

Lima, 25 de noviembre de 2025

OFICIO N°205-2025-2026-CEMNCP/CR

Señor Congresista: FERNANDO MIGUEL ROSPIGLIOSI CAPURRO Presidente del Congreso de la República Presente.-

Asunto : Remito informe de viaje a la República Popular China

De mi mayor consideración:

Me dirijo a usted para saludarlo cordialmente, y a la vez, adjuntarle mi informe de viaje a la República Popular China.

Cabe resaltar que, durante mi visita a dicho país, tuve la oportunidad de conocer de cerca su sistema penal y penitenciario. De esta experiencia hemos recogido valiosas ideas que servirán de referencia para nuestra labor legislativa, especialmente en el trabajo encomendado como presidente de la Comisión Especial Multipartidaria encargada de elaborar un nuevo Código Penal, creada por Ley 32310.

Hago propicia la oportunidad para reiterarle los sentimientos de mi especial consideración y estima personal.

Atentamente,



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Fecha: 25/11/2025 15:42:05-0500

AMÉRICO GONZA CASTILLO Presidente

Comisión Especial Multipartidaria Encargada de Elaborar un Nuevo Código Penal - Ley32310

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中秘刑事法律体系交流会 Communication Meeting on China - Peru Criminal Legal System

Beijing, November 3rd, 2025

北京时间 Time(Beijing)	议程事项 Agenda Items
10:00 - 10:20	参 观 Visiting
10:20- 10:25	欢迎致辞 Welcome Speech 陈雄飞 德恒律师事务所合伙人,德恒刑事专业委员会 负责人
	CHEN Xiongfei Partner of DeHeng Law Offices Head of DeHeng Criminal Committee
10:25 - 10:30	开场致辞 Opening Speech 阿梅里卡 • 冈萨雷斯 • 卡斯蒂略 秘鲁共和国国会议员 Américo Gonza Castillo Member of the Congress of the Republic of Peru
10:30 - 11:30	沟通交流 Communication & Exchange
11:30	活动结束/合影留念 End of the Event/ Group Photo



中秘刑事法律体系交流会 Communication Meeting on China - Peru Criminal Legal System

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人员名单 List of Participants

◆ 秘鲁共和国代表 Delegation of the Republic of Peru

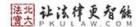
- 1. 阿梅里卡 冈萨雷斯 卡斯蒂略 秘鲁共和国国会议员 Américo Gonza Castillo Member of the Congress of the Republic of Peru
- 2. 豪尔赫·加西亚 秘鲁驻华大使馆参赞
 Jorge Garcia Counsellor of the Embassy of Peru in China
- 3. 丹尼 比尼亚 秘鲁驻华大使馆一等秘书、政治事务主管 Denny Piña First Secretary and Head of Political Section of the Embassy of Peru in China
- 4. 刘艳丽 秘鲁大使馆秘书
 LIU Yanli Assistant of the Embassy of Peru

◆ 德恒律师事务所 DeHeng Law Offices

- 1. 陈雄飞 德恒律师事务所合伙人,德恒刑事专业委员会负责人 CHEN Xiongfei Partner of DeHeng Law Offices Head of DeHeng Criminal Committee
- 2. 米传勇 德恒律师事务所合伙人 MI Chuanyong Partner of DeHeng Law Offices
- 3. 高 洁 首都师范大学教授

GAO Jie Professor of Capital Normal University

- 4. 李朝辉 中央财经大学教授
 - LI Zhaohui Professor of Central University of Finance and Economics
- 5. 王诗萌 德恒律师事务所律师 WANG Shimeng Lawyer of DeHeng Law Offices
- 6. 朱禹豪 德恒律师事务所律师 ZHU Yuhao Lawyer of DeHeng Law Offices



Criminal Law of the People's Republic of China (2023 Amendment PKULAW Version)

Area of Law: Criminal Law

Level of Authority: Laws

Issuing Authority: Standing Committee of the National People's Congress

Date Issued: 12-29-2023
Effective Date: 03-01-2024
Status: Effective

Topic: Cyber Crime Criminal Syndicate Combat Artificial Intelligence

1997-2023 Annotation Version 1979-1997 Comparison Version

Criminal Law of the People's Republic of China

中华人民共和国刑法

(Adopted by the Second Session of the Fifth National People's Congress on July 1, 1979, revised by the Fifth Session of the Eighth National People's Congress on March 14, 1997, and amended according to the NPC Standing Committee's Decision Concerning Punishment of Criminal Offenses Involving Fraudulent Purchase, Evasion and Illegal Trading of Foreign Exchange adopted at the Sixth Session of the Standing Committee of the Ninth National People's Congress on December 29, 1998, Amendment to the Criminal Law of the People's Republic of China adopted at the 13rd Session of the Standing Committee of the Ninth National People's Congress on December 25,1999,

Amendment (II) to the Criminal Law of the People's
Republic of China adopted at the 23rd Session of the
Standing Committee of the Ninth National People's
Congress on August 31, 2001, Amendment (III) to the
Criminal Law of the People's Republic of China adopted at
the 25th Session of the Standing Committee of the Ninth
National People's Congress on December 29, 2001;



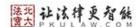


(1979年7月1日第五届全国人民代表大会第二次会议通过 1997年3月14日第八届全国人民代表大会第五次会议修订 根据1998年12月29日第九届全国人民代表大会常务委员会第六次会议通过的《全国人民代表大会常务委员会关于惩治骗购外汇、逃汇和非法买卖外汇犯罪的决定》、1999年12月25日第九届全国人民代表大会常务委员会第十三次会议通过的《中华人民共和国刑法修正案》、



Amendment (IV) to the Criminal Law of the People's Republic of China adopted at the 31st Session of the Standing Committee of the Ninth National People's Congress on December 28, 2002, Amendment (V) to the Criminal Law of the People's Republic of China adopted at the 14th Session of the Standing Committee of the Tenth National People's Congress on February 28, 2005, Amendment (VI) to the Criminal Law of the People's Republic of China adopted at the 22nd Session of the Standing Committee of the Tenth National People's Congress on June 29, 2006, Amendment (VII) to the Criminal Law of the People's Republic of China adopted at the 7th Session of the Standing Committee of the 11th National People's Congress on February 28, 2009, Decision of the Standing Committee of the National People's Congress on Amending Some Laws adopted at the Tenth Session of the Standing Committee of the 11th National People's Congress on August 27, 2009, Amendment (VIII) to the Criminal Law of the People's Republic of China adopted at the 19th Session of the Standing Committee of the 11th National People's Congress on February 25, 2011, Amendment (IX) to the Criminal Law of the People's Republic of China adopted at the 16th Session of the Standing Committee of the 12nd National People's Congress on August 29, 2015, Amendment (X) to the Criminal Law of the People's Republic of China adopted at the 30th Session of the Standing Committee of the 12nd National People's Congress on November 4, 2017, Amendment (XI) to the Criminal Law of the People's Republic of China adopted at the 24th Session of the Standing Committee of the 13rd National People's Congress on December 26, 2020, and Amendment (XII) to the Criminal Law of the People's Republic of China adopted at the 7th Session of the Standing Committee of the 14th National People's Congress on December 29, 2023) 1

2001年8月31日第九届全国人民代表大会常务委员会第二十三次会 议通过的《中华人民共和国刑法修正案(二)》、2001年12月29 日第九届全国人民代表大会常务委员会第二十五次会议通过的《中华 人民共和国刑法修正案(三)》、2002年12月28日第九届全国人 民代表大会常务委员会第三十一次会议通过的《中华人民共和国刑法 修正案(四)》、2005年2月28日第十届全国人民代表大会常务委 员会第十四次会议通过的《中华人民共和国刑法修正案(五)》、 2006年6月29日第十届全国人民代表大会常务委员会第二十二次会 议通过的《中华人民共和国刑法修正案(六)》、2009年2月28日 第十一届全国人民代表大会常务委员会第七次会议通过的《中华人民 共和国刑法修正案(七)》、2009年8月27日第十一届全国人民代 表大会常务委员会第十次会议通过的《全国人民代表大会常务委员会 关于修改部分法律的决定》、2011年2月25日第十一届全国人民代 表大会常务委员会第十九次会议通过的《中华人民共和国刑法修正案 (八)》、2015年8月29日第十二届全国人民代表大会常务委员会 第十六次会议通过的《中华人民共和国刑法修正案(九)》、2017 年11月4日第十二届全国人民代表大会常务委员会第三十次会议通过 的《中华人民共和国刑法修正案(十)》、2020年12月26日第十 三届全国人民代表大会常务委员会第二十四次会议通过的《中华人民 共和国刑法修正案(十一)》和2023年12月29日第十四届全国人 民代表大会常务委员会第七次会议通过的《中华人民共和国刑法修正 案(十二)》修正)①



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Part I General Provisions 第一编 总则



Chapter I Tasks, Basic Principles, and Scope of Application of the Criminal Law

第一章 的任务、基本原则和适用范围

Article 1. This law is formulated in accordance with the Constitution and in light of the concrete experience of China launching a struggle against crime and the realities in the country, with a view to punishing crime and protecting the people.

第一条 【立法宗旨】为了惩罚犯罪,保护人民,根据宪法,结合我国同犯罪作斗争的具体经验及实际情况,制定本法。

Article 2. The tasks of the PRC Criminal Law are to use punishment struggle against all criminal acts to defend national security, the political power of the people's democratic dictatorship, and the socialist system; to protect state-owned property and property collectively owned by the laboring masses; to protect citizens' privately owned property; to protect citizens' right of the person, democratic rights, and other rights; to maintain social and economic order; and to safeguard the smooth progress of the cause of socialist construction.

第二条 【本法任务】中华人民共和国刑法的任务,是用刑罚同一切犯罪行为作斗争,以保卫国家安全,保卫人民民主专政的政权和社会主义制度,保护国有财产和劳动群众集体所有的财产,保护公民私人所有的财产,保护公民的人身权利、民主权利和其他权利,维护社会秩序、经济秩序,保障社会主义建设事业的顺利进行。

Article 3. Any act deemed by explicit stipulations of law as a crime is to be convicted and given punishment by law and any act that no explicit stipulations of law deems a crime is not to be convicted or given punishment.

第三条 【罪刑法定】法律明文规定为犯罪行为的,依照法律 定罪处刑;法律没有明文规定为犯罪行为的,不得定罪处刑。

Article 4. Every one is equal before the law in committing crime. No one is permitted to have privileges to transgress the law.

第四条 【适用刑法人人平等】对任何人犯罪,在适用法律上 一律平等。不允许任何人有超越法律的特权。

Article 5 . The severity of punishments must be commensurate with the crime committed by an offender and the criminal responsibility he bears.

第五条 【罪责刑相适应】刑罚的轻重,应当与犯罪分子所犯罪行和承担的刑事责任相适应。



Article 6 . This law is applicable to all who commit crimes within the territory of the PRC except as specially stipulated by law.

This law is also applicable to all who commit crimes aboard a ship or aircraft of the PRC.

When either the act or consequence of a crime takes place within PRC territory, a crime is deemed to have been committed within PRC territory.

Article 7. This law is applicable to PRC citizens who commit the crimes specified in this law outside the territory of the PRC; but those who commit the crimes carrying a maximum sentence of less than three-year imprisonment as stipulated in this law may be exempt from prosecution.

This law is applicable to PRC state personnel and military personnel who commit the crimes specified in this law outside PRC territory.

Article 8. This law may be applicable to foreigners, who outside PRC territory, commit crimes against the PRC state or against its citizens, provided that this law stipulates a minimum sentence of not less than a three-year fixed term of imprisonment for such crimes; but an exception is to be made if a crime is not punishable according the law of the place where it was committed.

第六条 【属地管辖权】凡在中华人民共和国领域内犯罪的, 除法律有特别规定的以外,都适用本法。

凡在中华人民共和国船舶或者航空器内犯罪的,也适用本法。

犯罪的行为或者结果有一项发生在中华人民共和国领域内的,就认为是在中华人民共和国领域内犯罪。

第七条 【属人管辖权】中华人民共和国公民在中华人民共和国领域外犯本法规定之罪的,适用本法,但是按本法规定的最高刑为 三年以下有期徒刑的,可以不予追究。

中华人民共和国国家工作人员和军人在中华人民共和国领域外犯本法规定之罪的,适用本法。

第八条 【保护管辖权】外国人在中华人民共和国领域外对中华人民共和国国家或者公民犯罪,而按本法规定的最低刑为三年以上有期徒刑的,可以适用本法,但是按照犯罪地的法律不受处罚的除外。



Article 9. This law is applicable to the crimes specified in international treaties to which the PRC is a signatory state or with which it is a member and the PRC exercises criminal jurisdiction over such crimes within its treaty obligations.

第九条 【普遍管辖权】对于中华人民共和国缔结或者参加的 国际条约所规定的罪行,中华人民共和国在所承担条约义务的范围内 行使刑事管辖权的,适用本法。

Article 10 . Any person who commits a crime outside PRC territory and according to this law bear criminal responsibility may still be dealt with according to this law even if he has been tried in a foreign country; however, a person who has already received criminal punishment in a foreign country may be exempted from punishment or given a mitigated punishment.

第十条 【对外国刑事判决的消极承认】凡在中华人民共和国 领域外犯罪,依照本法应当负刑事责任的,虽然经过外国审判,仍然 可以依照本法追究,但是在外国已经受过刑罚处罚的,可以免除或者 减轻处罚。

Article 11. The problem of criminal responsibility of foreigners who enjoy diplomatic privileges and immunity is to be resolved through diplomatic channels.

【外交代表刑事管辖豁免】享有外交特权和豁免权 的外国人的刑事责任,通过外交途径解决。

Article 12. If an act committed after the founding of the PRC and before the implementation of this law was not deemed a crime under the laws at that time, the laws at that time are to be applicable. If the act was deemed a crime under the laws at that time, and if under the provisions of Chapter IV, Section 8 of the general provisions of this law it should be prosecuted, criminal responsibility is to be investigated according to the laws at that time. However, if this law does not deem it a crime or imposes a lesser punishment, this law is to be applicable.

第十二条 【刑法溯及力】中华人民共和国成立以后本法施行 以前的行为,如果当时的法律不认为是犯罪的,适用当时的法律;如 果当时的法律认为是犯罪的,依照本法总则第四章第八节的规定应当 追诉的,按照当时的法律追究刑事责任,但是如果本法不认为是犯罪 或者处刑较轻的,适用本法。

The effective judgments that were made according to the laws at that time before the implementation of this law will 本法施行以前,依照当时的法律已经作出的生效判决,继续有效。 continue to be in force.



Chapter II Crimes

第二章 犯罪

Section 1 . Crimes and Criminal Responsibility

第一节 犯罪和刑事责任

Article 13 . All acts that endanger the sovereignty, territorial integrity, and security of the state; split the state; subvert the political power of the people's democratic dictatorship and overthrow the socialist system; undermine social and economic order; violate property owned by the state or property collectively owned by the laboring masses; violate citizens' privately owned property; infringe upon citizens' rights of the person, democratic rights. and other rights; and other acts that endanger society, are crimes if according to law they should be criminally punished. However, if the circumstances are clearly minor and the harm is not great, they are not to be deemed crimes.

第十三条 【犯罪概念】一切危害国家主权、领土完整和安全,分裂国家、颠覆人民民主专政的政权和推翻社会主义制度,破坏社会秩序和经济秩序,侵犯国有财产或者劳动群众集体所有的财产,侵犯公民私人所有的财产,侵犯公民的人身权利、民主权利和其他权利,以及其他危害社会的行为,依照法律应当受刑罚处罚的,都是犯罪,但是情节显著轻微危害不大的,不认为是犯罪。

Article 14 . An intentional crime is a crime constituted as a result of clear knowledge that one's own act will cause socially dangerous consequences, and of hope for or indifference to the occurrence of those consequences.

第十四条 【故意犯罪】明知自己的行为会发生危害社会的结果,并且希望或者放任这种结果发生,因而构成犯罪的,是故意犯罪。

Criminal responsibility shall be borne for intentional crimes.

故意犯罪,应当负刑事责任。

Article 15 . A negligent crime occurs when one should foresee that one's act may cause socially dangerous consequences but fails to do so because of carelessness or, having foreseen the consequences, readily assumes he can prevent them, with the result that these consequences occur.

第十五条 【过失犯罪】应当预见自己的行为可能发生危害社会的结果,因为疏忽大意而没有预见,或者已经预见而轻信能够避免,以致发生这种结果的,是过失犯罪。



Criminal responsibility is to be borne for negligent crimes only when the law so stipulates.

过失犯罪, 法律有规定的才负刑事责任。

Article 16. Although an act objectively creates harmful consequences, if it does not result from intent or negligence but rather stems from irresistible or unforeseeable causes, it is not a crime.

第十六条 【不可抗力和意外事件】行为在客观上虽然造成了 损害结果,但是不是出于故意或者过失,而是由于不能抗拒或者不能 预见的原因所引起的,不是犯罪。

Article 17 . Where a person who has attained the age of 16 commits a crime, the person shall assume criminal liability.

第十七条 【刑事责任年龄】已满十六周岁的人犯罪,应当负刑事责任。

Where a person who has attained the age of 14 but under the age of 16 commits a crime of intentional homicide, intentional infliction of bodily harm which has resulted in a serious injury to or death of another person, rape, robbery, drug trafficking, arson, explosion, or adding or releasing hazardous substances, the person shall assume criminal liability.

已满十四周岁不满十六周岁的人, 犯故意杀人、故意伤害致人重伤或者死亡、强奸、抢劫、贩卖毒品、放火、爆炸、投放危险物质罪的, 应当负刑事责任。

Where a person who has attained the age of 12 but under the age of 14 commits a crime of intentional homicide or intentional infliction of bodily harm, which has resulted in the death of another person or the serious disability of another person for the serious injury inflicted by especially cruel means, and the circumstances are execrable, the person shall assume criminal liability with the Supreme People's Procuratorate's affirmation of prosecution.

已满十二周岁不满十四周岁的人,犯故意杀人、故意伤害罪,致人死亡或者以特别残忍手段致人重伤造成严重残疾,情节恶劣,经最高人民检察院核准追诉的,应当负刑事责任。

A person under the age of 18 who is held criminally liable in accordance with the provisions of the preceding three paragraphs shall be given a lighter or mitigated punishment.

对依照前三款规定追究刑事责任的不满十八周岁的人,应当从轻或者减轻处罚。



Where a person is not given a criminal punishment because he or she has not attained the age of 16, his or her parents or any other guardian shall be ordered to discipline him or her; and when necessary, the person shall be subjected to specialized correctional education in accordance with the law.

因不满十六周岁不予刑事处罚的, 责令其父母或者其他监护人加以管教, 在必要的时候, 依法进行专门矫治教育。

Article 17 (I): A person attaining the age of 75 may be given a lighter or mitigated penalty if he commits an intentional crime; or shall be given a lighter or mitigated penalty if he commits a negligent crime.

第十七条之一 【刑事责任年龄】已满七十五周岁的人故意犯 罪的,可以从轻或者减轻处罚;过失犯罪的,应当从轻或者减轻处 罚。

Article 18. A mentally ill person who causes dangerous consequences at a time when he is unable to recognize or unable to control his own conduct is not to bear criminal responsibility after being established through accreditation of legal procedures; but his family or guardian shall be ordered to subject him to strict surveillance and arrange for his medical treatment. When necessary, he will be given compulsory medical treatment by the government.

第十八条 【特殊人员的刑事责任能力】精神病人在不能辨认 或者不能控制自己行为的时候造成危害结果,经法定程序鉴定确认 的,不负刑事责任,但是应当责令他的家属或者监护人严加看管和医 疗;在必要的时候,由政府强制医疗。

A person whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime during a period of mental normality.

间歇性的精神病人在精神正常的时候犯罪,应当负刑事责任。

A mentally ill person who commits a crime at a time when he has not yet completely lost his ability to recognize or control his own conduct shall bear criminal responsibility but he may be given a lesser or a mitigated punishment.

尚未完全丧失辨认或者控制自己行为能力的精神病人犯罪的,应当负 刑事责任,但是可以从轻或者减轻处罚。

An intoxicated person who commits a crime shall bear criminal responsibility.

醉酒的人犯罪,应当负刑事责任。



Article 19 . A deaf-mute or a blind person who commits a crime may be given a lesser punishment or a mitigated punishment or be exempted from punishment.

第十九条 【又聋又哑的人或盲人犯罪的刑事责任】又聋又哑的人或者盲人犯罪,可以从轻、减轻或者免除处罚。

Article 20. Criminal responsibility is not to be borne for an act of legitimate defense that is undertaken to stop present unlawful infringement of the state's and public interest or the rights of the person, property or other rights of the actor or of other people and that causes harm to the unlawful infringer.

第二十条 【正当防卫】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在进行的不法侵害,而采取的制止不法侵害的行为,对不法侵害人造成损害的,属于正当防卫,不负刑事责任。

Criminal responsibility shall be borne where legitimate defense noticeably exceeds the necessary limits and causes great harm. However, consideration shall be given to imposing a mitigated punishment or to granting exemption from punishment.

正当防卫明显超过必要限度造成重大损害的,应当负刑事责任,但是 应当减轻或者免除处罚。

Criminal responsibility is not to be borne for a defensive act undertaken against ongoing physical assault, murder, robbery, rape, kidnap, and other violent crimes that seriously endanger personal safety that causes injury or death to the unlawful infringer since such an act is not an excessive defense.

对正在进行行凶、杀人、抢劫、强奸、绑架以及其他严重危及人身安全的暴力犯罪,采取防卫行为,造成不法侵害人伤亡的,不属于防卫过当,不负刑事责任。

Article 21. Criminal responsibility is not to be borne for damage resulting from an act of urgent danger prevention that must be undertaken in order to avert the occurrence of present danger to the state or public interest or the rights of the person, property rights, or other rights of the actor or of other people.

第二十一条 【紧急避险】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在发生的危险,不得已采取的紧急避险行为,造成损害的,不负刑事责任。



Criminal responsibility shall be borne where urgent danger prevention exceeds the necessary limits and causes undue harm. However, consideration shall be given according to the circumstances to imposing a mitigated punishment or to granting exemption from punishment.

紧急避险超过必要限度造成不应有的损害的,应当负刑事责任,但是 应当减轻或者免除处罚。

The provisions of the first paragraph with respect to preventing danger to oneself do not apply to a person who bears specific responsibility in his post or profession.

第一款中关于避免本人危险的规定,不适用于职务上、业务上负有特 定责任的人。

Section 2 . Preparation for a Crime, Criminal Attempt and Discontinuation of a Crime

第二节 犯罪的预备、未遂和中止

Article 22 . Preparation for a crime is preparation of the instruments or creation of the conditions for the commission of a crime.

第二十二条 【犯罪预备】为了犯罪,准备工具、制造条件的,是犯罪预备。

One who prepares for a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

对于预备犯,可以比照既遂犯从轻、减轻处罚或者免除处罚。

法實

Article 23 . Criminal attempt occurs when a crime has already begun to be carried out but is not consummated because of factors independent of the will of the criminal element.

第二十三条 【犯罪未遂】已经着手实行犯罪,由于犯罪分子意志以外的原因而未得逞的,是犯罪未遂。

One who attempts to commit a crime may, in comparison with one who consummates the crime, be given a lesser punishment or a mitigated punishment.

对于未遂犯,可以比照既遂犯从轻或者减轻处罚。



Article 24 . Discontinuation of a crime occurs when, during the process of committing a crime, the actor voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

第二十四条 【犯罪中止】在犯罪过程中,自动放弃犯罪或者自动有效地防止犯罪结果发生的,是犯罪中止。

One who discontinues a crime shall be exempted from punishment when there is no harm done or be given a mitigated punishment when there is harm done.

对于中止犯,没有造成损害的,应当免除处罚,造成损害的,应当减轻处罚。

Section 3 . Joint Crimes

第三节 共同犯罪

Article 25 . A joint crime is an intentional crime committed by two or more persons jointly.

第二十五条 【共同犯罪的概念】共同犯罪是指二人以上共

同故意犯罪。

A negligent crime committed by two or more persons jointly is not to be punished as a joint crime; those who should bear criminal responsibility are to be punished separately according to the crimes they have committed.

二人以上共同过失犯罪,不以共同犯罪论处;应当负刑事责任的,按 照他们所犯的罪分别处罚。

Article 26 . A principal offender is one who organizes and leads a criminal group in conducting criminal activities or plays a principal role in a joint crime.

第二十六条 【主犯】组织、领导犯罪集团进行犯罪活动的 或者在共同犯罪中起主要作用的,是主犯。

A crime syndicate is a more or less permanent crime organization composed of three or more persons for the purpose of jointly committing crimes.

三人以上为共同实施犯罪而组成的较为固定的犯罪组织,是犯罪集团。

The head who organizes or leads a crime syndicate shall bear criminal responsibility for all the crimes committed by the syndicate.

对组织、领导犯罪集团的首要分子,按照集团所犯的全部罪行处罚。



A principal offender other that the one stipulated in the third paragraph shall bear criminal responsibility for all the crimes he participated in, organized, or directed.

对于第三款规定以外的主犯,应当按照其所参与的或者组织、指挥的 全部犯罪处罚。

Article 27 . An accomplice is one who plays a secondary or supplementary role in a joint crime.

第二十七条 【从犯】在共同犯罪中起次要或者辅助作用的,是从犯。

An accomplice shall, in comparison with a principal offender, be given a lesser punishment or a mitigated punishment or be exempted from punishment.

对于从犯,应当从轻、减轻处罚或者免除处罚。

Article 28. One who is coerced to participate in a crime shall, according to the circumstances of his crime, be given a mitigated punishment or be exempted from punishment.

第二十八条 【胁从犯】对于被胁迫参加犯罪的,应当按照 他的犯罪情节减轻处罚或者免除处罚。

Article 29. One who instigates others to commit a crime shall be punished according to the role he plays in the joint crime. One who instigates a person under the age of eighteen to commit a crime shall be given a heavier punishment.

第二十九条 【教唆犯】教唆他人犯罪的,应当按照他在共同犯罪中所起的作用处罚。教唆不满十八周岁的人犯罪的,应当从重处罚。

If the instigated person does not commit the instigated crime, the instigator may be given a lesser punishment or a mitigated punishment.

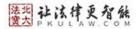
如果被教唆的人没有犯被教唆的罪,对于教唆犯,可以从轻或者减轻处罚。

Section 4 . Crimes Committed by an Entity

第四节 单位犯罪

Article 30 . A company, enterprise, institution, organization, or group which commits an act endangering society that is considered a crime under the law shall bear criminal responsibility.

第三十条 【单位负刑事责任的范围】公司、企业、事业单位、机关、团体实施的危害社会的行为,法律规定为单位犯罪的,应当负刑事责任。



Article 31 . An entity responsible for a criminal act shall be fined. The person in charge and other personnel who are directly responsible shall also bear criminal responsibility. Where there are other stipulations in the Special Provisions of this Law or other laws, those stipulations shall apply.

第三十一条 【单位犯罪的处罚原则】单位犯罪的,对单位 判处罚金,并对其直接负责的主管人员和其他直接责任人员判处刑

罚。本法分则和其他法律另有规定的,依照规定。

Chapter III Punishments

第三章 刑罚

Section 1 . Types of Punishments

第一节 刑罚的种类

Article 32. Punishments are divided into principal punishments and supplementary punishments.

第三十二条 【主刑和附加刑】刑罚分为主刑和附加刑。

Article 33. The types of principal punishments are:

第三十三条 【主刑种类】主刑的种类如下:

(1) probation;

(一) 管制:

(2) limited incarceration;

(二) 拘役;

(3) fixed-term imprisonment;

(三) 有期徒刑;

(4) life imprisonment; and

(四) 无期徒刑:

(5) death penalty.

(五) 死刑。

Article 34. The types of supplementary punishments are:

第三十四条 【附加刑种类】附加刑的种类如下:

(1) Fines;

(一) 罚金;

(2) Deprivation of political rights; and

(二)剥夺政治权利;

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(3) Confiscation of property.

Supplementary punishments may also be applied independently.

Article 35 . Deportation may be applied in an independent or supplementary manner to a foreigner who commits a crime.

Article 36. Where the victim has suffered economic loss as a result of a criminal act, the criminal element, in addition to receiving criminal sanctions according to law, shall in accordance with the circumstances be sentenced to make compensation for the economic loss.

Where the criminal element bears responsibility for civil compensation and is also imposed a fine, if his property is not enough to pay the compensation and fine in full or if he has also been sentenced to confiscation of property, he shall first pay civil compensation to the victim.

Article 37 . Where the circumstances of a person's crime are minor and do not require sentencing for punishment, an exemption from criminal sanctions may be granted him, but he may, according to the different circumstances of each case, be reprimanded or ordered to make a statement of repentance or formal apology or make compensation for losses, or be subjected to administrative sanctions by the competent department.

(三)没收财产。

附加刑也可以独立适用。

第三十五条 【驱逐出境】对于犯罪的外国人,可以独立适 用或者附加适用驱逐出境。

第三十六条 【赔偿经济损失与民事优先原则】由于犯罪行 为而使被害人遭受经济损失的,对犯罪分子除依法给予刑事处罚外, 并应根据情况判处赔偿经济损失。

承担民事赔偿责任的犯罪分子,同时被判处罚金,其财产不足以全部支付的,或者被判处没收财产的,应当先承担对被害人的民事赔偿责任。

第三十七条 【非刑罚性处置措施】对于犯罪情节轻微不需要判处刑罚的,可以免予刑事处罚,但是可以根据案件的不同情况,予以训诫或者责令具结悔过、赔礼道歉、赔偿损失,或者由主管部门予以行政处罚或者行政处分。



Article 37 (I): Whoever is given a penalty due to a crime committed by taking advantage of his or her profession or a crime committed in violation of the specific obligations required by his or her profession may be prohibited by the people's court from engaging in the relevant profession for three to five years from the date when the penalty ends or the date when the person is released on parole in light of the circumstances of the crime committed and the need for preventing the commission of any other crime.

Where a person who is prohibited from engaging in the relevant profession violates the decision made by a people's court in accordance with the provisions of the preceding paragraph, the person shall be given a penalty by the public security authority in accordance with the law and, if the circumstances are serious, be convicted and punished in accordance with the provisions of Article 313 of this Law.

Where there are other prohibitive or restrictive provisions in any other law or administrative regulation on the person's engagement in the relevant profession, such provisions shall prevail.

Section 2 . Probation

Article 38 . The term of probation is not less than three months and not more than two years.

In light of the crime committed, a convict sentenced to probation may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during the term of execution.

第三十七条之一 【禁业规定】因利用职业便利实施犯罪,

或者实施违背职业要求的特定义务的犯罪被判处刑罚的,人民法院可以根据犯罪情况和预防再犯罪的需要,禁止其自刑罚执行完毕之日或者假释之日起从事相关职业,期限为三年至五年。

被禁止从事相关职业的人违反人民法院依照前款规定作出的决定的, 由公安机关依法给予处罚;情节严重的,依照本法第三百一十三条的 规定定罪处罚。

其他法律、行政法规对其从事相关职业另有禁止或者限制性规定的, 从其规定。

第二节 管制

第三十八条 【管制的期限与执行机关】管制的期限,为三个月以上二年以下。

判处管制,可以根据犯罪情况,同时禁止犯罪分子在执行期间从事特定活动,进入特定区域、场所,接触特定的人。



Criminals sentenced to probation shall be subject to community correction.

对判处管制的犯罪分子,依法实行社区矫正。

Whoever violates a restraining order as provided for in paragraph 2 shall be punished in accordance with the Public Security Administrative Punishments Law of the People's Republic of China.

违反第二款规定的禁止令的,由公安机关依照《中华人民共和国治安管理处罚法》的规定处罚。

Article 39 . A criminal element who is sentenced to probation must abide by the following rules during the term in which his probation is being carried out:

第三十九条 【被管制罪犯的义务与权利】被判处管制的犯罪分子,在执行期间,应当遵守下列规定:

- (1) abide by laws and administrative regulations, submit himself to supervision;
- (一) 遵守法律、行政法规, 服从监督;
- (2) shall not exercise the rights to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration without the approval of the organ executing the probation;
- (二)未经执行机关批准,不得行使言论、出版、集会、结社、游行、示威自由的权利;
- (3) report on his own activities pursuant to the rules of the organ executing the probation;
- (三)按照执行机关规定报告自己的活动情况;
- (4) abide by the rules of the organ executing the probation for meeting visitors;
- (四) 遵守执行机关关于会客的规定;
- (5) report and obtain approval from the organ executing the probation for a change in residence or departure from the city or county.
- (五) 离开所居住的市、县或者迁居, 应当报经执行机关批准。

A criminal element who is sentenced to probation shall, while engaged in labor, receive equal pay for equal work.

对于被判处管制的犯罪分子, 在劳动中应当同工同酬。



Article 40. Upon the expiration of the term of the probation, the organ executing the probation shall announce the termination of probation to the criminal element sentenced to probation, his or her employer, and the masses concerned.

第四十条 【管制期满解除】被判处管制的犯罪分子,管制期满,执行机关应即向本人和其所在单位或者居住地的群众宣布解除管制。

Article 41 . The term of probation is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by two days for each day spent in custody.

第四十一条 【管制刑期的计算和折抵】管制的刑期,从判决执行之日起计算:判决执行以前先行羁押的,羁押一日折抵刑期二日。

Section 3 . Limited incarceration

第三节 拘役

Article 42 . The term of limited incarceration is not less a month and not more than six months.

第四十二条 【拘役的期限】拘役的期限,为一个月以上六个月以下。

Article 43 . A criminal element sentenced to limited incarceration is to have his sentence executed by the public security organ in the vicinity.

第四十三条 【拘役的执行】被判处拘役的犯罪分子,由公 安机关就近执行。

During the period of execution, a criminal element sentenced to limited incarceration may go home for one or two days each month; consideration may be given according to the circumstances to granting compensation to those who participate in labor.

在执行期间,被判处拘役的犯罪分子每月可以回家一天至两天;参加 劳动的,可以酌量发给报酬。

Article 44. The term of limited incarceration is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment, the term is to be shortened by one day for each day spent in custody.

第四十四条 【拘役刑期的计算和折抵】拘役的刑期,从判决执行之日起计算; 判决执行以前先行羁押的,羁押一日折抵刑期一日。



Section 4 . Fixed-Term Imprisonment And Life Imprisonment

第四节 有期徒刑、无期徒刑

Article 45. Except as otherwise provided in Articles 50 and 69 of this Law, the term of fixed-term imprisonment is not less than six months and not more than fifteen years.

第四十五条 【有期徒刑的期限】有期徒刑的期限,除本法 第五十条、第六十九条规定外,为六个月以上十五年以下。

Article 46 . A criminal element sentenced to fixed-term imprisonment or life imprisonment is to have his sentence executed in prison or in another organ executing the sentence; anyone with the ability to labor shall take part in 能力的,都应当参加劳动,接受教育和改造。 labor, receive education, and undergo reform.

第四十六条 【有期徒刑与无期徒刑的执行】被判处有期徒 刑、无期徒刑的犯罪分子,在监狱或者其他执行场所执行;凡有劳动

Article 47 . The term of fixed-term imprisonment is counted as commencing on the date the judgment begins to be executed; where custody has been employed before the judgment begins to be executed, the term is to be shortened by one day for each day spent in custody.

第四十七条 【有期徒刑刑期的计算与折抵】有期徒刑的刑 期,从判决执行之日起计算;判决执行以前先行羁押的,羁押一日折 抵刑期一日。

Section 5 . Death Penalty

第五节 死刑

Article 48. The death penalty is only to be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to death, if immediate execution is not essential, a two-year suspension of execution may be announced at the same time the sentence of death is imposed.

第四十八条 【死刑、死缓的适用对象及核准程序】死刑只 适用于罪行极其严重的犯罪分子。对于应当判处死刑的犯罪分子,如 果不是必须立即执行的,可以判处死刑同时宣告缓期二年执行。

Except for judgments made by the Supreme People's Court according to law, all sentences of death shall be submitted to the Supreme People's Court for approval. Sentences of death with suspension of execution may be decided or approved by a high people's court.

死刑除依法由最高人民法院判决的以外,都应当报请最高人民法院核 准。死刑缓期执行的,可以由高级人民法院判决或者核准。



Article 49. The death penalty is not to be applied to persons who have not reached the age of eighteen at the time the crime is committed or to women who are pregnant at the time of adjudication.

第四十九条 【死刑适用对象的限制】犯罪的时候不满十八周岁的人和审判的时候怀孕的妇女,不适用死刑。

The death penalty shall not be given to a person attaining the age of 75 at the time of trial, unless he has caused the death of another person by especially cruel means.

审判的时候已满七十五周岁的人,不适用死刑,但以特别残忍手段至 人死亡的除外。

Article 50 . Where a convict is sentenced to death with a reprieve, if he or she does not commit any intentional crime during the period of reprieve, the sentence shall be commuted to life imprisonment upon expiration of the two-year period; if he or she has any major meritorious performance, the sentence shall be commuted to imprisonment of 25 years upon expiration of the two-year period; if the criminal has committed an intentional crime with execrable circumstances, the death penalty shall be executed with the approval of the Supreme People's Court. If the crime is committed intentionally but the death penalty is not executed, the period of the death penalty with a reprieve shall be recalculated and be reported to the Supreme People's Court for recordation.

第五十条 【死缓变更】判处死刑缓期执行的,在死刑缓期执行期间,如果没有故意犯罪,二年期满以后,减为无期徒刑;如果确有重大立功表现,二年期满以后,减为二十五年有期徒刑;如果故意犯罪,情节恶劣的,报请最高人民法院核准后执行死刑;对于故意犯罪未执行死刑的,死刑缓期执行的期间重新计算,并报最高人民法院各案。

For a recidivist or a convict of murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violence who is sentenced to death with a reprieve, the people's court may, in sentencing, decide to put restrictions on commutation of his sentence in light of the circumstances of the crime committed.

对被判处死刑缓期执行的累犯以及因故意杀人、强奸、抢劫、绑架、 放火、爆炸、投放危险物质或者有组织的暴力性犯罪被判处死刑缓期 执行的犯罪分子,人民法院根据犯罪情节等情况可以同时决定对其限 制减刑。



Article 51. The term for suspending execution of a sentence of death is counted as commencing on the date the judgment becomes final. The term of a sentence that is reduced from the death penalty with suspension of execution to fixed-term imprisonment is counted as commencing on the date the suspension of execution expires.

第五十一条 【死缓期间及减为有期徒刑的刑期计算】死刑 缓期执行的期间,从判决确定之日起计算。死刑缓期执行减为有期徒 刑的刑期,从死刑缓期执行期满之日起计算。

Section 6 Fines

第六节 罚金

Article 52 . In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.

第五十二条 【罚金数额的裁量】判处罚金,应当根据犯罪 情节决定罚金数额。

Article 53. A fine shall be paid in a lump sum or in installments within the period specified in the judgment. The person who fails to pay the fine in full upon the expiration of the period shall be compelled to pay. If the person sentenced is unable to pay the fine in full, the people's court may collect whenever the person is found in possession of executable property.

第五十三条 【罚金的缴纳】罚金在判决指定的期限内一次 或者分期缴纳。期满不缴纳的,强制缴纳。对于不能全部缴纳罚金 的,人民法院在任何时候发现被执行人有可以执行的财产,应当随时 追缴。

Where a person truly has difficulties in paying the fine because he or she due to irresistible calamity or any other reason, the people's court may render a ruling to postpone the payment of the fine, or grant a reduction or even exemption in light of the actual circumstances.

由于遭遇不能抗拒的灾祸等原因缴纳确实有困难的,经人民法院裁定,可以延期缴纳、酌情减少或者免除。

Section 7. Deprivation of Political Rights

第七节 剥夺政治权利

Article 54 . Deprivation of political rights is deprivation of the following rights:

第五十四条 【剥夺政治权利的含义】剥夺政治权利是剥夺 下列权利:



- (1) The right to elect and the right to be elected;
- (2) the right to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration;
- (3) the right to hold a position in state organs; and
- (4) the right to hold a leading position in a state-owned company, enterprise, or institution or people's organization.

Article 55 . The term of deprivation of political rights is not less than one year and not more than five years, except as otherwise stipulated in Article 57 of this Law.

In situations where a person is sentenced to probation and to deprivation of political rights as a supplementary punishment, the term of deprivation of political rights is to be the same as the term of probation, and the punishments are to be executed at the same time.

Article 56. A criminal element endangering state security shall be sentenced to deprivation of political rights as a supplementary punishment; a criminal element guilty of murder, rape, arson, explosion, spreading poison, or robbery who seriously undermines social order may also be sentenced to deprivation of political rights as a supplementary punishment.

Where deprivation of political rights is applied independently, stipulations in the Special Provisions of this Law shall be followed.

- (一) 选举权和被选举权;
- (二) 言论、出版、集会、结社、游行、示威自由的权利;
- (三)担任国家机关职务的权利;
- (四)担任国有公司、企业、事业单位和人民团体领导职务的权利。

第五十五条 【剥夺政治权利的期限】剥夺政治权利的期限,除本法第五十七条规定外,为一年以上五年以下。

判处管制附加剥夺政治权利的,剥夺政治权利的期限与管制的期限相等,同时执行。

第五十六条 【剥夺政治权利的附加、独立适用】对于危害 国家安全的犯罪分子应当附加剥夺政治权利;对于故意杀人、强奸、 放火、爆炸、投毒、抢劫等严重破坏社会秩序的犯罪分子,可以附加 剥夺政治权利。

独立适用剥夺政治权利的, 依照本法分则的规定。



Article 57 . A criminal element who is sentenced to death or to life imprisonment shall be deprived of political rights for life.

When the death penalty with a suspension of execution is reduced to fixed-term imprisonment, or life imprisonment is reduced to fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years and not more than ten years.

Article 58. The term of the supplementary punishment of deprivation of political rights is counted as commencing on the date that imprisonment or limited incarceration ends or on the date that parole begins; the deprivation of political rights is naturally to be effective during the period in which the principal punishment is being executed.

A criminal element who is deprived of political rights shall abide by laws, administrative regulations, and relevant regulations on supervision and administration promulgated by public security departments under the State Council; submit to supervision; and is forbidden from exercising rights stipulated in Article 54 of this Law.

Section 8 . Confiscation of Property

Article 59 . Confiscation of property is the confiscation of part or all of the property personally owned by the criminal element. Where all of the property personally owned by the criminal element is confiscated, living expenses shall be set aside for the criminal element himself and the dependents he supports.

第五十七条 【对死刑、无期徒刑罪犯剥夺政治权利的适用】对于被判处死刑、无期徒刑的犯罪分子,应当剥夺政治权利终身。

在死刑缓期执行减为有期徒刑或者无期徒刑减为有期徒刑的时候,应当把附加剥夺政治权利的期限改为三年以上十年以下。

第五十八条 【剥夺政治权利的刑期计算、效力与执行】附加剥夺政治权利的刑期,从徒刑、拘役执行完毕之日或者从假释之日起计算;剥夺政治权利的效力当然施用于主刑执行期间。

被剥夺政治权利的犯罪分子,在执行期间,应当遵守法律、行政法规和国务院公安部门有关监督管理的规定,服从监督;不得行使本法第五十四条规定的各项权利。

第八节 没收财产

第五十九条 【没收财产的范围】没收财产是没收犯罪分子 个人所有财产的一部或者全部。没收全部财产的,应当对犯罪分子个 人及其扶养的家属保留必需的生活费用。



When a sentence of confiscation of property is imposed, property that belongs to or should belong to family members of the criminal element may not be confiscated.

在判处没收财产的时候,不得没收属于犯罪分子家属所有或者应有的 财产。

Article 60. Where it is necessary to use the confiscated property to repay legitimate debts incurred by the criminal element before the property was confiscated, the debts shall be paid at the request of the creditors.

第六十条 【以没收的财产偿还债务】没收财产以前犯罪分子 所负的正当债务,需要以没收的财产偿还的,经债权人请求,应当偿还。

Chapter IV The Concrete Application Of Punishments

第四章 刑罚的具体运用

Section 1 . Sentencing

第一节 量刑

Article 61. When deciding the punishment of a criminal element, the sentence shall be imposed on the basis of the facts of the crime, the nature and circumstances of the crime, and the degree of harm to society, in accordance with the relevant stipulations of this law.

第六十一条 【量刑的一般原则】对于犯罪分子决定刑罚的 时候,应当根据犯罪的事实、犯罪的性质、情节和对于社会的危害程 度,依照本法的有关规定判处。

Article 62. Where the circumstances of a criminal element are such as to give him a heavier punishment or a lesser punishment under the stipulations of this law, he shall be sentenced to a punishment within the legally prescribed limits of punishment.

第六十二条 【从重处罚与从轻处罚】犯罪分子具有本法规 定的从重处罚、从轻处罚情节的,应当在法定刑的限度以内判处刑 罚。

Article 63. Where there is any circumstance of mitigation of penalty, a convict shall be given a penalty below the statutory penalty; and if there are two or more ranges of sentencing under this Law, the penalty shall be given within the range next lower to the statutory range.

第六十三条 【减轻处罚】犯罪分子具有本法规定的减轻处罚情节的,应当在法定刑以下判处刑罚;本法规定有数个量刑幅度的,应当在法定量刑幅度的下一个量刑幅度内判处刑罚。



Although the circumstances of a criminal element do not warrant giving him a mitigated punishment under the stipulations of this law, he too may be sentenced to a punishment below the legally prescribed punishment based on the special situation of the case and with the approval of the Supreme People's Court.

犯罪分子虽然不具有本法规定的减轻处罚情节,但是根据案件的特殊情况,经最高人民法院核准,也可以在法定刑以下判处刑罚。

Article 64 . All articles of property illegally obtained by the criminal element shall be recovered or he shall be ordered to make restitution or pay compensation for them. The legitimate property of the victims shall be promptly returned. Contraband and articles of the criminal's own property used for committing the crime shall be confiscated. Articles of confiscated property and fines shall be handed over to the national treasury and shall not be diverted or otherwise disposed of.

第六十四条 【犯罪物品的处理】犯罪分子违法所得的一切 财物,应当予以追缴或者责令退赔;对被害人的合法财产,应当及时 返还;违禁品和供犯罪所用的本人财物,应当予以没收。没收的财物 和罚金,一律上缴国库,不得挪用和自行处理。

Section 2 . Recidivists

第二节 累犯

Article 65. Where a convict sentenced to fixed-term imprisonment or a heavier penalty commits again a crime for which a fixed-term imprisonment or a heavier penalty shall be given within five years after finishing serving his sentence or being pardoned, he shall be a recidivist and be given a heavier penalty, unless it is a negligent crime or he commits the crime under the age of 18.

第六十五条 【一般累犯】被判处有期徒刑以上刑罚的犯罪分子,刑罚执行完毕或者赦免以后,在五年以内再犯应当判处有期徒刑以上刑罚之罪的,是累犯,应当从重处罚,但是过失犯罪和不满十八周岁的人犯罪的除外。

In situations where a criminal element is granted a parole, the period stipulated in the preceding paragraph is to be counted as commencing on the date of expiration of the parole.

前款规定的期限,对于被假释的犯罪分子,从假释期满之日起计算。



Article 66. A convict of jeopardizing the national security, terrorist activities or organized crime of a gangland nature shall be punished as a recidivist for any of such crimes committed again by him at any time after he finishes serving his sentence or is pardoned.

第六十六条 【特别累犯】危害国家安全犯罪、恐怖活动犯罪、黑社会性质的组织犯罪的犯罪分子,在刑罚执行完毕或者赦免以后,在任何时候再犯上述任一类罪的,都以累犯论处。

Section 3 . Voluntary Surrender and Meritorious Service

Article 67. The act of voluntarily giving oneself up to the police and giving a true account of one's crime after committing it is an act of voluntary surrender. Criminal elements who voluntarily surrender may be given a lesser punishment or a mitigated punishment. Those among them whose crimes are relatively minor may be exempted from punishment.

第六十七条 【自首】犯罪以后自动投案,如实供述自己的罪行的,是自首。对于自首的犯罪分子,可以从轻或者减轻处罚。其中,犯罪较轻的,可以免除处罚。

Where criminal suspects, defendants, and criminals serving sentences give a true account of their other crimes which are not known to the judicial organ, their actions are regarded as an act of voluntary surrender.

被采取强制措施的犯罪嫌疑人、被告人和正在服刑的罪犯,如实供述司法机关还未掌握的本人其他罪行的,以自首论。

A criminal suspect who truthfully confesses to his crime may be given a lighter penalty although there is no voluntary surrender as mentioned in the preceding two paragraphs; and may be given a mitigated penalty if any especially serious consequence is avoided for his truthful confession.

犯罪嫌疑人虽不具有前两款规定的自首情节,但是如实供述自己罪行的,可以从轻处罚;因其如实供述自己罪行,避免特别严重后果发生的,可以减轻处罚。



Article 68. Criminal elements who perform meritorious service by exposing other people's crimes that can be verified or who provide important clues leading the cracking of other cases may be given a lesser punishment or a mitigated punishment. Those who performed major meritorious service may be given a mitigated punishment or may be exempted from punishment.

