

# STATE PUBLIC OFFICIALS ACT

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Act No. 44, Aug. 12, 1949  
Amended by Act No. 103, Mar. 3, 1950  
Act No. 721, Sep. 18, 1961  
Act No. 1029, Feb. 23, 1962  
Act No. 1325, Apr. 17, 1963  
Act No. 1521, Dec. 16, 1963  
Act No. 1638, May 26, 1964  
Act No. 1711, Oct. 20, 1965  
Act No. 2460, Feb. 5, 1973  
Act No. 3150, Dec. 5, 1978  
Act No. 3447, Apr. 20, 1981  
Act No. 3518, Dec. 31, 1981  
Act No. 3584, Dec. 28, 1982  
Act No. 3917, Dec. 31, 1986  
Act No. 4017, Aug. 5, 1988  
Act No. 4268, Dec. 27, 1990  
Act No. 4384, May 31, 1991  
Act No. 4408, Nov. 30, 1991  
Act No. 4763, Jul. 20, 1994  
Act No. 4829, Dec. 22, 1994  
Act No. 5153, Aug. 8, 1996  
Act No. 5455, Dec. 13, 1997  
Act No. 5452, Dec. 13, 1997  
Act No. 5527, Feb. 24, 1998  
Act No. 5529, Feb. 28, 1998  
Act No. 5681, Jan. 21, 1999  
Act No. 5809, Feb. 5, 1999  
Act No. 5983, May 24, 1999  
Act No. 6089, Dec. 31, 1999  
Act No. 6622, Jan. 19, 2002

Act No. 6788, Dec. 18, 2002  
Act No. 6855, Feb. 4, 2003  
Act No. 7187, Mar. 11, 2004  
Act No. 7380, Jan. 27, 2005  
Act No. 7407, Mar. 24, 2005  
Act No. 7614, Jul. 28, 2005  
Act No. 7796, Dec. 29, 2005  
Act No. 8069, Dec. 20, 2006  
Act No. 8330, Mar. 29, 2007  
Act No. 8423, May 11, 2007  
Act No. 8857, Feb. 29, 2008  
Act No. 8996, Mar. 28, 2008  
Act No. 9113, Jun. 13, 2008  
Act No. 9296, Dec. 31, 2008  
Act No. 9419, Feb. 6, 2009  
Act No. 10148, Mar. 22, 2010  
Act No. 10342, Jun. 8, 2010  
Act No. 10465, Mar. 29, 2011  
Act No. 10699, May 23, 2011  
Act No. 11392, Mar. 21, 2012  
Act No. 11489, Oct. 22, 2012  
Act No. 11530, Dec. 11, 2012  
Act No. 11690, Mar. 23, 2013  
Act No. 11992, Aug. 6, 2013  
Act No. 12202, Jan. 7, 2014  
Act No. 12234, Jan. 14, 2014  
Act No. 12792, Oct. 15, 2014  
Act No. 12844, Nov. 19, 2014  
Act No. 13288, May 18, 2015  
Act No. 13618, Dec. 24, 2015  
Act No. 14183, May 29, 2016  
Act No. 14839, Jul. 26, 2017  
Act No. 15522, Mar. 20, 2018  
Act No. 15857, Oct. 16, 2018  
Act No. 16905, Jan. 29, 2020

Act No. 17894, Jan. 12, 2021  
 Act No. 17893, Jan. 12, 2021  
 Act No. 18237, Jun. 8, 2021  
 Act No. 18308, Jul. 20, 2021  
 Act No. 19147, Dec. 27, 2022  
 Act No. 19228, Mar. 4, 2023  
 Act No. 19341, Apr. 11, 2023

### **Article 33 (Grounds for Disqualification)**

None of the following persons shall be appointed as a public official: *<Amended on Mar. 22, 2010; Aug. 6, 2013; Dec. 24, 2015; Oct. 16, 2018; Jan. 12, 2021; Dec. 27, 2022; Apr. 11, 2023>*

1. A person under adult guardianship;
2. A person who was declared bankrupt and has not yet been reinstated;
3. A person for whom five years have not passed since his or her imprisonment without labor or heavier punishment declared by a court was completely executed (including where the execution thereof is deemed complete) or exempted;
4. A person for whom two years have not passed since the suspension of execution of his or her imprisonment without labor or heavier punishment declared by a court expired;
5. A person who is under a suspended sentence of imprisonment without labor or a heavier punishment as declared by a court;
6. A person who is disqualified, or whose qualification is suspended, pursuant to a judgment of the court or other statutes;
- 6-2. A person who committed a crime prescribed in Article 355 or 356 of the Criminal Act with regard to his or her duty during his or her tenure of office as public official and was sentenced to a fine of at least three million won and in whose case two years have not yet passed since the ruling on such sentence became final;
- 6-3. A person who committed any of the following crimes and was sentenced to a fine of at least one million won and in whose case three years have not yet passed since the ruling on such sentence became final:
  - (a) Sexual crimes under Article 2 of the Act on Special Cases concerning the

Punishment of Sexual Crimes;

