excluding cases where separate crimes such as coercion are established)	• Stable family/social ties • Voluntary surrender to investigative authorities or internal whistle-blowing • Sincere remorse • No prior convictions resulting in a suspended sentence of imprisonment without labor, or heavier punishment • The offender's physical condition is severely impaired • Minor participation as a co-offender • Cases where detaining the offender would impose excessive hardship on dependent family members • Considerable restitution

DEFINITIONS OF CIRCUMSTANCES TO CONSIDER WHEN SUSPENDING A SENTENCE

- For identical factors in both Sentencing Factors and the Circumstances for Suspending a Sentence, refer to the definitions set forth in the Definition of Sentencing Factors.
- Calculation of the Period of Prior Criminal Convictions
  - For cases where a suspended sentence of imprisonment or a fine was imposed, the period of a prior conviction is calculated from the date on which the judgment became final to the date of the commission of the offense.
  - For cases where a sentence of imprisonment was executed, the period of a prior conviction is calculated from the date on which the sentence was fully served to the date of the commission of the offense.

PRINCIPLES APPLICABLE TO CIRCUMSTANCES WHEN SUSPENDING A SENTENCE

- When the recommended sentence is imprisonment with labor and judges decide to suspend execution of the sentence, they must give greater weight to the Primary Circumstances than to the General Circumstances, and the following principles should be considered:
  ❶ When two or more Primary Affirmative Circumstances exist alone, or when Primary Affirmative Circumstances outnumber Primary Adverse Circumstances by two or more, it is recommended to suspend the sentence.
  ❷ When two or more Primary Adverse Circumstances exist alone, or when Primary Adverse Circumstances outnumber Primary Affirmative Circumstances by two or more, imprisonment is recommended.
  ❸ In cases in which ❶ or ❷ apply, but the difference between the number of General Adverse (Affirmative) Circumstances and General Affirmative (Adverse) Circumstances is greater than the difference between the number of Primary Affirmative (Adverse) Circumstances and Primary Adverse (Affirmative) Circumstances, or in cases other than ❶ or ❷, the judges shall decide whether to suspend the sentence after comparing and assessing all the Circumstances comprehensively.