Section 4 . Combined Punishment For More Than One Crime

Article 69. Where a person is convicted of more than one crime before a sentence is pronounced, except for the death penalty or life imprisonment, the term of criminal penalty to be executed shall be decided in light of the actual circumstances below the sum of terms but above the highest term of the imposed criminal penalties; however, the decided term of probation shall not exceed three years, the decided term of limited incarceration shall not exceed one year, and the decided fixed-term imprisonment shall not exceed 20 years if the sum of terms of fixed-term imprisonment is less than 35 years or shall not exceed 25 years if the sum of terms is 35 years or more.

If, for the plural crimes, imprisonment and limited incarceration shall be imposed, the imprisonment shall be executed. If imprisonment and surveillance, or limited incarceration and surveillance, shall be imposed for the plural crimes, surveillance shall still be executed after imprisonment or limited incarceration is executed.

第六十八条 【立功】犯罪分子有揭发他人犯罪行为,查证属实的,或者提供重要线索,从而得以侦破其他案件等立功表现的,可以从轻或者减轻处罚;有重大立功表现的,可以减轻或者免除处罚。

第四节 数罪并罚

第六十九条 【数罪并罚的一般原则】判决宣告以前一人犯数罪的,除判处死刑和无期徒刑的以外,应当在总和刑期以下、数刑中最高刑期以上,酌情决定执行的刑期,但是管制最高不能超过三年,拘役最高不能超过一年,有期徒刑总和刑期不满三十五年的,最高不能超过二十年,总和刑期在三十五年以上的,最高不能超过二十五年。

数罪中有判处有期徒刑和拘役的,执行有期徒刑。数罪中有判处有期 徒刑和管制,或者拘役和管制的,有期徒刑、拘役执行完毕后,管制 仍须执行。







If there are accessory penalties imposed for the crimes, the accessory penalties must still be executed. Accessory penalties of the same kind shall be executed on a consolidated basis, while those of different kinds shall be executed separately.

数罪中有判处附加刑的,附加刑仍须执行,其中附加刑种类相同的, 合并执行,种类不同的,分别执行。

Article 70 . If, after judgment has been pronounced but before the punishment has been completely executed, it is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, a judgment shall be rendered for the newly-discovered crime, and the punishment to be executed for the punishments sentenced in the two, former and latter, judgments decided according to the stipulations of Article 69 of this law. The term that has already been executed shall be counted in the term decided by the new judgment.

第七十条 【判决宣告后发现漏罪的并罚】判决宣告以后,刑 which he has not been sentenced, a judgment shall be 罚执行完毕以前,发现被判刑的犯罪分子在判决宣告以前还有其他罪 rendered for the newly-discovered crime, and the punishment to be executed for the punishments sentenced 前,依照本法第六十九条的规定,决定执行的刑罚。已经执行的刑 期,应当计算在新判决决定的刑期以内。

Article 71 . If after judgment has been pronounced but before the punishment has been completely executed the sentenced criminal element again commits a crime, a judgment shall be rendered for the newly-committed crime, and the punishment to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 69 of this law.

第七十一条 【判决宣告后又犯新罪的并罚】判决宣告以后,刑罚执行完毕以前,被判刑的犯罪分子又犯罪的,应当对新犯的罪作出判决,把前罪没有执行的刑罚和后罪所判处的刑罚,依照本法第六十九条的规定,决定执行的刑罚。

Section 5 . Suspension of Sentence

第五节 缓刑





Article 72. Where a convict sentenced to limited incarceration or imprisonment of not more than 3 years meets the following conditions, a probation may be announced, and a probation shall be announced if he is under the age of 18, is pregnant or attains the age of 75:

第七十二条 【适用条件】对于被判处拘役、三年以下有期 徒刑的犯罪分子,同时符合下列条件的,可以宣告缓刑,对其中不满 十八周岁的人、怀孕的妇女和已满七十五周岁的人,应当宣告缓刑:

- (1) The circumstances of the crime are minor.
- (一) 犯罪情节较轻;

(2) He shows repentance.

- (二) 有悔罪表现;
- (3) He is not likely to commit any offense again; and
- (三)没有再犯罪的危险;
- (4) Announcing the probation will not have any major adverse impact on the community where he lives.
- (四) 宣告缓刑对所居住社区没有重大不良影响。

When probation is announced, in light of the crime committed, the convict may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during probation.

宣告缓刑,可以根据犯罪情况,同时禁止犯罪分子在缓刑考验期限内 从事特定活动,进入特定区域、场所,接触特定的人。

If there is any accessory penalty imposed on a convict on probation, the accessory penalty must still be executed.

被宣告缓刑的犯罪分子,如果被判处附加刑,附加刑仍须执行。

Article 73. The probation period for suspension of limited incarceration is to be not less than the term originally decided and not more than one year, but it may not be less than two months.

第七十三条 【考验期限】拘役的缓刑考验期限为原判刑期以上一年以下,但是不能少于二个月。

The probation period for suspension of fixed-term imprisonment is to be not less than the term originally decided and not more than five years, but it may not be less than one year.

有期徒刑的缓刑考验期限为原判刑期以上五年以下,但是不能少于一 年。



The probation period for suspension is to be counted as commencing on the date the judgment becomes final.

缓刑考验期限,从判决确定之日起计算。

Article 74 . Probation shall not apply to recidivists and ringleaders of criminal gangs.

第七十四条 【累犯不适用缓刑】对于累犯和犯罪集团的首要分子,不适用缓刑。

Article 75 . A criminal element for whom a suspension of sentence has been pronounced shall observe the following stipulations:

第七十五条 【缓刑犯应遵守的规定】被宣告缓刑的犯罪分子,应当遵守下列规定:

- (1) observing the law and administrative statutes and accepting supervision;
- (一) 遵守法律、行政法规, 服从监督;
- (2) reporting his activities in accordance with the stipulation of the observing organ;
- (二)按照考察机关的规定报告自己的活动情况;
- (3) following the observing organ's stipulation on meeting visitors;

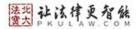
(三) 遵守考察机关关于会客的规定;

(4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.

(四) 离开所居住的市、县或者迁居,应当报经考察机关批准。

Article 76. A convict on probation shall be subject to community correction during probation, and if none of the circumstances as set out in Article 77 of this Law occurs, the original sentence shall no longer be executed upon expiration of probation, which shall be announced to the public.

第七十六条 【缓刑的考验及其积极后果】对宣告缓刑的犯罪分子,在缓刑考验期限内,依法实行社区矫正,如果没有本法第七十七条规定的情形,缓刑考验期满,原判的刑罚就不再执行,并公开予以宣告。



Article 77 . If a criminal element for whom a suspension of sentence has been pronounced commits new crimes during the probation period for suspension or is discovered that, before judgment was pronounced, the sentenced criminal element committed another crime for which he has not been sentenced, the suspension is to be revoked and the punishment to be executed for the punishments imposed for the former and latter crimes is to be decided according to the stipulations of Article 69 of this law.

子,在缓刑考验期限内犯新罪或者发现判决宣告以前还有其他罪没有 判决的,应当撤销缓刑,对新犯的罪或者新发现的罪作出判决,把前 罪和后罪所判处的刑罚,依照本法第六十九条的规定,决定执行的刑 罚。

第七十七条 【缓刑的撤销及其处理】被宣告缓刑的犯罪分

Where a convict on probation violates any provision of laws, administrative regulations or the relevant department of the State Council on probation supervision and management or violates any restraining order in the judgment of the people's court during probation, if the circumstances are serious, the probation shall be revoked and the original sentence shall be executed.

被宣告缓刑的犯罪分子,在缓刑考验期限内,违反法律、行政法规或 者国务院有关部门关于缓刑的监督管理规定,或者违反人民法院判决 中的禁止令,情节严重的,应当撤销缓刑,执行原判刑罚。

Section 6 . Reduction of Sentence

第六节 减刑

Article 78 . A criminal element who is sentenced to probation, limited incarceration, fixed-term imprisonment or life imprisonment may have his sentence reduced if, during the period his punishment is being executed, he earnestly observes prison regulations, accepts reform through education, truly repents, or performs meritorious service. The sentence shall be reduced if any of the following meritorious services are performed:

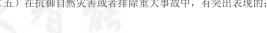
第七十八条 【减刑条件与限度】被判处管制、拘役、有期 徒刑、无期徒刑的犯罪分子,在执行期间,如果认真遵守监规,接受 教育改造,确有悔改表现的,或者有立功表现的,可以减刑;有下列 重大立功表现之一的,应当减刑:

(1) preventing someone from engaging in major criminal activities;

(一) 阻止他人重大犯罪活动的;



- (2) informing on major criminal activities in or outside the prison that can be verified;
- (二)检举监狱内外重大犯罪活动,经查证属实的;
- (3) making inventions or major technological renovations;
- (三)有发明创造或者重大技术革新的;
- (4) risking his life to save others in day-to-day production activities and life;
- (四) 在日常生产、生活中舍己救人的;
- (5) performing outstanding service in combating natural disaster or preventing major accidents;
- (五)在抗御自然灾害或者排除重大事故中,有突出表现的;

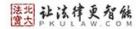


- (6) making other major contributions to the state or society.
- (六) 对国家和社会有其他重大贡献的。

After commutation, the actually executed term of criminal penalty shall not be:

减刑以后实际执行的刑期不能少于下列期限:

- less than 1/2 of the original term of criminal penalty, if probation, limited incarceration or fixed-term imprisonment is imposed;
- (一) 判处管制、拘役、有期徒刑的,不能少于原判刑期的二分之
- (2) less than 13 years, if life imprisonment is imposed; or
- (二) 判处无期徒刑的,不能少于十三年;
- (3) less than 25 years if the death penalty with a reprieve imposed on a convict is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law.
- (三)人民法院依照本法第五十条第二款规定限制减刑的死刑缓期执行的犯罪分子,缓期执行期满后依法减为无期徒刑的,不能少于二十五年,缓期执行期满后依法减为二十五年有期徒刑的,不能少于二十年。



Article 79 . To receive reductions of sentence for criminal elements, the organ executing the sentence shall submit letters of sentence reduction proposal to the people's court at or above the intermediate level. The people's court shall form a collegial panel to examine the proposals and to issue sentence reduction orders for those who demonstrate true repentance and performed meritorious service.

第七十九条 【减刑程序】对于犯罪分子的减刑,由执行机 关向中级以上人民法院提出减刑建议书。人民法院应当组成合议庭进 行审理,对确有悔改或者立功事实的,裁定予以减刑。非经法定程序 不得减刑。

Article 80 . The term of fixed-term imprisonment that is reduced from life imprisonment is counted as commencing on the date of the order reducing the sentence; no sentence reduction shall be made without due legal process.

Section 7 . Parole

on the term served.

imprisonment has served not less than half of the term of his original sentence, or a convict sentenced to life imprisonment has actually served not less than 13 years of imprisonment, he may be paroled if he earnestly observes the prison rules, accepts reform through education and shows true repentance and is not likely to commit any crime again. Under special circumstances, with the approval of the Supreme People's Court, a parole may be granted without regard to the above restrictions

Article 81. Where a convict sentenced to fixed-term

第八十条 【无期徒刑减刑的刑期计算】无期徒刑减为有期徒刑的刑期,从裁定减刑之日起计算。

第七节 假释

第八十一条 【假释的适用条件】被判处有期徒刑的犯罪分子,执行原判刑期二分之一以上,被判处无期徒刑的犯罪分子,实际执行十三年以上,如果认真遵守监规,接受教育改造,确有悔改表现,没有再犯罪的危险的,可以假释。如果有特殊情况,经最高人民法院核准,可以不受上述执行刑期的限制。

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No parole shall be granted to a recidivist or a convict sentenced to imprisonment of not less than 10 years or life imprisonment for murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violent crime.

对累犯以及因故意杀人、强奸、抢劫、绑架、放火、爆炸、投放危险 物质或者有组织的暴力性犯罪被判处十年以上有期徒刑、无期徒刑的 犯罪分子,不得假释。

When a parole decision is made on a convict, the impact of his release on parole on the community where he lives shall be considered.

对犯罪分子决定假释时,应当考虑其假释后对所居住社区的影响。

Article 82. The granting of parole to criminal elements shall be carried out in accordance with the procedures stipulated in Article 79 of this law; no parole shall be granted without due legal process.

第八十二条 【假释的程序】对于犯罪分子的假释,依照本 法第七十九条规定的程序进行。非经法定程序不得假释。

Article 83. The probation period for parole in the case of fixed-term imprisonment is the term that has not been completed; the probation period for parole in the case of life imprisonment is 10 years.

第八十三条 【假释的考验期限】有期徒刑的假释考验期限,为没有执行完毕的刑期; 无期徒刑的假释考验期限为十年。

The probation period for parole is counted as commencing on the date of parole.

假释考验期限,从假释之日起计算。

Article 84 . Criminal elements granted parole shall observe the following stipulations:

第八十四条 【假释犯应遵守的规定】被宣告假释的犯罪分子,应当遵守下列规定:

(1) observing the law and administrative statutes and accepting supervision;

(一) 遵守法律、行政法规, 服从监督;

(2) reporting his activities in accordance with the stipulation of the supervising organ;

(二) 按照监督机关的规定报告自己的活动情况;



- (3) observing the supervising organ's stipulation on meeting visitors;

(三) 遵守监督机关关于会客的规定;

- (4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.
- (四)离开所居住的市、县或者迁居,应当报经监督机关批准。

Article 85 . A convict released on parole shall be subject to community correction during parole according to law, and if none of the circumstances as set out in Article 86 of this Law occurs, the original sentence shall be deemed to have been fully served upon expiration of parole, which shall be announced to the public.

第八十五条 【假释考验及其积极后果】对假释的犯罪分子,在假释考验期限内,依法实行社区矫正,如果没有本法第八十六条规定的情形,假释考验期满,就认为原判刑罚已经执行完毕,并公开予以宣告。

Article 86 . If, during the probation period for parole, a criminal element commits any further crime, the parole is to be revoked and the punishment is to be executed for the punishment that has not been executed for the former crime and the punishment imposed for the latter crime decided according to the stipulations of Article 71 of this law.

第八十六条 【假释的撤销及其处理】被假释的犯罪分子, 在假释考验期限内犯新罪,应当撤销假释,依照本法第七十一条的规 定实行数罪并罚。

If a criminal who is granted parole is discovered to have committed, before the judgment is pronounced, other crimes for which no punishment is imposed, the parole shall be revoked and a combined punishment for several crimes shall be given according to the provisions of Article 70 of this Law.

在假释考验期限内,发现被假释的犯罪分子在判决宣告以前还有其他 罪没有判决的,应当撤销假释,依照本法第七十条的规定实行数罪并 罚。



Where a convict released on parole violates any provision of laws, administrative regulations or the relevant department of the State Council on parole supervision and management during parole, if it does not constitute a new crime, his parole shall be revoked under statutory procedures, and he shall be taken into custody to serve his remaining term of sentence.

被假释的犯罪分子,在假释考验期限内,有违反法律、行政法规或者 国务院有关部门关于假释的监督管理规定的行为,尚未构成新的犯罪 的,应当依照法定程序撤销假释,收监执行未执行完毕的刑罚。

Section 8 . Limitation

第八节 时效

Article 87. Crimes are not to be prosecuted where the

following periods have elapsed:

- 第八十七条 【追诉时效期限】犯罪经过下列期限不再追 诉:
- (1) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of less than five years, where five years have elapsed;
- (一) 法定最高刑为不满五年有期徒刑的, 经过五年;
- (2) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of not less than five years and less than ten years, where ten years have elapsed;
- (二) 法定最高刑为五年以上不满十年有期徒刑的,经过十年;
- (3) in cases where the maximum fixed-term imprisonment is not less than ten years, where fifteen years have elapsed;
- (三) 法定最高刑为十年以上有期徒刑的,经过十五年;
- (4) in cases where the maximum legally-prescribed punishment is life-imprisonment or death, where twenty Years have elapsed. If it is considered that a crime must be prosecuted after twenty years, the matter must be submitted to the Supreme People's Procuratorate for approval.
- (四) 法定最高刑为无期徒刑、死刑的,经过二十年。如果二十年以 后认为必须追诉的,须报请最高人民检察院核准。



Article 88 . No limitation on the period for prosecution is to be imposed in cases where, after the people's procuratorates, public security organs, or state security organs have filed to investigate or after the people' s courts have decided to hear the cases, the criminal

element escapes from investigation or adjudication.

第八十八条 【追诉期限的延长】在人民检察院、公安机 关、国家安全机关立案侦查或者在人民法院受理案件以后,逃避侦查 或者审判的,不受追诉期限的限制。

No limitation on the period for prosecution is to be imposed in cases where, after the victims filed charges within the period for prosecution, the people's court, people's procuratorates, or public security organs refused to file for investigation as they should.

被害人在追诉期限内提出控告,人民法院、人民检察院、公安机关应 当立案而不予立案的,不受追诉期限的限制。

Article 89 . The period for prosecution is counted as commencing on the date of the crime; if the criminal act is of a continuous or continuing nature, it is counted as commencing on the date the criminal act is completed.

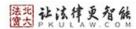
第八十九条 【追诉期限的计算与中断】追诉期限从犯罪之 日起计算;犯罪行为有连续或者继续状态的,从犯罪行为终了之日起 计算。

If any further crime is committed during the period for prosecution, the period for prosecution of the former crime is counted as commencing on the date of the latter crime.

在追诉期限以内又犯罪的,前罪追诉的期限从犯后罪之日起计算。

Chapter V Other Provisions

第五章 其他规定



Article 90 . In situations where the autonomous areas inhabited by ethnic groups cannot completely apply the stipulations of this law, the people's congresses of the autonomous regions or of the provinces may formulate alternative or supplementary provisions based upon the political, economic, and cultural characteristics of the local ethnic groups and the basic principles of the stipulations of this law, and these provisions shall go into effect after they have been submitted to and approved by the National People's Congress Standing Committee.

第九十条 【民族自治地方刑法适用的变通】民族自治地方不能全部适用本法规定的,可以由自治区或者省的人民代表大会根据当地民族的政治、经济、文化的特点和本法规定的基本原则,制定变通或者补充的规定,报请全国人民代表大会常务委员会批准施行。

Article 91. The term "public property" in this law refers to the following property:

第九十一条 【公共财产的范围】本法所称公共财产,是指 下列财产:

(1) property owned by the state;

(一) 国有财产;

(2) property owned collectively by the laboring masses;

(二) 劳动群众集体所有的财产;

(3) public donations to be used for aiding the poor and other public services, or property of special funds.

(三) 用于扶贫和其他公益事业的社会捐助或者专项基金的财产。

Private property that is being managed, used or transported by state organs, state-owned corporations, enterprises, collective enterprises, and people's organizations is to be treated as public property.

在国家机关、国有公司、企业、集体企业和人民团体管理、使用或者 运输中的私人财产,以公共财产论。

Article 92 . The term "citizens' private property" in this law refers to the following property:

第九十二条 【公民私人所有财产的范围】本法所称公民私 人所有的财产,是指下列财产:

(1) citizens' lawful income, savings, houses and other means of livelihood;

(一) 公民的合法收入、储蓄、房屋和其他生活资料;



- (2) means of production that are under individual or family ownership according to law;
- (二) 依法归个人、家庭所有的生产资料;
- (3) lawful property of independent businesses and private enterprises;
- (三)个体户和私营企业的合法财产;
- (4) shares, stocks, securities and other property that are under individual ownership according to law.
- (四) 依法归个人所有的股份、股票、债券和其他财产。



Article 93 . The term "state personnel" in this law refers to all personnel of state organs.

第九十三条 【国家工作人员的范围】本法所称国家工作人员,是指国家机关中从事公务的人员。

Personnel engaged in public service in state-owned corporations, enterprises, institutions, and people's organizations; and personnel which state organs, state-owned corporations, enterprises, and institutions assign to engage in public service in non state-owned corporations, enterprises, institutions, and social organizations; as well as other working personnel engaged in public service according to the law, are to be treated as state personnel.

国有公司、企业、事业单位、人民团体中从事公务的人员和国家机 关、国有公司、企业、事业单位委派到非国有公司、企业、事业单 位、社会团体从事公务的人员,以及其他依照法律从事公务的人员, 以国家工作人员论。

Article 94 . The term "judicial personnel" in this law refers to personnel engaged in the functions of investigating, prosecuting, adjudicating, supervising and controlling offenders.

第九十四条 【司法工作人员的范围】本法所称司法工作人员,是指有侦查、检察、审判、监管职责的工作人员。

Article 95 . The term "serious injury" in this law refers to any one of the following injuries:

第九十五条 【重伤】本法所称重伤,是指有下列情形之一的伤害:

(1) injuries resulting in loss of the use of a person's limbs or disfigurement;

(一) 使人肢体残废或者毁人容貌的;



(2) injuries resulting in loss of the use of a person's hearing, sight, or functions of any other organ; or

(3) other injuries that cause grave harm to a person's physical health.

Article 96 . The phrase "violating state stipulations" in this law refers to violation of laws and decisions formulated by the National People's Congress or the National People's Congress Standing Committee; and administrative measures prescribed in administrative ordinance and regulations formulated by the State Council; as well as decisions and decrees the State Council promulgated.

Article 97 . The term "ringleader" in this law refers to a criminal element who plays the role of organizing, planning or directing a criminal group or a crowd assembled to commit a crime.

Article 98 . The phrase "To be handled only upon complaint" in this law refers to handling a case only when the victim files a complaint. If the victim is unable to file a complaint because of coercion or intimidation, a people's procuratorate and the victim's close relatives may also file the complaint.

Article 99 . Such phrases as "not less than," "not more than" and "within" in this law all include the given figure.

(二) 使人丧失听觉、视觉或者其他器官机能的;

(三) 其他对于人身健康有重大伤害的。

第九十六条 【违反国家规定之含义】本法所称违反国家规定,是指违反全国人民代表大会及其常务委员会制定的法律和决定,国务院制定的行政法规、规定的行政措施、发布的决定和命令。

第九十七条 【首要分子的范围】本法所称首要分子,是指 在犯罪集团或者聚众犯罪中起组织、策划、指挥作用的犯罪分子。

第九十八条 【告诉才处理的含义】本法所称告诉才处理, 是指被害人告诉才处理。如果被害人因受强制、威吓无法告诉的,人 民检察院和被害人的近亲属也可以告诉。

第九十九条 【以上、以下、以内之界定】本法所称以上、 以下、以内,包括本数。







Article 100. When people join the military, or seek employment, those who received criminal punishments according to law shall factually report to the relevant entities the punishments they had received and may not conceal them.

第一百条 【前科报告制度】依法受过刑事处罚的人,在入 伍、就业的时候,应当如实向有关单位报告自己曾受过刑事处罚,不 得隐瞒。

Whoever is given a penalty lighter than imprisonment of 5 years for a crime committed under the age of 18 shall be exempted from the reporting obligation as mentioned in the preceding paragraph.

犯罪的时候不满十八周岁被判处五年有期徒刑以下刑罚的人,免除前 款规定的报告义务。

Article 101. The General Provisions of this law are applicable to other laws and decrees with stipulations for criminal punishments, but other laws having special stipulations are exceptions.

第一百零一条 【总则的效力】本法总则适用于其他有刑罚规定的法律,但是其他法律有特别规定的除外。

Part II Special Provisions

第二编 分则

Chapter I Crimes of Endangering National Security

第一章 危害国家安全罪

Article 102. Whoever colludes with foreign states in plotting to harm the motherland's sovereignty, territorial integrity and security is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

第一百零二条 【背叛国家罪】勾结外国,危害中华人民共和国的主权、领土完整和安全的,处无期徒刑或者十年以上有期徒刑。

Whoever commits the crimes in the preceding paragraph in collusion with institutions, organization, or individuals outside the country shall be punished according to the stipulations in the preceding paragraph.

与境外机构、组织、个人相勾结,犯前款罪的,依照前款的规定处罚。



Article 103. Whoever organizes, plots, or acts to split the country or undermine national unification, the ringleader, or the one whose crime is grave, is to be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; other active participants are to be sentenced to not less than three but not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Whoever instigates to split the country and undermine national unification is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; ringleaders or those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

Article 104. Whoever organizes, plots, or carries out armed rebellion, or armed riots, the ringleaders, or those who crimes are grave, are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; the active participants are to be sentenced from not less than three to not more than 10 years of fixed-term imprisonment; and other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

第一百零三条 【分裂国家罪】组织、策划、实施分裂国家、破坏国家统一的,对首要分子或者罪行重大的,处无期徒刑或者十年以上有期徒刑;对积极参加的,处三年以上十年以下有期徒刑;对其他参加的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

【煽动分裂国家罪】煽动分裂国家、破坏国家统一的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利; 首要分子或者罪行重大的, 处五年以上有期徒刑。

第一百零四条 【武装叛乱、暴乱罪】组织、策划、实施武装叛乱或者武装暴乱的,对首要分子或者罪行重大的,处无期徒刑或者十年以上有期徒刑;对积极参加的,处三年以上十年以下有期徒刑;对其他参加的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利。



Whoever instigates, coerces, lures, and bribes state personnel, members of the armed forces, people's police or people's militia to carry out armed rebellion or armed riot are to be heavily punished according to the stipulations in the preceding paragraph.

策动、胁迫、勾引、收买国家机关工作人员、武装部队人员、人民警察、民兵进行武装叛乱或者武装暴乱的,依照前款的规定从重处罚。

Article 105. Whoever organizes, plots, or acts to subvert the political power of the state and overthrow the socialist system, the ringleaders or those whose crimes are grave are to be sentenced to life imprisonment, or not less than 10 years of fixed-term imprisonment; active participants are to be sentenced from not less than three years to not more than 10 years of fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

第一百零五条 【颠覆国家政权罪】组织、策划、实施颠覆 国家政权、推翻社会主义制度的,对首要分子或者罪行重大的,处无 期徒刑或者十年以上有期徒刑;对积极参加的,处三年以上十年以下 有期徒刑;对其他参加的,处三年以下有期徒刑、拘役、管制或者剥 夺政治权利。

Whoever instigates the subversion of the political power of the state and overthrow the socialist system through spreading rumors, slandering, or other ways are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; the ringleaders and those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

【煽动颠覆国家政权罪】以造谣、诽谤或者其他方式煽动颠覆国家政权、推翻社会主义制度的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利;首要分子或者罪行重大的,处五年以上有期徒刑。

Article 106. Whoever colludes with institutions, organizations, or individuals outside the country and commits crimes stipulated in Articles 103, 104, and 105 of this chapter are to be heavily punished according to the stipulations in the articles.

第一百零六条 【与境外勾结的处罚规定】与境外机构、组织、个人相勾结,实施本章第一百零三条、第一百零四条、第一百零五条规定之罪的,依照各该条的规定从重处罚。



years.

Article 107. Where any domestic or overseas institution, organization or individual provides financial support for the commission of a crime as provided for in Article 102, 103, 104 or 105 of this Chapter, the directly liable person shall be sentenced to imprisonment of not more than 5 years, limited incarceration, probation or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5

第一百零七条 【资助危害国家安全犯罪活动罪】境内外机构、组织或者个人资助实施本章第一百零二条、第一百零三条、第一百零四条、第一百零五条规定之罪的,对直接责任人员,处五年以下有期徒刑、拘役、管制或者剥夺政治权利;情节严重的,处五年以上有期徒刑。

Article 108. Whoever defects to the enemy and turns traitor is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment; when the circumstances are serious or when it is a case of leading a group of armed personnel, people's police, or militia to defect to the enemy and turn traitor, the sentence is to be not less than ten years of fixed-term imprisonment or life imprisonment.

第一百零八条 【投敌叛变罪】投敌叛变的,处三年以上十年以下有期徒刑;情节严重或者带领武装部队人员、人民警察、民兵投敌叛变的,处十年以上有期徒刑或者无期徒刑。

Article 109. A state functionary who, in the course of performing his official duties, leaves his post without permission and flees this country or flees when he is already outside this country shall be sentenced to imprisonment of not more than 5 years, limited incarceration, probation or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years.

第一百零九条 【叛逃罪】国家机关工作人员在履行公务期间,擅离岗位,叛逃境外或者在境外叛逃的,处五年以下有期徒刑、 拘役、管制或者剥夺政治权利;情节严重的,处五年以上十年以下有期徒刑。

A state functionary knowing any national secret, who flees this country or flees when he is already outside this country, shall be given a heavier penalty according to the provision of the preceding paragraph.

掌握国家秘密的国家工作人员叛逃境外或者在境外叛逃的,依照前款 的规定从重处罚。



Article 110. Whoever commits any of the following acts of espionage and endangers national security is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; when the circumstances are relatively minor, the sentence is to be not less than three years and not more than ten years of fixed-termed imprisonment:

- Joining an espionage organization or accepting a mission assigned by it or its agent; or
- (2) Pointing out bombing or shelling targets to the enemy.

Article 111. Whoever steals, secretly gathers, purchases, or illegally provides state secrets or intelligence for an organization, institution, or personnel outside the country is to be sentenced from not less than five years to not more than 10 years of fixed-term imprisonment; when circumstances are particularly serious, he is to be sentenced to not less than 10 years of fixed-term imprisonment, or life sentence; and when circumstances are relatively minor, he is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

Article 112. Whoever supplies arms and ammunition or other military materials to an enemy during war time is to be sentence to not less than 10 years of fixed-term imprisonment or life imprisonment; and when the circumstances are relatively minor, he will be sentenced a fixed-term imprisonment from not less than three years to not more than 10 years.

第一百一十条 【间谍罪】有下列间谍行为之一,危害国家安全的,处十年以上有期徒刑或者无期徒刑;情节较轻的,处三年以上十年以下有期徒刑:

(一)参加间谍组织或者接受间谍组织及其代理人的任务的;

(二) 为敌人指示轰击目标的。

第一百一十一条 【为境外窃取、刺探、收买、非法提供国家秘密、情报罪】为境外的机构、组织、人员窃取、刺探、收买、非法提供国家秘密或者情报的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑或者无期徒刑;情节较轻的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第一百一十二条 【资敌罪】战时供给敌人武器装备、军用物资资敌的,处十年以上有期徒刑或者无期徒刑;情节较轻的,处三年以上十年以下有期徒刑。



Article 113. When one commits the aforementioned crimes in this chapter that endanger national security -- except those stipulated in the second clause of Article 103, and Articles 105, 107 and 109 -- and has incurred particularly serious harms to the country and the people, and the circumstances are particularly vile, he may be sentenced to death.

第一百一十三条 【危害国家安全罪适用死刑、没收财产的规定】本章上述危害国家安全罪行中,除第一百零三条第二款、第一百零五条、第一百零七条、第一百零九条外,对国家和人民危害特别严重、情节特别恶劣的,可以判处死刑。

Whoever commits the crimes in this chapter may also be punished by having his property confiscated.

犯本章之罪的,可以并处没收财产。

Chapter II Crimes of Endangering Public Security

第二章 危害公共安全罪

Article 114. Whoever commits arson, breaches dikes, causes explosions, spreads pathogen of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to endanger public security, but causes no serious consequences, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years.

第一百一十四条 【放火罪】【决水罪】【爆炸罪】【投放 危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及 投放毒害性、放射性、传染病病原体等物质或者以其他危险方法危害 公共安全,尚未造成严重后果的,处三年以上十年以下有期徒刑。

Article 115. Whoever commits arson, breaches dikes, causes explosions, spreads pathogens of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to have inflicted any serious injury or death on people or caused heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

第一百一十五条 【放火罪】【决水罪】【爆炸罪】【投放 危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及 投放毒害性、放射性、传染病病原体等物质或者以其他危险方法致人 重伤、死亡或者使公私财产遭受重大损失的,处十年以上有期徒刑、 无期徒刑或者死刑。







Whoever commits the crimes in the preceding paragraph negligently is to be sentenced to not less than three years to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or limited incarceration, when circumstances are relatively minor.

【失火罪】【过失决水罪】【过失爆炸罪】【过失投放危险物质罪】 【过失以危险方法危害公共安全罪】过失犯前款罪的,处三年以上七年以下有期徒刑;情节较轻的,处三年以下有期徒刑或者拘役。

Article 116. Whoever sabotages trains, motor vehicles, streetcars, ships, or airplanes in a manner sufficient to threaten the overturning or destruction of these trains, motor vehicles, streetcars, ships, or airplanes is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment, in cases when serious consequences have not been caused.

第一百一十六条 【破坏交通工具罪】破坏火车、汽车、电车、船只、航空器,足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险,尚未造成严重后果的,处三年以上十年以下有期徒刑。

Article 117. Whoever sabotages railroads, bridges, tunnels, highways, airports, waterways, lighthouses or signs, or conducts other destructive activities in a manner sufficient to threaten the overturning or destruction of trains, motor vehicles, streets, ships or airplanes, is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have not been caused.

第一百一十七条 【破坏交通设施罪】破坏轨道、桥梁、隧道、公路、机场、航道、灯塔、标志或者进行其他破坏活动,足以使 火车、汽车、电车、船只、航空器发生倾覆、毁坏危险,尚未造成严 重后果的,处三年以上十年以下有期徒刑。

Article 118. Whoever endangers public security by sabotaging electric power, gas or other combustible or explosive equipment is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment in cases where serious consequences have not been caused.

第一百一十八条 【破坏电力设备罪】【破坏易燃易爆设备罪】破坏电力、燃气或者其他易燃易爆设备,危害公共安全,尚未造成严重后果的,处三年以上十年以下有期徒刑。



Article 119. Whoever causes serious consequences by sabotaging means of transportation, transportation equipment, electric power or gas equipment, or combustible or explosive equipment is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment, or death.

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment, or limited incarceration if circumstances are relatively minor.

Article 120. Whoever organizes or leads a terrorist organization shall be sentenced to imprisonment of not less than ten years or life imprisonment and a forfeiture of property; whoever actively participates in a terrorist organization shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; and other participants shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights and may be fined in addition.

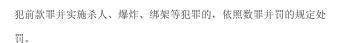
Whoever commits the crime as provided for in the preceding paragraph and also commits murder, explosion, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

第一百一十九条 【破坏交通工具罪】【破坏交通设施罪】

【破坏电力设备罪】【破坏易燃易爆设备罪】破坏交通工具、交通设施、电力设备、燃气设备、易燃易爆设备,造成严重后果的,处十年以上有期徒刑、无期徒刑或者死刑。

【过失损坏交通工具罪】【过失损坏交通设施罪】【过失损坏电力设备罪】【过失损坏易燃易爆设备罪】过失犯前款罪的,处三年以上七年以下有期徒刑;情节较轻的,处三年以下有期徒刑或者拘役。

第一百二十条 【组织、领导、参加恐怖组织罪】组织、领导恐怖活动组织的,处十年以上有期徒刑或者无期徒刑,并处没收财产;积极参加的,处三年以上十年以下有期徒刑,并处罚金;其他参加的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利,可以并处罚金。





Article 120 (I): Any individual who provides financial support to a terrorist organization or conducts terrorist activities, or provides training on terrorist activities shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

Whoever knowingly recruits, trains or transports any member workforce for any terrorist organization, for conducting any terrorist activities or for any terrorist activities shall be punished in accordance with the provisions of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on the entity, and the directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Article 120 (II): Whoever falls under any of the following circumstances shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property if the circumstances are serious.

- (1) Preparing lethal weapons, hazardous articles or other tools for conducting terrorist activities.
- (2) Organizing training on terrorist activities or actively participating in training on terrorist activities.

第一百二十条之一 【帮助恐怖活动罪】资助恐怖活动组织、实施恐怖活动的个人的,或者资助恐怖活动培训的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利,并处罚金;情节严重的,处五年以上有期徒刑,并处罚金或者没收财产。

为恐怖活动组织、实施恐怖活动或者恐怖活动培训招募、运送人员 的,依照前款的规定处罚。

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照第一款的规定处罚。

第一百二十条之二 【准备实施恐怖活动罪】有下列情形之一的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利,并处罚金;情节严重的,处五年以上有期徒刑,并处罚金或者没收财产:

- (一) 为实施恐怖活动准备凶器、危险物品或者其他工具的;
- (二)组织恐怖活动培训或者积极参加恐怖活动培训的;



- (3) Contacting any overseas terrorist organization or person for the purpose of conducting terrorist activities.
- (三)为实施恐怖活动与境外恐怖活动组织或者人员联络的;
- (4) Making a plan or any other preparation for conducting terrorist activities.
- (四)为实施恐怖活动进行策划或者其他准备的。

Whoever commits any other crime while committing a crime as provided for in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有前款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处罚。

Article 120 (III): Whoever advocates terrorism or extremism or instigates terrorist activities by way of preparing or distributing any book, audio or video materials or any other article advocating terrorism or extremism or by instructing or issuing information shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

第一百二十条之三 【宣扬恐怖主义、极端主义、煽动实施恐怖活动罪】以制作、散发宣扬恐怖主义、极端主义的图书、音频视频资料或者其他物品,或者通过讲授、发布信息等方式宣扬恐怖主义、极端主义的,或者煽动实施恐怖活动的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利,并处罚金;情节严重的,处五年以上有期徒刑,并处罚金或者没收财产。



Article 120 (IV): Whoever, by using extremism, instigates or coerces the public to sabotage the implementation of the marriage, judicial, education, social management or any other system determined in national laws shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine; be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious; or be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property if the

第一百二十条之四 【利用极端主义破坏法律实施罪】利用极端主义煽动、胁迫群众破坏国家法律确立的婚姻、司法、教育、社会管理等制度实施的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金;情节特别严重的,处七年以上有期徒刑,并处罚金或者没收财产。

Article 120 (V): Whoever forces anyone else to wear the costume or symbol that advocates terrorism or extremism in a public place by means of violence or coercion, etc. shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine.

circumstances are especially serious.

第一百二十条之五 【强制穿戴宣扬恐怖主义、极端主义服饰、标志罪】以暴力、胁迫等方式强制他人在公共场所穿着、佩戴宣扬恐怖主义、极端主义服饰、标志的,处三年以下有期徒刑、拘役或者管制,并处罚金。

Article 120 (VI): Whoever illegally holds any book, audio or video materials or any other article while obviously aware that it advocates terrorism or extremism shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine, or be sentenced to a fine only.

第一百二十条之六 【非法持有宣扬恐怖主义、极端主义物 品罪】明知是宣扬恐怖主义、极端主义的图书、音频视频资料或者其 他物品而非法持有,情节严重的,处三年以下有期徒刑、拘役或者管 制,并处或者单处罚金。

Article 121. Whoever hijacks an airplane through violence, coercion, or other means is to be sentenced to not less than 10 years of fixed-term imprisonment or life imprisonment; or death if the hijacking causes serious injuries, death, or serious destruction of the airplane.

第一百二十一条 【劫持航空器罪】以暴力、胁迫或者其他 方法劫持航空器的,处十年以上有期徒刑或者无期徒刑;致人重伤、 死亡或者使航空器遭受严重破坏的,处死刑。



Article 122. Whoever hijacks a ship or motor vehicle through violence, coercion, or other means is to be sentenced to not less than five years but not more than 10 years of fixed-termed imprisonment; or not less than 10 years of fixed-term imprisonment, of life imprisonment, if the hijacking causes serious consequences.

第一百二十二条 【劫持船只、汽车罪】以暴力、胁迫或者 其他方法劫持船只、汽车的,处五年以上十年以下有期徒刑;造成严 重后果的,处十年以上有期徒刑或者无期徒刑。

Article 123. Whoever uses violence on personnel on an in-flight airplane and endangers flying safety is to be sentenced to not more than five years of fixed-termed imprisonment or limited incarceration in case no serious consequences have been caused; or not less than five years of fixed-term imprisonment if serious consequences have been caused.

第一百二十三条 【暴力危及飞行安全罪】对飞行中的航空器上的人员使用暴力,危及飞行安全,尚未造成严重后果的,处五年以下有期徒刑或者拘役;造成严重后果的,处五年以上有期徒刑。

Article 124. Whoever sabotages radio and television broadcasting facilities, public telecommunications facilities, and endangers public safety is to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; or not less than seven years of fixed-term imprisonment if serious consequences have been caused.

第一百二十四条 【破坏广播电视设施、公用电信设施罪】 破坏广播电视设施、公用电信设施,危害公共安全的,处三年以上七年以下有期徒刑,造成严重后果的,处七年以上有期徒刑。

Whoever commits the crime in the preceding paragraph negligently is to be sentenced to not more than seven years of fixed-term imprisonment; or not more than three years of fixed-term imprisonment or limited incarceration in case the circumstances are relatively minor.

【过失损坏广播电视设施、公用电信设施罪】过失犯前款罪的,处三年以上七年以下有期徒刑;情节较轻的,处三年以下有期徒刑或者拘役。

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Article 125. Whoever illegally manufactures, trades, transports, mails, or stocks up guns, ammunition, or explosives is to be sentenced to not less than three years but not more than 10 years of fixed-termed imprisonment; or not less than 10 years of imprisonment, life imprisonment, or death if the consequences are serious.

Whoever illegally manufactures, trades, transports or stores pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be punished in accordance with the provisions in the preceding paragraph.

If an entity commits the crime in the preceding two paragraphs, the entity will be fined, and its direct person in charge and other persons in charge are to be punished according to the regulations in the first paragraph.

Article 126. Any enterprises which are legally designated or determined to manufacture or sell guns, violate the regulations governing gun management by performing one of the following acts, the units are to be fined and personnel who are in charge and directly responsible together with other personnel who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment; when the consequences are serious, to not less than five years and not more than ten years of fixed-term imprisonment; when the consequences are particularly serious, to not less than 10 years of fixed-term imprisonment or life imprisonment:

第一百二十五条 【非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物罪】非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物的,处三年以上十年以下有期徒刑;情节严重的,处十年以上有期徒刑、无期徒刑或者死刑。

【非法制造、买卖、运输、储存危险物质罪】非法制造、买卖、运输、储存毒害性、放射性、传染病病原体等物质,危害公共安全的,依照前款的规定处罚。

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照第一款的规定处罚。

第一百二十六条 【违规制造、销售枪支罪】依法被指定、确定的枪支制造企业、销售企业,违反枪支管理规定,有下列行为之一的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑或者无期徒刑:



- for the purpose of illegal sale, manufacture or allocation guns whose numbers exceed quotas or whose varieties do not meet the regulations;
- (一)以非法销售为目的,超过限额或者不按照规定的品种制造、配售枪支的;
- (2) for the purpose of illegal sale, manufacture guns without a number, or with an overlapped number, or with a fake number;
- (二)以非法销售为目的,制造无号、重号、假号的枪支的;
- (3) illegally sell guns or sell guns manufactured for export inside the territory.
- (三) 非法销售枪支或者在境内销售为出口制造的枪支的。

Article 127. Whoever steals or forcibly seizes any gun, ammunition or explosive, or steals or forcibly seizes pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

第一百二十七条 【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】盗窃、抢夺枪支、弹药、爆炸物的,或者盗窃、抢夺毒害性、放射性、传染病病原体等物质,危害公共安全的,处三年以上十年以下有期徒刑;情节严重的,处十年以上有期徒刑、无期徒刑或者死刑。

Whoever robs any gun, ammunition or explosive, or robs pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, or steals or forcibly seizes any gun, ammunition or explosive from State organs, members of the armed forces, the police or the people's militia, shall be sentenced to fixed-term imprisonment of no less than ten years, life imprisonment or death.

【抢劫枪支、弹药、爆炸物、危险物质罪】【盗窃、抢夺枪支、弹 药、爆炸物、危险物质罪】抢劫枪支、弹药、爆炸物的,或者抢劫毒 害性、放射性、传染病病原体等物质,危害公共安全的,或者盗窃、 抢夺国家机关、军警人员、民兵的枪支、弹药、爆炸物的,处十年以 上有期徒刑、无期徒刑或者死刑。



Article 128. Whoever violates the regulations governing gun management by owning or unlawfully possessing, guns and ammunition is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; when the circumstances are serious, to not less than three years and not more than seven years of fixed-term imprisonment.

第一百二十八条 【非法持有、私藏枪支、弹药罪】违反枪 支管理规定,非法持有、私藏枪支、弹药的,处三年以下有期徒刑、 拘役或者管制;情节严重的,处三年以上七年以下有期徒刑。

Any personnel who are provided with official-use guns who illegally lease or lend the guns are to be punished in accordance with the previous paragraph.

【非法出租、出借枪支罪】依法配备公务用枪的人员,非法出租、出借枪支的,依照前款的规定处罚。

Any personnel who are provided with official-use guns who illegally lease or lend the guns, thereby causing serious consequences are to be punished in accordance with the first paragraph.

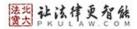
【非法出租、出借枪支罪】依法配置枪支的人员,非法出租、出借枪 支,造成严重后果的,依照第一款的规定处罚。

Any entities committing such crimes as stated in the second and third paragraph, are to be fined and personnel who are in charge and directly responsible are to be punished in accordance with the regulation of the first paragraph.

单位犯第二款、第三款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照第一款的规定处罚。

Article 129. Any personnel who are provided with official-use guns who lose the guns without reporting the loss in a timely fashion, thereby causing serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

第一百二十九条 【丢失枪支不报罪】依法配备公务用枪的人员,丢失枪支不及时报告,造成严重后果的,处三年以下有期徒刑或者拘役。



Article 130. Whoever illegally carries guns, ammunition, controlled knives and tools, articles of an explosive, combustible, radioactive, poisonous or corrosive nature into a public place or public transportation vehicle, thereby endangering public safety, is to be sentenced, when the circumstances are serious, to not more than three years of fixed-term imprisonment, limited incarceration, or probation when the circumstances are serious.

Article 131. Any aviation personnel who violate the rules and regulations thereby causing major air accidents and serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when causing the crash of an airplane or the death of personnel are to be sentenced to not less than three years and not more than seven years

of fixed-term imprisonment.

Article 132. Any railway staff and workers who violate the rules and regulations thereby giving rise to accidents affecting the safety of railway operation are to be sentenced to not less than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, to not less than three years and not more than seven years of fixed-term imprisonment.

第一百三十条 【非法携带枪支、弹药、管制刀具、危险物品危及公共安全罪】非法携带枪支、弹药、管制刀具或者爆炸性、易燃性、放射性、毒害性、腐蚀性物品,进入公共场所或者公共交通工具,危及公共安全,情节严重的,处三年以下有期徒刑、拘役或者管制。

第一百三十一条 【重大飞行事故罪】航空人员违反规章制度,致使发生重大飞行事故,造成严重后果的,处三年以下有期徒刑或者拘役;造成飞机坠毁或者人员死亡的,处三年以上七年以下有期徒刑。

第一百三十二条 【铁路运营安全事故罪】铁路职工违反规章制度,致使发生铁路运营安全事故,造成严重后果的,处三年以下有期徒刑或者拘役;造成特别严重后果的,处三年以上七年以下有期徒刑。



Article 133. Whoever violates traffic and transportation laws and regulations thereby giving rise to major accidents involving severe injuries, deaths, or great losses of public and private properties are to be sentenced to not more than three years of fixed-term imprisonment; when fleeing the scene after an traffic and transportation accident or under other particularly odious circumstances, to not less than three years and not more than seven years of fixed-term imprisonment; when running away causes a person's death, to not less than seven years of fixed-term imprisonment.

Article 133 (I): Whoever drives a motor vehicle on a road under any of the following circumstances shall be sentenced to limited incarceration in addition to a fine.

- (1) Racing a motor vehicle on a road with execrable circumstances.
- (2) Driving a motor vehicle on a road while intoxicated.
- (3) Engaging in the school bus business or passenger transport and carrying passengers by loading much more than the fixed number of passengers, or driving the vehicle by seriously exceeding the prescribed speed.
- (4) Transporting any hazardous chemical in violation of the provisions on the safety administration of hazardous chemicals, which endangers public safety.

The motor vehicle owner or manager who is directly liable for the conduct as mentioned in item (3) or (4) of the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

第一百三十三条 【交通肇事罪】违反交通运输管理法规, 因而发生重大事故,致人重伤、死亡或者使公私财产遭受重大损失 的,处三年以下有期徒刑或者拘役;交通运输肇事后逃逸或者有其他 特别恶劣情节的,处三年以上七年以下有期徒刑;因逃逸致人死亡 的,处七年以上有期徒刑。

第一百三十三条之一 【危险驾驶罪】在道路上驾驶机动车,有下列情形之一的,处拘役,并处罚金:

- (一) 追逐竞驶,情节恶劣的;
- (二) 醉酒驾驶机动车的;
- (三)从事校车业务或者旅客运输,严重超过额定乘员载客,或者严重超过规定时速行驶的;
- (四)违反危险化学品安全管理规定运输危险化学品,危及公共安全的。

机动车所有人、管理人对前款第三项、第四项行为负有直接责任的, 依照前款的规定处罚。



Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有前两款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处 罚。

Article 133 (II): Whoever inflicts violence on the driver of a public vehicle being driven or grabs the operating devices to try to take control of the public vehicle, disrupting the normal driving of the public vehicle and endangering public security, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine or be sentenced to a fine only.

第一百三十三条之二 【妨害安全驾驶罪】对行驶中的公共交通工具的驾驶人员使用暴力或者抢控驾驶操纵装置,干扰公共交通工具正常行驶,危及公共安全的,处一年以下有期徒刑、拘役或者管制,并处或者单处罚金。

The driver as mentioned in the preceding paragraph who leaves without permission his or her post on the public vehicle being driven and fights with or assaults another person, endangering public security, shall be punished in accordance with the provision of the preceding paragraph.