- (b) Crimes prescribed in Article 74 (1) 2 and 3 of the Act on Promotion of Information and Communications Network Utilization and Information Protection;
  - (c) Crimes of stalking defined in subparagraph 2 of Article 2 of the Act on Punishment of Crime of Stalking;
- 6-4. A person who was removed from office or dismissed or was sentenced to a penalty or medical treatment and custody and the ruling on such sentence became final for his or her commission of any of the following crimes (including a person for whom the suspension of execution is declared and the period of suspension of execution lapsed):
- (a) Sexual crimes under Article 2 of the Act on Special Cases concerning the Punishment of Sexual Crimes;
  - (b) Sex offenses against children or youth under subparagraph 2 of Article 2 of the Act on the Protection of Children and Youth against Sex Offenses;
7. A person who was removed from office by a disciplinary action, and for whom five years have not passed thereafter;
8. A person who was dismissed by a disciplinary action, and for whom three years have not passed thereafter.

*[This Article Wholly Amended on Mar. 28, 2008]*

*[Inconsistent with the Constitution, 2020Hun-Ma1181 dated Nov. 24, 2022; Of subparagraph 6-4 of Article 33 of the State Public Officials Act (as amended by Act No. 12749 on Oct. 16, 2018), the part regarding "prohibiting a person, who is sentenced to penalty for committing sexual harassment or sexual abuse against a child that may make the child feel sexually ashamed, as provided in subparagraph 2 of Article 17 of the Child Welfare Act (as amended by Act No. 14925 on Oct. 24, 2017), and for whom such judgment becomes final and conclusive, from becoming a public official in general service" is inconsistent with the Constitution. The provisions above shall continue to apply until amended by a legislator.]*

### 제33조 (결격사유)

다음 각 호의 어느 하나에 해당하는 자는 공무원으로 임용될 수 없다. <개정 2010. 3. 22., 2013. 8. 6., 2015. 12. 24., 2018. 10. 16., 2021. 1. 12., 2022. 12. 27., 2023. 4. 11.>

1. 피성년후견인
2. 파산선고를 받고 복권되지 아니한 자
3. 금고 이상의 실형을 선고받고 그 집행이 끝나거나(집행이 끝난 것으로 보는 경우를 포함한다) 집행이 면제된 날부터 5년이 지나지 아니한 자
4. 금고 이상의 형의 집행유예를 선고받고 그 유예기간이 끝난 날부터 2년이 지나지 아니한 자
5. 금고 이상의 형의 선고유예를 받은 경우에 그 선고유예 기간 중에 있는 자
6. 법원의 판결 또는 다른 법률에 따라 자격이 상실되거나 정지된 자
- 6의2. 공무원으로 재직기간 중 직무와 관련하여 「형법」 제355조 및 제356조에 규정된 죄를 범한 자로서 300만원 이상의 벌금형을 선고받고 그 형이 확정된 후 2년이 지나지 아니한 자
- 6의3. 다음 각 목의 어느 하나에 해당하는 죄를 범한 사람으로서 100만원 이상의 벌금형을 선고받고 그 형이 확정된 후 3년이 지나지 아니한 사람
  - 가. 「성폭력범죄의 처벌 등에 관한 특례법」 제2조에 따른 성폭력범죄
  - 나. 「정보통신망 이용촉진 및 정보보호 등에 관한 법률」 제74조제1항제2호 및 제3호에 규정된 죄
  - 다. 「스토킹범죄의 처벌 등에 관한 법률」 제2조제2호에 따른 스톱킹범죄
- 6의4. 미성년자에 대한 다음 각 목의 어느 하나에 해당하는 죄를 저질러 파면·해임되거나 형 또는 치료감호를 선고받아 그 형 또는 치료감호가 확정된 사람(집행유예를 선고받은 후 그 집행유예기간이 경과한 사람을 포함한다)
  - 가. 「성폭력범죄의 처벌 등에 관한 특례법」 제2조에 따른 성폭력범죄
  - 나. 「아동·청소년의 성보호에 관한 법률」 제2조제2호에 따른 아동·청소년대상 성범죄
7. 징계로 파면처분을 받은 때부터 5년이 지나지 아니한 자
8. 징계로 해임처분을 받은 때부터 3년이 지나지 아니한 자

[전문개정 2008. 3. 28.]

[헌법불합치, 2020헌마1181, 2022.11.24, 국가공무원법(2018. 10. 16. 법률 제15857호로 개정된 것) 제33조 제6호의4 나목 중 아동복지법(2017. 10. 24. 법률 제14925호로 개정된

것) 제17조 제2호 가운데 ‘아동에게 성적 수치심을 주는 성희롱 등의 성적 학대행위로 형을 선고받아 그 형이 확정된 사람은 국가공무원법 제2조 제2항 제1호의 일반직공무원으로 임용될 수 없도록 한 것’에 관한 부분은 헌법에 합치되지 아니한다. 위 법률조항들은 2024. 5. 31.을 시한으로 입법자가 개정할 때까지 계속 적용된다.]

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