(Reference)

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

(Definitions)

Article 2 (Omitted)

(7) As used in this Act, the term "specified sexual offenses" means the following offenses:

(i) the offenses set forth in Article 176, Article 177, Articles 179 through 182, Article 241, paragraph (1) or paragraph (3), or Article 243 (limited to the part pertaining to the offense set forth in that paragraph) of the Penal Code (Act No. 45 of 1907);

(ii) the offense set forth in Article 4 of the Act on Prevention and Disposition of Larceny and Related Offenses (Act No. 9 of 1930) (limited to offenses pertaining to the act of committing the offense set forth in Article 241, paragraph (1) of the Penal Code);

(iii) the offense set forth in Article 60, paragraph (1) of the Child Welfare Act;

(iv) the offenses set forth in Articles 4 through 8 of the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children (Act No. 52 of 1999);

(v) the offenses set forth in Articles 2 through 6 of the Act on Punishment of Acts involving Photography of Sexual Images, etc. and Deletion, etc. of Electromagnetic Records Pertaining to Images of Sexual Postures Recorded in Seized Articles (Act No. 67 of 2023); and

(vi) offenses specified by Prefectural Ordinance which are prescribed by Cabinet Order as punishing any of the acts listed in (a) through (d) below:

(a) the act of touching a part of another person's body without good reason;

(b) the act of peeping at, or photographing using a camera or other equipment (hereinafter referred to as "cameras, etc." in this (b)), underwear or a person's body usually covered by clothing without justifiable grounds, or directing or installing cameras, etc. for the purpose of photographing such underwear or body;

(c) the act of engaging in obscene behavior or language without good reason (excluding the acts listed in (a) or (b)); and

(d) the act of having sexual intercourse with a child, or committing an indecent act against a child.

(8) As used in this Act, the term "person with a history of specified sexual offenses" means a person falling under any of the following items:

(i) a person against whom a decision sentencing the person to imprisonment for a specified sexual offense has become final and binding (excluding a person who was granted suspended execution of the entire sentence (excluding a person whose suspended execution of sentence was revoked; referred to as a "person with suspended sentence" in the following item)), and for whom twenty years have not elapsed from the date on which the execution of the sentence was completed or was no longer to be received;

(ii) among persons against whom a decision sentencing the person to imprisonment for a specified sexual offense has become final and binding, a person with suspended sentence for whom ten years have not elapsed from the date on which the decision became final and binding; and

(iii) a person against whom a decision sentencing the person to a fine for a specified sexual offense has become final and binding, and for whom ten years have not elapsed from the date on which the execution of the sentence was completed or was no longer to be received.

Supplementary Provisions

(Application of this Act to Offenses Prescribed in the Penal Code Prior to Amendment)

Article 2 (1) With respect to the application of the provisions of Article 2, paragraph (7) (limited to the part pertaining to item (i)), the following offenses are deemed to be offenses listed in the said item:

(i) the offenses set forth in Article 178-2, Article 181, paragraph (3) or Article 241 of the Penal Code prior to amendment by the Act Partially Amending the Penal Code (Act No. 72 of 2017; referred to as "Partial Penal Code Amendment Act" in the following paragraph), or an attempt to commit these offenses; and

(ii) the offenses set forth in Articles 176 through 178 of the Penal Code prior to amendment under the provisions of Article 1 of the Act Partially Amending the Penal Code and Code of Criminal Procedure (Act No. 66 of 2023), or an attempt to commit these offenses.

(2) With respect to the application of the provisions of Article 2, paragraph (7) (limited to the part pertaining to item (ii)), the offense set forth in Article 4 of the Act on Prevention and Disposition of Larceny and Related Offenses prior to amendment under the provisions of Article 3 of the Supplementary Provisions of the Partial Penal Code Amendment Act (limited to the offense pertaining to the act of committing the offense set forth in the first sentence of Article 241 of the Penal Code prior to amendment by the Partial Penal Code Amendment Act or an attempt to commit that offense) is deemed to be an offense listed in the said item.

(Application of this Act to Decisions Sentencing Imprisonment with Work)

Article 3 With respect to the application of the provisions of Article 2, paragraph (8) (limited to the parts pertaining to item (i) and item (ii)) and Article 34, paragraph (2) (limited to the parts pertaining to item (i) and item (ii), (b) and (e)), a decision sentencing a person to imprisonment with work prescribed in Article 12 of the Penal Code prior to amendment under the provisions of Article 2 of the Act Partially Amending the Penal Code and Related Acts (Act No. 67 of 2022) or suspended execution of the entire sentence thereof is deemed to be a decision sentencing a person to imprisonment or suspended execution of the entire sentence thereof.

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*__Note:__ The offenses set forth in Article 2, paragraph (7), item (vi) refer to offenses specified by ordinances (so-called Nuisance Prevention Ordinances and Youth Healthy Development Ordinances of each prefecture) listed in Article 2 and paragraph (2) of the Supplementary Provisions of the Order for Enforcement of the Act on Measures for the Prevention of Sexual Violence against Children by School Operators, etc. and Private Education and Childcare Providers, etc. (Cabinet Order No. 440 of 2025) (Excerpt) that are or were established to punish any of the acts listed in (a) through (d) of the said item.