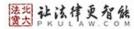
前款规定的驾驶人员在行驶的公共交通工具上擅离职守,与他人互殴或者殴打他人,危及公共安全的,依照前款的规定处罚。

Whoever commits any conduct set forth in the preceding two paragraphs, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

有前两款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处 罚。

Article 134. Where anyone violates the provisions concerning the safety management in production or operations and thus causes any serious casualty or any other serious consequences, he shall be sentenced to fixterm imprisonment of not more than three years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fix-term imprisonment of not less than 3 years but not more than 7 years.

第一百三十四条 【重大责任事故罪】在生产、作业中违反 有关安全管理的规定,因而发生重大伤亡事故或者造成其他严重后果 的,处三年以下有期徒刑或者拘役;情节特别恶劣的,处三年以上七年以下有期徒刑。



Whoever forces by an order another person to operate at risk in violation of rules, or knowing but failing to eliminate the potential risk of a major accident, still organizes operations at risk, causing any major casualty accident or having any other serious consequence, shall be sentenced to imprisonment of not more than five years or limited incarceration; or if the circumstances are especially execrable, shall be sentenced to imprisonment of not less than five years.

【强令、组织他人违章冒险作业罪】强令他人违章冒险作业,或者明知存在重大事故隐患而不排除,仍冒险组织作业,因而发生重大伤亡事故或者造成其他严重后果的,处五年以下有期徒刑或者拘役;情节特别恶劣的,处五年以上有期徒刑。

Article 134 (I): Whoever falls under any of the following circumstances in violation of the provisions on safety management during production or operations, posing a real danger of causing any major casualty accident or other serious consequence, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation:

第一百三十四条之一 【危险作业罪】在生产、作业中违反 有关安全管理的规定,有下列情形之一,具有发生重大伤亡事故或者 其他严重后果的现实危险的,处一年以下有期徒刑、拘役或者管制:

- (1) Shutting down or compromising any monitoring, alarm, protection, or lifesaving equipment or facility directly related to work safety or tampering with, concealing, or destroying the relevant data or information.
- (一)关闭、破坏直接关系生产安全的监控、报警、防护、救生设备、设施,或者篡改、隐瞒、销毁其相关数据、信息的;
- (2) Whoever falls under any of the following circumstances in violation of the provisions on safety management during production or operations, posing a real danger of causing any major casualty accident or other serious consequence, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation.

(二)因存在重大事故隐患被依法责令停产停业、停止施工、停止使用有关设备、设施、场所或者立即采取排除危险的整改措施,而拒不执行的;



法實



(3) Being engaged in highly dangerous productive or operational activities, such as mining, metal smelting, building construction, and production, distribution, and storage of dangerous articles, without approval or licensing in accordance with the law in matters involving work safety.

(三)涉及安全生产的事项未经依法批准或者许可,擅自从事矿山开 采、金属冶炼、建筑施工,以及危险物品生产、经营、储存等高度危 险的生产作业活动的。

Article 135. Where the facilities or conditions for safe work fail to meet the relevant provisions of the state so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are particularly severe, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

第一百三十五条 【重大劳动安全事故罪】安全生产设施或者安全生产条件不符合国家规定,因而发生重大伤亡事故或者造成其他严重后果的,对直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役;情节特别恶劣的,处三年以上七年以下有期徒刑。

Article 135 (I): Where, any of the provisions concerning safety management is violated in the holding of large-scale activities of the masses so that any serious casualty or any other serious consequence is caused, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are particularly severe, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十五条之一 【大型群众性活动重大安全事故罪】 举办大型群众性活动违反安全管理规定,因而发生重大伤亡事故或者 造成其他严重后果的,对直接负责的主管人员和其他直接责任人员, 处三年以下有期徒刑或者拘役;情节特别恶劣的,处三年以上七年以 下有期徒刑。



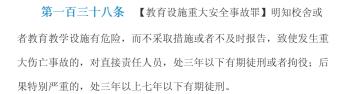
Article 136. Whoever violates the regulations on the control of articles of an explosive; combustible, radioactive, poisonous or corrosive nature, thereby giving rise to a major accident in the course of production, storage, transportation or use and causing serious consequences, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

Article 137. When construction, design, working, and engineering supervision entities violate the state's regulations by reducing the quality standard of the projects, thereby giving rise to a major safety accident, those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, in addition to fine; when the consequences are particularly serious, the sentence is to be not less than five years and not more than ten years of fixed-term imprisonment, in addition to fine.

Article 138. When school buildings or educational and teaching facilities are obviously known to be dangerous but measures are not taken or reports are not made in a timely fashion, thereby giving rise to a major accident, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

第一百三十六条 【危险物品肇事罪】违反爆炸性、易燃性、放射性、毒害性、腐蚀性物品的管理规定,在生产、储存、运输、使用中发生重大事故,造成严重后果的,处三年以下有期徒刑或者拘役;后果特别严重的,处三年以上七年以下有期徒刑。

第一百三十七条 【工程重大安全事故罪】建设单位、设计单位、施工单位、工程监理单位违反国家规定,降低工程质量标准,造成重大安全事故的,对直接责任人员,处五年以下有期徒刑或者拘役,并处罚金;后果特别严重的,处五年以上十年以下有期徒刑,并处罚金。





Article 139. When rules of fire prevention and control are violated and the notification, given by a supervision organ of fire prevention and control, to take corrective measures are refused, thereby giving rise to severe consequences, those who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

第一百三十九条 【消防责任事故罪】违反消防管理法规, 经消防监督机构通知采取改正措施而拒绝执行,造成严重后果的,对 直接责任人员,处三年以下有期徒刑或者拘役;后果特别严重的,处 三年以上七年以下有期徒刑。

Article 139 (I): Where, after any safety accident occurs, the person who is obliged to report it fails to report it or makes a false report so that the rescue of the accident is affected and if the circumstances are severe, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十九条之一 【不报、谎报安全事故罪】在安全事故发生后,负有报告职责的人员不报或者谎报事故情况,贻误事故抢救,情节严重的,处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上七年以下有期徒刑。

Chapter III Crimes of Undermining the Order of Socialist

Market Economy

第三章 破坏社会主义市场经济秩序罪

Section ${\bf 1}$. Crimes of Manufacturing and Selling Fake and Shoddy Goods

第一节 生产、销售伪劣商品罪



Article 140. Any producer or seller who mixes up or adulterates products, passes fake imitations for genuine, sells seconds at best quality price, or passes unqualified products as qualified ones, with a sale amount of not less than 50,000 yuan and not more than 200,000 yuan, is to be sentenced to not more than two years of fixed-term imprisonment or limited incarceration and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 200,000 yuan and not more than 500,000 yuan, is to be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 500,000 yuan and not more than 2 million yuan, is to be sentenced to not less than seven years and may in addition be sentenced to a fine of not less than 50 percent and not more than 200percent of the sale amount: when the sale amount is not less than two million yuan, is to be sentenced to 15 years of fixed-term imprisonment or life imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

第一百四十条 【生产、销售伪劣产品罪】生产者、销售者在产品中掺杂、掺假,以假充真,以次充好或者以不合格产品冒充合格产品,销售金额五万元以上不满二十万元的,处二年以下有期徒刑或者拘役,并处或者单处销售金额百分之五十以上二倍以下罚金;销售金额二十万元以上不满五十万元的,处二年以上七年以下有期徒刑,并处销售金额百分之五十以上二倍以下罚金;销售金额五十万元以上不满二百万元的,处七年以上有期徒刑,并处销售金额百分之五十以上二倍以下罚金;销售金额百分之五十以上二倍以下罚金;销售金额百分之五十以上二倍以下罚金;销售金额百分之五十以上二倍以下罚金;销售金额百分之五十以上二倍以下罚金;销售金额百分之五十以上二倍以下罚金。



Article 141. Whoever produces or sells any counterfeit drug shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if any serious harm is thus caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the death of a person is thus caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death and a fine or forfeiture of property.

第一百四十一条 【生产、销售、提供假药罪】生产、销售假药的,处三年以下有期徒刑或者拘役,并处罚金;对人体健康造成严重危害或者有其他严重情节的,处三年以上十年以下有期徒刑,并处罚金;致人死亡或者有其他特别严重情节的,处十年以上有期徒刑、无期徒刑或者死刑,并处罚金或者没收财产。

Where any employee of an entity using drug products knowingly provides a counterfeit drug to others for use, the employee shall be punished in accordance with the provision of the preceding paragraph.

药品使用单位的人员明知是假药而提供给他人使用的,依照前款的规定处罚。

Article 142. Whoever produces or sells any substandard drug, causing any serious harm to human health, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the consequences are especially serious, shall be sentenced to imprisonment of not less than ten years or life imprisonment and a fine or forfeiture of property.

第一百四十二条 【生产、销售、提供劣药罪】生产、销售 劣药,对人体健康造成严重危害的,处三年以上十年以下有期徒刑, 并处罚金;后果特别严重的,处十年以上有期徒刑或者无期徒刑,并 处罚金或者没收财产。

Where any employee of an entity using drug products knowingly provides a substandard drug to others for use, the employee shall be punished in accordance with the provision of the preceding paragraph.

药品使用单位的人员明知是劣药而提供给他人使用的,依照前款的规 定处罚。



Article 142 (I): Whoever falls under any of the following circumstances in violation of the legislation on drug administration, which suffices to cause any serious harm to human health, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; or if any serious harm is caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than seven years and a fine:

第一百四十二条之一 【妨害药品管理罪】违反药品管理法

规,有下列情形之一,足以严重危害人体健康的,处三年以下有期徒 刑或者拘役,并处或者单处罚金;对人体健康造成严重危害或者有其 他严重情节的,处三年以上七年以下有期徒刑,并处罚金:

- (1) Producing or selling any drug product prohibited by the medical products administration of the State Council from use.
- (一) 生产、销售国务院药品监督管理部门禁止使用的药品的;
- (2) Producing or importing any drug product without obtaining the documents certifying the relevant approval of the drug product or knowingly selling such a drug product.
- (二)未取得药品相关批准证明文件生产、进口药品或者明知是上述 药品而销售的;
- (3) Applying for drug product registration by providing any false certificate, data, material, or sample or any other deceptive means.
- (三)药品申请注册中提供虚假的证明、数据、资料、样品或者采取 其他欺骗手段的;
- (4) Fabricating production or inspection records.
- (四)编造生产、检验记录的。

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes a crime provided for in Article 141 or 142 of this Law or any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

有前款行为,同时又构成本法第一百四十一条、第一百四十二条规定 之罪或者其他犯罪的,依照处罚较重的规定定罪处罚。







Article 143. Whoever produces or sells food not up to the food safety standards which may cause any serious food poisoning accident or any other serious food-borne disease shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine; or if there are especially serious consequences, shall be sentenced to imprisonment of not less than 7 years or life imprisonment and a fine or forfeiture of property.

Article 144. Whoever mixes poisonous or harmful non-food raw materials into food produced or sold or knowingly sells food mixed with poisonous or harmful non-food raw materials shall be sentenced to imprisonment of not more than 5 years and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if any human death is caused or there is any other especially serious circumstance, shall be punished according to the provisions of Article 141 of this Law.

第一百四十三条 【生产、销售不符合安全标准的食品罪】 生产、销售不符合食品安全标准的食品,足以造成严重食物中毒事故 或者其他严重食源性疾病的,处三年以下有期徒刑或者拘役,并处罚 金;对人体健康造成严重危害或者有其他严重情节的,处三年以上七 年以下有期徒刑,并处罚金;后果特别严重的,处七年以上有期徒刑 或者无期徒刑,并处罚金或者没收财产。

第一百四十四条 【生产、销售有毒、有害食品罪】在生产、销售的食品中掺入有毒、有害的非食品原料的,或者销售明知掺有有毒、有害的非食品原料的食品的,处五年以下有期徒刑,并处罚金;对人体健康造成严重危害或者有其他严重情节的,处五年以上十年以下有期徒刑,并处罚金;致人死亡或者有其他特别严重情节的,依照本法第一百四十一条的规定处罚。



法實



Article 145. Whoever produces medical apparatuses and instruments or medical hygiene materials that are not up to the national or industrial standards for safeguarding human health or sells such things while clearly knowing the fact, and if it is serious enough to endanger human health, shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration and shall also be fined not less than half but not more than two times the sales revenue: if it causes serious harm to human health, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than half but not more than two times the sales revenue; if the consequence is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined not less than half but not more than two times the sales revenue or be sentenced to confiscation of property.

Article 146. Whoever produces electrical appliances, pressure containers, explosive and combustible products that do not conform with the standards of the state and the trade aiming to protect the human safety and property or other products that do not conform with such standards or knowingly sells the above-mentioned products thereby giving rise to serious consequences is to be sentenced to not more than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale.

第一百四十五条 【生产、销售不符合标准的医用器材罪】

生产不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料,或者销售明知是不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料,足以严重危害人体健康的,处三年以下有期徒刑或者拘役,并处销售金额百分之五十以上二倍以下罚金;对人体健康造成严重危害的,处三年以上十年以下有期徒刑,并处销售金额百分之五十以上二倍以下罚金;后果特别严重的,处十年以上有期徒刑或者无期徒刑,并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十六条 【生产、销售不符合安全标准的产品罪】 生产不符合保障人身、财产安全的国家标准、行业标准的电器、压力容器、易燃易爆产品或者其他不符合保障人身、财产安全的国家标准、行业标准的产品,或者销售明知是以上不符合保障人身、财产安全的国家标准、行业标准的产品,造成严重后果的,处五年以下有期徒刑,并处销售金额百分之五十以上二倍以下罚金;后果特别严重的,处五年以上有期徒刑,并处销售金额百分之五十以上二倍以下罚金。









Article 147. Whoever produces fake insecticides, fake animal-use medicines, fake chemical fertilizers or knowingly sells insecticides, animal-use medicines, chemical fertilizers and seeds which are fake or are no longer effective or any producer or seller who passes unqualified insecticides, animal-use medicines, chemical fertilizers and seeds as qualified ones, thereby giving rise to relatively large losses in production is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing grave losses in production, is to be sentenced to not less than three years and not more than seven years of fixedterm imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing particularly grave losses in production, is to be sentenced to not less than seven years of fixed-term imprisonment or life imprisonment or confiscation of property.

Article 148. Production of cosmetics that fails to meet hygienic standards or knowingly selling such cosmetics that cause serious consequences shall be punished with imprisonment or limited incarceration of less than three years, and a fine of over 50 percent but less than 100 percent of the sales amount.

第一百四十七条 【生产、销售伪劣农药、兽药、化肥、种子罪】生产假农药、假兽药、假化肥,销售明知是假的或者失去使用效能的农药、兽药、化肥、种子,或者生产者、销售者以不合格的农药、兽药、化肥、种子冒充合格的农药、兽药、化肥、种子,使生产遭受较大损失的,处三年以下有期徒刑或者拘役,并处或者单处销售金额百分之五十以上二倍以下罚金;使生产遭受重大损失的,处三年以上七年以下有期徒刑,并处销售金额百分之五十以上二倍以下罚金;使生产遭受特别重大损失的,处七年以上有期徒刑或者无期徒刑,并处销售金额百分之五十以上二倍以下罚金或者没收财产。

第一百四十八条 【生产、销售不符合卫生标准的化妆品 罪】生产不符合卫生标准的化妆品,或者销售明知是不符合卫生标准 的化妆品,造成严重后果的,处三年以下有期徒刑或者拘役,并处或 者单处销售金额百分之五十以上二倍以下罚金。



Article 149. The production and selling of products prescribed under Articles 141 to 148 of this Section that does not constitute an offense under these articles but with sales amount exceeding 50,000 yuan, shall be convicted and punished according to provisions under Article 140 of this Section.

第一百四十九条 【对生产、销售伪劣商品行为的法条适用原则】生产、销售本节第一百四十一条至第一百四十八条所列产品,不构成各该条规定的犯罪,但是销售金额在五万元以上的,依照本节第一百四十条的规定定罪处罚。

The production and selling of products prescribed under Articles 141 and 148 of this Section that constitutes an offense under these articles and Article 140, shall be convicted and punished under provisions carrying a heavier penalty.

生产、销售本节第一百四十一条至第一百四十八条所列产品,构成各 该条规定的犯罪,同时又构成本节第一百四十条规定之罪的,依照处 罚较重的规定定罪处罚。

Article 150. Entities violating provisions between

Articles 140 and 148 of this Section shall be punished with
a fine, with personnel directly in charge and other directly
responsible personnel being punished according to
provisions under the respective articles.

第一百五十条 【单位犯生产、销售伪劣商品罪的处罚规 定】单位犯本节第一百四十条至第一百四十八条规定之罪的,对单位 判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各 该条的规定处罚。

Section 2 . Smuggling Offenses

第二节 走私罪

Article 151. Whoever smuggles any weapon, ammunition, nuclear materials or counterfeit currencies shall be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property; if the circumstances are especially serious, be sentenced to life imprisonment and a forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

第一百五十一条 【走私武器、弹药罪】【走私核材料罪】

【走私假币罪】走私武器、弹药、核材料或者伪造的货币的,处七年以上有期徒刑,并处罚金或者没收财产;情节特别严重的,处无期徒刑,并处没收财产;情节较轻的,处三年以上七年以下有期徒刑,并处罚金。



Whoever smuggles cultural relics, gold, silver or any other noble metal whose export is prohibited by the state or smuggles rare animals whose import and export are prohibited by the state or products made thereof shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; if the circumstances are especially serious, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a forfeiture of property; or if the circumstances are minor, shall be sentenced to imprisonment of not more than 5 years and a fine.

【走私文物罪】【走私贵重金属罪】【走私珍贵动物、珍贵动物制品 罪】走私国家禁止出口的文物、黄金、白银和其他贵重金属或者国家 禁止进出口的珍贵动物及其制品的,处五年以上十年以下有期徒刑, 并处罚金;情节特别严重的,处十年以上有期徒刑或者无期徒刑,并 处没收财产;情节较轻的,处五年以下有期徒刑,并处罚金。

Whoever smuggles rare plants or products made thereof or other goods or articles whose import and export are prohibited by the state shall be sentenced to imprisonment of not more than 5 years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are serious, shall be sentenced to imprisonment of not less than 5 years and a fine.

【走私国家禁止进出口的货物、物品罪】走私珍稀植物及其制品等国家禁止进出口的其他货物、物品的,处五年以下有期徒刑或者拘役,并处或者单处罚金;情节严重的,处五年以上有期徒刑,并处罚金。

Where an entity commits a crime as provided for in this Article, the entity shall be sentenced to a fine, and its directly responsible person and other directly liable persons shall be punished according to the provisions of this Article.

单位犯本条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照本条各款的规定处罚。







Article 152. Smuggling obscene movies, video tapes, audio tapes, pictures, books and journals, and other obscene articles for profit or dissemination shall be punished with imprisonment of more than three years but less than ten years with fine; for offenses of a serious nature to over ten years of imprisonment or life imprisonment, with fine or forfeiture of property; for offenses of a less serious nature to imprisonment or limited incarceration or restraint of less than three years, and with fine.

Whoever transports overseas solid, liquid or gaseous waste into the territory of China by evading supervision and control of the Customs shall, if the circumstance is serious enough, be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Where an entity commits any crime as mentioned in the preceding two paragraphs, it shall be fined, and the person in-charge and other persons who are held to be directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 153. Whoever smuggles goods or articles other than those as mentioned in Articles 151, 152 and 347 shall be punished in light of the graveness of the crime according to the following provisions:

第一百五十二条 【走私淫秽物品罪】以牟利或者传播为目的,走私淫秽的影片、录像带、录音带、图片、书刊或者其他淫秽物品的,处三年以上十年以下有期徒刑,并处罚金;情节严重的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产;情节较轻的,处三年以下有期徒刑、拘役或者管制,并处罚金。

【走私废物罪】逃避海关监管将境外固体废物、液态废物和气态废物 运输进境,情节严重的,处五年以下有期徒刑,并处或者单处罚金; 情节特别严重的,处五年以上有期徒刑,并处罚金。

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照前两款的规定处罚。

第一百五十三条 【走私普通货物、物品罪】走私本法第一百五十一条、第一百五十二条、第三百四十七条规定以外的货物、物品的,根据情节轻重,分别依照下列规定处罚:



- (1) Whoever smuggles goods or articles to evade a relatively large amount of tax payable, or smuggles again after having been given administrative punishment twice for smuggling within a year, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.
- (一)走私货物、物品偷逃应缴税额较大或者一年内曾因走私被给予 二次行政处罚后又走私的,处三年以下有期徒刑或者拘役,并处偷逃 应缴税额一倍以上五倍以下罚金。
- (2) Whoever smuggles goods or articles to evade a huge amount of tax payable or with any other serious circumstance shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.
- (二)走私货物、物品偷逃应缴税额巨大或者有其他严重情节的,处 三年以上十年以下有期徒刑,并处偷逃应缴税额一倍以上五倍以下罚 金。
- (3) Whoever smuggles goods or articles to evade an especially huge amount of tax payable or with any other especially serious circumstance shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable or a forfeiture of property.
- (三)走私货物、物品偷逃应缴税额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处偷逃应缴税额一倍以上五倍以下罚金或者没收财产。

Entities committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being sentenced to imprisonment or limited incarceration of less than three years; and, for cases of a serious nature, to imprisonment of over three years and less than 10 years; and -- for cases of an extraordinary serious nature -- to imprisonment of over 10 years.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,处三年以下有期徒刑或者拘役;情节严重的,处三 年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑。



For smuggling cases not being detected for several occasions, fines should be based on an accumulation of all evaded taxes of such goods and articles.

对多次走私未经处理的,按照累计走私货物、物品的偷逃应缴税额处 罚。

Article 154. The following smuggling cases that constitute an offense under provisions of this section shall be convicted and sentenced according to provisions under Article 153 of this law:

第一百五十四条 【特殊形式的走私普通货物、物品罪】下列走私行为,根据本节规定构成犯罪的,依照本法第一百五十三条的规定定罪处罚:

- (1) without the approval of the Customs and before settling defaulted taxes, sale for profit in China of bonded goods approved for import for the purposes of processing, assembly, and compensated trade, including raw and processed materials, parts, finished products, and equipment; and
- (一)未经海关许可并且未补缴应缴税额,擅自将批准进口的来料加工、来件装配、补偿贸易的原材料、零件、制成品、设备等保税货物,在境内销售牟利的;
- (2) without the approval of the Customs and before settling defaulted taxes, sale for profits in China of goods and articles with reduced import duties or tax exemption.
- (二)未经海关许可并且未补缴应缴税额,擅自将特定减税、免税进口的货物、物品,在境内销售牟利的。

Article 155. Whoever commits any of the following acts shall be deemed as having committed the crime of smuggling and shall be punished in accordance with the relevant provisions of this Section:

第一百五十五条 【以走私罪论处的间接走私行为】下列行为,以走私罪论处,依照本节的有关规定处罚:

(1) directly and illegally purchasing from smugglers articles the import of which is forbidden by the State; or directly and illegally purchasing from smugglers other smuggled goods and articles in relatively large quantities; or

(一)直接向走私人非法收购国家禁止进口物品的,或者直接向走私人非法收购走私进口的其他货物、物品,数额较大的;



(2) transporting, purchasing or selling in inland seas, territorial waters, boundary rivers or boundary lakes articles which are forbidden by the State from import and export; or transporting, purchasing or selling, without legal certificates and in relatively large quantities, goods or articles which are restricted by the State from import and export.

(二)在内海、领海、界河、界湖运输、收购、贩卖国家禁止进出口物品的,或者运输、收购、贩卖国家限制进出口货物、物品,数额较大,没有合法证明的。

Article 156. Whoever colludes with smugglers by supplying them with loans, funds, accounts, invoices, proofs, or such conveniences as transportation, safe-keeping, and mailing services, shall be regarded and punished as smuggling accomplices.

第一百五十六条 【走私罪共犯】与走私罪犯通谋,为其提供贷款、资金、帐号、发票、证明,或者为其提供运输、保管、邮寄或者其他方便的,以走私罪的共犯论处。

Article 157. Whoever provides armed escort for smuggling shall be given a heavier penalty according to paragraph 1, Article 151 of this law.

第一百五十七条 【武装掩护走私、抗拒缉私的处罚规定】 武装掩护走私的,依照本法第一百五十一条第一款的规定从重处罚。

Whoever resorts to violence and threatening measures while resisting Customs detection shall be punished for smuggling and obstructing state organ personnel from enforcing their lawful duties provided under Article 277 of this law, and shall be punished for all offenses committed.

以暴力、威胁方法抗拒缉私的,以走私罪和本法第二百七十七条规定 的阻碍国家机关工作人员依法执行职务罪,依照数罪并罚的规定处 罚。

Section 3 . Offenses Against Company and Enterprise

Management Order

第三节 妨害对公司、企业的管理秩序罪



Article 158. Using forged certifications to apply for company registration or using other fraudulent means to falsely declare registered capital with intent to deceive company registration departments, where the registered capital so falsely declared is large in figures with serious consequences or of a severe nature, shall be punished by imprisonment or limited incarceration of less than three years, with a fine or a separately imposed fine of over 1 percent but less than 5 percent of the falsely declared registered capital.

Entities committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than three years.

Article 159. Company promoters, shareholders who, in violation of provisions under the Company law, fail to pay up with currency notes, provide actual property, or transfer property rights; or falsely claim to have paid up the capital; or withdraw their capital upon registration of company, where the amount involved is large with serious consequences or of a serious nature, shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 2 percent but less than 10 percent of the amount of capital so falsely claimed to have been paid up or so withdrawn.

第一百五十八条 【虚报注册资本罪】申请公司登记使用虚假证明文件或者采取其他欺诈手段虚报注册资本,欺骗公司登记主管部门,取得公司登记,虚报注册资本数额巨大、后果严重或者有其他严重情节的,处三年以下有期徒刑或者拘役,并处或者单处虚报注册资本金额百分之一以上百分之五以下罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役。

第一百五十九条 【虚假出资、抽逃出资罪】公司发起人、股东违反公司法的规定未交付货币、实物或者未转移财产权,虚假出资,或者在公司成立后又抽逃其出资,数额巨大、后果严重或者有其他严重情节的,处五年以下有期徒刑或者拘役,并处或者单处虚假出资金额或者抽逃出资金额百分之二以上百分之十以下罚金。



Entities committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than five years.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑或者拘役。

Article 160. Whoever issues any shares of stock, corporate or enterprise bonds, depositary receipts, or other securities determined by the State Council in accordance with the law by concealing any material fact or falsifying any major content in the share offering prospectus, share subscription form, corporate or enterprise bond offering prospectus, or any other offering document shall, if the amount involved is huge, the consequences are serious, or there is any other serious circumstance, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the amount involved is especially huge, the consequences are especially serious, or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than five years and a fine.

第一百六十条 【欺诈发行证券罪】在招股说明书、认股书、公司、企业债券募集办法等发行文件中隐瞒重要事实或者编造重大虚假内容,发行股票或者公司、企业债券、存托凭证或者国务院依法认定的其他证券,数额巨大、后果严重或者有其他严重情节的,处五年以下有期徒刑或者拘役,并处或者单处罚金;数额特别巨大、后果特别严重或者有其他特别严重情节的,处五年以上有期徒刑,并处罚金。

The controlling shareholder or actual controller who organizes or instigates the commission of any conduct in the preceding paragraph shall be sentenced to imprisonment of not more than five years or limited incarceration and a fine of not less than 20% nor more than one times the illegal offering proceeds or be sentenced to such a fine only; or if the amount involved is especially huge, the consequences are especially serious, or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than five years and a fine of not less than 20% nor more than one times the illegal offering proceeds.

Where an entity commits a crime provided for in the preceding two paragraphs, the entity shall be sentenced to a fine of not less than 20% nor more than one times the illegal offering proceeds, and its directly liable executive in charge and other directly liable persons shall be punished according to the provision of paragraph 1 of this article.





控股股东、实际控制人组织、指使实施前款行为的,处五年以下有期徒刑或者拘役,并处或者单处非法募集资金金额百分之二十以上一倍以下罚金;数额特别巨大、后果特别严重或者有其他特别严重情节的,处五年以上有期徒刑,并处非法募集资金金额百分之二十以上一倍以下罚金。

单位犯前两款罪的,对单位判处非法募集资金金额百分之二十以上一倍以下罚金,并对其直接负责的主管人员和其他直接责任人员,依照第一款的规定处罚。







Article 161. Where a company or an enterprise with information disclosure obligations in accordance with the law provides its shareholders and the public with a financial accounting report which is false or conceals any material fact, or fails to disclose according to the applicable provisions any other important information that shall be disclosed in accordance with the law, causing any seriously damage to the interests of shareholders or any other person or with any other serious circumstance, its directly liable executive in charge and other directly liable persons shall each be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, shall each be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

The controlling shareholder or actual controller of a company or an enterprise set forth in the preceding paragraph who commits or organizes or instigates the commission of the conduct in the preceding paragraph or conceals the relevant matter, resulting in the occurrence of the circumstance set forth in the preceding paragraph, shall be punished in accordance with the provision of the preceding paragraph.

Where the controlling shareholder or actual controller committing a crime provided for in the preceding paragraph is an entity, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished according to the provision of paragraph 1 of this article.

第一百六十一条 【违规披露、不披露重要信息罪】依法负有信息披露义务的公司、企业向股东和社会公众提供虚假的或者隐瞒重要事实的财务会计报告,或者对依法应当披露的其他重要信息不按照规定披露,严重损害股东或者其他人利益,或者有其他严重情节的,对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑或者拘役,并处或者单处罚金;情节特别严重的,处五年以上十年以下有期徒刑,并处罚金。

前款规定的公司、企业的控股股东、实际控制人实施或者组织、指使实施前款行为的,或者隐瞒相关事项导致前款规定的情形发生的,依照前款的规定处罚。

犯前款罪的控股股东、实际控制人是单位的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照第一款的规定处



Article 162 . Personnel directly in charge and other directly responsible personnel of a company or an enterprise that, during its liquidation process, conceal property or make false entries in its balance sheet or asset list, or distribute company or enterprise assets before repaying debts that seriously hurt the interests of creditors and other people, shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 20,000 yuan but less than 200,000 yuan.

第一百六十二条 【妨害清算罪】公司、企业进行清算时,

隐匿财产,对资产负债表或者财产清单作虚伪记载或者在未清偿债务前分配公司、企业财产,严重损害债权人或者其他人利益的,对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑或者拘役,并处或者单处二万元以上二十万元以下罚金。

Article 162 (I) Whoever conceals or deliberately destroys financial vouchers, financial account books or financial statements, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of less than five years or limited incarceration, and/or be imposed a fine not less than 20,000 yuan but not more than 200,000 yuan.

第一百六十二条之一 【隐匿、故意销毁会计凭证、会计帐簿、财务会计报告罪】隐匿或者故意销毁依法应当保存的会计凭证、会计帐簿、财务会计报告,情节严重的,处五年以下有期徒刑或者拘役,并处或者单处二万元以上二十万元以下罚金。

Where an entity commits the crime as mentioned in the preceding paragraph, it shall be imposed a fine, and the persons who are directly in charge or persons who are directly responsible for the offence shall be punished according to the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。



Article 162 (II): Where any company or enterprise transfers or disposes of its properties by means of concealing its properties or undertaking fabricated debts or by any other means or goes through false bankruptcy so that the interests of the creditors or any other person are severely injured, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or shall be fined 20,000 yuan up to 200,000 yuan.

Article 163. Where, by taking advantage of his or her position, any staff member of a company, an enterprise, or any other entity solicits or illegally accepts any money or property from any other person in order to seek benefits for such other person, the staff member shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine if the amount involved is relatively large; shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine if the amount involved is huge or there is any other serious circumstance; or shall be sentenced to imprisonment of not less than ten years or life imprisonment and a fine if the amount involved is especially huge or there is any other especially serious circumstance.

Where any of the employees of any company or enterprise or any other entity violates the relevant provisions of the state by taking advantage of his position to accept kickbacks or commissions in any disguise and keeps them for himself, he shall be penalized according to the preceding paragraph.

第一百六十二条之二 【虚假破产罪】公司、企业通过隐匿 财产、承担虚构的债务或者以其他方法转移、处分财产,实施虚假破 产,严重损害债权人或者其他人利益的,对其直接负责的主管人员和 其他直接责任人员,处五年以下有期徒刑或者拘役,并处或者单处二 万元以上二十万元以下罚金。

第一百六十三条 【非国家工作人员受贿罪】公司、企业或者其他单位的工作人员,利用职务上的便利,索取他人财物或者非法收受他人财物,为他人谋取利益,数额较大的,处三年以下有期徒刑或者拘役,并处罚金;数额巨大或者有其他严重情节的,处三年以上十年以下有期徒刑,并处罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处罚金。

公司、企业或者其他单位的工作人员在经济往来中,利用职务上的便利,违反国家规定,收受各种名义的回扣、手续费,归个人所有的,依照前款的规定处罚。



Where anyone who is engaged in public services in any state-owned company, enterprise or any other state-owned entity or anyone is delegated by any state-owned company or enterprise or any other state-owned entity to any non-state-owned company or enterprise or any other entity to engage in public services commits any of the acts as described in either of the preceding paragraphs shall be convicted and penalized according to Articles 185 and 186 of the present Law.

【受贿罪】国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前两款行为的,依照本法第三百八十五条、第三百八十六条的规定定罪处罚。

Article 164. Whoever gives any property to a staff member of a company, an enterprise or any other entity for any illicit benefit shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine if the amount of property is relatively large; or be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine if the amount of property is huge.

第一百六十四条 【对非国家工作人员行贿罪】为谋取不正当利益,给予公司、企业或者其他单位的工作人员以财物,数额较大的,处三年以下有期徒刑或者拘役,并处罚金;数额巨大的,处三年以上十年以下有期徒刑,并处罚金。

Whoever gives any property to a functionary of a foreign country or an official of an international public organization for any improper commercial benefit shall be punished according to the provision of the preceding paragraph.

【对外国公职人员、国际公共组织官员行贿罪】为谋取不正当商业利益,给予外国公职人员或者国际公共组织官员以财物的,依照前款的规定处罚。

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照第一款的规定处罚。



A briber who voluntarily confesses to his bribery before a criminal investigation on him is opened may be given a mitigated penalty or be exempted from penalty.

行贿人在被追诉前主动交待行贿行为的,可以减轻处罚或者免除处 罚。

Article 165. Where, by taking advantage of his or her position, a director, supervisor, or senior executive of a state-owned company or enterprise engages in the same type of business as the company or enterprise for his or her own account or for the account of any other person, the director, supervisor, or senior executive shall, if the amount of illegally obtained benefits is huge, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only, or if the amount of illegally obtained benefits is especially huge, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

第一百六十五条 【非法经营同类营业罪】国有公司、企业的董事、监事、高级管理人员,利用职务便利,自己经营或者为他人经营与其所任职公司、企业同类的营业,获取非法利益,数额巨大的,处三年以下有期徒刑或者拘役,并处或者单处罚金;数额特别巨大的,处三年以上七年以下有期徒刑,并处罚金。

Where a director, supervisor, or senior executive of any other company or enterprise commits the conduct in the preceding paragraph in violation of any law or administrative regulation, causing any significant loss to the interests of the company or enterprise, the director, supervisor, or senior executive shall be punished in accordance with the provision of the preceding paragraph.

其他公司、企业的董事、监事、高级管理人员违反法律、行政法规规 定,实施前款行为,致使公司、企业利益遭受重大损失的,依照前款 的规定处罚。



Article 166. Where, by taking advantage of his or her position, a staff member of a state-owned company or enterprise or a public institution commits any of the following conduct, the staff member shall, if any significant loss is caused to the national interest, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only, or if any especially significant loss is caused to the national interest, be sentenced to imprisonment of not less than three years nor more than seven years and a fine:

第一百六十六条 【为亲友非法牟利罪】国有公司、企业、 事业单位的工作人员,利用职务便利,有下列情形之一,致使国家利 益遭受重大损失的,处三年以下有期徒刑或者拘役,并处或者单处罚 金;致使国家利益遭受特别重大损失的,处三年以上七年以下有期徒 刑,并处罚金;

- (1) Turning over the operation of any profitable business of the company, enterprise, or public institution to any of his or her relatives or friends.
- (一) 将本单位的盈利业务交由自己的亲友进行经营的:
- (2) Purchasing goods or receiving services from an entity operated or managed by any of his or her relatives or friends at a price evidently higher than the market price or selling goods or providing services to an entity operated or managed by any of his or her relatives or friends at a price evidently lower than the market price.
- (二)以明显高于市场的价格从自己的亲友经营管理的单位采购商品、接受服务或者以明显低于市场的价格向自己的亲友经营管理的单位销售商品、提供服务的;
- (3) Purchasing or receiving substandard goods or services from an entity operated or managed by any of his or her relatives or friends.
- (三) 从自己的亲友经营管理的单位采购、接受不合格商品、服务的。

Where a staff member of any other company or enterprise commits any of the conduct in the preceding paragraph in violation of any law or administrative regulation, causing any significant loss to the interests of the company or enterprise, the staff member shall be punished in accordance with the provision of the preceding paragraph.

其他公司、企业的工作人员违反法律、行政法规规定,实施前款行为,致使公司、企业利益遭受重大损失的,依照前款的规定处罚。

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Article 167. People directly in charge of state-owned companies, enterprises, or institutions who are defrauded because of serious irresponsibility during the process of signing or fulfilling contracts and thus cause great damage to national interests shall be sentenced to not more than three years in prison or limited incarceration. If they cause especially serious damage to national interests, they shall be sentenced to not less than three years and not more than seven years in prison.

第一百六十七条 【签订、履行合同失职被骗罪】国有公司、企业、事业单位直接负责的主管人员,在签订、履行合同过程中,因严重不负责任被诈骗,致使国家利益遭受重大损失的,处三年以下有期徒刑或者拘役;致使国家利益遭受特别重大损失的,处三年以上七年以下有期徒刑。

Article 168. Where an employee of a state-run company or enterprise is seriously irresponsible or abuses the office, causing its bankruptcy or serious losses to the state-owned company or enterprise, and causing heavy losses to the interests of the state, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration; where the losses to the interests of the state is extremely heavy, he shall be sentenced to fix-term imprisonment of not less than three years but not more than seven years.

第一百六十八条 【国有公司、企业、事业单位人员失职罪】【国有公司、企业、事业单位人员滥用职权罪】国有公司、企业的工作人员,由于严重不负责任或者滥用职权,造成国有公司、企业破产或者严重损失,致使国家利益遭受重大损失的,处三年以下有期徒刑或者拘役;致使国家利益遭受特别重大损失的,处三年以上七年以下有期徒刑。

Where an employee of a state-owned institution commits the crime as mentioned in the preceding paragraph, causing heavy losses to the interests of the state, he shall be punished according to the preceding paragraph.

国有事业单位的工作人员有前款行为,致使国家利益遭受重大损失的,依照前款的规定处罚。

Where an employee of a state-owned company, enterprise or institution commits the crimes as mentioned in the preceding two paragraphs out of irregularities for favoritism, he shall be given a heavier punishment according to the first paragraph of this article.

国有公司、企业、事业单位的工作人员, 徇私舞弊, 犯前两款罪的, 依照第一款的规定从重处罚。



Article 169. Where a directly liable executive in charge of a state-owned company or enterprise or the appropriate superior authority makes falsification for personal gain by converting state-owned assets into shares or selling state-owned assets at a low price, the executive shall, if any significant loss is caused to the national interest, be sentenced to imprisonment of not more than three years or limited incarceration, or if any especially significant loss is caused to the national interest, be sentenced to imprisonment of not less than three years nor more than seven years.

Where the directly liable executive in charge of any other company or enterprise makes falsification for personal gain by converting state-owned assets into shares or selling state-owned assets at a low price, causing any significant loss to the interests of the company or enterprise, the executive in charge shall be punished in accordance with the provision of the preceding paragraph.

Article 169 (I): Where any director, supervisor or senior manager of any listed company goes against his fiduciary duty to the company and takes advantage of his position to manipulate the listed company in any of the following circumstances so that the listed company suffers from any serious loss, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and/or shall be fined. If the listed company thus suffers from extremely serious losses, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined:

第一百六十九条 【徇私舞弊低价折股、出售公司、企业资产罪】国有公司、企业或者其上级主管部门直接负责的主管人员,徇私舞弊,将国有资产低价折股或者低价出售,致使国家利益遭受重大损失的,处三年以下有期徒刑或者拘役;致使国家利益遭受特别重大损失的,处三年以上七年以下有期徒刑。

其他公司、企业直接负责的主管人员,徇私舞弊,将公司、企业资产 低价折股或者低价出售,致使公司、企业利益遭受重大损失的,依照 前款的规定处罚。

第一百六十九条之一 【背信损害上市公司利益罪】上市公

司的董事、监事、高级管理人员违背对公司的忠实义务,利用职务便利,操纵上市公司从事下列行为之一,致使上市公司利益遭受重大损失的,处三年以下有期徒刑或者拘役,并处或者单处罚金;致使上市公司利益遭受特别重大损失的,处三年以上七年以下有期徒刑,并处罚金;



- (1) Providing any fund, commodity, service or any other asset gratuitously to any other entity or individual;
- (一)无偿向其他单位或者个人提供资金、商品、服务或者其他资产的:
- (2) Providing or accepting any fund, commodity, service or any other asset under obviously unfair terms;
- (二)以明显不公平的条件,提供或者接受资金、商品、服务或者其 他资产的;
- (3) Providing any fund, commodity, service or any other asset to any entity or individual who obviously does not have the ability of repayment;
- (三)向明显不具有清偿能力的单位或者个人提供资金、商品、服务 或者其他资产的;
- (4) Providing any guarantee to any entity or individual who obviously does not have the ability of repayment, or providing guarantee to any other entity or individual without justifiable reasons;
- (四)为明显不具有清偿能力的单位或者个人提供担保,或者无正当理由为其他单位或者个人提供担保的;
- (5) Waiving any credit or undertaking any debt without justifiable reasons;
- (五) 无正当理由放弃债权、承担债务的;
- (6) Injuring the interests of the listed company by any other means.
- (六) 采用其他方式损害上市公司利益的。

Where the controlling shareholder or actual controller of a listed company instigates any of the directors, supervisors, or senior managers of the listed company to conduct any of the acts as described in the preceding paragraph, it or he shall be penalized according to the preceding paragraph.

上市公司的控股股东或者实际控制人,指使上市公司董事、监事、高 级管理人员实施前款行为的,依照前款的规定处罚。

If the controlling shareholder or actual controller of the listed company that commits the crime as described in the preceding paragraph is an entity, a fine shall be imposed upon the entity and the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the first paragraph herein.

犯前款罪的上市公司的控股股东或者实际控制人是单位的,对单位判 处罚金,并对其直接负责的主管人员和其他直接责任人员,依照第一 款的规定处罚。



Section 4. The Crimes of Undermining the Order of Financial Management

第四节 破坏金融管理秩序罪

Article 170. Whoever counterfeits currencies shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if there is any of the following circumstances, be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property:

第一百七十条 【伪造货币罪】伪造货币的,处三年以上十 年以下有期徒刑,并处罚金;有下列情形之一的,处十年以上有期徒 刑或者无期徒刑,并处罚金或者没收财产:

- (1) Being a ringleader of a currency-counterfeiting ring.
- (2) The amount of counterfeit currencies is especially large.
- (一) 伪造货币集团的首要分子;

(3) Any other especially serious circumstance.

(三)有其他特别严重情节的。

Article 171 . Whoever sells or buys a substantial amount of counterfeit money or transports it with the full knowledge that it is counterfeit shall be sentenced to not more than three years in prison or limited incarceration. In addition, he or she shall be fined not less than 20,000 vuan and not more than 200,000 vuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially huge, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

第一百七十一条 【出售、购买、运输假币罪】出售、购买 伪造的货币或者明知是伪造的货币而运输,数额较大的,处三年以下 有期徒刑或者拘役,并处二万元以上二十万元以下罚金;数额巨大 的, 处三年以上十年以下有期徒刑, 并处五万元以上五十万元以下罚 金;数额特别巨大的,处十年以上有期徒刑或者无期徒刑,并处五万 元以上五十万元以下罚金或者没收财产。



Employees of banks or other financial institutions who buy counterfeit money or take advantage of their positions to trade counterfeit money for real currency shall be sentenced to not less than three years and not more than 10 years in prison. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large or if the circumstances are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan or have their property confiscated. If the circumstances are not so serious, they shall be sentenced to not more than three years in prison or limited incarceration.

They shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. Whoever counterfeits money and sells or transports the counterfeit money shall be convicted and given stiff punishment in accordance with the provisions in Article 170 of this law.

【金融工作人员购买假币、以假币换取货币罪】银行或者其他金融机构的工作人员购买伪造的货币或者利用职务上的便利,以伪造的货币换取货币的,处三年以上十年以下有期徒刑,并处二万元以上二十万元以下罚金;数额巨大或者有其他严重情节的,处十年以上有期徒刑或者无期徒刑,并处二万元以上二十万元以下罚金或者没收财产;情节较轻的,处三年以下有期徒刑或者拘役,并处或者单处一万元以上十万元以下罚金。

【伪造货币罪】伪造货币并出售或者运输伪造的货币的,依照本法第 一百七十条的规定定罪从重处罚。



Article 172. Whoever knowingly possesses or uses a substantial amount of counterfeit money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Article 173. Whoever alters a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

第一百七十二条 【持有、使用假币罪】明知是伪造的货币而持有、使用,数额较大的,处三年以下有期徒刑或者拘役,并处或者单处一万元以上十万元以下罚金;数额巨大的,处三年以上十年以下有期徒刑,并处二万元以上二十万元以下罚金;数额特别巨大的,处十年以上有期徒刑,并处五万元以上五十万元以下罚金或者没收财产

第一百七十三条 【变造货币罪】变造货币,数额较大的,处三年以下有期徒刑或者拘役,并处或者单处一万元以上十万元以下罚金;数额巨大的,处三年以上十年以下有期徒刑,并处二万元以上二十万元以下罚金。

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Article 174 . Whoever establishes, without the approval

of the competent authorities of the state, a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fixterm imprisonment of not less than three years but not more than ten years, and/or shall be imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan.

第一百七十四条 【擅自设立金融机构罪】未经国家有关主管部门批准,擅自设立商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的,处三年以下有期徒刑或者拘役,并处或者单处二万元以上二十万元以下罚金;情节严重的,处三年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金。

Whoever forges, alters or transfers the permit for operation or other documents of approval of a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be punished according to the preceding paragraph.

【伪造、变造、转让金融机构经营许可证、批准文件罪】伪造、变造、转让商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的经营许可证或者批准文件的,依照前款的规定处罚。

Where an entity commits the crimes as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be punished according to the first paragraph of this article.

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照第一款的规定处罚。







Article 175. Whoever illegally obtains credit funds from a financial institution and relends them to other people at a high interest rate with the aim of making a profit shall be sentenced to not more than three years in prison or limited incarceration, if the amount of illegal proceeds is substantial. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than seven years in prison. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds.

第一百七十五条 【高利转贷罪】以转贷牟利为目的,套取金融机构信贷资金高利转贷他人,违法所得数额较大的,处三年以下有期徒刑或者拘役,并处违法所得一倍以上五倍以下罚金;数额巨大的,处三年以上七年以下有期徒刑,并处违法所得一倍以上五倍以下罚金。

If the crime mentioned in the preceding paragraph is committed by an entity, the liable entity shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than three years in prison or limited incarceration.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役。

Article 175 (I): Whoever, by deceptive means, obtains a loan, the acceptance of a negotiable instrument, a letter of credit, or a letter of guarantee, among others, from a bank or any other financial institution shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only if it causes any significant loss to the bank or financial institution; or shall be sentenced to imprisonment of not less than three years nor more than seven years and a fine if it causes any especially significant loss to the bank or financial institution or there is any other especially serious circumstance.

第一百七十五条之一 【骗取贷款、票据承兑、金融票证 罪】以欺骗手段取得银行或者其他金融机构贷款、票据承兑、信用 证、保函等,给银行或者其他金融机构造成重大损失的,处三年以下 有期徒刑或者拘役,并处或者单处罚金;给银行或者其他金融机构造 成特别重大损失或者有其他特别严重情节的,处三年以上七年以下有 期徒刑,并处罚金。



Where any entity commits the crime as described in the preceding paragraph, it shall be fined, and the persons-incharge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 176. Whoever absorbs public savings illegally or in disguise, disrupting the financial order, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years and a fine.

第一百七十六条 【非法吸收公众存款罪】非法吸收公众存 款或者变相吸收公众存款,扰乱金融秩序的,处三年以下有期徒刑或 者拘役,并处或者单处罚金;数额巨大或者有其他严重情节的,处三 年以上十年以下有期徒刑,并处罚金;数额特别巨大或者有其他特别 严重情节的,处十年以上有期徒刑,并处罚金。

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,依照前款的规定处罚。

Whoever commits any conduct set forth in the preceding two paragraphs but voluntarily returns the illegally obtained money or makes compensation to reduce the occurrence of harmful results before being prosecuted by the state may be given a lighter or mitigated punishment.

有前两款行为,在提起公诉前积极退赃退赔,减少损害结果发生的,可以从轻或者减轻处罚。



Article 177. Whoever forges or alters financial bills in any of the following ways shall be sentenced to not more than five years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the circumstances are serious, he or she shall be sentenced to not less than five years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the circumstances are especially serious, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated:

- (1) Forging or altering bank drafts, cashier's checks, and checks:
- (2) Forging or altering documents authorizing collection of payments, remittance documents, certificates of deposit, and other account-settlement documents:
- (3) Forging or altering letters of credit or accompanying documents;
- (4) Forging credit cards.

If the crimes mentioned in the preceding paragraph are committed by an entity, the liable entity shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

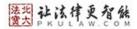
第一百七十七条 【伪造、变造金融票证罪】有下列情形之

一,伪造、变造金融票证的,处五年以下有期徒刑或者拘役,并处或者单处二万元以上二十万元以下罚金;情节严重的,处五年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金;情节特别严重的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产:



- (二)伪造、变造委托收款凭证、汇款凭证、银行存单等其他银行结 算凭证的;
- (三)伪造、变造信用证或者附随的单据、文件的;
- (四) 伪造信用卡的。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。



Article 177 (I) Under any of the following

circumstances, anyone who disrupts the management of credit cards shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or deprivation of political rights, and shall be concurrently or separately fined 10, 000 yuan up to 100, 000 yuan; if the sum involved is huge or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 3 up to 10 years and shall be concurrently fined 20,000 yuan up to 200,000 yuan:

- (1) knowingly holding or transporting a relatively large number of counterfeited credit cards or blank credit cards;
- (2) unlawfully holding a relatively large number of others' credit cards;
- (3) having obtained credit cards by using false identity certification;
- (4) selling, selling, providing others with counterfeited credit cards or obtaining credit cards by using false identity certification.

Anyone who steals, buys or illicitly supplies information of others' credit cards shall be punished in accordance with the preceding paragraph.

Any employee of a bank or of any other financial institution who violates any of the crimes as described in the second paragraph by taking the advantage of his position shall be given a heavier punishment.

第一百七十七条之一 【妨害信用卡管理罪】有下列情形之

一,妨害信用卡管理的,处三年以下有期徒刑或者拘役,并处或者单处一万元以上十万元以下罚金;数量巨大或者有其他严重情节的,处三年以上十年以下有期徒刑,并处二万元以上二十万元以下罚金;

- (一)明知是伪造的信用卡而持有、运输的,或者明知是伪造的空白信用卡而持有、运输,数量较大的;
- (二) 非法持有他人信用卡, 数量较大的;
- (三)使用虚假的身份证明骗领信用卡的;
- (四)出售、购买、为他人提供伪造的信用卡或者以虚假的身份证明 骗领的信用卡的。

【窃取、收买、非法提供信用卡信息罪】窃取、收买或者非法提供他 人信用卡信息资料的,依照前款规定处罚。

银行或者其他金融机构的工作人员利用职务上的便利,犯第二款罪的,从重处罚。



Article 178. Whoever forges or alters treasury bonds or other negotiable securities issued by the state involving a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison or life imprisonment. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

Whoever forges or alters share certificates or company and enterprise bonds involving a substantial amount of money shall be sentenced to not more than three years in prison or limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

If the crimes mentioned in the preceding two paragraphs are committed by an entity, the liable entity shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

第一百七十八条 【伪造、变造国家有价证券罪】伪造、变造国库券或者国家发行的其他有价证券,数额较大的,处三年以下有期徒刑或者拘役,并处或者单处二万元以上二十万元以下罚金;数额巨大的,处三年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金;数额特别巨大的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产。

【伪造、变造股票、公司、企业债券罪】伪造、变造股票或者公司、 企业债券,数额较大的,处三年以下有期徒刑或者拘役,并处或者单 处一万元以上十万元以下罚金;数额巨大的,处三年以上十年以下有 期徒刑,并处二万元以上二十万元以下罚金。

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照前两款的规定处罚。

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Article 179. Whoever issues shares or company and enterprise bonds involving a large amount of money without the permission of relevant state departments shall be sentenced to not more than five years in prison or limited incarceration if the consequences are serious or if the circumstances are otherwise serious. He or she shall be fined, additionally or exclusively, a sum not less than 1 percent and not more than 5 percent of the illegally raised funds.

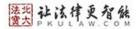
If the crime mentioned in the preceding paragraph is committed by an entity, the liable entity shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than five years in prison or limited incarceration.

Article 180. Whoever has inside information on securities or futures transactions or illegally obtains inside information on securities or futures transactions, and prior to the release of the information that involves the issuance of securities or securities or futures transactions or other information that has a material effect on the transaction price of securities or futures, buys or sells the said securities, engages in the futures transaction related to the inside information, leaks the said information, or explicitly or implicitly advises others to engage in the aforesaid transaction activities shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and/or be fined 1 to 5 times the illegal gains; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined 1 to 5 times the illegal gains.

第一百七十九条 【擅自发行股票、公司、企业债券罪】未 经国家有关主管部门批准,擅自发行股票或者公司、企业债券,数额 巨大、后果严重或者有其他严重情节的,处五年以下有期徒刑或者拘 役,并处或者单处非法募集资金金额百分之一以上百分之五以下罚 金

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑或者拘役。

第一百八十条 【内幕交易、泄露内幕信息罪】证券、期货交易内幕信息的知情人员或者非法获取证券、期货交易内幕信息的人员,在涉及证券的发行,证券、期货交易或者其他对证券、期货交易价格有重大影响的信息尚未公开前,买入或者卖出该证券,或者从事与该内幕信息有关的期货交易,或者泄露该信息,或者明示、暗示他人从事上述交易活动,情节严重的,处五年以下有期徒刑或者拘役,并处或者单处违法所得一倍以上五倍以下罚金;情节特别严重的,处五年以上十年以下有期徒刑,并处违法所得一倍以上五倍以下罚金。



Where an entity commits the crime as mentioned in the preceding paragraph, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be sentenced to fix-term imprisonment of not more than five years or limited incarceration.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑或者拘役。

The range of inside information and the insiders shall be determined in accordance with the laws and administrative regulations.

内幕信息、知情人员的范围, 依照法律、行政法规的规定确定。

Where any practitioner of a stock exchange, a futures exchange, a securities company, a futures brokerage company, a fund management company, a commercial bank, an insurance company or any other financial institution or any staff member of the relevant regulatory department or industry association uses any undisclosed information obtained by taking advantage of his position other than the inside formation to engage in the securities or futures transaction activities related to the said information or explicitly or implicitly advise others to engage in the relevant transaction activities in violation of the relevant provisions, and the circumstances are serious, he shall be punished under paragraph 1.

【利用未公开信息交易罪】证券交易所、期货交易所、证券公司、期货经纪公司、基金管理公司、商业银行、保险公司等金融机构的从业人员以及有关监管部门或者行业协会的工作人员,利用因职务便利获取的内幕信息以外的其他未公开的信息,违反规定,从事与该信息相关的证券、期货交易活动,或者明示、暗示他人从事相关交易活动,情节严重的,依照第一款的规定处罚。

Article 181. Whoever fabricates and spreads false information to adversely affect stock or futures exchange transactions, disrupt the stock or futures exchange market shall, if the consequences are serious, be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan.

第一百八十一条 【编造并传播证券、期货交易虚假信息

罪】编造并且传播影响证券、期货交易的虚假信息,扰乱证券、期货 交易市场,造成严重后果的,处五年以下有期徒刑或者拘役,并处或 者单处一万元以上十万元以下罚金。



Any employee of a stock exchange, futures exchange, securities company or futures brokering company or any member of a securities association or futures association or department for the administration of securities or futures who deliberately provides false information or forges, alters or destroys transaction records in order to cajole investors into buying or selling securities or futures contracts and thus serious consequences have resulted, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or shall be imposed a fine of not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, and/or shall be imposed a fine of not less

【诱骗投资者买卖证券、期货合约罪】证券交易所、期货交易所、证券公司、期货经纪公司的从业人员,证券业协会、期货业协会或者证券期货监督管理部门的工作人员,故意提供虚假信息或者伪造、变造、销毁交易记录,诱骗投资者买卖证券、期货合约,造成严重后果的,处五年以下有期徒刑或者拘役,并处或者单处一万元以上十万元以下罚金;情节特别恶劣的,处五年以上十年以下有期徒刑,并处二万元以上二十万元以下罚金。

Where an entity commits the crime as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the crime shall be sentenced to fix-term imprisonment of not more than five years or limited incarceration.

than 20,000 yuan but not more than 200,000 yuan.

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,处五年以下有期徒刑或者拘役。



Article 182. Whoever falls under any of the following circumstances to manipulate the securities or futures market, affecting securities or futures trading prices or securities or futures trading volumes shall, if the circumstances are serious, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

第一百八十二条 【操纵证券、期货市场罪】有下列情形之一,操纵证券、期货市场,影响证券、期货交易价格或者证券、期货交易量,情节严重的,处五年以下有期徒刑或者拘役,并处或者单处罚金;情节特别严重的,处五年以上十年以下有期徒刑,并处罚金;

- (1) Alone or by conspiracy, purchasing or selling securities jointly or continuously by concentrating advantages in funds or holdings of shares or positions or using advantages in information.
- (一)单独或者合谋,集中资金优势、持股或者持仓优势或者利用信息优势联合或者连续买卖的;
- (2) Colluding with any other person to trade in securities or futures mutually at the time and price and in the manner as agreed upon in advance.
- (二)与他人串通,以事先约定的时间、价格和方式相互进行证券、 期货交易的;
- (3) Trading in securities between accounts under the person's actual control or by acting as the counterparty, purchasing from himself or herself or selling to himself or herself futures agreements.
- (三)在自己实际控制的帐户之间进行证券交易,或者以自己为交易 对象,自买自卖期货合约的;
- (4) Placing and canceling buy or sell orders for securities or futures frequently or in large numbers, not for the purpose of consummation of trades.
- (四)不以成交为目的,频繁或者大量申报买入、卖出证券、期货合约并撤销申报的;
- (5) Inducing investors to trade in securities or futures by using false or uncertain material information.
- (五)利用虚假或者不确定的重大信息,诱导投资者进行证券、期货交易的;



(6) Providing the public with any evaluation, forecast, or investment advice on securities, securities issuers, or subject matters of futures transactions, while trading in the securities or relevant futures in the opposite direction.

(六)对证券、证券发行人、期货交易标的公开作出评价、预测或者 投资建议,同时进行反向证券交易或者相关期货交易的;

(7) Otherwise manipulating the securities or futures market.

(七)以其他方法操纵证券、期货市场的。

Where any entity commits the crime as described in the preceding paragraph, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible any other liable persons shall be penalized according to the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,依照前款的规定处罚。

Article 183. Personnel of insurance companies who take advantage of their office to intentionally make false claims on insured incidents which have not occurred to defraud insurance indemnity are to be sentenced and punished in accordance with the stipulations of Article 271 of this law.

第一百八十三条 【职务侵占罪】保险公司的工作人员利用 职务上的便利,故意编造未曾发生的保险事故进行虚假理赔,骗取保 险金归自己所有的,依照本法第二百七十一条的规定定罪处罚。

Personnel of state-owned insurance companies and personnel delegated by state-owned insurance companies to perform official duties in non-state-owned insurance companies who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 382 and Article 383 of this law.

【贪污罪】国有保险公司工作人员和国有保险公司委派到非国有保险公司从事公务的人员有前款行为的,依照本法第三百八十二条、第三百八十三条的规定定罪处罚。



Article 184 . Personnel of banks or other monetary institutions who ask others for money or goods, or illegally accept money or goods from others in activities of monetary business and seek benefits for others, or accept rebate or service charges for themselves under various pretexts in violation of state stipulations are to be sentenced and punished in accordance with the

stipulations of Article 163 of this law.

第一百八十四条 【非国家工作人员受贿罪】银行或者其他金融机构的工作人员在金融业务活动中索取他人财物或者非法收受他人财物,为他人谋取利益的,或者违反国家规定,收受各种名义的回扣、手续费,归个人所有的,依照本法第一百六十三条的规定定罪处罚。

Personnel of state-owned monetary institutions and personnel delegated by state-owned monetary institutions to perform official duties in non-state-owned monetary institutions who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations in Article 385 and Article 386 of this law.

【受贿罪】国有金融机构工作人员和国有金融机构委派到非国有金融 机构从事公务的人员有前款行为的,依照本法第三百八十五条、第三 百八十六条的规定定罪处罚。

Article 185. Any employee of a commercial bank, securities exchange, futures exchange, securities company, futures brokering company, insurance company or of any other banking institution who, by taking advantage of his position, misappropriates money belonging to the entity or any client shall be convicted and punished according to Article 272 of this Law.

第一百八十五条 【挪用资金罪】商业银行、证券交易所、 期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构 的工作人员利用职务上的便利,挪用本单位或者客户资金的,依照本 法第二百七十二条的规定定罪处罚。

If any employee of a State-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution or any person who is assigned by a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other banking institution to an institution that is not owned by the state to engage in public service commits the act as mentioned in the preceding paragraph, he shall be convicted and punished according to the provisions in Article 384 of this Law.

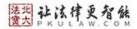
Article 185 (I): Where any commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company, or any other financial institution violates its fiduciary duty, unlawfully utilizes the funds or any other entrusted property of its clients, and if the circumstances are serious, a fine shall be imposed upon the entity, and the persons-in-charge who are held to be directly responsible as well as other directly liable persons shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall be fined 30,000 yuan up to 300,000 yuan. If the circumstances are extremely serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and shall be fined 50,000 yuan up to 500,000 yuan.

【挪用公款罪】国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构的工作人员和国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构委派到前款规定中的非国有机构从事公务的人员有前款行为的,依照本法第三百八十四条的规定定罪处罚。

第一百八十五条之一 【背信运用受托财产罪】商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者 其他金融机构,违背受托义务,擅自运用客户资金或者其他委托、信 托的财产,情节严重的,对单位判处罚金,并对其直接负责的主管人 员和其他直接责任人员,处三年以下有期徒刑或者拘役,并处三万元 以上三十万元以下罚金;情节特别严重的,处三年以上十年以下有期 徒刑,并处五万元以上五十万元以下罚金。



法實



Where any public fund management institution such as a social security fund management institution or housing accumulation fund management institution, or any insurance company, insurance asset management company, or securities investment fund management company violates any of the state provisions in its use of funds, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

【违法运用资金罪】社会保障基金管理机构、住房公积金管理机构等公众资金管理机构,以及保险公司、保险资产管理公司、证券投资基金管理公司,违反国家规定运用资金的,对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 186. Where any of the employees of any bank or any other financial institution grants any loan by violating the relevant provisions of the state and the sum is huge or any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and shall be fined 10,000 yuan up to 100,000 yuan. If the sum is extremely huge or extremely serious losses have resulted, he shall be sentenced to fixed-term imprisonment of more than five years, and shall be fined 20,000 yuan up to 200,000 yuan.

第一百八十六条 【违法发放贷款罪】银行或者其他金融机构的工作人员违反国家规定发放贷款,数额巨大或者造成重大损失的,处五年以下有期徒刑或者拘役,并处一万元以上十万元以下罚金;数额特别巨大或者造成特别重大损失的,处五年以上有期徒刑,并处二万元以上二十万元以下罚金。

Where any employee of any bank or any other financial institution violates the relevant provisions of the state to grant loans to any of his relatives, he shall be penalized according to the preceding paragraph.

银行或者其他金融机构的工作人员违反国家规定,向关系人发放贷款的,依照前款的规定从重处罚。

Institutions that commit a crime mentioned in the preceding two paragraphs are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding two paragraphs.

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照前两款的规定处罚。



The scope of related people is determined in accordance with the Law of Commercial Banks of the People's Republic of China and other monetary laws and regulations concerned.

关系人的范围,依照《中华人民共和国商业银行法》和有关金融法规 确定。

Article 187. Where any employee of any bank or any other financial institution accepts the money of any client without writing it into the accounts, and if the sum is huge or if any serious loss has resulted, he shall be sentenced to fixed-term imprisonment of not more than five years, and shall be fined 20,000 yuan up to 200,000 yuan. If the sum is extremely huge or the losses are extremely serious, he shall be sentenced to fixed-term imprisonment of five years or more, and shall be fined 50,000 yuan up to 500,000 yuan.

第一百八十七条 【吸收客户资金不入帐罪】银行或者其他金融机构的工作人员吸收客户资金不入帐,数额巨大或者造成重大损失的,处五年以下有期徒刑或者拘役,并处二万元以上二十万元以下罚金;数额特别巨大或者造成特别重大损失的,处五年以上有期徒刑,并处五万元以上五十万元以下罚金。

Institutions which commit a crime mentioned in the preceding paragraph is to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 188. Where any employee of any bank or any other financial institution violates the relevant provisions when issuing any letter of credit, letter of guarantee, instrument, certificate of deposit, certification of credit, etc. to any other person, and if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration. If the circumstances are extremely severe, he shall be sentenced to fixed-term imprisonment of five years or more.

第一百八十八条 【违规出具金融票证罪】银行或者其他金融机构的工作人员违反规定,为他人出具信用证或者其他保函、票据、存单、资信证明,情节严重的,处五年以下有期徒刑或者拘役;情节特别严重的,处五年以上有期徒刑。



Institutions which commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime, or other personnel directly responsible for the crime are to be punished in accordance with the stipulations of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 189. Personnel of banks or other monetary institutions who, in handling bills, accept, make payment for, or stand guarantee for, bills which are issued in violation of the Negotiable Instruments Law, thus causing serious losses, are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration; when the losses are especially serious, the sentence is to be not less than five years of fixed-term imprisonment.

第一百八十九条 【对违法票据承兑、付款、保证罪】银行 或者其他金融机构的工作人员在票据业务中,对违反票据法规定的票 据予以承兑、付款或者保证,造成重大损失的,处五年以下有期徒刑 或者拘役;造成特别重大损失的,处五年以上有期徒刑。

Institutions that commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be punished in accordance with the stipulations in the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,依照前款的规定处罚。



Article 190. Companies, enterprises or other organizations, should they, in violation of state stipulations, deposit foreign exchange outside of the country without authorization or illegally transfer foreign exchange out of the country, if the amount is relatively huge, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount and the directly responsible executives and other directly responsible people shall be imposed a less than five year term of imprisonment or limited incarceration. If the amount is huge or there are other serious offenses, the organization shall be imposed a fine whose amount ranges from 5% to 30% of the evaded foreign exchange amount, and the directly responsible executives and other directly responsible people shall be imposed a more than five year term of imprisonment.

Article 191. Whoever commits any of the following conduct to cover up or conceal the origin and nature of any proceeds of a drug crime, organized crime of a gangland nature, terrorist crime, crime of smuggling, crime of corruption or bribery, crime of disrupting the order of financial administration, or crime of financial fraud as well as any gains accrued by such proceeds shall, in addition to the forfeiture of the aforesaid proceeds of crime and gains accrued by such proceeds, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

(1) Providing any account for the aforesaid funds.

第一百九十条 【逃汇罪】公司、企业或者其他单位,违反 国家规定,擅自将外汇存放境外,或者将境内的外汇非法转移到境 外,数额较大的,对单位判处逃汇数额百分之五以上百分之三十以下 罚金,并对其直接负责的主管人员和其他直接责任人员,处五年以下 有期徒刑或者拘役;数额巨大或者有其他严重情节的,对单位判处逃 汇数额百分之五以上百分之三十以下罚金,并对其直接负责的主管人 员和其他直接责任人员,处五年以上有期徒刑。

第一百九十一条 【洗钱罪】为掩饰、隐瞒毒品犯罪、黑社会性质的组织犯罪、恐怖活动犯罪、走私犯罪、贪污贿赂犯罪、破坏金融管理秩序犯罪、金融诈骗犯罪的所得及其产生的收益的来源和性质,有下列行为之一的,没收实施以上犯罪的所得及其产生的收益,处五年以下有期徒刑或者拘役,并处或者单处罚金;情节严重的,处五年以上十年以下有期徒刑,并处罚金;

(一) 提供资金帐户的;



- (2) Converting property into cash, negotiable instruments, or denominated securities.
- (二) 将财产转换为现金、金融票据、有价证券的;
- (3) Transferring funds by bank transfer or in any other manner of payment and settlement.
- (三)通过转帐或者其他支付结算方式转移资金的;

(4) Transferring assets across the border.

- (四) 跨境转移资产的;
- (5) Otherwise covering up or concealing the origin and nature of any proceeds of crime and gains accrued by such proceeds.
- (五)以其他方法掩饰、隐瞒犯罪所得及其收益的来源和性质的

Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

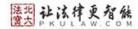
单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,依照前款的规定处罚。

Section 5 . Crimes of Financial Fraud

第五节 金融诈骗罪

Article 192. Whoever illegally raises funds by fraudulent means for the purpose of illegal possession shall, if the amount involved is relatively large, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or if the amount involved is huge or there is any other serious circumstance, be sentenced to imprisonment of not less than seven years or life imprisonment and a fine or forfeiture of property.

第一百九十二条 【集资诈骗罪】以非法占有为目的,使用 诈骗方法非法集资,数额较大的,处三年以上七年以下有期徒刑,并 处罚金;数额巨大或者有其他严重情节的,处七年以上有期徒刑或者 无期徒刑,并处罚金或者没收财产。



Where an entity commits a crime provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provision of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,依照前款的规定处罚。

Article 193. Whoever for the purpose of illegal possession commits any of the following acts to defraud the banks or other monetary institutions of loans, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan, or confiscation of property:

第一百九十三条 【贷款诈骗罪】有下列情形之一,以非法 占有为目的,诈骗银行或者其他金融机构的贷款,数额较大的,处五 年以下有期徒刑或者拘役,并处二万元以上二十万元以下罚金;数额 巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处五 万元以上五十万元以下罚金;数额特别巨大或者有其他特别严重情节 的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以 下罚金或者没收财产:

- cooking up false reasons for importing funds or projects;
- (2) using false economic contracts;
- (3) using false certificates;
- (4) using false property right certificates for guarantee or making duplicate guarantee exceeding the value of the mortgaged goods; and

- (一) 编造引进资金、项目等虚假理由的;
- (二) 使用虚假的经济合同的;
- (三) 使用虚假的证明文件的;
- (四)使用虚假的产权证明作担保或者超出抵押物价值重复担保的;



(5) defrauding loans by other means.

Article 194. Whoever commits any of the following acts to carry out fraudulent activities with financial bills, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and to a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous, or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment and a fine of not less than 50,000 yuan and

(1) knowingly using forged, altered drafts, cashier's checks, and checks;

not more than 500,000 yuan, or confiscation of property:

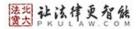
- (2) knowingly using voided drafts, cashier's checks, checks:
- (3) uttering other people's drafts, cashier's checks, checks;
- (4) signing a dud check or a check with signature different from the specimen one;
- (5) issuing drafts or cashier's checks without guaranteed funds, or making false records in issuing drafts or cashier's checks to defraud money and goods.

(五)以其他方法诈骗贷款的。

第一百九十四条 【票据诈骗罪】有下列情形之一,进行金融票据诈骗活动,数额较大的,处五年以下有期徒刑或者拘役,并处二万元以上二十万元以下罚金;数额巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产;

- (一) 明知是伪造、变造的汇票、本票、支票而使用的;
- (二) 明知是作废的汇票、本票、支票而使用的;
- (三)冒用他人的汇票、本票、支票的;
- (四)签发空头支票或者与其预留印鉴不符的支票,骗取财物的;

(五) 汇票、本票的出票人签发无资金保证的汇票、本票或者在出票 时作虚假记载,骗取财物的。



Whoever uses forged and altered documents of authority for collection, remittance documents, bank certificates of deposit, and other bank documents of settlement is to be punished in accordance with the stipulations of the preceding paragraph.

【金融凭证诈骗罪】使用伪造、变造的委托收款凭证、汇款凭证、银行存单等其他银行结算凭证的,依照前款的规定处罚。

Article 195. Whoever uses one of the following ways for fraudulent activities with letters of credit is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and a find of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan or confiscation of property:

第一百九十五条 【信用证诈骗罪】有下列情形之一,进行信用证诈骗活动的,处五年以下有期徒刑或者拘役,并处二万元以上二十万元以下罚金;数额巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产:

- (1) using forged or altered letters of credit or bills and documents attached:
- (一) 使用伪造、变造的信用证或者附随的单据、文件的;

(2) using voided letters of credit;

(二) 使用作废的信用证的;

- (3) obtaining letters of credit by fraud; and
- (三)骗取信用证的;
- (4) carrying out fraudulent activities with letters of credit in other ways.
- (四)以其他方法进行信用证诈骗活动的。



Article 196. Anyone who commits fraud by means of a credit card in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than 5 years or limited incarceration and shall be concurrently or separately fined 20,000 yuan up to 200,000 yuan; if the sum involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 5 up to 10 years and shall be concurrently fined 50,000 yuan up to 500,000 yuan; if the sum involved is extremely huge, or if there are other extremely serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall be concurrently fined 50,000 yuan up to 500,000 yuan or be sentenced to confiscation of all personal property:

第一百九十六条 【信用卡诈骗罪】有下列情形之一,进行信用卡诈骗活动,数额较大的,处五年以下有期徒刑或者拘役,并处二万元以上二十万元以下罚金;数额巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产:

- using a forged credit card or using a credit card obtained by using false identity certification;
- (2) using an invalidated credit card;
- (3) illegally using another's credit card; or
- (4) overdrawing with ill intentions.

The phrase "overdrawing with ill intentions" as mentioned in the preceding paragraph means that a credit card holder who, for the purpose of illegal possession, overdraws beyond the limited amount or beyond the time limit and refuses to repay the overdrawn amount after the bank that issues the card demands him to do so.

- (一)使用伪造的信用卡,或者使用以虚假的身份证明骗领的信用卡的。
- (二) 使用作废的信用卡的:
- (三)冒用他人信用卡的;
- (四) 恶意透支的。

前款所称恶意透支,是指持卡人以非法占有为目的,超过规定限额或者规定期限透支,并且经发卡银行催收后仍不归还的行为。



Anyone who steals a credit card and uses it shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

【盗窃罪】盗窃信用卡并使用的,依照本法第二百六十四条的规定定 罪处罚。

Article 197 . Whoever uses a relatively substantial amount of forged or altered treasury bills or other negotiable securities issued by the state to engage in fraudulent activities shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration and be fined no more than 200,000 yuan but no less than 20,000 yuan; when the amount is large and other serious circumstances are involved, the sentence shall be no more than 10 years but no less than five years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan; and when the amount is extraordinarily large and other especially serious circumstances are involved, the sentence shall be life imprisonment or no less than 10 years of fixed-term imprisonment and a fine of no more than 500,000 yuan but no less than 50,000 yuan, or confiscation of property.

第一百九十七条 【有价证券诈骗罪】使用伪造、变造的国 库券或者国家发行的其他有价证券,进行诈骗活动,数额较大的,处 五年以下有期徒刑或者拘役,并处二万元以上二十万元以下罚金;数 额巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处 五万元以上五十万元以下罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产。

Article 198. Fraudulent insurance activities falling under any one of the following circumstances shall, for cases involving relatively large amounts be punished with imprisonment or limited incarceration of less than five years, with a fine of over 10,000 yuan but less than 100,000 yuan; for cases involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving extraordinarily large amounts, or of a serious nature, with imprisonment of over 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan, or with forfeiture of property:

第一百九十八条 【保险诈骗罪】有下列情形之一,进行保险诈骗活动,数额较大的,处五年以下有期徒刑或者拘役,并处一万元以上十万元以下罚金;数额巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处二万元以上二十万元以下罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑,并处二万元以上二十万元以下罚金或者没收财产;



- (1) policy holder intentionally fabricates insurance object to deceive insurance money;
- (一) 投保人故意虚构保险标的, 骗取保险金的;
- (2) policy holder, the insured, or the beneficiary fabricates false causes to insurance incident or inflate the extent of loss to deceive insurance money;
- (二) 投保人、被保险人或者受益人对发生的保险事故编造虚假的原 因或者夸大损失的程度,骗取保险金的;
- (3) policy holder, the insured, or the beneficiary fabricate non-existing insurance incident to deceive insurance money;
- (三)投保人、被保险人或者受益人编造未曾发生的保险事故,骗取保险金的;
- (4) policy holder, the insured, or the beneficiary intentionally create an insurance incident with property loss to deceive insurance money; or
- (四)投保人、被保险人故意造成财产损失的保险事故,骗取保险金的;
- (5) policy holder or the beneficiary intentionally causes the death, injury, or sickness of the insured to deceive insurance money.
- (五)投保人、受益人故意造成被保险人死亡、伤残或者疾病,骗取保险金的。

Acts falling under preceding Paragraphs (4) and (5) which constitute other crimes shall be punished for all offenses committed.

有前款第四项、第五项所列行为,同时构成其他犯罪的,依照数罪并 罚的规定处罚。

Entities violating Paragraph (1) shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or limited incarceration of less than five years; for cases involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years; for cases involving extraordinarily large amounts, with imprisonment of over five years but less than 10 years; or, in cases involving an extraordinary large amount, or of a serious nature, with imprisonment of over 10 years.

单位犯第一款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,处五年以下有期徒刑或者拘役;数额巨大或者有 其他严重情节的,处五年以上十年以下有期徒刑;数额特别巨大或者 有其他特别严重情节的,处十年以上有期徒刑。



Appraisers, certifiers, and property valuers, who intentionally provide false evidence to abet others to commit fraud, shall be punished as insurance fraudulence accomplices.

保险事故的鉴定人、证明人、财产评估人故意提供虚假的证明文件, 为他人诈骗提供条件的,以保险诈骗的共犯论处。

Article 199. (Deleted)

第一百九十九条 (删去)

Article 200. Where an entity commits a crime provided for in Article 194 or 195 of this Section, the entity shall be sentenced to a fine, and its directly liable executive and other directly liable persons shall each be sentenced to imprisonment of not more than five years or limited incarceration, and may each be sentenced to a fine; or if the amount involved is huge or there is any other serious circumstance, be sentenced to imprisonment of not less than five years nor more than ten years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine.

Section 6 . Offenses Against Tax Collection and Management

第二百条 【单位犯金融诈骗罪的处罚规定】单位犯本节第一百九十四条、第一百九十五条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑或者拘役,可以并处罚金;数额巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处罚金。

第六节 危害税收征管罪







Article 201 . Where any taxpayer files false tax returns by cheating or concealment or fails to file tax returns, and the amount of evaded taxes is relatively large and accounts for more than 10 percent of payable taxes, he shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; or if the amount is huge and accounts for more than 30 percent of payable taxes, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

第二百零一条 【逃税罪】纳税人采取欺骗、隐瞒手段进行 虚假纳税申报或者不申报,逃避缴纳税款数额较大并且占应纳税额百 分之十以上的,处三年以下有期徒刑或者拘役,并处罚金;数额巨大 并且占应纳税额百分之三十以上的,处三年以上七年以下有期徒刑, 并处罚金。

Where any withholding agent fails to pay or fails to pay in full the withheld or collected taxes by cheating or concealment, and the amount is relatively large, he shall be punished under the preceding paragraph.

扣缴义务人采取前款所列手段,不缴或者少缴已扣、已收税款,数额 较大的, 依照前款的规定处罚。

Where either of the acts described in the preceding two paragraphs is committed many times without punishment, 对多次实施前两款行为,未经处理的,按照累计数额计算。 the amount shall be calculated on an accumulated basis.

Where any taxpayer who committed the act as described in paragraph 1 has made up the payable taxes and paid the late fine after the tax authority sent down the notice of tax recovery according to law, and has been administratively punished, he shall not be subject to criminal liability, except one who has been criminally punished in five years for evading tax payment or has been, twice or more, administratively punished by the tax authorities.

有第一款行为, 经税务机关依法下达追缴通知后, 补缴应纳税款, 缴 纳滞纳金,已受行政处罚的,不予追究刑事责任;但是,五年内因逃 避缴纳税款受过刑事处罚或者被税务机关给予二次以上行政处罚的除 外。







Article 202 . Using violence or threatening means to refuse payment of tax shall be punished with imprisonment or limited incarceration of less than three years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay; for cases of a serious nature, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the amount of taxes so refused to pay.

第二百零二条 【抗税罪】以暴力、威胁方法拒不缴纳税款的,处三年以下有期徒刑或者拘役,并处拒缴税款一倍以上五倍以下罚金;情节严重的,处三年以上七年以下有期徒刑,并处拒缴税款一倍以上五倍以下罚金。

Article 203 . Taxpayers who fail to settle payable taxes, or transfer or conceal property resulting in tax organs being unable to recover the owed taxes of over 10,000 yuan but less than 100,000 yuan, shall be punished with imprisonment or limited incarceration of less than three years, with a fine or a separately imposed fine of over 100 percent and less than 500 percent of the unsettled amount; if the amount in question exceeds 100,000 yuan, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the unsettled amount.

第二百零三条 【逃避追缴欠税罪】纳税人欠缴应纳税款, 采取转移或者隐匿财产的手段,致使税务机关无法追缴欠缴的税款, 数额在一万元以上不满十万元的,处三年以下有期徒刑或者拘役,并 处或者单处欠缴税款一倍以上五倍以下罚金;数额在十万元以上的, 处三年以上七年以下有期徒刑,并处欠缴税款一倍以上五倍以下罚 金。



法實



Article 204. Using false export reports or other fraudulent means to defraud state export tax refunds involving a relatively large amount shall be punished with imprisonment or limited incarceration of less than five years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving large amounts or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving extraordinarily large amounts, or of a especially serious nature with imprisonment of over 10 years or life imprisonment, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund, or with forfeiture of property.

Tax payers using the fraudulent means mentioned in preceding paragraph to deceptively reclaim their paid taxes shall be convicted and punished according to provisions of Article 201, with those who deceptively claim more than what they have paid, being punished according to provisions of the preceding paragraph.

第二百零四条 【骗取出口退税罪】以假报出口或者其他欺骗手段,骗取国家出口退税款,数额较大的,处五年以下有期徒刑或者拘役,并处骗取税款一倍以上五倍以下罚金;数额巨大或者有其他严重情节的,处五年以上十年以下有期徒刑,并处骗取税款一倍以上五倍以下罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处骗取税款一倍以上五倍以下罚金或者没收财产。

【逃税罪】纳税人缴纳税款后,采取前款规定的欺骗方法,骗取所缴纳的税款的,依照本法第二百零一条的规定定罪处罚;骗取税款超过所缴纳的税款部分,依照前款的规定处罚。



Article 205. Falsely issuing exclusive value-added tax invoices or other invoices to defraud export tax refunds or to off set taxes shall be punished with imprisonment or limited incarceration of less than three years, with a fine of over 20,000 yuan and less than 200,000 yuan; for cases involving relatively large amounts of falsely reported taxes, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large amounts of falsely reported taxes, or of a more serious nature, with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Entities committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment of limited incarceration of less than three years; for cases involving relatively large amounts of taxes, or with a serious nature, with imprisonment of over three years but less than ten years; for cases involving large amounts of taxes, or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

Falsely issuing exclusive value-added tax invoices or other invoices to defraud export tax refunds or to off set taxes refers to any false issuance intended for others or himself, or letting others falsely issue for him, or induce others to falsely issue.

第二百零五条 【虚开增值税专用发票、用于骗取出口退税、抵扣税款发票罪】虚开增值税专用发票或者虚开用于骗取出口退税、抵扣税款的其他发票的,处三年以下有期徒刑或者拘役,并处二万元以上二十万元以下罚金;虚开的税款数额较大或者有其他严重情节的,处三年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金;虚开的税款数额巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产。

单位犯本条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役;虚开的税款数额较大或者有其他严重情节的,处三年以上十年以下有期徒刑;虚开的税款数额巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑。

虚开增值税专用发票或者虚开用于骗取出口退税、抵扣税款的其他发票,是指有为他人虚开、为自己虚开、让他人为自己虚开、介绍他人 虚开行为之一的。



Article 205 (I): Whoever falsely issues any invoice other than those as mentioned in Article 205 of this Law shall be sentenced to imprisonment of not more than 2 years, limited incarceration or probation and a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the circumstances are especially serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 206. Forging or selling forged exclusive value-added tax invoices shall be punished with imprisonment or limited incarceration of or restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving relatively large quantities, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantities or of a especially serious nature, with imprisonment of over ten years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

第二百零五条之一 【虚开发票罪】虚开本法第二百零五条 规定以外的其他发票,情节严重的,处二年以下有期徒刑、拘役或者管制,并处罚金;情节特别严重的,处二年以上七年以下有期徒刑,并处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,依照前款的规定处罚。

第二百零六条 【伪造、出售伪造的增值税专用发票罪】伪 造或者出售伪造的增值税专用发票的,处三年以下有期徒刑、拘役或 者管制,并处二万元以上二十万元以下罚金;数量较大或者有其他严 重情节的,处三年以上十年以下有期徒刑,并处五万元以上五十万元 以下罚金;数量巨大或者有其他特别严重情节的,处十年以上有期徒 刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产。



Entities committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment or limited incarceration, or restriction for less than three years; for cases involving relatively large quantities or of a serious nature, with imprisonment of over three years but less than 10 years; for cases involving large quantities or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

单位犯本条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑、拘役或者管制;数量较大或者有其他严重情节的,处三年以上十年以下有期徒刑;数量巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑。

Article 207. Committing illegal sale of exclusive value-added tax invoices shall be punished with imprisonment or limited incarceration, or restriction for less than three years, with a fine over 20,000 yuan but less than 200,000 yuan.; for cases involving relatively large quantities, with imprisonment over three years but less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantity with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

第二百零七条 【非法出售增值税专用发票罪】非法出售增值税专用发票的,处三年以下有期徒刑、拘役或者管制,并处二万元以上二十万元以下罚金;数量较大的,处三年以上十年以下有期徒刑,并处五万元以上五十万元以下罚金;数量巨大的,处十年以上有期徒刑或者无期徒刑,并处五万元以上五十万元以下罚金或者没收财产

Article 208 . Illegal purchase of exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be punished with imprisonment or limited incarceration of less than five years, with a fine or a separately imposed fine of over 20,000 yuan and less than 200,000 yuan.

第二百零八条 【非法购买增值税专用发票、购买伪造的增值税专用发票罪】非法购买增值税专用发票或者购买伪造的增值税专用发票的,处五年以下有期徒刑或者拘役,并处或者单处二万元以上二十万元以下罚金。

Falsely issuing or reselling illegally purchased exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be convicted and punished respectively under Articles 205, 206, and 207 of this law.

【虚开增值税专用发票、用于骗取出口退税、抵扣税款发票罪】【伪造、出售伪造的增值税专用发票罪】【非法出售增值税专用发票罪】 非法购买增值税专用发票或者购买伪造的增值税专用发票又虚开或者出售的,分别依照本法第二百零五条、第二百零六条、第二百零七条的规定定罪处罚。

Article 209. Forging or manufacturing without authority or selling or manufacturing without authority other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished with imprisonment or limited incarceration and restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving large quantities, with imprisonment of over three years but less than seven years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving extraordinarily large quantities, with imprisonment of over seven years, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Forging or manufacturing without authority or selling other invoices manufactured without authority, which have not been mentioned in the preceding paragraph, shall be punished with imprisonment or limited incarceration of, or restriction for less than two years, with a fine of over 10,000 yuan but less than 50,000 yuan; for cases of a serious nature, with imprisonment of over two years and less than seven years, with a fine of over 50,000 yuan and less than 500,000 yuan.

Illegal sale of other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished according to the first paragraph.

Illegal sale of other invoices not mentioned in the third paragraph shall be punished according to the second paragraph. 第二百零九条 【非法制造、出售非法制造的用于骗取出口退税、抵扣税款发票罪】伪造、擅自制造或者出售伪造、擅自制造的可以用于骗取出口退税、抵扣税款的其他发票的,处三年以下有期徒刑、拘役或者管制,并处二万元以上二十万元以下罚金:数量巨大的,处三年以上七年以下有期徒刑,并处五万元以上五十万元以下罚金;数量特别巨大的,处七年以上有期徒刑,并处五万元以上五十万元以下罚金或者没收财产。

【非法制造、出售非法制造的发票罪】伪造、擅自制造或者出售伪造、擅自制造的前款规定以外的其他发票的,处二年以下有期徒刑、拘役或者管制,并处或者单处一万元以上五万元以下罚金;情节严重的,处二年以上七年以下有期徒刑,并处五万元以上五十万元以下罚金。

【非法出售用于骗取出口退税、抵扣税款发票罪】非法出售可以用于 骗取出口退税、抵扣税款的其他发票的,依照第一款的规定处罚。

【非法出售发票罪】非法出售第三款规定以外的其他发票的,依照第 二款的规定处罚。



Article 210. Theft of exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes, shall be convicted and punished according to Article 264 of this law.

Obtaining by fraudulent means exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes shall be convicted and punished according to Article 266 of this law.

Article 210 (I): Whoever knowingly holds counterfeit invoices shall be sentenced to imprisonment of not more than 2 years, limited incarceration or probation and a fine if the quantity is relatively large; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the quantity is huge.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

Article 211. Entities committing offenses under Articles 201, 203, 204, 207, 208, and 209 of this section shall be punished with fines, with personnel directly in charge and other directly responsible personnel being punished according to these articles, respectively.

第二百一十条 【盗窃罪】盗窃增值税专用发票或者可以用于骗取出口退税、抵扣税款的其他发票的,依照本法第二百六十四条的规定定罪处罚。

【诈骗罪】使用欺骗手段骗取增值税专用发票或者可以用于骗取出口 退税、抵扣税款的其他发票的,依照本法第二百六十六条的规定定罪 处罚。

第二百一十条之一 【持有伪造的发票罪】明知是伪造的发票而持有,数量较大的,处二年以下有期徒刑、拘役或者管制,并处罚金;数量巨大的,处二年以上七年以下有期徒刑,并处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第二百一十一条 【单位犯危害税收征管罪的处罚规定】单位犯本节第二百零一条、第二百零三条、第二百零四条、第二百零七条、第二百零八条、第二百零九条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各该条的规定处罚。



Article 212 Fines and forfeitures of property imposed against offenders convicted under Articles 201 through 205 of this section should not be enforced until the tax authorities have recovered the taxes in question and the export tax refunds so defrauded.

Section 7 . Infringement of Intellectual Property Rights

Article 213. Whoever, without the permission of the owner of a registered trademark, uses a trademark identical with the registered trademark on the same kind of goods or services shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

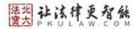
Article 214. Whoever knowingly sells goods on which a false registered trademark is used shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

第二百一十二条 【税收征缴优先原则】犯本节第二百零一条至第二百零五条规定之罪,被判处罚金、没收财产的,在执行前,应当先由税务机关追缴税款和所骗取的出口退税款。

第七节 侵犯知识产权罪

第二百一十三条 【假冒注册商标罪】未经注册商标所有人 许可,在同一种商品、服务上使用与其注册商标相同的商标,情节严 重的,处三年以下有期徒刑,并处或者单处罚金;情节特别严重的, 处三年以上十年以下有期徒刑,并处罚金。

第二百一十四条 【销售假冒注册商标的商品罪】销售明知 是假冒注册商标的商品,违法所得数额较大或者有其他严重情节的, 处三年以下有期徒刑,并处或者单处罚金;违法所得数额巨大或者有 其他特别严重情节的,处三年以上十年以下有期徒刑,并处罚金。



Article 215. Whoever forges or produces without permission the labels of another person's registered trademark or sells the labels of a registered trademark that are forged or produced without permission shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

第二百一十五条 【非法制造、销售非法制造的注册商标标识罪】伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识,情节严重的,处三年以下有期徒刑,并处或者单处罚金;情节特别严重的,处三年以上十年以下有期徒刑,并处罚金。

Article 216. Whoever counterfeits other people's patents, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

第二百一十六条 【假冒专利罪】假冒他人专利,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚金。

Article 217. Whoever falls under any of the following circumstances to, for profits, infringe upon any copyright or any right related to copyright shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine:

第二百一十七条 【侵犯著作权罪】以营利为目的,有下列 侵犯著作权或者与著作权有关的权利的情形之一,违法所得数额较大 或者有其他严重情节的,处三年以下有期徒刑,并处或者单处罚金; 违法所得数额巨大或者有其他特别严重情节的,处三年以上十年以下 有期徒刑,并处罚金:

(1) Reproducing and distributing or communicating to the public through an information network any written work, musical work, work of fine arts, audiovisual work, computer software, or other work set out by a law or administrative regulation without the permission of its copyright owner.

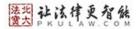
(一)未经著作权人许可,复制发行、通过信息网络向公众传播其文字作品、音乐、美术、视听作品、计算机软件及法律、行政法规规定的其他作品的;



- (2) Publishing any book of which another person has the exclusive right of publication.
- (3) Reproducing and distributing or communicating to the public through an information network any audio or video recording without the permission of its producer.
- (4) Reproducing and distributing any audio or video recording of, or communicating to the public through an information network, any performance without the permission of its performer.
- (5) Producing or selling any work of fine arts on which the signature of author is fake.
- (6) Intentionally evading or disrupting the technical measures taken by a copyright owner or the holder of a right related to the copyright to protect the copyright or right related to the copyright in a work or audio or video recording, among others, without the permission of the copyright owner or right holder.
- Article 218. Whoever, for profits, knowingly sells any infringing reproductions set forth in Article 217 of this Law shall, if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only.

- (二) 出版他人享有专有出版权的图书的;
- (三)未经录音录像制作者许可,复制发行、通过信息网络向公众传 播其制作的录音录像的;
- (四)未经表演者许可,复制发行录有其表演的录音录像制品,或者通过信息网络向公众传播其表演的;
- (五)制作、出售假冒他人署名的美术作品的;
- (六)未经著作权人或者与著作权有关的权利人许可,故意避开或者破坏权利人为其作品、录音录像制品等采取的保护著作权或者与著作权有关的权利的技术措施的。

第二百一十八条 【销售侵权复制品罪】以营利为目的,销售明知是本法第二百一十七条规定的侵权复制品,违法所得数额巨大或者有其他严重情节的,处五年以下有期徒刑,并处或者单处罚金。



Article 219. Whoever commits any of the following conduct to infringe upon a trade secret shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more ten years and a fine:

第二百一十九条 【侵犯商业秘密罪】有下列侵犯商业秘密 行为之一,情节严重的,处三年以下有期徒刑,并处或者单处罚金; 情节特别严重的,处三年以上十年以下有期徒刑,并处罚金;

- (1) Obtaining a right holder's trade secret by theft, bribery, fraud, coercion, electronic intrusion, or any other illicit means.
- (一) 以盗窃、贿赂、欺诈、胁迫、电子侵入或者其他不正当手段获取权利人的商业秘密的:
- (2) Disclosing, using, or allowing any other person to use a trade secret obtained from a right holder by any means as mentioned in the preceding paragraph.
- (二)披露、使用或者允许他人使用以前项手段获取的权利人的商业 秘密的;
- (3) Disclosing, using, or allowing any other person to use a trade secret known by him or her in violation of confidentiality obligations or the right holder's requirements for keeping the trade secret confidential.
- (三)违反保密义务或者违反权利人有关保守商业秘密的要求,披露、使用或者允许他人使用其所掌握的商业秘密的。

Whoever knows any conduct set forth in the preceding paragraph but still acquires, discloses, uses, or allows any other person to use the trade secret shall be punished for infringing upon the trade secret.

明知前款所列行为,获取、披露、使用或者允许他人使用该商业秘密 的,以侵犯商业秘密论。

For the purposes of this article, 'right holder' means the owner of a trade secret and any person permitted by the owner to use the trade secret.

本条所称权利人,是指商业秘密的所有人和经商业秘密所有人许可的 商业秘密使用人。



Article 219 (I): Whoever steals, pries into, buys, or illegally provides any trade secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than five years and a fine.

第二百一十九条之一 【为境外窃取、刺探、收买、非法提供商业秘密罪】为境外的机构、组织、人员窃取、刺探、收买、非法提供商业秘密的,处五年以下有期徒刑,并处或者单处罚金; 情节严重的,处五年以上有期徒刑,并处罚金。

Article 220. Where an entity commits a crime provided for in Article 213 through Article 219A of this Section, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provisions of the aforesaid articles of this Section respectively.

第二百二十条 【单位犯侵犯知识产权罪的处罚规定】单位 犯本节第二百一十三条至第二百一十九条之一规定之罪的,对单位判 处罚金,并对其直接负责的主管人员和其他直接责任人员,依照本节 各该条的规定处罚。

Section 8 . Crimes of Disrupting Market Order

第八节 扰乱市场秩序罪

Article 221. Whoever fabricates and spreads falsified information to impair other people's commercial reputation and commodity reputation, and causes significant losses to others or if there are other serious circumstances, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

第二百二十一条 【损害商业信誉、商品声誉罪】捏造并散布虚伪事实,损害他人的商业信誉、商品声誉,给他人造成重大损失或者有其他严重情节的,处二年以下有期徒刑或者拘役,并处或者单处罚金。

Article 222 . Where, in violation of the state regulations, an advertisement owner, advertising agency, or advertisement carrier gives false publicity by taking the advantage of advertising a commodity or service, and when the circumstances are serious, he shall be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

第二百二十二条 【虚假广告罪】广告主、广告经营者、广告发布者违反国家规定,利用广告对商品或者服务作虚假宣传,情节严重的,处二年以下有期徒刑或者拘役,并处或者单处罚金。

法實



Article 223. Where bidders submit tenders in collusion and harm the interests of persons inviting tenders or other bidders, and when the circumstances are serious, they shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine.

Where bidders and persons inviting tenders harm the legitimate interests of the state, collectives, and the public by colluding in the bidding, they are to be punished in accordance with the stipulations stated in the preceding paragraph.

Article 224. Whoever, for the purpose of illegal possession, uses one of the following means during signing or executing a contract to obtain property and goods of the opposite party by fraud, and when the amount of money is relatively large, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine; or be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine, if the amount of money is huge or there are other serious circumstances; or be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and a fine or confiscation of property, if the amount of money is particularly huge or there are other particularly serious circumstances:

 sign a contract in the name of a made-up entity or under somebody else's name; 第二百二十三条 【串通投标罪】投标人相互串通投标报价,损害招标人或者其他投标人利益,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚金。

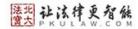
投标人与招标人串通投标,损害国家、集体、公民的合法利益的,依 照前款的规定处罚。

第二百二十四条 【合同诈骗罪】有下列情形之一,以非法 占有为目的,在签订、履行合同过程中,骗取对方当事人财物,数额 较大的,处三年以下有期徒刑或者拘役,并处或者单处罚金;数额巨 大或者有其他严重情节的,处三年以上十年以下有期徒刑,并处罚 金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑 或者无期徒刑,并处罚金或者没收财产:



法實

(一) 以虚构的单位或者冒用他人名义签订合同的;



- (2) use forged, altered, or invalid negotiable instruments or other false certificates of property rights as guaranties;
- (二)以伪造、变造、作废的票据或者其他虚假的产权证明作担保的;
- (3) fulfill small-amount contracts or partially fulfill the contract, instead of actually fulfilling the contract, to inveigle the opposite party into continuing to sign and fulfill the contract:
- (三)没有实际履行能力,以先履行小额合同或者部分履行合同的方法,诱骗对方当事人继续签订和履行合同的;
- (4) go into hiding after receiving goods, payment, advance payment, or property as guaranty from the opposite party;
- (四)收受对方当事人给付的货物、货款、预付款或者担保财产后逃匿的;
- (5) defraud the opposite party's property through other means.
- (五)以其他方法骗取对方当事人财物的。

Article 224 (I): Whoever organizes or leads the pyramid selling activities to cheat the participants of property and disturb the economic and social order, in which, in the name of marketing commodities, providing services or any other business operation, the participants are required to obtain the qualification for participation by paying fees, purchasing commodities or services or any other means, the participants are classified into different levels according to a certain order, the calculation of remunerations or kickbacks to participants is directly or indirectly dependent on the number of persons recruited, and the participants are induced to continue or coerced into continuing recruiting others to participate, shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixedterm imprisonment not less than five years, and be fined.

第二百二十四条之一 【组织、领导传销活动罪】组织、领导以推销商品、提供服务等经营活动为名,要求参加者以缴纳费用或者购买商品、服务等方式获得加入资格,并按照一定顺序组成层级,直接或者间接以发展人员的数量作为计酬或者返利依据,引诱、胁迫参加者继续发展他人参加,骗取财物,扰乱经济社会秩序的传销活动的,处五年以下有期徒刑或者拘役,并处罚金; 情节严重的,处五年以上有期徒刑,并处罚金。



property:

Article 225. Whoever, in violation of the state stipulations, has one of the following illegal business acts, which disrupts the market order and when the circumstances are serious, is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of his illegal income and, where the circumstances are particularly serious, be sentenced to not less than five years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of his illegal income or the confiscation of his

第二百二十五条 【非法经营罪】违反国家规定,有下列非法经营行为之一,扰乱市场秩序,情节严重的,处五年以下有期徒刑或者拘役,并处或者单处违法所得一倍以上五倍以下罚金;情节特别严重的,处五年以上有期徒刑,并处违法所得一倍以上五倍以下罚金或者没收财产;

- (1) engage in the monopoly business or monopolized commodities stipulated in laws and administrative regulations, or other commodities whose purchase and sale are controlled, without permission;
- (一)未经许可经营法律、行政法规规定的专营、专卖物品或者其他 限制买卖的物品的;
- (2) purchase and sell import-export licenses, certificates of origin, and operation permits or approved documents stipulated by other laws and administrative regulations;
- (二) 买卖进出口许可证、进出口原产地证明以及其他法律、行政法规规定的经营许可证或者批准文件的;
- (3) illegally operating the business of securities, futures or insurance, or illegally engaging in fund payment and settlement business, without the approval of the relevant competent departments of the state;
- (三)未经国家有关主管部门批准非法经营证券、期货、保险业务的,或者非法从事资金支付结算业务的;
- (4) conduct other illegal business activities that seriously disrupt the market order.
- (四) 其他严重扰乱市场秩序的非法经营行为。



serious:

Article 226. Whoever commits any of the following acts by violence or threat shall be sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine if the circumstances are especially

第二百二十六条 【强迫交易罪】以暴力、威胁手段,实施下列行为之一,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金;

- (1) Forcing any other person to purchase or sell commodities:
- (一) 强买强卖商品的;
- (2) Forcing any other person to provide or accept services;
- (二)强迫他人提供或者接受服务的;
- (3) Forcing any other person to participate in or withdraw from a bidding or audition;
- (三)强迫他人参与或者退出投标、拍卖的;
- (4) Forcing any other person to transfer or acquire stocks or bonds of a corporation or enterprise or any other asset; or
- (四)强迫他人转让或者收购公司、企业的股份、债券或者其他资产的:
- (5) Forcing any other person to participate in or withdraw from a certain business operation.
- (五)强迫他人参与或者退出特定的经营活动的。



Article 227. Whoever forges or profiteers from forged train and ship tickets, stamps, or other valuable coupons, which involve a relatively large amount of money, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration or probation, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of the amount of the coupons; or, if a huge amount is involved, to not less then two years and not more than seven years of fixed-term imprisonment and a fine not less then 100 percent and not more than 500 percent of the amount of the coupons.

Whoever profiteers from train and ship tickets, when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration or probation, and may in addition or exclusively be sentenced to a fine of not less than 100 percent and not more than 500 percent of the amount of the coupons.

第二百二十七条 【伪造、倒卖伪造的有价票证罪】伪造或者倒卖伪造的车票、船票、邮票或者其他有价票证,数额较大的,处二年以下有期徒刑、拘役或者管制,并处或者单处票证价额一倍以上五倍以下罚金;数额巨大的,处二年以上七年以下有期徒刑,并处票证价额一倍以上五倍以下罚金。

【倒卖车票、船票罪】倒卖车票、船票,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或者单处票证价额—倍以上五倍以下罚金。



Article 228. Whoever, for the purpose of seeking personal gain, violates the laws and regulations on land management by illegally transferring and profiteering from land use rights and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or may in addition or exclusively be sentenced to a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights or, when the circumstances are particularly serious, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights.

Article 229. Where any employee of an intermediary organization assuming asset appraisal, capital verification, validation, accounting, auditing, legal service, sponsorship, security evaluation, environmental impact assessment, environmental monitoring, or any other duty intentionally provides any supporting document that is false, the employee shall be sentenced to imprisonment of not more than five years or limited incarceration and a fine if the circumstances are serious; or under any of the following circumstances, the employee shall be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

(1) Providing any false supporting document on asset appraisal, accounting, auditing, legal service, or sponsorship, among others, in relation to an offering of securities, with especially serious circumstances.

第二百二十八条 【非法转让、倒卖土地使用权罪】以牟利为目的,违反土地管理法规,非法转让、倒卖土地使用权,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金。

第二百二十九条 【提供虚假证明文件罪】承担资产评估、验资、验证、会计、审计、法律服务、保荐、安全评价、环境影响评价、环境监测等职责的中介组织的人员故意提供虚假证明文件,情节严重的,处五年以下有期徒刑或者拘役,并处罚金:有下列情形之一的,处五年以上十年以下有期徒刑,并处罚金:

(一)提供与证券发行相关的虚假的资产评估、会计、审计、法律服务、保荐等证明文件,情节特别严重的:



(2) Providing any false supporting document on asset appraisal, accounting, or auditing, among others, in relation to a major asset transaction, with especially serious circumstances.

(二)提供与重大资产交易相关的虚假的资产评估、会计、审计等证明文件,情节特别严重的;

(3) Providing any false supporting document on safety evaluation or environmental impact assessment, among others, for any major engineering works or project involving public security, which has caused an especially significant loss to the public property and the interests of the state and the people.

(三)在涉及公共安全的重大工程、项目中提供虚假的安全评价、环境影响评价等证明文件,致使公共财产、国家和人民利益遭受特别重大损失的。

Whoever, while committing any conduct set forth in the preceding paragraph, solicits or illegally accepts any money or property from any other person, which constitutes a crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

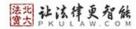
【提供虚假证明文件罪】有前款行为,同时索取他人财物或者非法收 受他人财物构成犯罪的,依照处罚较重的规定定罪处罚。

An employee as mentioned in paragraph 1 of this article who, in gross disregard of his or her duty, produces any supporting document materially inconsistent with the facts, which has serious consequences, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

【出具证明文件重大失实罪】第一款规定的人员,严重不负责任,出 具的证明文件有重大失实,造成严重后果的,处三年以下有期徒刑或 者拘役,并处或者单处罚金。







be sentenced to a fine.

Article 230. Whoever violates the rules of the law on import-export commodity inspection by avoiding commodity inspection and, without authorization, selling and using imported goods or exporting exported goods without having them gone through inspection by commodity inspection authorities as required, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively

Article 231. Where an entity commits the crimes stated in Article 221 through Article 230 of this section, it should be sentenced to a fine and its directly responsible person in charge and other directly responsible personnel be punished according to the stipulations in these articles.

Chapter IV Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens

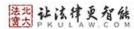
Article 232. Whoever intentionally kills another is to be sentenced to death, life imprisonment or not less than 10 years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

第二百三十条 【逃避商检罪】违反进出口商品检验法的规定,逃避商品检验,将必须经商检机构检验的进口商品未报经检验而擅自销售、使用,或者将必须经商检机构检验的出口商品未报经检验合格而擅自出口,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚金。

第二百三十一条 【单位犯扰乱市场秩序罪的处罚规定】单位犯本节第二百二十一条至第二百三十条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照本节各该条的规定处罚。

第四章 侵犯公民人身权利、民主权利罪

第二百三十二条 【故意杀人罪】故意杀人的,处死刑、无期徒刑或者十年以上有期徒刑;情节较轻的,处三年以上十年以下有期徒刑。



Article 233. Whoever negligently causes the death of another is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not more than three years of fixed-term imprisonment. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

第二百三十三条 【过失致人死亡罪】过失致人死亡的,处 三年以上七年以下有期徒刑;情节较轻的,处三年以下有期徒刑。本 法另有规定的,依照规定。

Article 234. Whoever intentionally injures the person of another is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation.

第二百三十四条 【故意伤害罪】故意伤害他人身体的,处 三年以下有期徒刑、拘役或者管制。

Whoever commits the crime in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; if he causes a person's death or causes a person's serious deformity by badly injuring him with particularly ruthless means, he is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

犯前款罪,致人重伤的,处三年以上十年以下有期徒刑;致人死亡或者以特别残忍手段致人重伤造成严重残疾的,处十年以上有期徒刑、 无期徒刑或者死刑。本法另有规定的,依照规定。

Article 234 (I): Whoever organizes others to sell human organs shall be sentenced to imprisonment of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years and a fine or forfeiture of property.

第二百三十四条之一 【组织出卖人体器官罪】组织他人出 卖人体器官的,处五年以下有期徒刑,并处罚金;情节严重的,处五 年以上有期徒刑,并处罚金或者没收财产。



Whoever removes any other person's organ without such other person's consent, removes any organ of a person under the age of 18 or forces or deceives any other person into donating any organ shall be convicted and punished according to the provisions of Articles 234 and 232 of this Law.

【故意伤害罪】【故意杀人罪】未经本人同意摘取其器官,或者摘取 不满十八周岁的人的器官,或者强迫、欺骗他人捐献器官的,依照本 法第二百三十四条、第二百三十二条的规定定罪处罚。

Whoever removes a dead person's organ against the person's will before his death or removes a dead person's organ against the will of the person's near relatives in violation of the provisions of the state provided that there is no consent from the person before his death shall be convicted and punished according to the provision of Article 302 of this Law.

【盗窃、侮辱、故意毁坏尸体、尸骨、骨灰罪】违背本人生前意愿摘取其尸体器官,或者本人生前未表示同意,违反国家规定,违背其近亲属意愿摘取其尸体器官的,依照本法第三百零二条的规定定罪处罚。

Article 235. Whoever negligently injures another and causes him serious injury is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration. Where this law has other stipulations, matters are to be handled in accordance with such stipulations.

第二百三十五条 【过失致人重伤罪】过失伤害他人致人重伤的,处三年以下有期徒刑或者拘役。本法另有规定的,依照规定。

Article 236. Whoever rapes a woman by violence, coercion, or any other means shall be sentenced to imprisonment of not less than three years nor more than ten years.

第二百三十六条 【强奸罪】以暴力、胁迫或者其他手段强 奸妇女的,处三年以上十年以下有期徒刑。

Whoever has sex with a female child under the age of 14 shall be deemed to have committed rape, and be given a heavier punishment.

奸淫不满十四周岁的幼女的, 以强奸论, 从重处罚。



Whoever rapes a woman or has sex with a female child shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death under any of the following circumstances:

强奸妇女、奸淫幼女,有下列情形之一的,处十年以上有期徒刑、无期徒刑或者死刑:

- (1) Raping a woman or having sex with a female child, with execrable circumstances.
- (一) 强奸妇女、奸淫幼女情节恶劣的;
- (2) Raping several women or having sex with several female children.
- (二)强奸妇女、奸淫幼女多人的;
- (3) Raping a woman or having sex with a female child in public at a public place.
- (三) 在公共场所当众强奸妇女、奸淫幼女的;

(4) Gang-raping by two or more persons.

- (四) 二人以上轮奸的;
- (5) Having sex with a female child under the age of 10 or causing any injury to a female child.
- (五) 奸淫不满十周岁的幼女或者造成幼女伤害的;
- (6) Causing any serious injury to or the death of the victim or having any other serious consequence.
- (六)致使被害人重伤、死亡或者造成其他严重后果的。

Article 236 (I): Where a person performing any guardianship, adoption, nursing, education, medical care, or other special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

第二百三十六条之一 【负有照护职责人员性侵罪】对已满 十四周岁不满十六周岁的未成年女性负有监护、收养、看护、教育、 医疗等特殊职责的人员,与该未成年女性发生性关系的,处三年以下 有期徒刑;情节恶劣的,处三年以上十年以下有期徒刑。



Where a person performing any guardianship, adoption, nursing, education, medical care, or other special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

有前款行为,同时又构成本法第二百三十六条规定之罪的,依照处罚 较重的规定定罪处罚。

Article 237. Whoever, by violence, coercion or other means, forces or molests any other person or humiliates a woman shall be sentenced to imprisonment of not more than five years or limited incarceration.

第二百三十七条 【强制猥亵、侮辱罪】以暴力、胁迫或者 其他方法强制猥亵他人或者侮辱妇女的,处五年以下有期徒刑或者拘 役。

Whoever assembles a crowd to commit, or commits in a public place, the crime as provided for in the preceding paragraph, or has any other execrable circumstance shall be sentenced to imprisonment of not more than five years.

聚众或者在公共场所当众犯前款罪的,或者有其他恶劣情节的,处五年以上有期徒刑。

Whoever molests a child shall be sentenced to imprisonment of not more than five years; or under any of the following circumstances, shall be sentenced to imprisonment of not less than five years:

【猥亵儿童罪】猥亵儿童的,处五年以下有期徒刑;有下列情形之一的,处五年以上有期徒刑:

- (1) Molesting several children or molesting a child on several occasions.
- (一) 猥亵儿童多人或者多次的;
- (2) Gang-molesting a child or molesting a child in public at a public place, with execrable circumstances.
- (二)聚众猥亵儿童的,或者在公共场所当众猥亵儿童,情节恶劣的;
- (3) Causing any injury to a child or having any other serious consequence.
- (三)造成儿童伤害或者其他严重后果的;



(4) Molesting by execrable means or there is any other execrable circumstance.

(四) 猥亵手段恶劣或者有其他恶劣情节的



Article 238. Whoever unlawfully detains another or deprives him of his freedom of the person by any other means is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights. In circumstances where beating or humiliation are involved, a heavier punishment is to be given.

第二百三十八条 【非法拘禁罪】非法拘禁他人或者以其他 方法非法剥夺他人人身自由的,处三年以下有期徒刑、拘役、管制或 者剥夺政治权利。具有殴打、侮辱情节的,从重处罚。

Whoever commits one of the crimes in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; when he causes a person's death, he is to be sentenced to not less than 10 years of fixed-term imprisonment; when he causes a person disability or death by violent means, he is to be punished in according with the stipulations in Article 234 and Article 232 of this law.

【故意伤害罪】【故意杀人罪】犯前款罪,致人重伤的,处三年以上 十年以下有期徒刑;致人死亡的,处十年以上有期徒刑。使用暴力致 人伤残、死亡的,依照本法第二百三十四条、第二百三十二条的规定 定罪处罚。

Whoever unlawfully detains or takes somebody into custody for the purpose of demanding the payment of a debt is to be given a punishment in accordance with the stipulations stated in the two preceding paragraphs.

为索取债务非法扣押、拘禁他人的, 依照前两款的规定处罚。

Where an employee of a state organ abuses his authority to commit any of the three aforementioned crimes, he is to receive a heavier punishment in accordance with the stipulations stated in the three preceding paragraphs.

国家机关工作人员利用职权犯前三款罪的,依照前三款的规定从重处罚。







Article 239. Whoever abducts any other person for extortion or abducts any other person as a hostage shall be sentenced to fixed-term imprisonment not less than ten years or life imprisonment, and be fined or be sentenced to confiscation of property; or if the circumstances are less serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined.

第二百三十九条 【绑架罪】以勒索财物为目的绑架他人的,或者绑架他人作为人质的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产;情节较轻的,处五年以上十年以下有期徒刑,并处罚金。

Whoever commits the crime as provided for in the preceding paragraph and kills the abducted person, or intentionally injures the abducted person, causing serious injury or death of the abducted person shall be sentenced to life imprisonment or the death penalty and forfeiture of property.

犯前款罪,杀害被绑架人的,或者故意伤害被绑架人,致人重伤、死 亡的,处无期徒刑或者死刑,并处没收财产。

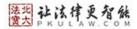
Whoever steals an infant for extortion shall be punished under the preceding two paragraphs.

以勒索财物为目的偷盗婴幼儿的,依照前两款的规定处罚。

Article 240. Those abducting and trafficking women or children are to be sentenced to 5 to 10 years in prison plus fine. Those falling into one or more of the following cases are to be sentenced to 10 years of more in prison or to be given life sentences, in addition to fines or confiscation of property. Those committing especially serious crimes are to be sentenced to death in addition to confiscation of property.

第二百四十条 【拐卖妇女、儿童罪】拐卖妇女、儿童的, 处五年以上十年以下有期徒刑,并处罚金;有下列情形之一的,处十 年以上有期徒刑或者无期徒刑,并处罚金或者没收财产;情节特别严 重的,处死刑,并处没收财产:

- (1) Primary elements of rings engaging in abducting and trafficking women or children;
- (一) 拐卖妇女、儿童集团的首要分子;
- (2) those abducting and trafficking more than three women and/or children;
- (二) 拐卖妇女、儿童三人以上的;



- (3) those raping abducted women;
- (4) those seducing, tricking, or forcing abducted women into prostitution, or those selling abducted women to others who in turn force them into prostitution;
- (5) those kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them;
- (6) those stealing or robbing infants or babies for the purpose of selling them;
- (7) those causing abducted women or children, or their family members, to serious injuries or death, or causing other grave consequences;
- (8) those selling abducted women or children to outside the country.

Abducting and trafficking women or children refers to abducting, kidnapping, buying, selling, transporting, or transshipping women or children.

Article 241. Those buying abducted women or children are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance.

Those buying abducted women and forcing them to have sex with them are to be convicted and punished according to stipulations of article 236.

- (三) 奸淫被拐卖的妇女的;
- (四)诱骗、强迫被拐卖的妇女卖淫或者将被拐卖的妇女卖给他人迫 使其卖淫的:
- (五)以出卖为目的,使用暴力、胁迫或者麻醉方法绑架妇女、儿童的:
- (六)以出卖为目的,偷盗婴幼儿的;
- (七)造成被拐卖的妇女、儿童或者其亲属重伤、死亡或者其他严重 后果的:
- (八) 将妇女、儿童卖往境外的。

拐卖妇女、儿童是指以出卖为目的,有拐骗、绑架、收买、贩卖、接 送、中转妇女、儿童的行为之一的。

第二百四十一条 【收买被拐卖的妇女、儿童罪】收买被拐卖的妇女、儿童印, 处三年以下有期徒刑、拘役或者管制。

【强奸罪】收买被拐卖的妇女,强行与其发生性关系的,依照本法第 二百三十六条的规定定罪处罚。



Those buying abducted women or children and illegally depriving them of or restricting their physical freedom, or injuring or insulting them, are to be convicted and punished according to relevant stipulations of this law.

收买被拐卖的妇女、儿童,非法剥夺、限制其人身自由或者有伤害、 侮辱等犯罪行为的,依照本法的有关规定定罪处罚。

Those buying abducted women or children and committing crimes stipulated in paragraphs two and three of this article are to be punished for committing more than one crime.

收买被拐卖的妇女、儿童,并有第二款、第三款规定的犯罪行为的, 依照数罪并罚的规定处罚。

Those buying and selling abducted women or children are to be convicted and punished according to article 240 of this law.

【拐卖妇女、儿童罪】收买被拐卖的妇女、儿童又出卖的,依照本法 第二百四十条的规定定罪处罚。

Whoever buys an abducted woman or child without maltreating the abducted child or obstructing the rescue of the woman or child may be given a lighter penalty; and may be given a lighter or mitigated penalty if he or she does not obstruct the abducted woman's return to the place where she comes from in her own will.

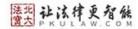
收买被拐卖的妇女、儿童,对被买儿童没有虐待行为,不阻碍对其进 行解救的,可以从轻处罚;按照被买妇女的意愿,不阻碍其返回原居 住地的,可以从轻或者减轻处罚。

Article 242. Those using force or coercion to obstruct workers of state organs from rescuing bought women or children are to be convicted and punished according to article 277 of this law.

第二百四十二条 【妨害公务罪】以暴力、威胁方法阻碍国 家机关工作人员解救被收买的妇女、儿童的,依照本法第二百七十七 条的规定定罪处罚。

Primary elements who lead other people to obstruct workers of state organs from rescuing bought women or children are to be sentenced to five years or fewer in prison or put under limited incarceration. Other elements who use force or coercion are to be punished according to paragraph one of this article.

【聚众阻碍解救被收买的妇女、儿童罪】聚众阻碍国家机关工作人员解救被收买的妇女、儿童的首要分子,处五年以下有期徒刑或者拘役;其他参与者使用暴力、威胁方法的,依照前款的规定处罚。



Article 243. Those fabricating stories to frame others or in an attempt to subject others to criminal investigation, if the case is serious, are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance. Those causing serious consequences are to be sentenced to three to 10 years in prison.

Workers of state organs committing crimes stipulated in the above paragraph are to be severely punished.

Stipulations in the above two paragraphs do not apply to those who do not deliberately frame others but accuse others by mistake, or who report others' crimes not conforming to the facts.

Article 244. Whoever forces any other person to work by violence, threat or restriction of personal freedom shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine.

Whoever knowingly recruits or transports a workforce for any other person to commit the act as mentioned in the preceding paragraph or otherwise assists in forcing any other person to work shall be punished according to the provision of the preceding paragraph.

Where an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of paragraph 1 of this Article.

第二百四十三条 【诬告陷害罪】捏造事实诬告陷害他人, 意图使他人受刑事追究,情节严重的,处三年以下有期徒刑、拘役或 者管制;造成严重后果的,处三年以上十年以下有期徒刑。

国家机关工作人员犯前款罪的,从重处罚。

不是有意诬陷, 而是错告, 或者检举失实的, 不适用前两款的规定。

第二百四十四条 【强迫劳动罪】以暴力、威胁或者限制人身自由的方法强迫他人劳动的,处三年以下有期徒刑或者拘役,并处罚金;情节严重的,处三年以上十年以下有期徒刑,并处罚金。

明知他人实施前款行为,为其招募、运送人员或者有其他协助强迫他 人劳动行为的,依照前款的规定处罚。

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照第一款的规定处罚。



Article 244(I): Where an employer, in violation of the laws and regulations on labor administration, hires minors under the age of 16 to conduct extremely intensive physical labor, work at high altitudes or work under the well or work under an explosive, flammable, radioactive or poisonous environment, if the circumstance is serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall also be fined; if the circumstance is especially serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall also be fined.

第二百四十四条之一 【雇用童工从事危重劳动罪】违反劳动管理法规,雇用未满十六周岁的未成年人从事超强度体力劳动的,或者从事高空、并下作业的,或者在爆炸性、易燃性、放射性、毒害性等危险环境下从事劳动,情节严重的,对直接责任人员,处三年以下有期徒刑或者拘役,并处罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金。

In case any employer that commits any act mentioned in the preceding Paragraph and causes an accident still commits any other crime, it shall be punished in accordance with the provisions on combined punishment for two and more crimes.

有前款行为,造成事故,又构成其他犯罪的,依照数罪并罚的规定处罚。

Article 245. Those illegally physically searching others or illegally searching others' residences, or those illegally intruding into others' residences, are to be sentenced to three years or fewer in prison, or put under limited incarceration.

第二百四十五条 【非法搜查罪】【非法侵入住宅罪】非法 搜查他人身体、住宅,或者非法侵入他人住宅的,处三年以下有期徒 刑或者拘役。

Judicial workers committing crimes stipulated in the above paragraph by abusing their authority are to be severely punished.

司法工作人员滥用职权,犯前款罪的,从重处罚。



Article 246. Those openly insulting others using force or other methods or those fabricating stories to slander others, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration or surveillance, or deprived of their political rights.

第二百四十六条 【侮辱罪】【诽谤罪】以暴力或者其他方 法公然侮辱他人或者捏造事实诽谤他人,情节严重的,处三年以下有 期徒刑、拘役、管制或者剥夺政治权利。

Those committing crimes mentioned above are to be investigated only if they are sued, with the exception of cases that seriously undermine social order or the state's interests.

前款罪,告诉的才处理,但是严重危害社会秩序和国家利益的除外。

Where the victim files a complaint with the people's court on the commission of the conduct as provided for in paragraph 1 through the information network, but it is indeed difficult to provide evidence, the people's court may require the public security authority to provide assistance.

通过信息网络实施第一款规定的行为,被害人向人民法院告诉,但提供证据确有困难的,人民法院可以要求公安机关提供协助。

Article 247. Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under limited incarceration. Those causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.

第二百四十七条 【刑讯逼供罪】【暴力取证罪】司法工作人员对犯罪嫌疑人、被告人实行刑讯逼供或者使用暴力逼取证人证言的,处三年以下有期徒刑或者拘役。致人伤残、死亡的,依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。







Article 248. Supervisory and management personnel of prisons, detention centers, and other guard houses who beat or physically abuse their inmates, if the case is serious, are to be sentenced to three years or fewer in prison or put under limited incarceration. If the case is especially serious, they are to be sentenced to three to 10 years in prison. Those causing injuries to injuries, physical disablement, or death, are to be convicted and severely punished according to article 234 and 232 of this law.

第二百四十八条 【虐待被监管人罪】监狱、拘留所、看守 所等监管机构的监管人员对被监管人进行殴打或者体罚虐待,情节严 重的,处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上 十年以下有期徒刑。致人伤残、死亡的,依照本法第二百三十四条、 第二百三十二条的规定定罪从重处罚。

Supervisory and management personnel who order inmates to beat or physically abuse other inmates are to be punished according to stipulations in the above paragraph.

监管人员指使被监管人殴打或者体罚虐待其他被监管人的,依照前款的规定处罚。

Article 249. Those provoking ethnic hatred or discrimination, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration or surveillance, or deprived of their political rights. If the case is especially serious, they are to be sentenced to three to 10 years in prison.

第二百四十九条 【煽动民族仇恨、民族歧视罪】煽动民族 仇恨、民族歧视,情节严重的,处三年以下有期徒刑、拘役、管制或 者剥夺政治权利;情节特别严重的,处三年以上十年以下有期徒刑。

Article 250. Persons directly responsible for publishing materials that discriminate or insult minority nationalities, if the case is serious and results in grave consequences, are to be sentenced to three years or fewer in prison, or put under limited incarceration or surveillance.

第二百五十条 【出版歧视、侮辱少数民族作品罪】在出版物中刊载歧视、侮辱少数民族的内容,情节恶劣,造成严重后果的,对直接责任人员,处三年以下有期徒刑、拘役或者管制。

Article 251. Workers of state organs who illegally deprive citizens' right to religious beliefs or who encroach on minority nationalities' customs or habits, if the case is serious, are to be sentenced to two years or fewer in prison or put under limited incarceration.

第二百五十一条 【非法剥夺公民宗教信仰自由罪】【侵犯 少数民族风俗习惯罪】国家机关工作人员非法剥夺公民的宗教信仰自 由和侵犯少数民族风俗习惯,情节严重的,处二年以下有期徒刑或者 拘役。



Article 252. Those infringing upon the citizens right of communication freedom by hiding, destroying, or illegally opening others' letters, if the case is serious, are to be sentenced to one year or less in prison or put under limited incarceration.

第二百五十二条 【侵犯通信自由罪】隐匿、毁弃或者非法 开拆他人信件,侵犯公民通信自由权利,情节严重的,处一年以下有 期徒刑或者拘役。

Article 253. Postal workers who open, hide, or destroy mail or telegrams without authorization are to be sentenced to two years or less in prison or put under limited incarceration.

第二百五十三条 【私自开拆、隐匿、毁弃邮件、电报罪】 邮政工作人员私自开拆或者隐匿、毁弃邮件、电报的,处二年以下有 期徒刑或者拘役。

Those committing crimes stipulated in the above paragraph and stealing money or other articles are to be convicted and severely punished according to article 264 of this law.

【盗窃罪】犯前款罪而窃取财物的,依照本法第二百六十四条的规定 定罪从重处罚。

Article 253 (I): Whoever sells or provides any citizen's personal information in violation of the relevant provisions of the state shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

第二百五十三条之一 【侵犯公民个人信息罪】违反国家有 关规定,向他人出售或者提供公民个人信息,情节严重的,处三年以 下有期徒刑或者拘役,并处或者单处罚金;情节特别严重的,处三年 以上七年以下有期徒刑,并处罚金。

Whoever sells or provides to any other person any citizen's personal information obtained in the course of performing functions or providing services in violation of any relevant provisions of the state shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

违反国家有关规定,将在履行职责或者提供服务过程中获得的公民个 人信息,出售或者提供给他人的,依照前款的规定从重处罚。



Whoever illegally obtains any citizen's personal information by stealing or other methods shall be punished in accordance with the provisions of paragraph 1.

窃取或者以其他方法非法获取公民个人信息的,依照第一款的规定处罚。

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

单位犯前三款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照各该款的规定处罚。

Article 254. Workers of state organs who abuse their authority by retaliating against or framing accusers, petitioners, criticizers, or informants, in the name of conducting official business, are to be sentenced to two years or less in prison or put under limited incarceration. If the case is serious, they are to be sentenced to two to seven years in prison.

第二百五十四条 【报复陷害罪】国家机关工作人员滥用职权、假公济私,对控告人、申诉人、批评人、举报人实行报复陷害的,处二年以下有期徒刑或者拘役;情节严重的,处二年以上七年以下有期徒刑。

institutions, offices, or other organizations who persecute and retaliate against accountants or statisticians who perform their duty according to law and boycott acts that violate the accounting law and statistics law, if the case is

Article 255. Leaders of companies, enterprises,

violate the accounting law and statistics law, if the case serious, are to be sentenced to three years or fewer in prison or put under limited incarceration.

第二百五十五条 【打击报复会计、统计人员罪】公司、企业、事业单位、机关、团体的领导人,对依法履行职责、抵制违反会计法、统计法行为的会计、统计人员实行打击报复,情节恶劣的,处三年以下有期徒刑或者拘役。



Article 256. In electing deputies to the people's congresses at all levels or leaders of state organs, those who undermine the elections or obstruct voters and deputies from freely exercising their right to vote or be elected by using force, coercion, deception, bribe; by falsifying election documents; by making a false report on the numbers of ballots; or by using other means, if the case is serious, are to be sentenced to three years or fewer in prison, put under limited incarceration, or deprived of their political rights.

第二百五十六条 【破坏选举罪】在选举各级人民代表大会 代表和国家机关领导人员时,以暴力、威胁、欺骗、贿赂、伪造选举 文件、虚报选举票数等手段破坏选举或者妨害选民和代表自由行使选 举权和被选举权,情节严重的,处三年以下有期徒刑、拘役或者剥夺 政治权利。

Article 257. Those using force to interfere in others' freedom of marriage are to be sentenced to two years or fewer in prison or put under limited incarceration.

第二百五十七条 【暴力干涉婚姻自由罪】以暴力干涉他人 婚姻自由的,处二年以下有期徒刑或者拘役。

Those committing crimes stipulated in the above paragraph and causing others to die are to be sentenced to two to seven years in prison.

犯前款罪,致使被害人死亡的,处二年以上七年以下有期徒刑。

Those committing crimes stipulated in the first paragraph of this article are to be investigated only if they are sued.

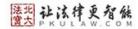
第一款罪,告诉的才处理。

Article 258. Those who have a spouse and get married again, or who marry someone whom they know has a spouse, are to be sentenced to two years or fewer in prison or put under limited incarceration.

第二百五十八条 【重婚罪】有配偶而重婚的,或者明知他 人有配偶而与之结婚的,处二年以下有期徒刑或者拘役。

Article 259. Those who live together with or marry someone whom they know is the spouse of an active duty service member are to be sentenced to three years or fewer in prison or put under limited incarceration.

第二百五十九条 【破坏军婚罪】明知是现役军人的配偶而与之同居或者结婚的,处三年以下有期徒刑或者拘役。



Those who use their authority or subordinate relationship to seduce the wives of active duty servicemen for illicit sexual relations by resorting to coercion are to be convicted and punished according to article 236 of this law.

【强奸罪】利用职权、从属关系,以胁迫手段奸淫现役军人的妻子的,依照本法第二百三十六条的规定定罪处罚。

Article 260. Those mistreating their family members, if the case is serious, are to be sentenced to two years or less in prison, or put under limited incarceration or surveillance.

第二百六十条 【虐待罪】虐待家庭成员,情节恶劣的,处 工年以下有期徒刑、拘役或者管制。

Those committing crimes stipulated in the above paragraph and causing the victims to severe injuries or death are to be sentenced to two to seven years in prison.

犯前款罪,致使被害人重伤、死亡的,处二年以上七年以下有期徒 刑。

The crime as provided for in paragraph 1 shall not be handled unless an accusation is filed, except when the victim is unable to file an accusation or fails to file an accusation due to coercion or intimidation.

第一款罪,告诉的才处理,但被害人没有能力告诉,或者因受到强制、威吓无法告诉的除外。

Article 260 (I): Whoever who has the duty to ward or nurse a juvenile, an elder person, a sick person, or a disabled person maltreats the person under his or her guardianship or nursing with execrable circumstances shall be sentenced to imprisonment of not more than three years or limited incarceration.

第二百六十条之一 【虐待被监护、看护人罪】对未成年 人、老年人、患病的人、残疾人等负有监护、看护职责的人虐待被监 护、看护的人,情节恶劣的,处三年以下有期徒刑或者拘役。

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。



Whoever commits any other crime while committing a crime as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有第一款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处 罚

Article 261. Those who have the obligation but refuse to support those who are aged, young, sick, or do not have the ability to live independently, if the case is serious, are to be sentenced to five years or fewer in prison or put under limited incarceration or surveillance.

第二百六十一条 【遗弃罪】对于年老、年幼、患病或者其他没有独立生活能力的人,负有扶养义务而拒绝扶养,情节恶劣的,处五年以下有期徒刑、拘役或者管制。

Article 262. Those abducting minors under 14 years of age from their family or guardians are to be sentenced to five years or less in prison or put under limited incarceration.

第二百六十二条 【拐骗儿童罪】拐骗不满十四周岁的未成年人,脱离家庭或者监护人的,处五年以下有期徒刑或者拘役。

Article 262 (I):Where anyone organizes any disabled person or any minor below the age of 14 by force or coercion to beg, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years not more than seven years, and shall be fined.

第二百六十二条之一 【组织残疾人、儿童乞讨罪】以暴力、胁迫手段组织残疾人或者不满十四周岁的未成年人乞讨的,处三年以下有期徒刑或者拘役,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。

Article 262 (II): Whoever organizes minors to commit theft, fraud, snatch, extortion or any other activity in violation of the public security administration shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

第二百六十二条之二 【组织未成年人进行违反治安管理活动罪】组织未成年人进行盗窃、诈骗、抢夺、敲诈勒索等违反治安管理活动的,处三年以下有期徒刑或者拘役,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。



Chapter V The Crime of Encroaching on Property

第五章 侵犯财产罪



Article 263. Those robbing public or private property using force, coercion, or other methods are to be sentenced to three to 10 years in prison in addition to fine. Those falling in one or more of the following cases are to be sentenced to 10 years or more in prison, given life sentences, or sentenced to death, in addition to fines or confiscation of property:

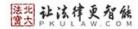
第二百六十三条 【抢劫罪】以暴力、胁迫或者其他方法抢劫公私财物的,处三年以上十年以下有期徒刑,并处罚金;有下列情形之一的,处十年以上有期徒刑、无期徒刑或者死刑,并处罚金或者没收财产:

- (1) those intruding into others' houses to rob;
- (一) 入户抢劫的;
- (2) those committing robbery on public transportation vehicles;
- (二) 在公共交通工具上抢劫的;
- (3) those robbing banks or other financial institutions;
- (三)抢劫银行或者其他金融机构的;
- (4) those committing several robberies or robbing large amounts of money or other properties;
- (四) 多次抢劫或者抢劫数额巨大的;
- (5) those causing serious injuries to or death while robbing;
- (五) 抢劫致人重伤、死亡的;
- (6) those committing robbery posing as servicemen or policemen;
- (六)冒充军警人员抢劫的:

(7) those committing robbery using guns;

- (七) 持枪抢劫的;
- (8) those robbing materials for military use, or materials for fighting disasters or relieving disaster victims.
- (八)抢劫军用物资或者抢险、救灾、救济物资的。

法實



Article 264. Whoever steals a relatively large amount of public or private property, commits thefts many times, commits a burglary or carries a lethal weapon to steal or pick pockets shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property.

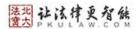
第二百六十四条 【盗窃罪】盗窃公私财物,数额较大的,或者多次盗窃、入户盗窃、携带凶器盗窃、扒窃的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;数额巨大或者有其他严重情节的,处三年以上十年以下有期徒刑,并处罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产。

Article 265. Those stealing others' communication lines or reproducing others' telecommunication codes for the purpose of making profits, or those using telecommunication equipment or facilities knowing that they are stolen or reproduced are to be convicted and punished according to article 264 of this law.

第二百六十五条 【盗窃罪】以牟利为目的,盗接他人通信 线路、复制他人电信码号或者明知是盗接、复制的电信设备、设施而 使用的,依照本法第二百六十四条的规定定罪处罚。







Article 266. Those defrauding relatively large amounts of public or private money and property are to be sentenced to three years or fewer in prison or put under limited incarceration or surveillance, in addition to fines; or are to be fined. Those defrauding large amounts of money and property or having involvement in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those defrauding extraordinarily large amounts of money and property or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. If cases are governed by other stipulations of this law, those stipulations shall apply.

第二百六十六条 【诈骗罪】诈骗公私财物,数额较大的, 处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;数额巨大 或者有其他严重情节的,处三年以上十年以下有期徒刑,并处罚金; 数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者 无期徒刑,并处罚金或者没收财产。本法另有规定的,依照规定。

Article 267. Whoever seizes public or private property, or commits robbery for two times or more shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

第二百六十七条 【抢夺罪】抢夺公私财物,数额较大的,或者多次抢夺的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;数额巨大或者有其他严重情节的,处三年以上十年以下有期徒刑,并处罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产。

Whoever commits the crime with a lethal weapon is to be convicted and punished according to the regulations in Article 263 of this law.

【抢劫罪】携带凶器抢夺的,依照本法第二百六十三条的规定定罪处罚。



Article 268. In cases where a crowd is assembled to seize public of private property, and the amount involved is quite large and the other circumstances are serious, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration or probation, in addition to a fine; and the sentence is to be not less than three years and not more than 10 years, in addition to a fine, when the amount involved is huge and the other circumstances are particularly serious.

第二百六十八条 【聚众哄抢罪】聚众哄抢公私财物,数额 较大或者有其他严重情节的,对首要分子和积极参加的,处三年以下 有期徒刑、拘役或者管制,并处罚金:数额巨大或者有其他特别严重 情节的,处三年以上十年以下有期徒刑,并处罚金。

Article 269. Whoever commits the crimes of theft, fraud, or forcible seizure, and uses violence, or threats to use violence, at the scene in order to conceal booty, resist arrest or destroy criminal evidence, is to be convicted and punished in accordance with Article 263 of this Law.

第二百六十九条 【抢劫罪】犯盗窃、诈骗、抢夺罪,为窝 藏赃物、抗拒抓捕或者毁灭罪证而当场使用暴力或者以暴力相威胁 的,依照本法第二百六十三条的规定定罪处罚。

Article 270. Whoever illegally takes over any other person's property in the latter's custody, and the amount involved is relatively large, and refuses to return it, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, or a fine; when the amount involved is huge and the other circumstances are serious, the sentence is to be not less than two years but not more than five years of fixed-term imprisonment, in addition to a fine.

第二百七十条 【侵占罪】将代为保管的他人财物非法占为 己有,数额较大,拒不退还的,处二年以下有期徒刑、拘役或者罚 金;数额巨大或者有其他严重情节的,处二年以上五年以下有期徒 刑,并处罚金。

Whoever illegally takes over someone's property which the latter forgets to pick up, or the property someone had buried, and the amount involved is relatively large, and refuses to return it, is to be punished according to the preceding paragraph.

将他人的遗忘物或者埋藏物非法占为己有,数额较大,拒不交出的, 依照前款的规定处罚。



The crimes in this article will not be prosecuted unless a complaint is filed.

本条罪,告诉的才处理。

Article 271. Any employee of a company, an enterprise, or any other entity who, by taking advantage of his or her position, unlawfully takes possession of any money or property of the entity shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if the amount involved is huge, be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the amount involved is especially huge, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine.

When personnel engage in public service in state-owned corporations, enterprises, or other state-owned entities; or when personnel of these corporations, enterprises and entities assigned to engage in public service in non-state-owned corporations, enterprises, or other entities 位从事公务的人员有前款行 位从事公务的人员有前款行 位从事公务的人员有前款行 位从事公务的人员有前款行

to be convicted and punished according to regulations in

Articles 382 and 383 of this law.

第二百七十一条 【职务侵占罪】公司、企业或者其他单位的工作人员,利用职务上的便利,将本单位财物非法占为己有,数额较大的,处三年以下有期徒刑或者拘役,并处罚金;数额巨大的,处三年以上十年以下有期徒刑,并处罚金;数额特别巨大的,处十年以上有期徒刑或者无期徒刑,并处罚金。

【贪污罪】国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的,依照本法第三百八十二条、第三百八十二条的规定定罪处罚。



Article 272. Any employee of a company, an

enterprise, or any other entity who, by taking advantage of his or her position, misappropriates the funds of the entity for personal use or for lending to others shall, if the amount involved is relatively large and the funds are not returned after three months, if the funds are returned within three months but the amount involved is relatively large and the funds are used for any for-profit activity, or if the funds are used for any illegal activity, be sentenced to imprisonment of not more than three years or limited incarceration; if the amount of misappropriated funds of the entity is huge, be sentenced to imprisonment of not less than three years nor more than seven years; or if the amount involved is especially huge, be sentenced to imprisonment of not less than seven years.

Where a person who is engaged in public service in a state-owned company or enterprise or any other state-owned entity or a person who is assigned by a state-owned company or enterprise or any other state-owned entity to a company, an enterprise, or any other entity that is not owned by the state to engage in public service commits any conduct set forth in the preceding paragraph, the person shall be convicted and punished in accordance with the provisions of Article 384 of this Law.

A person who commits the conduct set forth in paragraph 1 of this article but returns the misappropriated funds before being prosecuted by the state may be given a lighter or mitigated punishment, or if the crime is relatively minor, may be given a mitigated or be exempt from punishment.

第二百七十二条 【挪用资金罪】公司、企业或者其他单位的工作人员,利用职务上的便利,挪用本单位资金归个人使用或者借贷给他人,数额较大、超过三个月未还的,或者虽未超过三个月,但数额较大、进行营利活动的,或者进行非法活动的,处三年以下有期徒刑或者拘役;挪用本单位资金数额巨大的,处三年以上七年以下有期徒刑;数额特别巨大的,处七年以上有期徒刑。

【挪用公款罪】国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的,依照本法第三百八十四条的规定定罪处罚。

有第一款行为,在提起公诉前将挪用的资金退还的,可以从轻或者减轻处罚。其中,犯罪较轻的,可以减轻或者免除处罚。



Article 273. Those directly responsible for

misappropriating state funds and materials allocated for disaster relief, emergencies, flood control, allowances for disabled servicemen and the families of revolutionary martyrs and servicemen, aid-the-poor programs, resettlement, and social relief, when the circumstances are serious and have caused major damage to the interests of the state and the people, are to be sentenced to not more than three years of fixed-termed imprisonment or limited incarceration; when the circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 274. Whoever extorts a relatively large amount of public or private property or extorts public or private property many times shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 year and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years and a fine.

更智能



第二百七十三条 【挪用特定款物罪】挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物,情节严重,致使国家和人民群众利益遭受重大损害的,对直接责任人员,处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上七年以下有期徒刑。

第二百七十四条 【敲诈勒索罪】敲诈勒索公私财物,数额较大或者多次敲诈勒索的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;数额巨大或者有其他严重情节的,处三年以上十年以下有期徒刑,并处罚金;数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑,并处罚金。







Article 275. Whoever intentionally destroys public or private property and the amount involved is quite large and the other circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or a sentence of a fine; when the amount involved is huge and the other circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276. Whoever destroys machinery or equipment, cruelly injures or slaughters draft animals, or uses other means to sabotage production or operation, with the purpose of giving vent to spite, seeking revenge, or for other personal motives, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; when the circumstance is serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Article 276 (I): Whoever evades payment of a relatively large amount of labor remunerations by transferring property or escaping and hiding or refuses to pay a relatively large amount of labor remunerations though capable, and still refuses to pay even after being ordered by the relevant government department to pay, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine; and if there are serious consequences, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

第二百七十五条 【故意毁坏财物罪】故意毁坏公私财物,数额较大或者有其他严重情节的,处三年以下有期徒刑、拘役或者罚金;数额巨大或者有其他特别严重情节的,处三年以上七年以下有期徒刑。

第二百七十六条 【破坏生产经营罪】由于泄愤报复或者其他个人目的,毁坏机器设备、残害耕畜或者以其他方法破坏生产经营的,处三年以下有期徒刑、拘役或者管制;情节严重的,处三年以上七年以下有期徒刑。

第二百七十六条之一 【拒不支付劳动报酬罪】以转移财产、逃匿等方法逃避支付劳动者的劳动报酬或者有能力支付而不支付劳动者的劳动报酬,数额较大,经政府有关部门责令支付仍不支付的,处三年以下有期徒刑或者拘役,并处或者单处罚金;造成严重后果的,处三年以上七年以下有期徒刑,并处罚金。



Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished according to the provision of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员,依照前款的规定处罚。

Whoever commits an act as mentioned in the preceding two paragraphs without serious consequences but pays labor remunerations before a public prosecution is instituted and assumes the corresponding compensatory liability according to law may be given a mitigated penalty or exempted from penalty.

有前两款行为,尚未造成严重后果,在提起公诉前支付劳动者的劳动 报酬,并依法承担相应赔偿责任的,可以减轻或者免除处罚。

Chapter VI Crimes of Disrupting the Order of Social Administration

第六章 妨害社会管理秩序罪

Section 1 . Crimes of Disrupting Public Order

第一节 扰乱公共秩序罪

Article 277 . Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; or a sentence of a fine.

第二百七十七条 【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员依法执行职务的,处三年以下有期徒刑、拘役、管制或者罚金。

Whoever uses violence or threats to obstruct National People's Congress deputies, or local people's congress deputies, from discharging their lawful deputy duties is to be punished according to the preceding paragraph.

以暴力、威胁方法阻碍全国人民代表大会和地方各级人民代表大会代表依法执行代表职务的,依照前款的规定处罚。

Whoever, in the event of a natural disaster or an emergency, uses violence or threats to obstruct Red Cross personnel from discharging their lawful responsibilities is to be punished according to the first paragraph.

在自然灾害和突发事件中,以暴力、威胁方法阻碍红十字会工作人员 依法履行职责的,依照第一款的规定处罚。



Whoever intentionally obstructs the state's security or public security organs from carrying out their security assignments, and has caused serious consequences even though no violence or threat is used is to be punished according to the first paragraph.

故意阻碍国家安全机关、公安机关依法执行国家安全工作任务,未使 用暴力、威胁方法,造成严重后果的,依照第一款的规定处罚。

Whoever assaults by violence a police officer who is performing his or her duties in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation; or if the assault is committed by means such as using a gun or controlled knife or driving a motor vehicle to hit the police officer, seriously endangering the personal safety of the police officer, shall be sentenced to imprisonment of not less than three years nor more than seven years.

【袭警罪】暴力袭击正在依法执行职务的人民警察的,处三年以下有期徒刑、拘役或者管制;使用枪支、管制刀具,或者以驾驶机动车撞击等手段,严重危及其人身安全的,处三年以上七年以下有期徒刑。

Article 278. Whoever instigates the masses to use violence to resist the enforcement of state laws and administrative regulations is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when serious consequences have been caused, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

第二百七十八条 【煽动暴力抗拒法律实施罪】煽动群众暴力抗拒国家法律、行政法规实施的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利;造成严重后果的,处三年以上七年以下有期徒刑。

Article 279. Whoever poses as state organ personnel to cheat and bluff is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment.

第二百七十九条 【招摇撞骗罪】冒充国家机关工作人员招摇撞骗的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利;情节严重的,处三年以上十年以下有期徒刑。



Whoever poses as a people's police to cheat and bluff is to be heavily punished in accordance with the preceding paragraph.

冒充人民警察招摇撞骗的, 依照前款的规定从重处罚。

Article 280. Whoever forges, alters, trades in, steals, forcibly seizes or destroys any official document, certificate or seal of a state authority shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine.

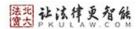
Whoever forges a seal of any company, enterprise, public institution or people's organization shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine.

Whoever forges, alters or trades in any citizen's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

第二百八十条 【伪造、变造、买卖国家机关公文、证件、印章罪】【盗窃、抢夺、毁灭国家机关公文、证件、印章罪】伪造、变造、买卖或者盗窃、抢夺、毁灭国家机关的公文、证件、印章的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利,并处罚金;情节严重的,处三年以上十年以下有期徒刑,并处罚金。

【伪造公司、企业、事业单位、人民团体印章罪】伪造公司、企业、 事业单位、人民团体的印章的,处三年以下有期徒刑、拘役、管制或 者剥夺政治权利,并处罚金。

【伪造、变造、买卖身份证件罪】伪造、变造、买卖居民身份证、护照、社会保障卡、驾驶证等依法可以用于证明身份的证件的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利,并处罚金; 情节严重的,处三年以上七年以下有期徒刑,并处罚金。



Article 280 (I): Whoever uses any forged, altered or uses without authority any other person's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in the activities that require the provision of identity certificate according to the provisions of the state shall, if the circumstances are serious, be sentenced to limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

第二百八十条之一 【使用虚假身份证件、盗用身份证件 罪】在依照国家规定应当提供身份证明的活动中,使用伪造、变造的 或者盗用他人的居民身份证、护照、社会保障卡、驾驶证等依法可以 用于证明身份的证件,情节严重的,处拘役或者管制,并处或者单处 罚金。

Whoever commits any other crime while committing a crime as mentioned in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有前款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处罚。

Article 280 (II): Whoever, by stealing and using or by falsely using the identity of any other person, obtains the qualification for admission to higher education or the qualification as a public servant or receives the employment placement benefit as an imposter shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine.

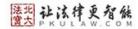
第二百八十条之二 【冒名顶替罪】盗用、冒用他人身份, 顶替他人取得的高等学历教育入学资格、公务员录用资格、就业安置 待遇的,处三年以下有期徒刑、拘役或者管制,并处罚金。

Whoever arranges for or instigates any other person to commit the conduct set forth in the preceding paragraph shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

组织、指使他人实施前款行为的,依照前款的规定从重处罚。

Any employee of the state who commits any conduct set forth in the preceding two paragraphs, which concurrently constitutes any other crime, shall be punished in accordance with the provisions on joinder of punishment for plural crimes.

国家工作人员有前两款行为,又构成其他犯罪的,依照数罪并罚的规 定处罚。



Article 281. Whoever illegally produces, purchases or sells standard police uniforms, license plates of motor vehicles, or other special signs, police tools, and the consequences are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; and may also be sentenced to a fine, additionally or exclusively.

When an entity commits the crimes stated in the preceding paragraph, the entity is to be fined, and its persons in charge and other who are directly responsible are to be punished according to the regulations in the preceding paragraph.

Article 282. Whoever illegally acquires state secrets by stealing, secretly gathering, and purchasing is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Whoever possesses documents, information, or other articles which are top secret or classified information of the state, and refuses to state their origins or use, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation.

第二百八十一条 【非法生产、买卖警用装备罪】非法生

产、买卖人民警察制式服装、车辆号牌等专用标志、警械,情节严重 的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第二百八十二条 【非法获取国家秘密罪】以窃取、刺探、 收买方法,非法获取国家秘密的,处三年以下有期徒刑、拘役、管制 或者剥夺政治权利;情节严重的,处三年以上七年以下有期徒刑。

【非法持有国家绝密、机密文件、资料、物品罪】非法持有属于国家 绝密、机密的文件、资料或者其他物品, 拒不说明来源与用途的, 处 三年以下有期徒刑、拘役或者管制。







Article 283. Whoever illegally produces or sells special espionage devices or eavesdropping or secret photographing devices shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 284. Whoever illegally uses special monitoring or photographing equipment and causes grave consequences is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, or probation.

Article 284 (I): Whoever organizes cheating in a national examination prescribed by law shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

第二百八十三条 【非法生产、销售专用间谍器材、窃听、窃照专用器材罪】非法生产、销售专用间谍器材或者窃听、窃照专用器材的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第二百八十四条 【非法使用窃听、窃照专用器材罪】非法 使用窃听、窃照专用器材,造成严重后果的,处二年以下有期徒刑、 拘役或者管制。

第二百八十四条之一 【组织考试作弊罪】在法律规定的国家考试中,组织作弊的,处三年以下有期徒刑或者拘役,并处或者单处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。



Whoever provides any cheating device or any other assistance for anyone else to commit the crime as mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

【组织考试作弊罪】为他人实施前款犯罪提供作弊器材或者其他帮助 的,依照前款的规定处罚。

Whoever illegally sells or provides test questions or answers as prescribed in paragraph 1 for the purpose of cheating in the test shall be punished in accordance with the provisions of paragraph 1.

【非法出售、提供试题、答案罪】为实施考试作弊行为,向他人非法 出售或者提供第一款规定的考试的试题、答案的,依照第一款的规定 处罚。

Whoever takes on behalf of anyone else or enables anyone else to take on behalf of him- or herself an examination prescribed in paragraph 1 shall be sentenced to limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

【代替考试罪】代替他人或者让他人代替自己参加第一款规定的考试 的,处拘役或者管制,并处或者单处罚金。

Article 285. Whoever violates state regulations and intrudes into computer systems with information concerning state affairs, construction of defense facilities, and sophisticated science and technology is be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

第二百八十五条 【非法侵入计算机信息系统罪】违反国家规定,侵入国家事务、国防建设、尖端科学技术领域的计算机信息系统的,处三年以下有期徒刑或者拘役。



Whoever, in violation of the state provisions, intrudes into a computer information system other than that prescribed in the preceding paragraph or uses other technical means to obtain the data stored, processed or transmitted in the said computer information system or exercise illegal control over the said computer information system shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

【非法获取计算机信息系统数据、非法控制计算机信息系统罪】违反 国家规定,侵入前款规定以外的计算机信息系统或者采用其他技术手 段,获取该计算机信息系统中存储、处理或者传输的数据,或者对该 计算机信息系统实施非法控制,情节严重的,处三年以下有期徒刑或 者拘役,并处或者单处罚金;情节特别严重的,处三年以上七年以下 有期徒刑,并处罚金。

Whoever provides special programs or tools specially used for intruding into or illegally controlling computer information systems, or whoever knows that any other person is committing the criminal act of intruding into or illegally controlling a computer information system and still provides programs or tools for such a person shall, if the circumstances are serious, be punished under the preceding paragraph.

【提供侵入、非法控制计算机信息系统程序、工具罪】提供专门用于 侵入、非法控制计算机信息系统的程序、工具,或者明知他人实施侵 入、非法控制计算机信息系统的违法犯罪行为而为其提供程序、工 具,情节严重的,依照前款的规定处罚。

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

单位犯前三款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照各该款的规定处罚。



to the preceding paragraph.

Article 286. Whoever violates states regulations and deletes, alters, adds, and interferes in computer information systems, causing abnormal operations of the systems and grave consequences, is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment.

Whoever violates state regulations and deletes, alters, or adds the data or application programs installed in or processed and transmitted by the computer systems, and causes grave consequences, is to be punished according

Whoever deliberately creates and propagates computer virus and other programs which sabotage the normal operation of the computer system and cause grave consequences is to be punished according to the first paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

第二百八十六条 【破坏计算机信息系统罪】违反国家规定,对计算机信息系统功能进行删除、修改、增加、干扰,造成计算机信息系统不能正常运行,后果严重的,处五年以下有期徒刑或者拘役;后果特别严重的,处五年以上有期徒刑。

违反国家规定,对计算机信息系统中存储、处理或者传输的数据和应 用程序进行删除、修改、增加的操作,后果严重的,依照前款的规定 处罚。

故意制作、传播计算机病毒等破坏性程序,影响计算机系统正常运 行,后果严重的,依照第一款的规定处罚。

单位犯前三款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照第一款的规定处罚。



Article 286 (I): Any network service provider that fails to perform the information network security management obligation as prescribed in any law or administrative regulation and refuses to make corrections after being ordered by the regulatory authority to take correction measures shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only under any of the following circumstances.

- (1) Causing the spread of a large amount of illegal information.
- (2) Causing the leakage of users' information, with serious consequences.
- (3) Causing the loss of criminal case evidence, with serious circumstances.
- (4) Any other serious circumstance.

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

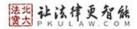
Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

第二百八十六条之一 【拒不履行信息网络安全管理义务 罪】网络服务提供者不履行法律、行政法规规定的信息网络安全管理 义务,经监管部门责令采取改正措施而拒不改正,有下列情形之一 的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金:

- (一) 致使违法信息大量传播的;
- (二)致使用户信息泄露,造成严重后果的;
- (三)致使刑事案件证据灭失,情节严重的;
- (四)有其他严重情节的。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

有前两款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处 罚。



Article 287. Whoever uses a computer for financial fraud, theft, corruption, misappropriation of public funds, stealing state secrets, or other crimes is to be convicted and punished according to relevant regulations of this law.

Article 287 (I): Whoever commits any of the following conducts by using the information network shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

- (1) Establishing a website or a communication group mainly for committing fraud, teaching on how to commit a crime, producing or selling any prohibited or controlled article, or committing any other illegal or criminal activity.
- (2) Issuing any information on the production or sale of drugs, guns, obscene articles, or any other prohibited or controlled article or any other illegal or criminal conduct.
- (3) Issuing any information for committing fraud or any other illegal or criminal activity.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

第二百八十七条 【利用计算机实施犯罪的提示性规定】利用计算机实施金融诈骗、盗窃、贪污、挪用公款、窃取国家秘密或者 其他犯罪的,依照本法有关规定定罪处罚。

第二百八十七条之一 【非法利用信息网络罪】利用信息网络实施下列行为之一,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚金:

- (一)设立用于实施诈骗、传授犯罪方法、制作或者销售违禁物品、 管制物品等违法犯罪活动的网站、通讯群组的;
- (二)发布有关制作或者销售毒品、枪支、淫秽物品等违禁物品、管制物品或者其他违法犯罪信息的;
- (三)为实施诈骗等违法犯罪活动发布信息的。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照第一款的规定处罚。

有前两款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处罚。



Article 287 (II): Whoever, while obviously aware that any other person is committing a crime by using an information network, provides Internet access, server custody, network storage, communication transmission or any other technical support, or provides advertising, payment settlement or any other assistance for the crime shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of paragraph 1.

Whoever commits any other crime while committing a crime as mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions on the crime with the heavier penalty.

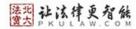
Article 288. Whoever, in violation of the provisions of the state, installs or uses any radio station (transmitter) without approval, or occupies frequencies without approval to disrupt the radio communication order shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

第二百八十七条之二 【帮助信息网络犯罪活动罪】明知他 人利用信息网络实施犯罪,为其犯罪提供互联网接入、服务器托管、 网络存储、通讯传输等技术支持,或者提供广告推广、支付结算等帮助,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚 金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照第一款的规定处罚。

有前两款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处 罚

第二百八十八条 【扰乱无线电通讯管理秩序罪】违反国家规定,擅自设置、使用无线电台(站),或者擅自使用无线电频率,干扰无线电通讯秩序,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金。



When an entity commits the crimes stated in the preceding paragraph, the entity is to be fined, and its persons in charge and others who are directly responsible are to be punished according to the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 289. Whoever causes a person's injury, disability or death as result of assembling a crowd for "beating, smashing and looting" is to be convicted and punished according to regulations in Articles 234 and 232 of this law. In cases where public of private property is destroyed or forcibly taken and carried away, ringleaders, in addition to the ordering of restitution of compensation, are to be convicted and punished according to Article 263 of this law.

第二百八十九条 【故意伤害罪】【故意杀人罪】【抢劫罪】聚众"打砸抢",致人伤残、死亡的,依照本法第二百三十四条、第二百三十二条的规定定罪处罚。毁坏或者抢走公私财物的,除判令退赔外,对首要分子,依照本法第二百六十三条的规定定罪处罚。

Article 290. Where a crowd is assembled to disrupt the public order and serious circumstances are caused so that the process of work, production, business, teaching, scientific research or medical services is disrupted, and if any serious loss is caused, the ringleaders shall be sentenced to imprisonment of not less than three years but not more than seven years; and other active participants shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights.

第二百九十条 【聚众扰乱社会秩序罪】聚众扰乱社会秩序,情节严重,致使工作、生产、营业和教学、科研、医疗无法进行,造成严重损失的,对首要分子,处三年以上七年以下有期徒刑; 对其他积极参加的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Assembling crowds to attack state organs, thus disrupting their operations and causing serious losses, the ringleaders are to be sentenced to not less than five years but not more than 10 years of fixed-term imprisonment; and other active participants are to be sentenced to not less than five year of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights.

【聚众冲击国家机关罪】聚众冲击国家机关,致使国家机关工作无法 进行,造成严重损失的,对首要分子,处五年以上十年以下有期徒 刑,对其他积极参加的,处五年以下有期徒刑、拘役、管制或者剥夺 政治权利。



Two paragraphs are added as paragraphs 3 and 4: "Whoever disrupts the work order of any state authority for two times or more and refuses to make corrections after being given an administrative penalty shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if there are serious consequences.

【扰乱国家机关工作秩序罪】多次扰乱国家机关工作秩序,经行政处罚后仍不改正,造成严重后果的,处三年以下有期徒刑、拘役或者管制。

Whoever organizes or provides financial support to any other person to illegally assemble for two times or more to disrupt the public order and serious circumstances are caused shall be punished in accordance with the provisions of the preceding paragraph.

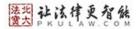
【组织、资助非法聚集罪】多次组织、资助他人非法聚集,扰乱社会 秩序,情节严重的,依照前款的规定处罚。

Article 291. In cases where a crowd is assembled to disturb order at stations, wharves, civil aviation stations, market places, public parks, theaters, exhibitions, sports grounds or other public places, or a crowd is assembled to block traffic or undermine traffic order, or resist or obstruct state security administration personnel who are carrying out their functions according to law, when the circumstances are serious, ringleaders are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, or probation.

聚众扰乱车站、码头、民用航空站、商场、公园、影剧院、展览会、运动场或者其他公共场所秩序,聚众堵塞交通或者破坏交通秩序,抗

第二百九十一条 【聚众扰乱公共场所秩序、交通秩序罪】

运动场或者其他公共场所秩序,聚众堵塞交通或者破坏交通秩序,抗 拒、阻碍国家治安管理工作人员依法执行职务,情节严重的,对首要 分子,处五年以下有期徒刑、拘役或者管制。



Article 291 (I): Whoever spreads mendacious

pathogens of infectious diseases, explosives, poisonous or radioactive substances or other substances, or fabricates terrorist information on threats of explosion, biochemical threats or radioactive threats, or, while clearly knowing that the terrorist information is fabricated, intentionally disseminate such information, thus seriously disrupting public order, shall be sentenced to fixed-term imprisonment of no more than five years, limited incarceration or public surveillance; if he causes serious consequences, he shall be sentenced to fixed-term imprisonment of no less than five years.

Whoever makes up any false information on the situation of any risk, epidemic disease, disaster or emergency and spreads such information on the information network or any other media, or knowingly spreads the aforesaid false information on the information network or any other media, which seriously disrupts the public order, shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance; and if serious consequences have resulted, shall be sentenced to imprisonment of not less than three years but not more than seven years.

Article 291 (II): Whoever throws any object from height such as a building shall, if the circumstances are serious, be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine, or be sentenced to a fine only.

第二百九十一条之一 【投放虚假危险物质罪】【编造、故意传播虚假恐怖信息罪】投放虚假的爆炸性、毒害性、放射性、传染病病原体等物质,或者编造爆炸威胁、生化威胁、放射威胁等恐怖信息,或者明知是编造的恐怖信息而故意传播,严重扰乱社会秩序的,处五年以下有期徒刑、拘役或者管制;造成严重后果的,处五年以上有期徒刑。

【编造、故意传播虚假信息罪】编造虚假的险情、疫情、灾情、警情,在信息网络或者其他媒体上传播,或者明知是上述虚假信息,故意在信息网络或者其他媒体上传播,严重扰乱社会秩序的,处三年以下有期徒刑、拘役或者管制;造成严重后果的,处三年以上七年以下有期徒刑。

第二百九十一条之二 【高空抛物罪】从建筑物或者其他高空抛掷物品,情节严重的,处一年以下有期徒刑、拘役或者管制,并处或者单处罚金。



Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

有前款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处罚。

Article 292 . In cases where a crowd is assembled to have brawls, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation. When the cases are one of the following, ringleaders and other active participants are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment:

第二百九十二条 【聚众斗殴罪】聚众斗殴的,对首要分子 和其他积极参加的,处三年以下有期徒刑、拘役或者管制;有下列情 形之一的,对首要分子和其他积极参加的,处三年以上十年以下有期 徒刑:

- crowds are assembled on many occasions to have brawls;
- (一) 多次聚众斗殴的;
- (2) the size of crowds assembled to have brawls is large, and bad social effects have been caused:
- (二)聚众斗殴人数多,规模大,社会影响恶劣的;
- (3) crowds are assembled for brawls in public places or main thoroughfares, and serious social disorders have been caused: or
- (三)在公共场所或者交通要道聚众斗殴,造成社会秩序严重混乱的;
- (4) crowds are assembled for brawls with tools.
- (四)持械聚众斗殴的。

Whoever assembles a crowd to have brawls, thus causing a person serious injuries or death, is to be convicted and punished according to Articles 234 and 232 of this Law.

【故意伤害罪】【故意杀人罪】聚众斗殴,致人重伤、死亡的,依照本法第二百三十四条、第二百三十二条的规定定罪处罚。



Article 293 . Whoever disrupts the social order by committing any of the following provocative and disturbing acts shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation:

- 第二百九十三条 【寻衅滋事罪】有下列寻衅滋事行为之
- 一,破坏社会秩序的,处五年以下有期徒刑、拘役或者管制:
- (1) Assaulting any other person at will, with execrable circumstances;
- (一) 随意殴打他人,情节恶劣的;



- (2) Chasing, intercepting, reviling or intimidating any other person, with execrable circumstances;
- (二) 追逐、拦截、辱骂、恐吓他人,情节恶劣的;
- (3) Taking or demanding forcibly or vandalizing or occupying at will public or private property, with serious circumstances; or
- (三)强拿硬要或者任意损毁、占用公私财物,情节严重的;
- (4) Making trouble in a public place, which causes a serious disorder of the public place.
- (四) 在公共场所起哄闹事,造成公共场所秩序严重混乱的。

Whoever assembles other people to commit the acts as mentioned in the preceding paragraph many times, which seriously disrupt the social order, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and may be fined in addition.

纠集他人多次实施前款行为,严重破坏社会秩序的,处五年以上十年 以下有期徒刑,可以并处罚金。

Article 293 (I): Whoever, falling under any of the following circumstances, demands the repayment of any illegal debt incurred from usury, among others, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine, or be sentenced to a fine only:

第二百九十三条之一 【催收非法债务罪】有下列情形之

一,催收高利放贷等产生的非法债务,情节严重的,处三年以下有期 徒刑、拘役或者管制,并处或者单处罚金:

(1) Using violence or coercion.

(一) 使用暴力、胁迫方法的;

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(2) Restricting any other person's personal freedom or intruding into any other person's residence.

(二)限制他人人身自由或者侵入他人住宅的;

(三) 恐吓、跟踪、骚扰他人的。

で

(3) Intimidating, stalking, or harassing any other person.

Article 294. Whoever organizes or leads an organization of a gangland nature shall be sentenced to imprisonment of not less than 7 years and a forfeiture of property; whoever actively participates in an organization of a gangland nature shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and may be sentenced to a fine or forfeiture of property in addition; whoever otherwise gets involved in an organization of a gangland nature shall be sentenced to imprisonment of not more than 3 years, limited incarceration, probation or deprivation of political rights

组织、领导黑社会性质的组织的,处七年以上有期徒刑,并处没收财产;积极参加的,处三年以上七年以下有期徒刑,可以并处罚金或者没收财产;其他参加的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利,可以并处罚金。

第二百九十四条 【组织、领导、参加黑社会性质组织罪】

A member of an overseas gangland organization who recruits members of the organization within the territory of the People's Republic of China shall be sentenced to imprisonment of not less than 3 years but not more than 10 years.

and may be fined in addition.

【入境发展黑社会组织罪】境外的黑社会组织的人员到中华人民共和 国境内发展组织成员的,处三年以上十年以下有期徒刑。

Any state functionary who harbors an organization of a gangland nature or connives at such an organization's illegal or criminal activities shall be sentenced to imprisonment of not more than 5 years; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

【包庇、纵容黑社会性质组织罪】国家机关工作人员包庇黑社会性质的组织,或者纵容黑社会性质的组织进行违法犯罪活动的,处五年以下有期徒刑;情节严重的,处五年以上有期徒刑。





Whoever also commits any other crime while committing a crime as mentioned in the preceding three paragraphs shall be punished according to the provisions on the joinder of penalties for plural crimes.

犯前三款罪又有其他犯罪行为的, 依照数罪并罚的规定处罚。

An organization of a gangland nature shall have all of the following characteristics:

黑社会性质的组织应当同时具备以下特征:

- (1) A relatively stable criminal organization is formed with a relatively large number of members, and there are specific organizers or leaders and basically fixed core members.
- (一)形成较稳定的犯罪组织,人数较多,有明确的组织者、领导者,骨干成员基本固定;
- (2) Economic interests are gained by organized illegal or criminal activities or other means, and it has certain financial strength to support its activities.
- (二)有组织地通过违法犯罪活动或者其他手段获取经济利益,具有一定的经济实力,以支持该组织的活动;
- (3) By violence, threat or other means, it commits organized illegal or criminal activities many times to do evil, bully and cruelly injure or kill people.
- (三)以暴力、威胁或者其他手段,有组织地多次进行违法犯罪活动,为非作恶,欺压、残害群众;
- (4) It dominates a certain area by committing illegal or criminal activities or taking advantage of the harboring or connivance by the state functionaries, forming an illegal control or significant influence in a certain area or sector, which seriously disrupts the economic and social order.
- (四)通过实施违法犯罪活动,或者利用国家工作人员的包庇或者纵容,称霸一方,在一定区域或者行业内,形成非法控制或者重大影响,严重破坏经济、社会生活秩序。



Article 295. Whoever teaches methods for committing a crime shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation; if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 10 years or life imprisonment.

Article 296. Whoever holds an assembly, parade, demonstration without application in accordance with the law or without authorization after application, or does not carry it out in accordance with the beginning time and ending time, place, and road as permitted by authorities concerned, and refuses to obey an order to dismiss, thereby seriously sabotaging social order, those personnel who are in charge and those who are directly responsible are to be to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

Article 297. Whoever violates laws and regulations by bringing with them weapons, controlled knives and tools or explosive articles to participate in an assembly, parade, demonstration is to be to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

第二百九十五条 【传授犯罪方法罪】传授犯罪方法的,处 五年以下有期徒刑、拘役或者管制;情节严重的,处五年以上十年以 下有期徒刑;情节特别严重的,处十年以上有期徒刑或者无期徒刑。

第二百九十六条 【非法集会、游行、示威罪】举行集会、游行、示威,未依照法律规定申请或者申请未获许可,或者未按照主管机关许可的起止时间、地点、路线进行,又拒不服从解散命令,严重破坏社会秩序的,对集会、游行、示威的负责人和直接责任人员,处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

第二百九十七条 【非法携带武器、管制刀具、爆炸物参加集会、游行、示威罪】违反法律规定,携带武器、管制刀具或者爆炸物参加集会、游行、示威的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利。



Article 298. Whoever disturbs, collides, or sabotages with other methods the legally-held assembly, parade, demonstration, thereby giving rise to chaotic public order is to be to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, probation or deprived of political rights.

第二百九十八条 【破坏集会、游行、示威罪】扰乱、冲击 或者以其他方法破坏依法举行的集会、游行、示威,造成公共秩序混 乱的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 299. Whoever desecrates the national flag or the national emblem of the People's Republic of China on a public occasion by intentionally burning, mutilating, scrawling on, defiling, or trampling on it or otherwise shall be sentenced to imprisonment of not more than three years, limited incarceration, supervision without incarceration, or deprivation of political rights.

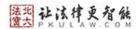
第二百九十九条 【侮辱国旗、国徽、国歌罪】在公共场合,故意以焚烧、毁损、涂划、玷污、践踏等方式侮辱中华人民共和国国旗、国徽的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Whoever intentionally tampers with the lyrics or music of the national anthem of the People's Republic of China, plays or sings the national anthem in a manner of distortion or denigration, or otherwise desecrates the national anthem on a public occasion shall be punished under the preceding paragraph if the circumstances are serious.

在公共场合,故意篡改中华人民共和国国歌歌词、曲谱,以歪曲、贬 损方式奏唱国歌,或者以其他方式侮辱国歌,情节严重的,依照前款 的规定处罚。

Article 299 (I): Whoever, by insult, defamation or other means, infringes upon the reputation or honor of a hero or a martyr, causing any damage to social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, probation, or deprivation of political rights.

第二百九十九条之一 【侵害英雄烈士名誉、荣誉罪】侮辱、诽谤或者以其他方式侵害英雄烈士的名誉、荣誉,损害社会公共利益,情节严重的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利。



Article 300. Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to sabotage the implementation of any law or administrative regulation of the state shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years or life imprisonment in addition to a fine or forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine or be sentenced to a fine only.

第三百条 【组织、利用会道门、邪教组织、利用迷信破坏法律实施罪】组织、利用会道门、邪教组织或者利用迷信破坏国家法律、行政法规实施的,处三年以上七年以下有期徒刑,并处罚金;情节特别严重的,处七年以上有期徒刑或者无期徒刑,并处罚金或者没收财产;情节较轻的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利,并处或者单处罚金。

Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to cheat any other person, which leads to the person's serious injury or death shall be punished in accordance with the provisions of the preceding paragraph.

Whoever also commits the crime of raping a woman or swindling any person of his or her property while committing a crime as mentioned in paragraph 1 shall be punished according to the provisions on the joinder of

penalties for plural crimes.

Article 301. Whoever takes a lead in assembling a crowd to engage in promiscuous activities or repeatedly participates in such activities is to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration, or probation.

【组织、利用会道门、邪教组织、利用迷信致人重伤、死亡罪】组织、利用会道门、邪教组织或者利用迷信蒙骗他人,致人重伤、死亡的,依照前款的规定处罚。

犯第一款罪又有好淫妇女、诈骗财物等犯罪行为的,依照数罪并罚的 规定处罚。

第三百零一条 【聚众淫乱罪】聚众进行淫乱活动的,对首要分子或者多次参加的,处五年以下有期徒刑、拘役或者管制。



Whoever seduces minors to participate in mass promiscuous activities is to be severely punished in accordance with the previous paragraph.

Article 302. Whoever steals, insults, or intentionally destroys a corpse, skeleton or cremains shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance.

Article 303. Whoever, for profits, gathers people to gamble or gambles professionally shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine.

Whoever runs a gambling house shall be sentenced to imprisonment of not more than five years, limited incarceration, or probation and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

Whoever arranges for a citizen of the People's Republic of China to participate in gambling outside the country (or borders) shall, if the amount involved is huge or there is any other serious circumstance, be punished in accordance with the provision of the preceding paragraph.

Article 304. Postal service personnel who are severely irresponsible, purposely delay sending mails thereby giving rise to great loss of public properties, interests of the state and people are to be sentenced to not more than two years of fixed-term imprisonment or limited incarceration.

【引诱未成年人聚众淫乱罪】引诱未成年人参加聚众淫乱活动的,依照前款的规定从重处罚。

第三百零二条 【盗窃、侮辱、故意毁坏尸体、尸骨、骨灰 罪】盗窃、侮辱、故意毁坏尸体、尸骨、骨灰的,处三年以下有期徒 刑、拘役或者管制。

第三百零三条 【赌博罪】以营利为目的,聚众赌博或者以赌博为业的,处三年以下有期徒刑、拘役或者管制,并处罚金。

【开设赌场罪】开设赌场的,处五年以下有期徒刑、拘役或者管制, 并处罚金;情节严重的,处五年以上十年以下有期徒刑,并处罚金。

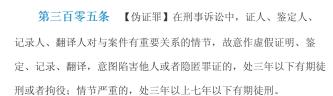
【组织参与国(境)外赌博罪】组织中华人民共和国公民参与国(境)外赌博,数额巨大或者有其他严重情节的,依照前款的规定处罚。

第三百零四条 【故意延误投递邮件罪】邮政工作人员严重 不负责任,故意延误投递邮件,致使公共财产、国家和人民利益遭受 重大损失的,处二年以下有期徒刑或者拘役。

Section 2. Crimes of Disrupting Justice

第二节 妨害司法罪

Article 305. During the course of criminal procedures, any witness, expert witness, recorder, translator who purposely makes false testimony, makes expert evaluation, records, translates with an intention to frame others or conceal criminal evidence in the circumstances which have an important bearing on a case is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.



Article 306. During the course of criminal procedure, any defender, law agent destroys, falsifies evidence, assist parties concerned in destroying, falsifying evidence, threatening, luring witnesses to contravene facts, change their testimony or make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

第三百零六条 【辩护人、诉讼代理人毁灭证据、伪造证 据、妨害作证罪】在刑事诉讼中、辩护人、诉讼代理人毁灭、伪造证 据,帮助当事人毁灭、伪造证据,威胁、引诱证人违背事实改变证言 或者作伪证的, 处三年以下有期徒刑或者拘役; 情节严重的, 处三年 以上七年以下有期徒刑。

If witnesses, testimonies, or other evidences provided, shown, used by a defender, law agent are not true but are not falsified purposely, they do not fall into the category of 实,不是有意伪造的,不属于伪造证据。 falsifying evidences.

辩护人、诉讼代理人提供、出示、引用的证人证言或者其他证据失





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Article 307. Whoever stops with violence, threat, bribe, and other methods a witness to testify or instigates others to make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years but not more than seven years of fixed-term imprisonment.

第三百零七条 【妨害作证罪】以暴力、威胁、贿买等方法 阻止证人作证或者指使他人作伪证的,处三年以下有期徒刑或者拘 役;情节严重的,处三年以上七年以下有期徒刑。

Whoever assists the parties concerned in destroying or falsifying evidences is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the circumstances are severe.

【帮助毁灭、伪造证据罪】帮助当事人毁灭、伪造证据,情节严重的,处三年以下有期徒刑或者拘役。

Any judicial personnel committing the crimes as stated in the previous two paragraphs is to be severely punished.

司法工作人员犯前两款罪的,从重处罚。

Article 307 (I): Whoever files a civil lawsuit based on any fabricated facts, which disrupts the judicial order or seriously infringes upon any other person's lawful rights and interests shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

第三百零七条之一 【虚假诉讼罪】以捏造的事实提起民事 诉讼,妨害司法秩序或者严重侵害他人合法权益的,处三年以下有期 徒刑、拘役或者管制,并处或者单处罚金;情节严重的,处三年以上 七年以下有期徒刑,并处罚金。

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。



Whoever commits any other crime while committing a crime of illegally occupying any other person's property or evading his or her lawful debts as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

有第一款行为,非法占有他人财产或者逃避合法债务,又构成其他犯罪的,依照处罚较重的规定定罪从重处罚。

Any judicial staff member who commits a crime as mentioned in the preceding three paragraphs with any other person by taking advantage of his or her power shall be given a heavier penalty; and if he or she commits any other crime at the same time, shall be convicted and punished according to the provisions on the crime with the heavier penalty.

司法工作人员利用职权,与他人共同实施前三款行为的,从重处罚; 同时构成其他犯罪的,依照处罚较重的规定定罪从重处罚。

Article 308. Whoever resorts to persecution and retaliation against a witness is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

第三百零八条 【打击报复证人罪】对证人进行打击报复的,处三年以下有期徒刑或者拘役;情节严重的,处三年以上七年以下有期徒刑。

Article 308 (I): Any judicial staff member, defender, litigation representative, or any litigation participant who discloses any information that shall not be disclosed in a case not tried in public in accordance with the law, thus causing public information dissemination or any other serious consequence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

第三百零八条之一 【泄露不应公开的案件信息罪】司法工作人员、辩护人、诉讼代理人或者其他诉讼参与人,泄露依法不公开审理的案件中不应当公开的信息,造成信息公开传播或者其他严重后果的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金。



Whoever commits any conduct as mentioned in the preceding paragraph to divulge any state secret shall be convicted and punished in accordance with the provisions of Article 398 of this Law.

【故意泄露国家秘密罪】【过失泄露国家秘密罪】有前款行为,泄露 国家秘密的,依照本法第三百九十八条的规定定罪处罚。

Whoever publicly discloses or reports any case information prescribed in paragraph 1 shall be punished in accordance with the provisions of paragraph 1 if the circumstances are 案件信息,情节严重的,依照第一款的规定处罚。 serious.

【披露、报道不应公开的案件信息罪】公开披露、报道第一款规定的

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其 他直接责任人员, 依照第一款的规定处罚。

Article 309. Whoever falls under any of the following circumstances so that the order of the courtroom is disrupted shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or a fine.

【扰乱法庭秩序罪】有下列扰乱法庭秩序情 形之一的, 处三年以下有期徒刑、拘役、管制或者罚金:

- (1) Assembling a crowd to clamor in a courtroom or attacking a courtroom.
- (一)聚众哄闹、冲击法庭的;
- (2) Assaulting any judicial staff member or litigation participant.
- (二)殴打司法工作人员或者诉讼参与人的;
- (3) Insulting, defaming or threatening any judicial staff member or litigation participant despite of court prohibition, which seriously disrupts the order of the courtroom.
- (三)侮辱、诽谤、威胁司法工作人员或者诉讼参与人,不听法庭制 止,严重扰乱法庭秩序的;



(4) Destroying any of the facilities of the courtroom, grabbing or destroying any litigation documents, evidence or otherwise disrupts the order of the courtroom with serious circumstances.

(四)有毁坏法庭设施,抢夺、损毁诉讼文书、证据等扰乱法庭秩序 行为,情节严重的。

Article 310. Whoever provides a person who he clearly knows to be a convict with a hiding place, financial and material support, assists him to escape, hides, or protects him by falsifying evidence is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; when the circumstances are severe, to not less than three years but not more than ten years of fixed-term imprisonment.

第三百一十条 【窝藏、包庇罪】明知是犯罪的人而为其提供隐藏处所、财物,帮助其逃匿或者作假证明包庇的,处三年以下有期徒刑、拘役或者管制;情节严重的,处三年以上十年以下有期徒刑

Whoever commits a crime as stated in the previous paragraph and conspires in advance is to be punished as committing a joint crime.

犯前款罪,事前通谋的,以共同犯罪论处。

Article 311. Whoever, being obviously aware of any other person's commission of a crime of espionage, terrorism or extremism, refuses to provide relevant information or evidence when a judicial authority investigates or collects relevant evidence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if the circumstances are serious.

第三百一十一条 【拒绝提供间谍犯罪、恐怖主义犯罪、极端主义犯罪证据罪】明知他人有间谍犯罪或者恐怖主义、极端主义犯罪行为,在司法机关向其调查有关情况、收集有关证据时,拒绝提供,情节严重的,处三年以下有期徒刑、拘役或者管制。



Article 312. Where anyone who obviously knows that the income or the proceeds are generated therefrom is obtained from the commission of any crime harbors, transfer, purchases or sells them as an agent or disguises or conceals them by any other means, he shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration, or probation, and/or shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined.

第三百一十二条 【掩饰、隐瞒犯罪所得、犯罪所得收益 罪】明知是犯罪所得及其产生的收益而予以窝藏、转移、收购、代为 销售或者以其他方法掩饰、隐瞒的,处三年以下有期徒刑、拘役或者 管制,并处或者单处罚金;情节严重的,处三年以上七年以下有期徒 刑,并处罚金。

Where any entity commits the crime as described in the preceding paragraph, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the preceding paragraph.

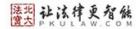
单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 313. Whoever refuses to execute a judgment or ruling rendered by a people's court while he or she is able to do so shall be sentenced to imprisonment of not more than three years or limited incarceration or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

第三百一十三条 【拒不执行判决、裁定罪】对人民法院的判决、裁定有能力执行而拒不执行,情节严重的,处三年以下有期徒刑、拘役或者罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金。

Where an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。



Article 314. Whoever hides, transfers, sells off, purposely destroys property which is already sealed, seized, or frozen is to be sentenced to not more than three 隐藏、转移、变卖、故意毁损已被司法机关查封、扣押、冻结的财 years of fixed-term imprisonment, limited incarceration, or be fined if the circumstances are severe.

第三百一十四条 【非法处置查封、扣押、冻结的财产罪】 产,情节严重的,处三年以下有期徒刑、拘役或者罚金。

Article 315. Criminals who are already under legal custody and perform one of the following acts which sabotage supervision order are to be sentenced to not more than three years of fixed-term imprisonment if the circumstances are severe:

第三百一十五条 【破坏监管秩序罪】依法被关押的罪犯, 有下列破坏监管秩序行为之一,情节严重的,处三年以下有期徒刑:

- (1) beat supervising personnel;
- (2) organize other people under supervision to sabotage
- supervision order;
- (3) assemble a crowd to make trouble, thereby disturbing normal supervision order;
- (4) beat, carry out corporal punishment on or instigate other people to beat, carry out corporal punishment on other people under supervision.

(二)组织其他被监管人破坏监管秩序的;

(一) 殴打监管人员的:

- (三)聚众闹事,扰乱正常监管秩序的;
- (四)殴打、体罚或者指使他人殴打、体罚其他被监管人的。

Article 316. Criminals, defendants, criminal suspects who are already under custody in accordance with the law and who escape are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

第三百一十六条 【脱逃罪】依法被关押的罪犯、被告人、 犯罪嫌疑人脱逃的,处五年以下有期徒刑或者拘役。



Whoever seizes by force criminals, defendants, criminal suspects who are sent under escort is to be sentenced to not more than seven years of fixed-term imprisonment; when the circumstances are severe, to not less than seven years of fixed-term imprisonment.

Article 317. Whoever takes a lead in organizing an attempt to escape from a prison or whoever takes an active part in the attempt is to be sentenced to not less

than five years of fixed-term imprisonment; others who

participate in the attempt to not more than five years of

fixed-term imprisonment or limited incarceration.

Whoever takes a lead in staging a riot to escape from a prison or in assembling a crowd to open a prison with tools or whoever takes an active part in the attempt is to be sentenced to not less than ten years of fixed-term imprisonment or life imprisonment; when the circumstances are particularly severe, to the death penalty; others who participate in the attempt to not less than three years and not more than ten years of fixed-term imprisonment.

Section 3 . Crimes of Disrupting Administration of the Border

Article 318. Whoever organizes people to secretly cross the national boundary (border) shall be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and a fine; or not less than seven years of fixed-term imprisonment or to life imprisonment, and may in addition be sentenced to a fine or confiscation of property for any of the following situations:

【劫夺被押解人员罪】劫夺押解途中的罪犯、被告人、犯罪嫌疑人的,处三年以上七年以下有期徒刑;情节严重的,处七年以上有期徒刑。

第三百一十七条 【组织越狱罪】组织越狱的首要分子和积极参加的,处五年以上有期徒刑; 其他参加的,处五年以下有期徒刑或者拘役。

【暴动越狱罪】【聚众持械劫狱罪】暴动越狱或者聚众持械劫狱的首要分子和积极参加的,处十年以上有期徒刑或者无期徒刑;情节特别严重的,处死刑;其他参加的,处三年以上十年以下有期徒刑。

第三节 妨害国(边)境管理罪

第三百一十八条 【组织他人偷越国(边)境罪】组织他人偷越国(边)境的,处二年以上七年以下有期徒刑,并处罚金;有下列情形之一的,处七年以上有期徒刑或者无期徒刑,并处罚金或者没收财产:



- (1) ringleader who organizes people to secretly cross the national boundary (border);
- (一)组织他人偷越国(边)境集团的首要分子;
- (2) repeatedly organizing people to secretly cross the national boundary (border) or organizing a large number of people to secretly cross the national boundary (border);
- (二)多次组织他人偷越国(边)境或者组织他人偷越国(边)境人数众多的;
- (3) causing serious injuries and deaths to the people being organized;
- (三)造成被组织人重伤、死亡的;
- (4) depriving or restricting personal freedom of the people being organized;
- (四)剥夺或者限制被组织人人身自由的;
- (5) resisting investigation by violent or threatening methods;
- (五)以暴力、威胁方法抗拒检查的;
- (6) obtaining huge amounts of illegal income;
- (六)违法所得数额巨大的;
- (7) other exceptionally serious circumstances.
- (七)有其他特别严重情节的。

Whoever commits the crimes mentioned in the preceding paragraph, killing, harming, raping, and kidnapping and selling the people being organized, or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

犯前款罪,对被组织人有杀害、伤害、强奸、拐卖等犯罪行为,或者 对检查人员有杀害、伤害等犯罪行为的,依照数罪并罚的规定处罚。



Article 319. Whoever defrauds people, in the name of labor export and economic and trade exchanges or for other reasons, of their exit documents such as passports and visas through fraud and deception for use in organizing people in the secret crossing of the national boundary (border) shall be sentenced to not more than three years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

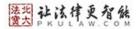
Institutions which commit the crimes mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

Article 320. Whoever provides fake and altered exit and entry documents such as passports and visas, or sells exit and entry documents such as passports and visas, shall be sentenced to not more than five years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than five years of fixed-term imprisonment, and may in addition be sentenced to a fine.

第三百一十九条 【骗取出境证件罪】以劳务输出、经贸往 来或者其他名义,弄虚作假,骗取护照、签证等出境证件,为组织他 人偷越国(边)境使用的,处三年以下有期徒刑,并处罚金;情节严 重的,处三年以上十年以下有期徒刑,并处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第三百二十条 【提供伪造、变造的出入境证件罪】【出售出入境证件罪】为他人提供伪造、变造的护照、签证等出入境证件,或者出售护照、签证等出入境证件的,处五年以下有期徒刑,并处罚金:情节严重的,处五年以上有期徒刑,并处罚金。



Article 321. Whoever transports people secretly across the national boundary (border) shall be sentenced to not more than five years of fixed-term imprisonment and limited incarceration or probation, and may in addition be sentenced to a fine; or not less than five years and not

more than 10 years of fixed-term imprisonment and a fine

第三百二十一条 【运送他人偷越国(边)境罪】运送他人偷越国(边)境的,处五年以下有期徒刑、拘役或者管制,并处罚金;有下列情形之一的,处五年以上十年以下有期徒刑,并处罚金:

(1) repeatedly involving in transporting activities or transporting a large number of people;

for any of the following situations:

- (一) 多次实施运送行为或者运送人数众多的;
- (2) using transportation means such as ships and vehicles that do not meet essential safety conditions and that are sufficient to cause serious consequences;
- (二) 所使用的船只、车辆等交通工具不具备必要的安全条件,足以造成严重后果的:
- (3) obtaining huge amount of illegal income;
- (三)违法所得数额巨大的;
- (4) other exceptionally serious circumstances.
- (四)有其他特别严重情节的。

Whoever, in the course of transporting people secretly across the national boundary (border), causes heavy injuries and deaths to the people being transported or resists investigation by violent and threatening methods shall be sentenced to not less than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

在运送他人偷越国(边)境中造成被运送人重伤、死亡,或者以暴力、威胁方法抗拒检查的,处七年以上有期徒刑,并处罚金。



Whoever commits the crimes mentioned in the two preceding paragraphs by killing, harming, raping, and kidnapping and selling the people being transported; or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

犯前两款罪,对被运送人有杀害、伤害、强奸、拐卖等犯罪行为,或 者对检查人员有杀害、伤害等犯罪行为的,依照数罪并罚的规定处 罚。

Article 322. Whoever secretly crosses China's frontier (border) in violation of the provisions on frontier (border) administration shall be sentenced to imprisonment of not more than one year, limited incarceration or surveillance in addition to a fine if the circumstances are serious; and whoever secretly crosses China's frontier (border) for the purpose of joining a terrorist organization, receiving training on terrorist activities or conducting terrorist activities shall be sentenced to imprisonment of not less than one year but not more than three years in addition to a fine.

第三百二十二条 【偷越国(边)境罪】违反国(边)境管理法规,偷越国(边)境,情节严重的,处一年以下有期徒刑、拘役或者管制,并处罚金;为参加恐怖活动组织、接受恐怖活动培训或者实施恐怖活动,偷越国(边)境的,处一年以上三年以下有期徒刑,并处罚金。

Article 323. Whoever intentionally sabotages boundary tablets, boundary markers or survey indicators of a permanent nature along the borders of the country shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

第三百二十三条 【破坏界碑、界桩罪】【破坏永久性测量标志罪】故意破坏国家边境的界碑、界桩或者永久性测量标志的,处 三年以下有期徒刑或者拘役。

Section 4 . Crimes of Disrupting Administration of Cultural Relics

第四节 妨害文物管理罪



Article 324. Whoever intentionally destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine; or when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

第三百二十四条 【故意损毁文物罪】故意损毁国家保护的 珍贵文物或者被确定为全国重点文物保护单位、省级文物保护单位的 文物的,处三年以下有期徒刑或者拘役,并处或者单处罚金;情节严重的,处三年以上十年以下有期徒刑,并处罚金。

Whoever intentionally destroys state-protected places of historical interest or scenic beauty, and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

【故意损毁名胜古迹罪】故意损毁国家保护的名胜古迹,情节严重的,处五年以下有期徒刑或者拘役,并处或者单处罚金。

Whoever, through negligence, destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or limited incarceration.

【过失损毁文物罪】过失损毁国家保护的珍贵文物或者被确定为全国 重点文物保护单位、省级文物保护单位的文物,造成严重后果的,处 三年以下有期徒刑或者拘役。

Article 325. Whoever violates laws and regulations on cultural relics protection by secretly selling or giving to foreigners his or her collection of precious cultural relics, the export of which is banned by the state shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine.

第三百二十五条 【非法向外国人出售、赠送珍贵文物罪】 违反文物保护法规,将收藏的国家禁止出口的珍贵文物私自出售或者 私自赠送给外国人的,处五年以下有期徒刑或者拘役,可以并处罚 金。

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Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 326. Whoever, for the purpose of reaping profits, resells cultural relics, the transaction of which is banned by the state and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine, or when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

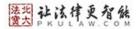
第三百二十六条 【倒卖文物罪】以牟利为目的,倒卖国家 禁止经营的文物,情节严重的,处五年以下有期徒刑或者拘役,并处 罚金;情节特别严重的,处五年以上十年以下有期徒刑,并处罚金。

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 327 . States-owned museums, libraries, and other entities that violate the laws and regulations on protection of cultural relics, selling or giving without permission cultural relic objects under state protection to non-state-owned entities or individuals are to be sentenced to a fine and persons in direct charge of the entities and other persons directly involved in the case for responsibility are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

第三百二十七条 【非法出售、私赠文物藏品罪】违反文物保护法规,国有博物馆、图书馆等单位将国家保护的文物藏品出售或者私自送给非国有单位或者个人的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役。



Article 328. Whoever robs any site of ancient culture or ancient tomb of a historical, artistic or scientific value shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; if the circumstances are minor, be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property:

- 第三百二十八条 【盗掘古文化遗址、古墓葬罪】盗掘具有历史、艺术、科学价值的古文化遗址、古墓葬的,处三年以上十年以下有期徒刑,并处罚金;情节较轻的,处三年以下有期徒刑、拘役或者管制,并处罚金;有下列情形之一的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产:
- (1) Robbing any site of ancient culture or ancient tomb which has been determined as a key cultural relic under the protection of the state or a cultural relic under the protection of a province;
- (一)盗掘确定为全国重点文物保护单位和省级文物保护单位的古文 化遗址、古墓葬的;
- (2) Being a ringleader of a group of robbers of sites of ancient culture and ancient tombs;
- (二) 盗掘古文化遗址、古墓葬集团的首要分子;
- (3) Having robbed sites of ancient culture and ancient tombs many times; or
- (三) 多次盗掘古文化遗址、古墓葬的;
- (4) Robbing a site of ancient culture or ancient tomb of valuable cultural relics or causing severe damage to valuable cultural relics.
- (四) 盗掘古文化遗址、古墓葬,并盗窃珍贵文物或者造成珍贵文物 严重破坏的。

Whoever robs ancient human fossils and ancient vertebrate fossils that have scientific value is to be punished according to the provisions of the preceding article.

【盗掘古人类化石、古脊椎动物化石罪】盗掘国家保护的具有科学价值的古人类化石和古脊椎动物化石的,依照前款的规定处罚。

Article 329 . Whoever seizes and steals state-owned records is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

第三百二十九条 【抢夺、窃取国有档案罪】抢夺、窃取国 家所有的档案的,处五年以下有期徒刑或者拘役。



Whoever violates the provisions of the Archives Law, selling and transferring state-owned records without authorization and when the circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

【擅自出卖、转让国有档案罪】违反档案法的规定,擅自出卖、转让 国家所有的档案,情节严重的,处三年以下有期徒刑或者拘役。

Whoever commits the preceding two acts and at the same time, they form the other crimes specified in this law is to be convicted and punished according to the provisions that provide relatively severe punishment.

有前两款行为,同时又构成本法规定的其他犯罪的,依照处罚较重的 规定定罪处罚。

Section 5. Crimes of Endangering Public Health

第五节 危害公共卫生罪

Article 330. Whoever, in violation of the provisions of the Law on the Prevention and Treatment of Infectious
Diseases, falls under any of the following circumstances, causing the spread, or posing a grave danger of the spread, of a Category A infectious disease or an infectious disease against which the measures for the prevention and treatment of Category A infectious diseases shall be taken as determined in accordance with the law shall be sentenced to imprisonment of not more than three years or limited incarceration; or if the consequences are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years:

第三百三十条 【妨害传染病防治罪】违反传染病防治法的规定,有下列情形之一,引起甲类传染病以及依法确定采取甲类传染病预防、控制措施的传染病传播或者有传播严重危险的,处三年以下有期徒刑或者拘役;后果特别严重的,处三年以上七年以下有期徒刑:

- (1) The failure of the drinking water supplied by a water supplier to meet the hygienic standards of the state.
- (一) 供水单位供应的饮用水不符合国家规定的卫生标准的;
- (2) Refusing to disinfect sewage, wastes, places, and articles contaminated by pathogens of an infectious disease according to the hygienic requirements of the disease prevention and control institution.
- (二)拒绝按照疾病预防控制机构提出的卫生要求,对传染病病原体污染的污水、污物、场所和物品进行消毒处理的;



- (3) Permitting or conniving at the engagement of any patient, pathogen carrier, or suspected patient of an infectious disease in any work that tends to cause the spread of the infectious disease as prohibited by the health administrative department of the State Council.
- (三)准许或者纵容传染病病人、病原携带者和疑似传染病病人从事 国务院卫生行政部门规定禁止从事的易使该传染病扩散的工作的;
- (4) Selling or transporting any articles that are or may be contaminated by the pathogens of an infectious disease in an epidemic area without disinfection of them.
- (四)出售、运输疫区中被传染病病原体污染或者可能被传染病病原体污染的物品,未进行消毒处理的;
- (5) Refusing to execute the prevention and control measures required by the people's government at or above the county level or the disease prevention and control institution in accordance with the Law on the Prevention and Treatment of Infectious Diseases.
- (五) 拒绝执行县级以上人民政府、疾病预防控制机构依照传染病防治法提出的预防、控制措施的。

Any entity that commits the preceding crimes is to be sentenced to a fine and the person in direct charge of the entity and other persons directly involved in the case for responsibility are to be punished according to the provisions of the preceding article.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

The scope of A-category contagious diseases is determined in accordance with the Law of the People's Republic of China on Prevention and Cure of Contagious Diseases and the relevant provisions of the State Council.

甲类传染病的范围, 依照《中华人民共和国传染病防治法》和国务院 有关规定确定。



Article 331. Personnel engaged in the testing, storage,

carriage, and transporting of contagious diseases' bacterial spawns and viruses violate the relevant provisions of the public health administrative departments of the State Council, causing the spread of contagious diseases' bacterial spawns and viruses and resulting in serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

第三百三十一条 【传染病菌种、毒种扩散罪】从事实验、 保藏、携带、运输传染病菌种、毒种的人员,违反国务院卫生行政部 门的有关规定,造成传染病菌种、毒种扩散,后果严重的,处三年以 下有期徒刑或者拘役;后果特别严重的,处三年以上七年以下有期徒

刑。

Article 332. Whoever violates national border health and quarantine regulations, causing the spread of quarantined contagious diseases or a serious danger of spreading them, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine.

第三百三十二条 【妨害国境卫生检疫罪】违反国境卫生检疫规定,引起检疫传染病传播或者有传播严重危险的,处三年以下有期徒刑或者拘役,并处或者单处罚金。

An entity which violates the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the entity and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

Article 333. Whoever sells blood illegally by involving others shall be sentenced to not more than five years of fixed-term imprisonment and a fine. Whoever, by violent and threatening methods, forces others to sell blood shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine.

第三百三十三条 【非法组织卖血罪】【强迫卖血罪】非法组织他人出卖血液的,处五年以下有期徒刑,并处罚金;以暴力、威胁方法强迫他人出卖血液的,处五年以上十年以下有期徒刑,并处罚金。



Whoever causes harm to others through the act mentioned in the preceding paragraph shall be convicted and fined in accordance to stipulations of Article 234 of this law.

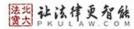
【故意伤害罪】有前款行为,对他人造成伤害的,依照本法第二百三十四条的规定定罪处罚。

Article 334. Whoever illegally collects and supplies or produces and supplies blood products that do not meet state- stipulated standards, and enough to endanger human health, shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration and a fine. Whoever causes serious harm to human health shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine; and for whoever causes exceptionally serious consequences, a sentence of not less than 10 years of fixed-term imprisonment or life imprisonment, and may in addition be sentenced to a fine or confiscation of property.

第三百三十四条 【非法采集、供应血液、制作、供应血液制品罪】非法采集、供应血液或者制作、供应血液制品,不符合国家规定的标准,足以危害人体健康的,处五年以下有期徒刑或者拘役,并处罚金;对人体健康造成严重危害的,处五年以上十年以下有期徒刑,并处罚金;造成特别严重后果的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产。

Departments that have approval from principal state departments to collect and supply blood or produce and supply blood products but do not conduct inspection and tests in accordance with stipulations or violate other operations specifications, causing harm to human health, the entity concerned shall be fined, and principal personnel directly responsible to the entity and other personnel with direct responsibility shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

【采集、供应血液、制作、供应血液制品事故罪】经国家主管部门批 准采集、供应血液或者制作、供应血液制品的部门,不依照规定进行 检测或者违背其他操作规定,造成危害他人身体健康后果的,对单位 判处罚金,并对其直接负责的主管人员和其他直接责任人员,处五年 以下有期徒刑或者拘役。



Article 334 (I): Whoever, in violation of the relevant provisions issued by the state, illegally collects the human genetic resources of China or illegally transports, mails, or carries the human genetic materials of China out of China, endangering public health or social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

Article 335. Medical personnel who fail seriously to carry out their responsibility, causing the death of patients or serious harm to the health of patients shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

Article 336. Whoever illegally engages in medical practice without obtaining the qualification for medical practice, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment, and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

第三百三十四条之一 【非法采集人类遗传资源、走私人类遗传资源材料罪】违反国家有关规定,非法采集我国人类遗传资源或者非法运送、邮寄、携带我国人类遗传资源材料出境,危害公众健康或者社会公共利益,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金。

第三百三十五条 【医疗事故罪】医务人员由于严重不负责任,造成就诊人死亡或者严重损害就诊人身体健康的,处三年以下有期徒刑或者拘役。

第三百三十六条 【非法行医罪】未取得医生执业资格的人非法行医,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;严重损害就诊人身体健康的,处三年以上十年以下有期徒刑,并处罚金;造成就诊人死亡的,处十年以上有期徒刑,并处罚金。



法實



Whoever conducts unauthorized birth control reversal surgery, fake birth control surgery, and pregnancy termination surgery, or takes out birth control devices from the womb, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

【非法进行节育手术罪】未取得医生执业资格的人擅自为他人进行节育复通手术、假节育手术、终止妊娠手术或者摘取宫内节育器,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金; 严重损害就诊人身体健康的,处三年以上十年以下有期徒刑,并处罚金。造成就诊人死亡的,处十年以上有期徒刑,并处罚金。

Article 336 (I): Whoever implants any genetically edited or cloned human embryo into the body of a human being or animal or implants any genetically edited or cloned animal embryo into the body of a human being shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

第三百三十六条之一 【非法植入基因编辑、克隆胚胎罪】 将基因编辑、克隆的人类胚胎植入人体或者动物体内,或者将基因编辑、克隆的动物胚胎植入人体内,情节严重的,处三年以下有期徒刑或者拘役,并处罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金。

Article 337. Whoever, in violation of the relevant state provisions on animal and plant epidemic prevention and quarantine, causes a serious animal or plant epidemic or the risk of a serious animal or plant epidemic shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined.

第三百三十七条 【妨害动植物防疫、检疫罪】违反有关动植物防疫、检疫的国家规定,引起重大动植物疫情的,或者有引起重大动植物疫情危险,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚金。



Entities that commit the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the entity and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

Section 6 . Crimes of Undermining Protection of Environmental Resources

Article 338. Whoever, in violation of the provisions issued by the state, discharges, dumps, or disposes of any radioactive waste, waste containing pathogens of an infectious disease, poisonous substance, or other hazardous substance, causing serious environmental pollution, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the circumstances are serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than seven years and a fine:

(1) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to a drinking water source protection area, the core protective area of a nature reserve, or any other key protective area determined in accordance with the law, with especially serious circumstances.

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第六节 破坏环境资源保护罪

第三百三十八条 【污染环境罪】违反国家规定,排放、倾倒或者处置有放射性的废物、含传染病病原体的废物、有毒物质或者其他有害物质,严重污染环境的,处三年以下有期徒刑或者拘役,并处或者单处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金;有下列情形之一的,处七年以上有期徒刑,并处罚金;

(一)在饮用水水源保护区、自然保护地核心保护区等依法确定的重点保护区域排放、倾倒、处置有放射性的废物、含传染病病原体的废物、有毒物质,情节特别严重的;



- (2) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to any water area of important rivers and lakes determined by the state, with especially serious circumstances.
- (二)向国家确定的重要江河、湖泊水域排放、倾倒、处置有放射性的废物、含传染病病原体的废物、有毒物质,情节特别严重的;
- (3) Causing the loss of basic functions of, or any permanent damage to, large amounts of permanent basic farmland.
- (三) 致使大量永久基本农田基本功能丧失或者遭受永久性破坏的;
- (4) Causing any serious injury or serious illness to many people or causing any serious disability or the death of a person.
- (四)致使多人重伤、严重疾病,或者致人严重残疾、死亡的。

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

有前款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处罚。

Article 339. Those who dump, store or process solid waste from abroad in the country in violation of state regulations are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine. Those whose acts cause serious environmental pollution and major damages to public or private properties or seriously endanger people's health are to be punished by sentence of not less than five years and not more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine. Those whose acts have especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine.

第三百三十九条 【非法处置进口的固体废物罪】违反国家规定,将境外的固体废物进境倾倒、堆放、处置的,处五年以下有期徒刑或者拘役,并处罚金;造成重大环境污染事故,致使公私财产遭受重大损失或者严重危害人体健康的,处五年以上十年以下有期徒刑,并处罚金;后果特别严重的,处十年以上有期徒刑,并处罚金。



Those who import solid waste as raw material without the approval of concerned administrative department of the State Council and cause serious environmental pollution, major damages to public or private properties and or seriously endanger people's health are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and in addition be sentenced to a fine.

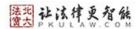
【擅自进口固体废物罪】未经国务院有关主管部门许可,擅自进口固体废物用作原料,造成重大环境污染事故,致使公私财产遭受重大损失或者严重危害人体健康的,处五年以下有期徒刑或者拘役,并处罚金:后果特别严重的,处五年以上十年以下有期徒刑,并处罚金。

Whoever, under the pretext of using as raw materials, imports solid, liquid or gaseous waste that cannot be used as raw materials shall be convicted and punished in accordance with the Paragraphs 2 and 3 of Article 152 of this Law.

【走私废物罪】以原料利用为名,进口不能用作原料的固体废物、液态废物和气态废物的,依照本法第一百五十二条第二款、第三款的规定定罪处罚。

Article 340. Those who violate laws and regulations to protect aquatic products and catch aquatic products in forbidden areas or forbidden periods or use tools and methods in violation of regulations in a serious nature are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration or probation, and may in addition be sentenced to a fine.

第三百四十条 【非法捕捞水产品罪】违反保护水产资源法规,在禁渔区、禁渔期或者使用禁用的工具、方法捕捞水产品,情节严重的,处三年以下有期徒刑、拘役、管制或者罚金。



Article 341. Those who illegally hunt and kill rare and endangered wild animals which are under the state key protection plan or illegally purchase, transport or sell those rare and endangered wild animals and their manufactured products are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and may in addition be sentenced to a fine. In serious cases, those law offenders are to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine and confiscation of their properties.

Those who violate hunting law and regulations and use tools and methods which are forbidden to be used in nohunting zones or periods and thus damage the source of wild animals and if the situation is serious are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration or probation, and in addition be sentenced to a fine.

Whoever, in violation of the legislation on the administration of wild animal protection, illegally hunts, purchases, transports, or sells terrestrial wild animals that grow and reproduce naturally in the wild other than those set forth in paragraph 1 for the purpose of eating shall, if the circumstances are serious, be punished in accordance with the provision of the preceding paragraph.

第三百四十一条 【危害珍贵、濒危野生动物罪】非法猎捕、杀害国家重点保护的珍贵、濒危野生动物的,或者非法收购、运输、出售国家重点保护的珍贵、濒危野生动物及其制品的,处五年以下有期徒刑或者拘役,并处罚金;情节严重的,处五年以上十年以下有期徒刑,并处罚金;情节特别严重的,处十年以上有期徒刑,并处罚金或者没收财产。

【非法狩猎罪】违反狩猎法规,在禁猎区、禁猎期或者使用禁用的工具、方法进行狩猎,破坏野生动物资源,情节严重的,处三年以下有期徒刑、拘役、管制或者罚金。

【非法猎捕、收购、运输、出售陆生野生动物罪】违反野生动物保护管理法规,以食用为目的非法猎捕、收购、运输、出售第一款规定以外的在野外环境自然生长繁殖的陆生野生动物,情节严重的,依照前款的规定处罚。



Article 342. Whoever, in violation of the regulations on land administration, unlawfully occupies cultivated land, forestland or other land used for agriculture, and change the use of the occupied land, if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration and shall also, or shall only be fined.

第三百四十二条 【非法占用农用地罪】违反土地管理法规,非法占用耕地、林地等农用地,改变被占用土地用途,数量较大,造成耕地、林地等农用地大量毁坏的,处五年以下有期徒刑或者拘役,并处或者单处罚金。

Article 342 (I): Whoever, in violation of the legislation on the administration of nature reserves, conducts any activity of reclamation or development or constructs any building in a national park or national nature reserve shall, if the consequences are serious or there is any other execrable circumstance, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only.

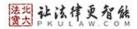
第三百四十二条之一 【破坏自然保护地罪】违反自然保护 地管理法规,在国家公园、国家级自然保护区进行开垦、开发活动或 者修建建筑物,造成严重后果或者有其他恶劣情节的,处五年以下有 期徒刑或者拘役,并处或者单处罚金。

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes any other crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

有前款行为,同时构成其他犯罪的,依照处罚较重的规定定罪处罚。







Article 343. Whoever, in violation of the Mineral

Resources Law, engages in mining without a mining permit, enters a mining area under state planning, a mining area of great value to the national economy or a mining area of any other person to engage in mining without approval, or engages in mining of a special mineral which is subject to protective excavation according to the state provisions without approval shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine if the circumstances are serious; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

Those who violate the stipulations of Mineral Resources
Law and use destructive mining methods to tap mineral
resources and have caused serious damages to mineral
resources are to be sentenced to not more than five years
of fixed-term imprisonment or limited incarceration, and in
addition be sentenced to a fine.

Article 344. Whoever, in violation of the provisions of the state, illegally fells or destroys precious trees or other plants subject to key protection of the state, or illegally purchases, transports, processes or sells precious trees or other plants subject to key protection of the state or the products processed therefrom, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance, and shall also be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

第三百四十三条 【非法采矿罪】违反矿产资源法的规定,

未取得采矿许可证擅自采矿,擅自进入国家规划矿区、对国民经济具有重要价值的矿区和他人矿区范围采矿,或者擅自开采国家规定实行保护性开采的特定矿种,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金。

【破坏性采矿罪】违反矿产资源法的规定,采取破坏性的开采方法开 采矿产资源,造成矿产资源严重破坏的,处五年以下有期徒刑或者拘 役,并处罚金。

第三百四十四条 【危害国家重点保护植物罪】违反国家规定,非法采伐、毁坏珍贵树木或者国家重点保护的其他植物的,或者非法收购、运输、加工、出售珍贵树木或者国家重点保护的其他植物及其制品的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。



Article 344 (I): Whoever, in violation of the provisions issued by the state, illegally introduces, releases, or discards any invasive alien species shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

Article 345. Whoever stealthily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

Whoever, in violation of the provisions of the Forestry Law, arbitrarily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

第三百四十四条之一 【非法引进、释放、丢弃外来入侵物种罪】违反国家规定,非法引进、释放或者丢弃外来入侵物种,情节严重的,处三年以下有期徒刑或者拘役,并处或者单处罚金。

第三百四十五条 【盗伐林木罪】盗伐森林或者其他林木,

数量较大的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;数量巨大的,处三年以上七年以下有期徒刑,并处罚金;数量特别巨大的,处七年以上有期徒刑,并处罚金。

【滥伐林木罪】违反森林法的规定,滥伐森林或者其他林木,数量较大的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;数量巨大的,处三年以上七年以下有期徒刑,并处罚金。



Whoever illegally purchases or transports trees or woods, which he knows are felled stealthily or arbitrarily, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

【非法收购、运输盗伐、滥伐的林木罪】非法收购、运输明知是盗 伐、滥伐的林木,情节严重的,处三年以下有期徒刑、拘役或者管 制,并处或者单处罚金;情节特别严重的,处三年以上七年以下有期 徒刑,并处罚金。

Whoever stealthily or arbitrarily fells trees or woods in any nature reserve at the national level shall be given a heavier punishment.

盗伐、滥伐国家级自然保护区内的森林或者其他林木的,从重处罚。

Article 346. If an entity commits the crimes stipulated in Articles 338 to 345, the entity will be sentenced to a fine, while the leading person with direct responsibility and other personnel directly responsible for such violations are to be punished in accordance with the stipulations of related articles.

第三百四十六条 【单位犯破坏环境资源保护罪的处罚规定】单位犯本节第三百三十八条至第三百四十五条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照本节各该条的规定处罚。

Section 7 . Crimes of Smuggling, Trafficking, Transporting and Manufacturing Drugs

第七节 走私、贩卖、运输、制造毒品罪

Article 347. Those who commit the crimes of smuggling, trafficking, transporting and manufacturing drugs, regardless of the quantity of drugs, shall be investigated for their criminal responsibility and punished according to the Criminal Law.

第三百四十七条 【走私、贩卖、运输、制造毒品罪】走 私、贩卖、运输、制造毒品,无论数量多少,都应当追究刑事责任, 予以刑事处罚。



Those who smuggle, traffic, transport or manufacture drugs with one of the following conditions are to be punished by 15 years of fixed-term imprisonment, life imprisonment or death sentence, and, in addition, confiscation of their properties:

走私、贩卖、运输、制造毒品,有下列情形之一的,处十五年有期徒 刑、无期徒刑或者死刑,并处没收财产:

- (1) Smuggling, trafficking, transporting or manufacturing opium with a quantity of more than 1,000 grams [ke 0344], heroin or methylaniline [jia ji ben bing an 3946 1015 0058 0014 5143] with a quantity of more than 50 grams or other narcotics with a large quantify;
- (一)走私、贩卖、运输、制造鸦片一千克以上、海洛因或者甲基苯 丙胺五十克以上或者其他毒品数量大的;
- (2) The principal leaders of criminal groups engaged in smuggling, trafficking, transporting and manufacturing drugs;
- (二) 走私、贩卖、运输、制造毒品集团的首要分子;



- (3) Those who use arms to cover up smuggling, trafficking, transporting and manufacturing drugs;
- (三) 武装掩护走私、贩卖、运输、制造毒品的;
- (4) Those who use violence to resist inspection, detention or arrest in serious situation: and
- (四)以暴力抗拒检查、拘留、逮捕,情节严重的;
- (5) Those who take part in organized international drug trafficking activities.
- (五)参与有组织的国际贩毒活动的。

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 1,000 grams but more than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 50 grams but more than 10 grams, and those who deal with other drugs in large quantity are to be sentenced to more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

走私、贩卖、运输、制造鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的,处七年以上有期徒刑,并处罚金。



Those who smuggle, traffic, transport or manufacture opium with a quantity less than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 10 grams, or those who deal with a small quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment, limited incarceration or probation, and, in addition, be sentenced to a fine. In more serious cases, those law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

走私、贩卖、运输、制造鸦片不满二百克、海洛因或者甲基苯丙胺不满十克或者其他少量毒品的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。

Entities which commit the crimes as stated in (2), (3) and (4) above are to be penalized with a fine. Their leading personnel directly responsible for those acts and other directly responsible personnel are to be punished in accordance with the above sections of this article.

单位犯第二款、第三款、第四款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各该款的规定处罚。

Those who utilize or urge youngsters to engage in smuggling, trafficking, transporting or manufacturing drugs or selling drugs to youngsters are to be punished in a heavier manner.

利用、教唆未成年人走私、贩卖、运输、制造毒品,或者向未成年人出售毒品的,从重处罚。

As to those who commit crimes repeatedly, the quantities of drugs involved in smuggling, trafficking, transporting and manufacturing will be combined in the judgment for sentencing.

对多次走私、贩卖、运输、制造毒品,未经处理的,毒品数量累计计算。



Article 348. Those who illegally hold more than 1,000 grams of opium or more than 50 grams of heroin or methylaniline or large quantities of other drugs are to be sentenced to more than seven years of fixed-term imprisonment or life imprisonment and, in addition, be sentenced to a fine. Those who illegally hold more than 200 grams but less than 1,000 grams of opium or hold more than 10 grams of heroin but less than 50 grams of methylaniline or hold a large quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment or limited incarceration or probation and, in addition, be sentenced to paying a fine. In serious cases, the law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to paying a fine.

第三百四十八条 【非法持有毒品罪】非法持有鸦片一千克以上、海洛因或者甲基苯丙胺五十克以上或者其他毒品数量大的,处七年以上有期徒刑或者无期徒刑,并处罚金;非法持有鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚金。

Article 349. Those who provide cover for criminals who have engaged in smuggling, trafficking, transporting and manufacturing drugs and those who hide, move or conceal drugs and properties of criminals are to be sentenced to less than three years of fixed-term imprisonment, limited incarceration or probation. In serious cases, they are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

第三百四十九条 【包庇毒品犯罪分子罪】【窝藏、转移、隐瞒毒品、毒赃罪】包庇走私、贩卖、运输、制造毒品的犯罪分子的,为犯罪分子窝藏、转移、隐瞒毒品或者犯罪所得的财物的,处三年以下有期徒刑、拘役或者管制;情节严重的,处三年以上十年以下有期徒刑。

Anti-drug smuggling personnel or other workers of state organs who shield or harbor criminal elements who smuggle, sell, transport, or make drugs, are to be severely punished according to stipulations of the above paragraph.

【包庇毒品犯罪分子罪】缉毒人员或者其他国家机关工作人员掩护、 包庇走私、贩卖、运输、制造毒品的犯罪分子的,依照前款的规定从 重处罚。

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Those who conspire with others in advance to commit crimes stipulated in the above two paragraphs of this article are to be handled as accomplices of smuggling, trafficking, transporting, or making drugs.

犯前两款罪,事先通谋的,以走私、贩卖、运输、制造毒品罪的共犯 论处。

Article 350. Whoever, in violation of the provisions of the state, illegally produces, trades in, transports or carries into or out of China acetic anhydride, ethyl ether, chloroform, or other raw materials or auxiliary materials for manufacturing drugs shall be sentenced to imprisonment of not more than three years, limited incarceration or probation in addition to a fine if the circumstances are relatively serious; if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property.

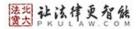
第三百五十条 【非法生产、买卖、运输制毒物品、走私制 毒物品罪】违反国家规定,非法生产、买卖、运输醋酸酐、乙醚、三 氯甲烷或者其他用于制造毒品的原料、配剂,或者携带上述物品进出 境,情节较重的,处三年以下有期徒刑、拘役或者管制,并处罚金; 情节严重的,处三年以上七年以下有期徒刑,并处罚金;情节特别严 重的,处七年以上有期徒刑,并处罚金或者没收财产。

Whoever, being obviously aware that someone else is manufacturing drugs, produces, trades in or transports the articles as provided for in the preceding paragraph for the said person shall be punished as an accomplice to the crime of drug manufacturing.

明知他人制造毒品而为其生产、买卖、运输前款规定的物品的,以制造毒品罪的共犯论处。

Entities committing crimes stipulated in the above two paragraphs are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above two paragraphs.

单位犯前两款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照前两款的规定处罚。



probation, in addition to fine:

Article 351. Illegal growing of opium poppy, marijuana, or other kinds of plants from which drugs are extracted is to be forcibly eliminated. Those falling in one or more of the following cases are to be sentenced to five years or fewer in prison or put under limited incarceration or

- (1) Those growing more than 500 but fewer than 3,000 opium poppy plants, or those growing relatively large numbers of other kinds of plants from which drugs are extracted;
- (2) those who grow again after their cases have been settled by a public security organ;
- (3) those refusing and resisting elimination of their crops.

Those illegally growing more than 3,000 opium poppy plants or large numbers of other kinds of plants from which drugs are extracted are to be sentenced to five years or more in prison, in addition to paying a fine or having their property confiscated.

Those illegally growing opium poppy plants or other kinds of plants from which drugs are extracted but voluntarily wiping them out before reaping them may be exempted from punishment.

第三百五十一条 【非法种植毒品原植物罪】非法种植罂粟、大麻等毒品原植物的,一律强制铲除。有下列情形之一的,处五

年以下有期徒刑、拘役或者管制,并处罚金:

- (一)种植罂粟五百株以上不满三千株或者其他毒品原植物数量较大的:
- (二) 经公安机关处理后又种植的;
- (三) 抗拒铲除的。

非法种植罂粟三千株以上或者其他毒品原植物数量大的,处五年以上有期徒刑,并处罚金或者没收财产。

非法种植罂粟或者其他毒品原植物,在收获前自动铲除的,可以免除



Article 352. Those illegally selling, buying,

transporting, hand carrying, or those who are illegally in possession of non-sterilized seeds or saplings of opium poppy or other kinds of plants from which drugs are extracted, if the amounts are relatively large, are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine; or are to be fined.

第三百五十二条 【非法买卖、运输、携带、持有毒品原植物种子、幼苗罪】非法买卖、运输、携带、持有未经灭活的罂粟等毒品原植物种子或者幼苗,数量较大的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金。

Article 353. Those who lure, instigate, or trick others into taking or injecting drugs are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine.

第三百五十三条 【引诱、教唆、欺骗他人吸毒罪】引诱、 教唆、欺骗他人吸食、注射毒品的,处三年以下有期徒刑、拘役或者 管制,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处 罚金。

Those forcing others to take or inject drugs are to be sentenced to three to 10 years in prison in addition to paying a fine.

【强迫他人吸毒罪】强迫他人吸食、注射毒品的,处三年以上十年以下有期徒刑,并处罚金。

Those luring, instigating, tricking, or forcing minors into taking or injecting drugs are to be severely punished.

引诱、教唆、欺骗或者强迫未成年人吸食、注射毒品的, 从重处罚

Article 354. Those harboring others who take or inject drugs are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine.

第三百五十四条 【容留他人吸毒罪】容留他人吸食、注射 毒品的,处三年以下有期徒刑、拘役或者管制,并处罚金。



Article 355. Personnel who produce, transport,

manage, or use according to law narcotics or drugs for mental sickness under the state's control and who, in violation to the state's regulations, provide those who take or inject drugs with addictive narcotics or drugs for mental sickness that are under the state's control are to be sentenced to three years or fewer in prison or put under limited incarceration, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine. Those providing addictive narcotics or drugs for mental sickness that are under the state's control to criminal elements engaging in smuggling or trafficking drugs or, with the purpose of making profits, to those taking or injecting drugs, are to be convicted and punished according to article 347 of this law.

Entities committing crime stipulated in the above paragraph are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above paragraph.

Article 355 (I): Whoever induces or instigates an athlete to commit, or deceives an athlete into committing, any anti-doping rule violation in a major national or international sports competition or knowing an athlete's participation in such a competition, provides the athlete with any prohibited substance shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine.

第三百五十五条 【非法提供麻醉药品、精神药品罪】依法 从事生产、运输、管理、使用国家管制的麻醉药品、精神药品的人 员,违反国家规定,向吸食、注射毒品的人提供国家规定管制的能够 使人形成瘾癖的麻醉药品、精神药品的,处三年以下有期徒刑或者拘 役,并处罚金;情节严重的,处三年以上七年以下有期徒刑,并处罚 金。向走私、贩卖毒品的犯罪分子或者以牟利为目的,向吸食、注射 毒品的人提供国家规定管制的能够使人形成瘾癖的麻醉药品、精神药 品的,依照本法第三百四十七条的规定定罪处罚。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第三百五十五条之一 【妨害兴奋剂管理罪】引诱、教唆、 欺骗运动员使用兴奋剂参加国内、国际重大体育竞赛,或者明知运动 员参加上述竞赛而向其提供兴奋剂,情节严重的,处三年以下有期徒 刑或者拘役,并处罚金。



Whoever arranges for or forces an athlete's commission of any anti-doping rule violation in a major national or international sports competition shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

组织、强迫运动员使用兴奋剂参加国内、国际重大体育竞赛的, 依照 前款的规定从重处罚。

Article 356. Those who have been convicted of smuggling, trafficking, transporting, or making drugs, or who are illegally in possession of drugs, and who again commit the crime stipulated in this section, are to be severely punished.

Article 357. Drugs as mentioned in this law refer to opium, heroin, ice, morphine, marijuana, cocaine, and other addictive narcotics and drugs for mental sickness that are under the state's control.

The amounts of drugs are to be calculated according to the verified amounts of drugs smuggled, sold, transported, or made, or the amounts illegally in possession, and are not to be calculated in terms of the pureness of the drugs.

Section 8 . The Crime of Organizing, Forcing, Seducing, Harboring, or Introducing Prostitution

Article 358. Whoever organizes or forces anyone else into prostitution shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property if the circumstances are serious.

第三百五十六条 【毒品犯罪的再犯】因走私、贩卖、运输、制造、非法持有毒品罪被判过刑,又犯本节规定之罪的,从重处

第三百五十七条 【毒品的范围及数量的计算原则】本法所称的毒品,是指鸦片、海洛因、甲基苯丙胺(冰毒)、吗啡、大麻、可卡因以及国家规定管制的其他能够使人形成瘾癖的麻醉药品和精神药品。

毒品的数量以查证属实的走私、贩卖、运输、制造、非法持有毒品的 数量计算,不以纯度折算。

第八节 组织、强迫、引诱、容留、介绍卖淫罪

第三百五十八条 【组织卖淫罪】【强迫卖淫罪】组织、强 迫他人卖淫的,处五年以上十年以下有期徒刑,并处罚金;情节严重 的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产。



Whoever organizes or forces any juvenile into prostitution shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

组织、强迫未成年人卖淫的,依照前款的规定从重处罚。

Whoever commits the crime in the preceding two paragraphs and also commits murder, injuring, rape, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

犯前两款罪,并有杀害、伤害、强奸、绑架等犯罪行为的,依照数罪 并罚的规定处罚。

Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall be sentenced to imprisonment of not more than five years in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine.

【协助组织卖淫罪】为组织卖淫的人招募、运送人员或者有其他协助组织他人卖淫行为的,处五年以下有期徒刑,并处罚金;情节严重的,处五年以上十年以下有期徒刑,并处罚金。

Article 359. Those harboring prostitution or seducing or introducing others into prostitution are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to five years or more in prison in addition to a fine.

第三百五十九条 【引诱、容留、介绍卖淫罪】引诱、容 留、介绍他人卖淫的,处五年以下有期徒刑、拘役或者管制,并处罚 金;情节严重的,处五年以上有期徒刑,并处罚金。

Those seducing young girls under 14 years of age into prostitution are to be sentenced to five years or more in prison in addition to a fine.

【引诱幼女卖淫罪】引诱不满十四周岁的幼女卖淫的,处五年以上有期徒刑,并处罚金。



Article 360. Those engaging in prostitution or visiting a whorehouse knowing that they are suffering from syphilis, clap, or other serious venereal diseases are to be sentenced to five years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine.

【传播性病罪】明知自己患有梅毒、淋病等 严重性病卖淫、嫖娼的, 处五年以下有期徒刑、拘役或者管制, 并处 罚金。

Article 361. Personnel of hotels, restaurants, entertainment industry, taxi companies, and other entities who take advantage of their entities' position to organize, force, seduce, harbor, or introduce others to prostitution are to be convicted and punished according to articles 358 and 359 of this law.

第三百六十一条 【组织卖淫罪】【强迫卖淫罪】【协助组 织卖淫罪】【引诱、容留、介绍卖淫罪】【引诱幼女卖淫罪】旅馆 业、饮食服务业、文化娱乐业、出租汽车业等单位的人员,利用本单 位的条件,组织、强迫、引诱、容留、介绍他人卖淫的,依照本法第 三百五十八条、第三百五十九条的规定定罪处罚。

Main persons in charge of the aforementioned entities who commit crimes stipulated in the above paragraph are to be 前款所列单位的主要负责人,犯前款罪的,从重处罚。 severely punished.

Article 362. Personnel of hotels, restaurants, entertainment industry, taxi companies, or other entities who inform law offenders and criminals while public security personnel are checking prostitution and whorehouse visiting activities, if the case is serious, are to be convicted and punished according to Article 310 of this law.

第三百六十二条 【窝藏、包庇罪】旅馆业、饮食服务业、 文化娱乐业、出租汽车业等单位的人员,在公安机关查处卖淫、嫖娼 活动时,为违法犯罪分子通风报信,情节严重的,依照本法第三百一 十条的规定定罪处罚。

Section 9. The Crime of Producing, Selling, or Disseminating Obscene Materials

第九节 制作、贩卖、传播淫秽物品罪



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Article 363. Those producing, reproducing, publishing, selling, or disseminating obscene materials with the purpose of making profits are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine. If the case is especially serious, they are to be sentenced to 10 years or more in prison or given life sentence, in addition to a fine or confiscation of property.

第三百六十三条 【制作、复制、出版、贩卖、传播淫秽物品牟利罪】以牟利为目的,制作、复制、出版、贩卖、传播淫秽物品的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上十年以下有期徒刑,并处罚金;情节特别严重的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产。

Those providing others with international standard book numbers [ISBN] for publishing obscene books or magazines are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine; or are to be fined. Those providing others with ISBNs knowing that they are going to use them for publishing obscene books or magazines are to be punished according to the above stipulations.

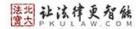
【为他人提供书号出版淫秽书刊罪】为他人提供书号,出版淫秽书刊的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;明知他人用于出版淫秽书刊而提供书号的,依照前款的规定处罚。

Article 364. Those disseminating obscene books, magazines, films, audio and video recordings, pictures, or other kinds of obscene materials, if the case is serious, are to be sentenced to two years or fewer in prison or put under limited incarceration or probation.

第三百六十四条 【传播淫秽物品罪】传播淫秽的书刊、影片、音像、图片或者其他淫秽物品,情节严重的,处二年以下有期徒刑、拘役或者管制。

Those organizing the broadcasting or showing of obscene motion pictures, video films, or other kinds of audio and video recordings are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to having to pay a fine. If the case if serious, they are to be sentenced to three to 10 years in prison in addition to paying a fine.

【组织播放淫秽音像制品罪】组织播放淫秽的电影、录像等音像制品的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上十年以下有期徒刑,并处罚金。



Those producing or reproducing and organizing the broadcasting or showing of obscene motion pictures, video tapes, or other kinds of audio and video recordings are to be severely punished according to stipulations in paragraph two of this article.

制作、复制淫秽的电影、录像等音像制品组织播放的,依照第二款的规定从重处罚。

Those broadcasting or showing obscene materials to minors under 18 years of age are to be severely punished.

向不满十八周岁的未成年人传播淫秽物品的,从重处罚。

Article 365. Those organizing an obscene performance are to be sentenced to three years or fewer in prison or put under limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine.

第三百六十五条 【组织淫秽表演罪】组织进行淫秽表演的,处三年以下有期徒刑、拘役或者管制,并处罚金;情节严重的,处三年以上十年以下有期徒刑,并处罚金。

Article 366. Entities committing crimes stipulated in articles 363, 354, or 365 of this section are to be fined, and their main persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of respective articles.

第三百六十六条 【单位犯制作、贩卖、传播淫秽物品罪的 处罚规定】单位犯本节第三百六十三条、第三百六十四条、第三百六 十五条规定之罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照各该条的规定处罚。

Article 367. Obscene materials mentioned in this law refer to erotic books, magazines, motion pictures, video tapes, audio tapes, pictures, and other obscene materials that graphically describe sexual intercourse or explicitly publicize pornography.

第三百六十七条 【淫秽物品的范围】本法所称淫秽物品, 是指具体描绘性行为或者露骨宣扬色情的诲淫性的书刊、影片、录像 带、录音带、图片及其他淫秽物品。

Scientific products about physiological or medical knowledge are not obscene materials.

有关人体生理、医学知识的科学著作不是淫秽物品。

Literary and artistic works of artistic value that contain erotic contents are not regarded as obscene materials.

包含有色情内容的有艺术价值的文学、艺术作品不视为淫秽物品。



Chapter VII Crimes of Endangering the Interests of National Defense

第七章 危害国防利益罪

Article 368. Those who use methods of violence or threat to obstruct military personnel from carrying out their duties in accordance with the law are to be sentenced to not more then three years of fixed-term imprisonment, or limited incarceration or probation and may, in addition, be sentenced to a fine.

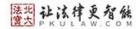
第三百六十八条 【阻碍军人执行职务罪】以暴力、威胁方 法阻碍军人依法执行职务的,处三年以下有期徒刑、拘役、管制或者 罚金。

Those who intentionally obstruct military actions of the armed forces and cause serious consequences are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration.

【阻碍军事行动罪】故意阻碍武装部队军事行动,造成严重后果的, 处五年以下有期徒刑或者拘役。

Article 369. Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or probation; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of 3 up to 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or the death penalty.

第三百六十九条 【破坏武器装备、军事设施、军事通信 罪】破坏武器装备、军事设施、军事通信的,处三年以下有期徒刑、 拘役或者管制;破坏重要武器装备、军事设施、军事通信的,处三年 以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑、无 期徒刑或者死刑。



Any one who commits a crime as described in the preceding two paragraphs and causes serious consequences due to negligence shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration; if the consequences are extremely serious, he shall be sentenced to fixed-term imprisonment of 3 up to 7 years.

【过失损坏武器装备、军事设施、军事通信罪】过失犯前款罪,造成严重后果的,处三年以下有期徒刑或者拘役;造成特别严重后果的,处三年以上七年以下有期徒刑。

He who commits a crime as mentioned in the preceding two paragraphs during wartime shall be given a heavier punishment.

战时犯前两款罪的,从重处罚。

Article 370. Those who knowingly supply unqualified weapons and equipment and other military facilities to armed units are to be sentenced to not more than five years fixed-term imprisonment or limited incarceration. In serious cases, those law offenders are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, life imprisonment or death.

第三百七十条 【故意提供不合格武器装备、军事设施罪】明知是不合格的武器装备、军事设施而提供给武装部队的,处五年以下有期徒刑或者拘役;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑、无期徒刑或者死刑。

Those who commit the above-mentioned crimes and cause serious consequences due to negligence are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration. Those who commit above- mentioned crimes and cause especially serious consequences due to negligence are to be sentenced to more than three years but less than seven years of fixed-term imprisonment.

【过失提供不合格武器装备、军事设施罪】过失犯前款罪,造成严重 后果的,处三年以下有期徒刑或者拘役;造成特别严重后果的,处三 年以上七年以下有期徒刑。



If an entity commits crimes noted in section one of this article, the entity will be sentenced to a fine. Leading personnel of the entity having direct responsibility and other personnel directly responsible for the crimes are to be punished in accordance with section one of this article.

单位犯第一款罪的,对单位判处罚金,并对其直接负责的主管人员和 其他直接责任人员,依照第一款的规定处罚。

Article 371. The principal leaders of those who assemble a crowd to charge military forbidden zones and seriously disrupt order in military forbidden zones are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. Other active participants are to be sentenced to not more than five years of fixed-term imprisonment, limited incarceration or probation or deprivation of political rights.

第三百七十一条 【聚众冲击军事禁区罪】聚众冲击军事禁区,严重扰乱军事禁区秩序的,对首要分子,处五年以上十年以下有期徒刑;对其他积极参加的,处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

The principal leaders of those who assemble a crowd to seriously disrupt order in military administrative zones, hamper operation in the military administrative zones and cause serious losses are to be sentenced to more than three years but less than seven years of fixed-term imprisonment. Other active participants are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights.

【聚众扰乱军事管理区秩序罪】聚众扰乱军事管理区秩序,情节严重,致使军事管理区工作无法进行,造成严重损失的,对首要分子,处三年以上七年以下有期徒刑;对其他积极参加的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 372. Those who pose as military personnel and engage in cheating and bluffing are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

第三百七十二条 【冒充军人招摇撞骗罪】冒充军人招摇撞骗的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利;情节严重的,处三年以上十年以下有期徒刑。



Article 373. Those who instigate military personnel to escape from the unit to which they belong or knowingly employ those escaped military personnel are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration or probation if the situation is serious.

第三百七十三条 【煽动军人逃离部队罪】【雇用逃离部队军人罪】煽动军人逃离部队或者明知是逃离部队的军人而雇用,情节严重的,处三年以下有期徒刑、拘役或者管制。

Article 374. Those who play favoritism and commit irregularities in conscription work or receive and deliver unqualified enlisted men are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious. Those law offenders are to be sentenced to more than three years but less then seven years fixed-term imprisonment if the consequences are especially serious.

第三百七十四条 【接送不合格兵员罪】在征兵工作中徇私 舞弊,接送不合格兵员,情节严重的,处三年以下有期徒刑或者拘役;造成特别严重后果的,处三年以上七年以下有期徒刑。

Article 375. Those who forge, alter, buy or sell, steal or rob documents, certificates and seals of armed units are to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, probation or deprivation of political rights. If the situation is serious, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

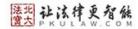
第三百七十五条 【伪造、变造、买卖武装部队公文、证件、印章罪】【盗窃、抢夺武装部队公文、证件、印章罪】伪造、变造、买卖或者盗窃、抢夺武装部队公文、证件、印章的,处三年以下有期徒刑、拘役、管制或者剥夺政治权利;情节严重的,处三年以上十年以下有期徒刑。

Whoever illegally produces, buys, or sells uniforms of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined.

【非法生产、买卖武装部队制式服装罪】非法生产、买卖武装部队制 式服装,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或 者单处罚金。







Whoever forges, steals, buys, sells, or illegally provides or uses license plates of vehicles or other special signs of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

【伪造、盗窃、买卖、非法提供、非法使用武装部队专用标志罪】伪造、盗窃、买卖或者非法提供、使用武装部队车辆号牌等专用标志,情节严重的,处三年以下有期徒刑、拘役或者管制,并处或者单处罚金;情节特别严重的,处三年以上七年以下有期徒刑,并处罚金。

Where any entity commits the crime in paragraph 2 or 3, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the applicable paragraph.

单位犯第二款、第三款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照各该款的规定处罚。

Article 376. Reserve service personnel who refuse or evade conscription or military training in times of war are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

第三百七十六条 【战时拒绝、逃避征召、军事训练罪】预 备役人员战时拒绝、逃避征召或者军事训练,情节严重的,处三年以 下有期徒刑或者拘役。

Citizens who refuse or evade conscription in times of war are to be sentenced to not more two years of fixed-term imprisonment if the situation is serious.

【战时拒绝、逃避服役罪】公民战时拒绝、逃避服役,情节严重的, 处二年以下有期徒刑或者拘役。

Article 377 . Those who intentionally provide false enemy information and thus cause serious consequences are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment. Those whose acts cause especially serious consequences are to be sentenced to more then 10 years of fixed-term imprisonment or life imprisonment.

第三百七十七条 【战时故意提供虚假敌情罪】战时故意向 武装部队提供虚假敌情,造成严重后果的,处三年以上十年以下有期 徒刑;造成特别严重后果的,处十年以上有期徒刑或者无期徒刑。



Article 378. Those who create rumors and undermine the morale of the armed forces are to be sentenced to not more three years of fixed-term imprisonment, limited incarceration or probation. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

第三百七十八条 【战时造谣扰乱军心罪】战时造谣惑众, 扰乱军心的,处三年以下有期徒刑、拘役或者管制;情节严重的,处 三年以上十年以下有期徒刑。

Article 379. Those who knowingly provide shelter, properties and things for escaped military personnel in times of war are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

第三百七十九条 【战时窝藏逃离部队军人罪】战时明知是 逃离部队的军人而为其提供隐蔽处所、财物,情节严重的,处三年以 下有期徒刑或者拘役。

Article 380. Entities which refuse or intentionally delay military orders for supplies in times of war are to be sentenced to a fine. The principal leading responsible personnel and other persons directly responsible for the crimes are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration. In serious cases, those law offenders are to be sentenced to more than five years of fixed-term imprisonment.

第三百八十条 【战时拒绝、故意延误军事订货罪】战时拒绝或者故意延误军事订货,情节严重的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处五年以下有期徒刑或者拘役;造成严重后果的,处五年以上有期徒刑。

Article 381. Those who refuse military expropriation or requisition in times of war are to be sentenced to more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

第三百八十一条 【战时拒绝军事征收、征用罪】战时拒绝军事征收、征用,情节严重的,处三年以下有期徒刑或者拘役。

Chapter VIII Graft and Bribery

第八章 贪污贿赂罪

Article 382. State personnel who take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties constitute the crime of graft.

第三百八十二条 【贪污罪】国家工作人员利用职务上的便利,侵吞、窃取、骗取或者以其他手段非法占有公共财物的,是贪污罪。



Those who are entrusted by state organs, state companies, state enterprises, state undertakings and mass organizations to administer and operate state properties but take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties also constitute the crime of graft.

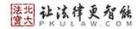
受国家机关、国有公司、企业、事业单位、人民团体委托管理、经营 国有财产的人员,利用职务上的便利,侵吞、窃取、骗取或者以其他 手段非法占有国有财物的,以贪污论。

Those who collaborate with those personnel as listed in the aforementioned two paragraphs and join the crime are 与前两款所列人员勾结,伙同贪污的,以共犯论处。 considered as committing a joint crime.

Article 383 . Whoever commits the crime of corruption shall be punished in light of the graveness of the crime according to the following provisions:

第三百八十三条 【贪污罪的处罚规定】对犯贪污罪的,根 据情节轻重,分别依照下列规定处罚:

- (1) If the amount involved in the corruption is relatively large or there is any other relatively serious circumstance, the convict shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.
- (一) 贪污数额较大或者有其他较重情节的, 处三年以下有期徒刑或 者拘役,并处罚金。
- (2) If the amount involved in the corruption is huge or there is any other serious circumstance, the convict shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine or forfeiture of property.
- (二) 贪污数额巨大或者有其他严重情节的, 处三年以上十年以下有 期徒刑, 并处罚金或者没收财产。



(3) If the amount involved in the corruption is especially huge or there is any other especially serious circumstance, the convict shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property; or if the amount involved is especially huge and especially material losses have been caused to the interests of the state or the public, the convict shall be sentenced to life imprisonment or the death penalty and a forfeiture of property.

(三)贪污数额特别巨大或者有其他特别严重情节的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产;数额特别巨大,并使国家和人民利益遭受特别重大损失的,处无期徒刑或者死刑,并处没收财产。

Whoever has committed repeatedly crimes of corruption without being punished shall be punished based on the accumulative amount involved in the crimes of corruption.

对多次贪污未经处理的,按照累计贪污数额处罚。

Whoever commits a crime as mentioned in paragraph 1, and before a public prosecution is filed, truthfully confesses his or her crime, shows sincere repentance and actively returns the illegally obtained money to avoid or reduce the occurrence of losses, if there is any circumstance as set forth in item (1), may be given a lighter or mitigated penalty or be exempt from penalty; or if there is any circumstance as set forth in item (2) or (3), may be given a lighter penalty.

犯第一款罪,在提起公诉前如实供述自己罪行、真诚悔罪、积极退赃,避免、减少损害结果的发生,有第一项规定情形的,可以从轻、减轻或者免除处罚;有第二项、第三项规定情形的,可以从轻处罚。

Where a convict who commits a crime as mentioned in paragraph 1 and falls under any circumstance as set forth in item (3) is sentenced to death with a reprieve, the people's court may, in light of the circumstances of the crime committed, decide to commute the sentence to life imprisonment upon expiration of the two-year period, sentence the convict to life imprisonment, and shall not offer commutation or parole.

犯第一款罪,有第三项规定情形被判处死刑缓期执行的,人民法院根据犯罪情节等情况可以同时决定在其死刑缓期执行二年期满依法减为 无期徒刑后,终身监禁,不得减刑、假释。



Article 384. State personnel who take advantage of their office and misappropriate public funds for personal use or illegal activities or misappropriate large amounts of public funds without returning the money within three months are guilty of the crime of embezzlement and are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration. In serious cases, those offenders are to be sentenced to more than five years of fixed-term imprisonment. Those who misappropriate a large amount of public funds without returning the money are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

第三百八十四条 【挪用公款罪】国家工作人员利用职务上的便利,挪用公款归个人使用,进行非法活动的,或者挪用公款数额较大、超过三个月未还的,是挪用公款罪,处五年以下有期徒刑或者拘役;情节严重的,处五年以上有期徒刑。挪用公款数额巨大不退还的,处十年以上有期徒刑或者无期徒刑。

Those who misappropriate funds for relief of natural disasters, flood prevention, preferential treatment to military dependents, helping the poor and aid supplies for personal use are to be punished in a severe manner.

挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物归个人使 用的,从重处罚。

Article 385. State personnel who take advantage of their office to demand money and things from other people or if they illegally accept money and things from other people and give favors to the latter are guilty of the crime of bribery.

第三百八十五条 【受贿罪】国家工作人员利用职务上的便利,索取他人财物的,或者非法收受他人财物,为他人谋取利益的,是受贿罪。

State personnel in their economic operation accept various kinds of kickback and handling fees for their personal use in violation of state provisions also guilty of the crime of bribery and are to be punished accordingly.

国家工作人员在经济往来中,违反国家规定,收受各种名义的回扣、 手续费,归个人所有的,以受贿论处。



Article 386. Whoever commits the crime of accepting bribes is to be punished on the basis of Article 383 of this law according to the amount of bribes and the circumstances. A heavier punishment shall be given to whoever demands a bribe.

Article 387. Where an organ of state, a state-owned company or enterprise, a public institution, or a people's organization solicits or illegally accepts any money or property from any other person to seek benefits for such other person, if the circumstances are serious, the entity shall be sentenced to a fine, and its directly liable executive in charge or any other directly liable person shall be sentenced to imprisonment of not more than three years or limited incarceration, or if the circumstances are especially serious, its directly liable executive in charge or any other directly liable person

In economic activities, should the entities listed in the preceding paragraph secretly accept, outside the account, kickback or service charges of various types, they are to be punished as having accepted a bribe on the basis of the provisions in the preceding paragraph.

shall be sentenced to imprisonment of not less than three

years nor more than ten years.

Article 388. State functionaries who help trustors to seek illegitimate gain, exact or accept articles of property from trustors by taking advantage of the facilities created by their authority of office or position, or through the action related to the post of other state functionaries, shall be dealt with according to the crime of accepting bribes.

第三百八十六条 【受贿罪的处罚规定】对犯受贿罪的,根据受贿所得数额及情节,依照本法第三百八十三条的规定处罚。索贿的从重处罚。

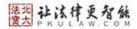
第三百八十七条 【单位受贿罪】国家机关、国有公司、企业、事业单位、人民团体,索取、非法收受他人财物,为他人谋取利益,情节严重的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上十年以下有期徒刑。

前款所列单位,在经济往来中,在帐外暗中收受各种名义的回扣、手续费的,以受贿论,依照前款的规定处罚。

第三百八十八条 【斡旋受贿犯罪】国家工作人员利用本人职权或者地位形成的便利条件,通过其他国家工作人员职务上的行为,为请托人谋取不正当利益,索取请托人财物或者收受请托人财物的,以受贿论处。

法此法法律重知能

法



Article 388 (I): Where any close relative of a state

functionary or any other person who has a close relationship with the said state functionary seeks any improper benefit for a requester for such a benefit through the official act of the said state functionary or through the official act of any other state functionary by using the advantages generated from the authority or position of the said state functionary, and asks or accepts property from the requester for such a benefit, and the amount is relatively large or there is any other relatively serious circumstance, he shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; if the amount is huge or there is any other serious circumstance, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined; or if the amount is extremely huge or there is any other extremely serious circumstance, shall be sentenced to fixed-term imprisonment not less than seven years, and be fined or be sentenced to confiscation of property.

Where any state functionary who has left his position, any close relative of him or any other person who has a close relationship with him commits the act as prescribed in the preceding paragraph by using the advantages generated from the former authority or position of the said state functionary, he shall be convicted and punished under the preceding paragraph.

Article 389. An act of giving state functionaries articles of property in order to seek illegitimate gain shall be considered a crime of offering bribes.

實

第三百八十八条之一 【利用影响力受贿罪】国家工作人员的近亲属或者其他与该国家工作人员关系密切的人,通过该国家工作人员职务上的行为,或者利用该国家工作人员职权或者地位形成的便利条件,通过其他国家工作人员职务上的行为,为请托人谋取不正当利益,索取请托人财物或者收受请托人财物,数额较大或者有其他较重情节的,处三年以下有期徒刑或者拘役,并处罚金;数额巨大或者有其他严重情节的,处三年以上七年以下有期徒刑,并处罚金;数额特别巨大或者有其他特别严重情节的,处七年以上有期徒刑,并处罚金或者没收财产。

离职的国家工作人员或者其近亲属以及其他与其关系密切的人,利用 该离职的国家工作人员原职权或者地位形成的便利条件实施前款行为 的,依照前款的规定定罪处罚。

第三百八十九条 【行贿罪】为谋取不正当利益,给予国家工作人员以财物的,是行贿罪。



In economic activities, whoever gives articles of property to state functionaries in violation of state provisions, when the amount is fairly large, or gives a kickback or service charges of various types to state functionaries in violation of state provisions is to be dealt with as committing the crime of offering bribes.

在经济往来中, 违反国家规定, 给予国家工作人员以财物, 数额较大的, 或者违反国家规定, 给予国家工作人员以各种名义的回扣、手续费的, 以行贿论处。

Whoever gives articles of property to state functionaries due to extortion but receives no illegitimate gain shall not be considered as committing the crime of offering bribes.

因被勒索给予国家工作人员以财物,没有获得不正当利益的,不是行 贿。

Article 390. Whoever commits the crime of offering bribes shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine; and whoever offers bribes to seek illicit benefits shall, if the circumstances are serious or any significant loss is caused to the national interest, be sentenced to imprisonment of not less than three years nor more than ten years and a fine, or if the circumstances are especially serious or any especially significant loss is caused to the national interest, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine or forfeiture of property.

第三百九十条 【行贿罪的处罚规定】对犯行贿罪的,处三年以下有期徒刑或者拘役,并处罚金;因行贿谋取不正当利益,情节严重的,或者使国家利益遭受重大损失的,处三年以上十年以下有期徒刑,并处罚金;情节特别严重的,或者使国家利益遭受特别重大损失的,处十年以上有期徒刑或者无期徒刑,并处罚金或者没收财产。

Under any of the following circumstances, the briber shall be given a heavier punishment:

有下列情形之一的,从重处罚:

- (1) Offering bribes more than once or to more than one person.
- (一) 多次行贿或者向多人行贿的;
- (2) Offering bribes as an employee of the state.
- (二) 国家工作人员行贿的;
- (3) Offering bribes during any priority engineering or major project of the state.
- (三)在国家重点工程、重大项目中行贿的;



- (4) Offering bribes to seek a promotion to a higher position or rank or adjustment of a position or rank.
- (四)为谋取职务、职级晋升、调整行贿的;
- (5) Offering bribes to any oversight, agency law enforcement, or judicial staff member.
- (五)对监察、行政执法、司法工作人员行贿的;
- (6) Offering bribes in the fields such as ecology and environment, finance, work safety, food and medicinal products, disaster prevention and relief, social security, education, and medical care to commit illegal or criminal activities.
- (六)在生态环境、财政金融、安全生产、食品药品、防灾救灾、社会保障、教育、医疗等领域行贿,实施违法犯罪活动的;

(7) Offering bribes with illegal proceeds.

(七) 将违法所得用于行贿的。

A briber who voluntarily confesses to his or her conduct of offering bribes before being prosecuted may be given a lighter or mitigated punishment. If the crime is relatively minor, and the briber plays a crucial role in the breakthrough made during investigation or uncovering of a major case or has any major meritorious performance, the briber may be given a mitigated punishment or be exempt from punishment.

行贿人在被追诉前主动交待行贿行为的,可以从轻或者减轻处罚。其中,犯罪较轻的,对调查突破、侦破重大案件起关键作用的,或者有重大立功表现的,可以减轻或者免除处罚。



Article 390 (I): Whoever, for the purpose of seeking illicit benefits, offers bribe to any close relative of an employee of a state functionary or any other person who has a close relationship with the said employee of the state authority, or any dismissed employee of a state authority or any of his or her close relatives or any other person who has a close relationship with the said employee shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine; if there is any serious circumstance or any serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if there is any other especially serious circumstance or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than seven years but not more than ten years in addition to a fine.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

第三百九十条之一 【对有影响力的人行贿罪】为谋取不正当利益,向国家工作人员的近亲属或者其他与该国家工作人员关系密切的人,或者向离职的国家工作人员或者其近亲属以及其他与其关系密切的人行贿的,处三年以下有期徒刑或者拘役,并处罚金:情节严重的,或者使国家利益遭受重大损失的,处三年以上七年以下有期徒刑,并处罚金;情节特别严重的,或者使国家利益遭受特别重大损失的,处七年以上十年以下有期徒刑,并处罚金。





单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役,并处罚金。



Article 391. Whoever offers any money or property to an organ of state, a state-owned company or enterprise, a public institution, or a people's organization to seek illicit benefits or offers any kickback or commission in any name in violation of the provisions issued by the state during an economic transaction shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine, or if the circumstances are serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

Whichever entity commits the crime mentioned in the preceding paragraph is to be sentenced to a fine, and the responsible persons who are directly in charge of the entity or other personnel who are held directly responsible for the crime shall be punished on the basis of the preceding paragraph.

Article 392. Whoever introduces bribery to any employee of a state authority shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine if the circumstances are serious.

Before prosecution, if the person introducing bribery to state functionaries takes the initiative to admit his/her crime, he or she may receive a lighter punishment or be exempted from punishment. 第三百九十一条 【对单位行贿罪】为谋取不正当利益,给 予国家机关、国有公司、企业、事业单位、人民团体以财物的,或者 在经济往来中,违反国家规定,给予各种名义的回扣、手续费的,处 三年以下有期徒刑或者拘役,并处罚金;情节严重的,处三年以上七 年以下有期徒刑,并处罚金。

单位犯前款罪的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,依照前款的规定处罚。

第三百九十二条 【介绍贿赂罪】向国家工作人员介绍贿赂,情节严重的,处三年以下有期徒刑或者拘役,并处罚金。

介绍贿赂人在被追诉前主动交待介绍贿赂行为的,可以减轻处罚或者 免除处罚。



Article 393. Where an entity offers bribes to seek illicit benefits or offers any kickback or commission to any employee of the state in violation of the provisions issued by the state, if the circumstances are serious, the entity shall be sentenced to a fine, and its directly liable executive in charge or any other directly liable person shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine, or if the circumstances are especially serious, its directly liable executive in charge or any other directly liable person shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine. A briber who owns the illegal proceeds from bribery shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.

第三百九十三条 【单位行贿罪】单位为谋取不正当利益而行贿,或者违反国家规定,给予国家工作人员以回扣、手续费,情节严重的,对单位判处罚金,并对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役,并处罚金;情节特别严重的,处三年以上十年以下有期徒刑,并处罚金。因行贿取得的违法所得归个人所有的,依照本法第三百八十九条、第三百九十条的规定定罪处罚。

Article 394. State functionaries who accept gifts in the course of carrying out official duties at home or in intercourse with foreign countries but who fail to turn over the gifts to the state in accordance with state provisions, when the amount is fairly large, shall be punished in accordance with the crimes stated in Article 382 and Article 383 of this law.

第三百九十四条 【贪污罪】国家工作人员在国内公务活动 或者对外交往中接受礼物,依照国家规定应当交公而不交公,数额较 大的,依照本法第三百八十二条、第三百八十三条的规定定罪处罚。



Article 395. Where the property or expenditure of any state functionary obviously exceeds his legitimate income, and the difference is huge, he shall be ordered to explain the sources. If he fails to do so, the difference shall be determined as illegal income, and he shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration; or if the difference is extremely huge, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years. The difference of the property shall be recovered.

State functionaries who have savings deposits in foreign countries must declare their deposits according to state provisions. Those who hide their deposits of this nature by not declaring them are to be sentenced to not more than two years of fixed-term imprisonment or to limited incarceration; when the circumstances are not serious, they shall be given administrative punishment by the entity to which they belong or by a competent organ of a higher level according to the circumstance.

第三百九十五条 【巨额财产来源不明罪】国家工作人员的 财产、支出明显超过合法收入,差额巨大的,可以责令该国家工作人 员说明来源,不能说明来源的,差额部分以非法所得论,处五年以下 有期徒刑或者拘役,差额特别巨大的,处五年以上十年以下有期徒 刑。财产的差额部分予以追缴。

【隐瞒境外存款罪】国家工作人员在境外的存款,应当依照国家规定 申报。数额较大、隐瞒不报的,处二年以下有期徒刑或者拘役;情节 较轻的,由其所在单位或者上级主管机关酌情给予行政处分。







Article 396. State organs, state-owned companies, enterprises, business entities, and mass organizations which violate state regulations by privately distributing state assets to groups of individuals in the name of the entities, where the amounts involved are fairly large, the principal personnel directly responsible and other personnel with direct responsibility shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively be sentenced to a fine; and when huge amounts are involved, not less than three years and not more than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Judicial organizations and administrative and law enforcement organizations which violate state stipulations by privately distributing to groups of individuals fines and confiscated goods that should be turned over to the higher authorities, shall be punished in accordance with the stipulations of the preceding paragraph.

Chapter IX Crimes of Dereliction of Duty

Article 397 . State personnel who abuse their power or neglect their duties, causing great losses to public property and the state's and people's interests, shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

第三百九十六条 【私分国有资产罪】国家机关、国有公司、企业、事业单位、人民团体,违反国家规定,以单位名义将国有资产集体私分给个人,数额较大的,对其直接负责的主管人员和其他直接责任人员,处三年以下有期徒刑或者拘役,并处或者单处罚金;数额巨大的,处三年以上七年以下有期徒刑,并处罚金。

【私分罚没财物罪】司法机关、行政执法机关违反国家规定,将应当 上缴国家的罚没财物,以单位名义集体私分给个人的,依照前款的规 定处罚。

第九章 渎职罪

第三百九十七条 【滥用职权罪】【玩忽职守罪】国家机关 工作人员滥用职权或者玩忽职守,致使公共财产、国家和人民利益遭 受重大损失的,处三年以下有期徒刑或者拘役;情节特别严重的,处 三年以上七年以下有期徒刑。本法另有规定的,依照规定。



State personnel who practice favoritism and commit irregularities and the crimes mentioned in the preceding paragraph shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

国家机关工作人员徇私舞弊,犯前款罪的,处五年以下有期徒刑或者 拘役;情节特别严重的,处五年以上十年以下有期徒刑。本法另有规 定的,依照规定。

stipulations of the Law of Protection of State Secrets and intentionally or negligently reveal state secrets, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; and when the circumstances are

exceptionally serious, not less than three years and not

more than seven years of fixed-term imprisonment.

Article 398. State personnel who violate the

Non-state personnel who commit the crime mentioned in the preceding paragraph shall be punished in consideration of the circumstances and in accordance with the stipulations of the preceding paragraph. 第三百九十八条 【故意泄露国家秘密罪】【过失泄露国家秘密罪】国家机关工作人员违反保守国家秘密法的规定,故意或者过失泄露国家秘密,情节严重的,处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上七年以下有期徒刑。

非国家机关工作人员犯前款罪的,依照前款的规定酌情处罚。





Article 399. Any judicial officer who, by bending the law for selfish ends or twisting the law to serve his friends and relatives, subjects any person he knows to be innocent to investigation for criminal responsibility, intentionally protects any person he knows to be guilty from investigation for criminal responsibility, intentionally runs counter to the facts and law to render judgments that abuse the law in criminal proceedings shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever, in civil or administrative proceedings, intentionally runs counter to the facts and law to render judgments that abuse the law, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

第三百九十九条 【徇私枉法罪】司法工作人员徇私枉法、

徇情枉法,对明知是无罪的人而使他受追诉、对明知是有罪的人而故意包庇不使他受追诉,或者在刑事审判活动中故意违背事实和法律作枉法裁判的,处五年以下有期徒刑或者拘役;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑。

【民事、行政枉法裁判罪】在民事、行政审判活动中故意违背事实和 法律作枉法裁判,情节严重的,处五年以下有期徒刑或者拘役;情节 特别严重的,处五年以上十年以下有期徒刑。



Whoever, in the enforcement of any judgment or ruling, seriously neglects his duty or abuses his authority and fails to adopt judicial protective measures or perform statutory enforcement duties, or illegally adopts judicial protective measures or mandatory enforcement measures, if any heavy loss thus occurs to the interests of the parties involved or others, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if any especially heavy loss thus occurs to the interests of the parties involved or others, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

Any judicial officer, who takes any bribe and commits any act mentioned in the preceding three paragraphs, which also constitutes a crime as provided for in Article 385 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.

Article 399 (I): Where anyone who undertakes the duties of arbitration according to law intentionally goes against the facts or law and makes any wrongful ruling in the process of arbitration, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

【执行判决、裁定失职罪】【执行判决、裁定滥用职权罪】在执行判决、裁定活动中,严重不负责任或者滥用职权,不依法采取诉讼保全措施、不履行法定执行职责,或者违法采取诉讼保全措施、强制执行措施,致使当事人或者其他人的利益遭受重大损失的,处五年以下有期徒刑或者拘役;致使当事人或者其他人的利益遭受特别重大损失的,处五年以上十年以下有期徒刑。

司法工作人员收受贿赂,有前三款行为的,同时又构成本法第三百八十五条规定之罪的,依照处罚较重的规定定罪处罚。

第三百九十九条之一 【枉法仲裁罪】依法承担仲裁职责的 人员,在仲裁活动中故意违背事实和法律作枉法裁决,情节严重的, 处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上七年以 下有期徒刑。



Article 400. Judicial work personnel who release without authority crime suspects, accused persons, or criminals from custody shall be punished with imprisonment or limited incarceration of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years; or -- for cases of an extraordinary serious nature - with imprisonment of over 10 years.

第四百条 【私放在押人员罪】司法工作人员私放在押的犯罪嫌疑人、被告人或者罪犯的,处五年以下有期徒刑或者拘役;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑。

Judicial work personnel who, because of serious irresponsibility, cause the escape of crime suspects, accused persons, or criminals from custody resulting in severe consequences, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary serious consequences -- with imprisonment of over three years and less than 10 years.

【失职致使在押人员脱逃罪】司法工作人员由于严重不负责任,致使 在押的犯罪嫌疑人、被告人或者罪犯脱逃,造成严重后果的,处三年 以下有期徒刑或者拘役;造成特别严重后果的,处三年以上十年以下 有期徒刑。

Article 401. Judicial work personnel who, because of favoritism and malpractice, offer commutation, parole, or out-of-prison enforcement for offenses that fail to meet requirements of such commutation, parole, or out-of-prison enforcement, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases of a serious nature -- with imprisonment of over three years and less than seven years.

第四百零一条 【徇私舞弊减刑、假释、暂予监外执行罪】司法工作人员徇私舞弊,对不符合减刑、假释、暂予监外执行条件的罪犯,予以减刑、假释或者暂予监外执行的,处三年以下有期徒刑或者拘役;情节严重的,处三年以上七年以下有期徒刑。



Article 402 . Administrative law enforcement personnel who, because of favoritism and malpractice, fail to refer cases to judicial organs for establishing criminal liabilities under the law, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years; or -- where serious consequences have been caused -- with imprisonment of over three years and less than seven years.

第四百零二条 【徇私舞弊不移交刑事案件罪】行政执法人 员徇私舞弊,对依法应当移交司法机关追究刑事责任的不移交,情节 严重的,处三年以下有期徒刑或者拘役;造成严重后果的,处三年以 上七年以下有期徒刑。

Article 403 . State organ work personnel under relevant competent state departments, who, because of favoritism, malpractice, and abuse of powers, approve or register the incorporation or registration of companies that fail to meet conditions required by law, or approve their applications for issuance of shares or bonds, or listing resulting in serious losses to public property and interests of the state and the people, shall be punished with imprisonment or limited incarceration of less than five years.

第四百零三条 【滥用管理公司、证券职权罪】国家有关主管部门的国家机关工作人员,徇私舞弊,滥用职权,对不符合法律规定条件的公司设立、登记申请或者股票、债券发行、上市申请,予以批准或者登记,致使公共财产、国家和人民利益遭受重大损失的,处五年以下有期徒刑或者拘役。

Personnel directly in charge of a department of a higher level that forcibly order registration organs or their work personnel to commit acts of the preceding paragraph shall be punished according to provisions of the preceding paragraph.

上级部门强令登记机关及其工作人员实施前款行为的,对其直接负责的主管人员,依照前款的规定处罚。

Article 404. Work personnel of tax organs, who, because of favoritism and malpractice, fail to impose or impose less mandatory taxes resulting in serious losses of state revenues, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases causing extraordinary serious losses -- with imprisonment of over five years.

第四百零四条 【徇私舞弊不征、少征税款罪】税务机关的 工作人员徇私舞弊,不征或者少征应征税款,致使国家税收遭受重大 损失的,处五年以下有期徒刑或者拘役;造成特别重大损失的,处五 年以上有期徒刑。



Article 405. Work personnel of tax organs, who, in violation of provisions under the law and administrative rules, cause great losses to state interests in handling work relating to sale of invoices, tax offsetting, and export tax refund as a result of favoritism and malpractice, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases causing extraordinary serious losses to state interests -- with imprisonment of over five years.

Other state organ work personnel, who, in violation of state stipulations, practice favoritism and malpractice in work relating to export tax refunds, including provision of customs declaration bills for export goods, and verification and cancellation of exchange earnings through export, resulting in serious losses to state interests, shall be punished according to the provisions of the preceding paragraph.

Article 406. Work personnel of state organs, who, because of serious irresponsibility, have been deceived in the course of entering or executing agreements, resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary serious losses to state interests -- with imprisonment of over three years and less than seven years.

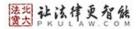
第四百零五条 【徇私舞弊发售发票、抵扣税款、出口退税 罪】税务机关的工作人员违反法律、行政法规的规定,在办理发售发票、抵扣税款、出口退税工作中,徇私舞弊,致使国家利益遭受重大损失的,处五年以下有期徒刑或者拘役;致使国家利益遭受特别重大损失的,处五年以上有期徒刑。

【违法提供出口退税凭证罪】其他国家机关工作人员违反国家规定, 在提供出口货物报关单、出口收汇核销单等出口退税凭证的工作中, 徇私舞弊,致使国家利益遭受重大损失的,依照前款的规定处罚。

第四百零六条 【国家机关工作人员签订、履行合同失职被 骗罪】国家机关工作人员在签订、履行合同过程中,因严重不负责任 被诈骗,致使国家利益遭受重大损失的,处三年以下有期徒刑或者拘 役:致使国家利益遭受特别重大损失的,处三年以上七年以下有期徒 刑。







Article 407. Work personnel of departments in charge of forest industry, who, in violation of provisions under the Forestry Law, issue logging licenses in excess of approved annual quotas or indiscriminately issue logging licenses, shall -- in cases of a serious nature that cause severe damages to forests -- be punished with imprisonment or limited incarceration of less than three years.

第四百零七条 【违法发放林木采伐许可证罪】林业主管部门的工作人员违反森林法的规定,超过批准的年采伐限额发放林木采伐许可证或者违反规定滥发林木采伐许可证,情节严重,致使森林遭受严重破坏的,处三年以下有期徒刑或者拘役。

Article 408 . Work personnel of state organs in charge of environmental protection and supervision, whose serious irresponsibility has resulted in serious consequences, including severe environmental pollution that causes serious damages to public and private property or human casualties, shall be punished with imprisonment or criminal detention of less than three years.

第四百零八条 【环境监管失职罪】负有环境保护监督管理 职责的国家机关工作人员严重不负责任,导致发生重大环境污染事 故,致使公私财产遭受重大损失或者造成人身伤亡的严重后果的,处 三年以下有期徒刑或者拘役。

Article 408 (I): Where any staff member of a state authority assuming the food and drug safety supervision and administration duties falls under any of the following circumstances, abusing powers or neglecting duties, if the consequences are serious or there is any other serious circumstance, the staff member shall be sentenced to imprisonment of not more than five years or limited incarceration; or if the consequences are especially serious or there is any other especially serious circumstance, the staffmember shall be sentenced to imprisonment of not less than five years nor more than ten years:

第四百零八条之一 【食品、药品监管渎职罪】负有食品药品安全监督管理职责的国家机关工作人员,滥用职权或者玩忽职守,有下列情形之一,造成严重后果或者有其他严重情节的,处五年以下有期徒刑或者拘役;造成特别严重后果或者有其他特别严重情节的,处五年以上十年以下有期徒刑:

(1) Reporting by concealing or falsifying a food safety accident or drug safety incident.

(一) 瞒报、谎报食品安全事故、药品安全事件的;



- (2) Failing to investigate and dispose of any discovered serious violation of law related to food and drug safety according to the applicable provisions.
- (二) 对发现的严重食品药品安全违法行为未按规定查处的;
- (3) Granting a license to an application which fails to meet the conditions in the process of approval and assessment of drug products and special foods.
- (三)在药品和特殊食品审批审评过程中,对不符合条件的申请准予许可的;
- (4) Failing to transfer a case that shall be transferred to the judicial authority for criminal liability in accordance with the law.
- (四) 依法应当移交司法机关追究刑事责任不移交的;
- (5) Any other conduct of abusing powers or neglecting duties.
- (五) 有其他滥用职权或者玩忽职守行为的。

Where the crime as provided for in the preceding paragraph is committed by the state functionary by making falsehood for personal gains, a heavier penalty shall be imposed on him.

徇私舞弊犯前款罪的, 从重处罚。

Article 409 . Government work personnel of public health administrative departments engaging in the prevention and treatment of infectious diseases, whose serious irresponsibility has resulted in the communication and spread of infectious diseases, shall -- in cases of a serious nature --be punished with imprisonment or limited incarceration of less than three years.

第四百零九条 【传染病防治失职罪】从事传染病防治的政府卫生行政部门的工作人员严重不负责任,导致传染病传播或者流行,情节严重的,处三年以下有期徒刑或者拘役。



Article 410 . State organ work personnel, who practice favoritism and malpractice, violate land management rules, and abuse powers in illegally approving land acquisition and occupation, or illegally leasing out land use rights at a price lower than market value, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary heavy losses to state or collective interests -- with imprisonment of over three years and less than seven years.

第四百一十条 【非法批准征收、征用、占用土地罪】【非法低价出让国有土地使用权罪】国家机关工作人员徇私舞弊,违反土地管理法规,滥用职权,非法批准征收、征用、占用土地,或者非法低价出让国有土地使用权,情节严重的,处三年以下有期徒刑或者拘役;致使国家或者集体利益遭受特别重大损失的,处三年以上七年以下有期徒刑。

Article 411. Customs work personnel who practice favoritism and malpractice in conniving smuggling, shall, - for cases of a serious nature-- be punished with imprisonment or limited incarceration of less than five years; or -- for cases of an extraordinary serious nature -- be punished with imprisonment of over five years.

第四百一十一条 【放纵走私罪】海关工作人员徇私舞弊, 放纵走私,情节严重的,处五年以下有期徒刑或者拘役;情节特别严 重的,处五年以上有期徒刑。

Article 412. Work personnel with state commercial inspection departments or organizations, who practice favoritism and malpractice and forge inspection results, shall be punished with imprisonment or limited incarceration of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years.

第四百一十二条 【商检徇私舞弊罪】国家商检部门、商检 机构的工作人员徇私舞弊,伪造检验结果的,处五年以下有期徒刑或 者拘役;造成严重后果的,处五年以上十年以下有期徒刑。

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to inspect goods requiring inspection, or delay inspection and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years.

【商检失职罪】前款所列人员严重不负责任,对应当检验的物品不检验,或者延误检验出证、错误出证,致使国家利益遭受重大损失的, 处三年以下有期徒刑或者拘役。



Article 413 . Quarantine personnel with animal and plant quarantine organs, who practice favoritism and malpractice in forging quarantine results, shall be punished with imprisonment or limited incarceration of less than five years; or -- in cases with serious consequences -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to carry out quarantine on goods requiring quarantine, or delay quarantine and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years.

Article 414. State organ work personnel charged with the responsibility of establishing liabilities of criminal acts relating to the sale of fake and shoddy merchandise, who practice favoritism and malpractice and fail to perform their duties under the law, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than five years.

第四百一十三条 【动植物检疫徇私舞弊罪】动植物检疫机 关的检疫人员徇私舞弊,伪造检疫结果的,处五年以下有期徒刑或者 拘役;造成严重后果的,处五年以上十年以下有期徒刑。

【动植物检疫失职罪】前款所列人员严重不负责任,对应当检疫的检疫物不检疫,或者延误检疫出证、错误出证,致使国家利益遭受重大损失的,处三年以下有期徒刑或者拘役。

第四百一十四条 【放纵制售伪劣商品犯罪行为罪】对生产、销售伪劣商品犯罪行为负有追究责任的国家机关工作人员,徇私舞弊,不履行法律规定的追究职责,情节严重的,处五年以下有期徒刑或者拘役。



Article 415. State organ work personnel charged with the responsibility of handling passports, visas, and other exit/entry documents, who knowingly grant exit/entry documents to personnel attempting to cross state (border) lines illegally; or state organ work personnel of frontier defense or customs, who knowingly let go personnel who try to cross state (border) lines illegally, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature - with imprisonment of over three years and less than seven years.

第四百一十五条 【办理偷越国(边)境人员出入境证件 罪】【放行偷越国(边)境人员罪】负责办理护照、签证以及其他出入境证件的国家机关工作人员,对明知是企图偷越国(边)境的人员,予以办理出入境证件的,或者边防、海关等国家机关工作人员,对明知是偷越国(边)境的人员,予以放行的,处三年以下有期徒刑或者拘役;情节严重的,处三年以上七年以下有期徒刑。

Article 416. State organ personnel charged with the responsibility of rescuing abducted or kidnapped women and children, who fail to act at the request of the abducted or kidnapped women or children or members of their family or at information received from members of the public, resulting in serious consequences, shall be punished with imprisonment or limited incarceration of less than five years.

第四百一十六条 【不解救被拐卖、绑架妇女、儿童罪】对被拐卖、绑架的妇女、儿童负有解救职责的国家机关工作人员,接到被拐卖、绑架的妇女、儿童及其家属的解救要求或者接到其他人的举报,而对被拐卖、绑架的妇女、儿童不进行解救,造成严重后果的,处五年以下有期徒刑或者拘役。

State organ work personnel with rescue responsibility, who take advantage of their duties to obstruct rescue operations, shall be punished with imprisonment of over two years and less than seven years; or -- for less serious cases -- with imprisonment or limited incarceration of less than two years.

【阻碍解救被拐卖、绑架妇女、儿童罪】负有解救职责的国家机关工作人员利用职务阻碍解救的,处二年以上七年以下有期徒刑;情节较轻的,处二年以下有期徒刑或者拘役。

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Article 417. State organ personnel charged with the responsibility of investigating and banning criminal activities, who send secret information or tip off criminal elements, or provide facility to help them evade punishment, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature – with imprisonment of over three years and less than 10 years.

第四百一十七条 【帮助犯罪分子逃避处罚罪】有查禁犯罪活动职责的国家机关工作人员,向犯罪分子通风报信、提供便利,帮助犯罪分子逃避处罚的,处三年以下有期徒刑或者拘役;情节严重的,处三年以上十年以下有期徒刑。

Article 418. State organ work personnel who practice favoritism and malpractice in recruiting government functionaries or students, shall – in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years.

第四百一十八条 【招收公务员、学生徇私舞弊罪】国家机 关工作人员在招收公务员、学生工作中徇私舞弊,情节严重的,处三 年以下有期徒刑或者拘役。

Article 419 . State personnel who cause damage to or loss of precious cultural relics through serious irresponsibility shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

第四百一十九条 【失职造成珍贵文物损毁、流失罪】国家 机关工作人员严重不负责任,造成珍贵文物损毁或者流失,后果严重 的,处三年以下有期徒刑或者拘役。

Chapter X Crimes of Violation of Duty by Military Personnel

第十章 军人违反职责罪

Article 420. Acts by military personnel of endangering national and military interests in violation of their duties which are punishable by law are considered crimes in violation of duty by military personnel.

第四百二十条 【军人违反职责罪的概念】军人违反职责, 危害国家军事利益,依照法律应当受刑罚处罚的行为,是军人违反职 责罪。







Article 421. Those who endanger military operations in defiance of orders in wartime shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

第四百二十一条 【战时违抗命令罪】战时违抗命令,对作战造成危害的,处三年以上十年以下有期徒刑;致使战斗、战役遭受重大损失的,处十年以上有期徒刑、无期徒刑或者死刑。

Article 422. Those who endanger military operations by deliberately concealing military information, providing false military information, refusing to relay military orders, or relaying false military orders shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

第四百二十二条 【隐瞒、谎报军情罪】【拒传、假传军令罪】故意隐瞒、谎报军情或者拒传、假传军令,对作战造成危害的, 处三年以上十年以下有期徒刑;致使战斗、战役遭受重大损失的,处 十年以上有期徒刑、无期徒刑或者死刑。

Article 423. Those who care for nothing but their own lives on the battleground and lay down their arms and surrender to the enemy of their own accord shall be sentenced to not less than three years and not more than 10 years in prison. If the circumstances are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

第四百二十三条 【投降罪】在战场上贪生怕死,自动放下 武器投降敌人的,处三年以上十年以下有期徒刑;情节严重的,处十 年以上有期徒刑或者无期徒刑。

Those who work for the enemy after their surrender shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

投降后为敌人效劳的,处十年以上有期徒刑、无期徒刑或者死刑



Article 424. Those who flee from battle shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years in prison and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

第四百二十四条 【战时临阵脱逃罪】战时临阵脱逃的,处三年以下有期徒刑;情节严重的,处三年以上十年以下有期徒刑;致 使战斗、战役遭受重大损失的,处十年以上有期徒刑、无期徒刑或者死刑。

Article 425. Commanders and personnel on duty who cause serious consequences by leaving their posts without permission or by neglecting their duties shall be sentenced to not more than three years in prison or limited incarceration. In the event of especially serious consequences, they shall be sentenced to not less than three years and not more than seven years in prison.

第四百二十五条 【擅离、玩忽军事职守罪】指挥人员和值班、值勤人员擅离职守或者玩忽职守,造成严重后果的,处三年以下有期徒刑或者拘役;造成特别严重后果的,处三年以上七年以下有期徒刑。

Those who commit the crimes mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years in prison.

战时犯前款罪的,处五年以上有期徒刑。

Article 426. Whoever obstructs any commander or person on duty from performing his or her duties through violence or intimidation shall be sentenced to imprisonment of not more than five years or limited incarceration; be sentenced to imprisonment of not less than five years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious. Whoever commits the crime during wartime shall be given a heavier penalty.

第四百二十六条 【阻碍执行军事职务罪】以暴力、威胁方法,阻碍指挥人员或者值班、值勤人员执行职务的,处五年以下有期徒刑或者拘役;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑或者无期徒刑。战时从重处罚。



Article 427. Those who cause serious consequences by abusing their powers and directing their subordinates to engage in activities in violation of their duties shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

第四百二十七条 【指使部属违反职责罪】滥用职权,指使 部属进行违反职责的活动,造成严重后果的,处五年以下有期徒刑或 者拘役;情节特别严重的,处五年以上十年以下有期徒刑。

Article 428. Commanders who cause serious consequences by turning away from battle or acting passively in combat in defiance of orders shall be sentenced to not more than five years in prison. In the event of major losses in combat or battle, or other especially serious circumstances, they shall be sentenced to not less than five years in prison.

第四百二十八条 【违令作战消极罪】指挥人员违抗命令, 临阵畏缩,作战消极,造成严重后果的,处五年以下有期徒刑;致使 战斗、战役遭受重大损失或者有其他特别严重情节的,处五年以上有 期徒刑。

Article 429. The commanders of those who cause friendly forces to suffer major losses by not coming to their rescue on the battleground, although they know that they are in imminent danger, are asking for rescue, and can be rescued, shall be sentenced to not more than five years in prison.

第四百二十九条 【拒不救援友邻部队罪】在战场上明知友 邻部队处境危急请求救援,能救援而不救援,致使友邻部队遭受重大 损失的,对指挥人员,处五年以下有期徒刑。

Article 430. Those who endanger national and military interests by leaving their posts without permission, fleeing the country, or defecting while outside the country during the course of performing official duties shall be sentenced to not more than five years in prison or limited incarceration.

第四百三十条 【军人叛逃罪】在履行公务期间,擅离岗位,叛逃境外或者在境外叛逃,危害国家军事利益的,处五年以下有期徒刑或者拘役,情节严重的,处五年以上有期徒刑。



If the circumstances are serious, they shall be sentenced to not less than five years in prison. In the event of desertion by aircraft or on board vessels, or other especially serious circumstances, those involved shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

驾驶航空器、舰船叛逃的,或者有其他特别严重情节的,处十年以上 有期徒刑、无期徒刑或者死刑。

Article 431. Those who illegally obtain military secrets by stealing, spying, or buying such secrets shall be sentenced to not more than five years in prison. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison.

第四百三十一条 【非法获取军事秘密罪】以窃取、刺探、 收买方法,非法获取军事秘密的,处五年以下有期徒刑;情节严重 的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有 期徒刑。

Whoever steals, pries into, buys, or illegally provides any military secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not less than five years nor more than ten years; or if the circumstances are serious, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death.

【为境外窃取、刺探、收买、非法提供军事秘密罪】为境外的机构、组织、人员窃取、刺探、收买、非法提供军事秘密的,处五年以上十年以下有期徒刑;情节严重的,处十年以上有期徒刑、无期徒刑或者死刑。

Article 432. Those who leak military secrets by design or by accident in violation of laws and regulations on protecting state secrets shall be sentenced to not more than five years in prison or limited incarceration if the circumstances are serious. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

第四百三十二条 【故意泄露军事秘密罪】【过失泄露军事秘密罪】违反保守国家秘密法规,故意或者过失泄露军事秘密,情节严重的,处五年以下有期徒刑或者拘役;情节特别严重的,处五年以上十年以下有期徒刑。



Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Article 433. Whoever fabricates rumors to mislead people and shake the confidence of the army in wartime shall be sentenced to imprisonment of not more than three years; be sentenced to imprisonment of not less than three years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious.

Article 434. Those who inflict injuries on themselves to eschew military duties in wartime shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 435. Those who desert their troops in violation of military service laws and regulations shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than three years and not more than seven years in prison. 战时犯前款罪的,处五年以上十年以下有期徒刑;情节特别严重的, 处十年以上有期徒刑或者无期徒刑。

第四百三十三条 【战时造谣惑众罪】战时造谣惑众,动摇 军心的,处三年以下有期徒刑;情节严重的,处三年以上十年以下有 期徒刑;情节特别严重的,处十年以上有期徒刑或者无期徒刑。

第四百三十四条 【战时自伤罪】战时自伤身体,逃避军事 义务的,处三年以下有期徒刑;情节严重的,处三年以上七年以下有 期徒刑。

第四百三十五条 【逃离部队罪】违反兵役法规,逃离部队,情节严重的,处三年以下有期徒刑或者拘役。

战时犯前款罪的, 处三年以上七年以下有期徒刑。



Article 436. Those who violate regulations on the use of weaponry in circumstances that are so serious as to constitute accidents through negligence that result in serious injuries or deaths or that cause other serious consequences shall be sentenced to not more than three years in prison or limited incarceration. If the consequences are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

第四百三十六条 【武器装备肇事罪】违反武器装备使用规定,情节严重,因而发生责任事故,致人重伤、死亡或者造成其他严重后果的,处三年以下有期徒刑或者拘役;后果特别严重的,处三年以上七年以下有期徒刑。

Article 437. Those who cause serious consequences by changing the prescribed ways of using weaponry in violation of weaponry management regulations shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

第四百三十七条 【擅自改变武器装备编配用途罪】违反武器装备管理规定,擅自改变武器装备的编配用途,造成严重后果的,处三年以下有期徒刑或者拘役;造成特别严重后果的,处三年以上七年以下有期徒刑。

Article 438. Those who steal or snatch weaponry or war materiel shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

第四百三十八条 【盗窃、抢夺武器装备、军用物资罪】盗窃、抢夺武器装备或者军用物资的,处五年以下有期徒刑或者拘役;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑、无期徒刑或者死刑。

Those who steal or snatch firearms, ammunition, or explosives shall be punished in accordance with the provisions in Article 127 of this law.

【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】盗窃、抢夺枪支、 弹药、爆炸物的,依照本法第一百二十七条的规定处罚。



Article 439. Those who illegally sell or transfer military weaponry shall be sentenced to not less than three years and not more than 10 years in prison. In the event of selling or transferring large quantities of weaponry, or other especially serious circumstances, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

第四百三十九条 【非法出卖、转让武器装备罪】非法出卖、转让军队武器装备的,处三年以上十年以下有期徒刑;出卖、转让大量武器装备或者有其他特别严重情节的,处十年以上有期徒刑、 无期徒刑或者死刑。

Article 440. Those who abandon weaponry in defiance of orders shall be sentenced to not more than five years in prison or limited incarceration. In the event of abandoning important weaponry or large quantities of weaponry, or other serious circumstances, they shall be sentenced to not less than five years in prison.

第四百四十条 【遗弃武器装备罪】违抗命令,遗弃武器装备的,处五年以下有期徒刑或者拘役;遗弃重要或者大量武器装备的,或者有其他严重情节的,处五年以上有期徒刑。

Article 441. In the event of failure to promptly report loss of weaponry, or other serious circumstances, those involved shall be sentenced to not more than three years in prison or limited incarceration.

第四百四十一条 【遗失武器装备罪】遗失武器装备,不及时报告或者有其他严重情节的,处三年以下有期徒刑或者拘役。

Article 442 . In the event of selling or transferring military real estate without permission in violation of relevant provisions, and if the circumstances are serious, the people directly responsible shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than 10 years in prison.

第四百四十二条 【擅自出卖、转让军队房地产罪】违反规定,擅自出卖、转让军队房地产,情节严重的,对直接责任人员,处三年以下有期徒刑或者拘役;情节特别严重的,处三年以上十年以下有期徒刑。



Article 443. Those who abuse their powers and maltreat their subordinates in vicious circumstances that result in serious injuries or give rise to other serious consequences shall be sentenced to not more than five years in prison or limited incarceration. If deaths result, they shall be sentenced to not less than five years in prison.

第四百四十三条 【虐待部属罪】滥用职权,虐待部属,情节恶劣,致人重伤或者造成其他严重后果的,处五年以下有期徒刑或者拘役;致人死亡的,处五年以上有期徒刑。

Article 444. Persons directly responsible for the intentional abandonment of injured or sick servicemen on battlefields, if the case is serious, are to be sentenced to five years or fewer in prison.

第四百四十四条 【遗弃伤病军人罪】在战场上故意遗弃伤病军人,情节恶劣的,对直接责任人员,处五年以下有期徒刑。

Article 445. Those working in medical aid or medical treatment positions during wartime who refuse to save or treat seriously injured or critically sick servicemen when conditions permit them to do so are to be sentenced to five years or fewer in prison or put under limited incarceration. If the case results in serious disability, death, or other grave consequences of the injured or sick servicemen, those responsible are to be sentenced to five to 10 years in prison.

第四百四十五条 【战时拒不救治伤病军人罪】战时在救护治疗职位上,有条件救治而拒不救治危重伤病军人的,处五年以下有期徒刑或者拘役;造成伤病军人重残、死亡或者有其他严重情节的,处五年以上十年以下有期徒刑。

Article 446. Those cruelly injuring innocent residents or looting innocent residents' money or other property on military action areas are to be sentenced to five years or fewer in prison. If the case if serious, they are to be sentenced to five to 10 years in prison. If the case is extraordinarily serious, they are to be sentenced to 10 years or more in prison, given a life sentence, or sentenced to death.

第四百四十六条 【战时残害居民、掠夺居民财物罪】战时在军事行动地区,残害无辜居民或者掠夺无辜居民财物的,处五年以下有期徒刑;情节严重的,处五年以上十年以下有期徒刑;情节特别严重的,处十年以上有期徒刑、无期徒刑或者死刑。



Article 447. Those releasing prisoners of war without authorization are to be sentenced to five years or fewer in prison. Those releasing important prisoners of war or many prisoners of war, or those involved in other serious cases, are to be sentenced to five years or more in prison.

第四百四十七条 【私放俘虏罪】私放俘虏的,处五年以下 有期徒刑;私放重要俘虏、私放俘虏多人或者有其他严重情节的,处 五年以上有期徒刑。

Article 448. Those mistreating prisoners of war, if the case is serious, are to be sentenced to three years or fewer in prison.

第四百四十八条 【虐待俘虏罪】虐待俘虏,情节恶劣的, 处三年以下有期徒刑。

Article 449. During wartime, convicted servicemen who are sentenced to three years or fewer in prison, who pose no practical dangers, and whose sentence is suspended, are allowed to redeem themselves by good service. If they prove to have done meritorious service, their original sentence may be rescinded and they may not be considered to have committed a crime.

第四百四十九条 【战时缓刑】在战时,对被判处三年以下 有期徒刑没有现实危险宣告缓刑的犯罪军人,允许其戴罪立功,确有 立功表现时,可以撤销原判刑罚,不以犯罪论处。

Article 450. This Chapter shall apply to military officers, civilian cadres, and soldiers in active service and cadets with a military status of the Chinese People's Liberation Army, police officers, civilian cadres, and soldiers in active service and cadets with a military status of the Chinese People's Armed Police, as well as civilian staff and reservists and other persons performing military tasks.

第四百五十条 【本章适用的主体范围】本章适用于中国人 民解放军的现役军官、文职干部、士兵及具有军籍的学员和中国人民 武装警察部队的现役警官、文职干部、士兵及具有军籍的学员以及文 职人员、执行军事任务的预备役人员和其他人员。

Article 451. Wartime as mentioned in this chapter refers to the time after the state has declared the state of war, troops have been assigned with combat missions, or when the country is suddenly attacked by enemy.

第四百五十一条 【战时的概念】本章所称战时,是指国家 宣布进入战争状态、部队受领作战任务或者遭敌突然袭击时。



The time during which troops carry out martial law missions or handle emergency violence is considered wartime.

部队执行戒严任务或者处置突发性暴力事件时,以战时论。

Supplementary Articles

附则

Article 452. This law will go into effect as of October 1, 1997.

第四百五十二条 【施行日期】本法自1997年10月1日起施行。

Regulations, supplementary provisions, and decisions made by the National People's Congress Standing Committee that are listed in appendix one of this law have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect.

列于本法附件一的全国人民代表大会常务委员会制定的条例、补充规 定和决定,已纳入本法或者已不适用,自本法施行之日起,予以废

Supplementary provisions and decisions made by the National People's Congress Standing Committee that are listed in appendix two of this law are to be retained.

Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

列于本法附件二的全国人民代表大会常务委员会制定的补充规定和决定予以保留。其中,有关行政处罚和行政措施的规定继续有效;有关刑事责任的规定已纳入本法,自本法施行之日起,适用本法规定。

The enforcement date of the criminal law, previous amendments to the criminal law, and decisions related to the amendment of the criminal law are determined according to the enforcement dates stipulated by each law.

① 刑法、历次刑法修正案、涉及修改刑法的决定的施行日期,分别依据各法律所规定的施行日期确定。

Appendix I

附件一



The following regulations, supplementary provisions, and decisions, made by National People's Congress Standing Committee, have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect

全国人民代表大会常务委员会制定的下列条例、补充规定和决定,已 纳入本法或者已不适用,自本法施行之日起,予以废止:

- PRC Provisional Regulations on Punishing Military Personnel for Violation of Duty;
- 1. 中华人民共和国惩治军人违反职责罪暂行条例



- 2.Decision on Severely Punishing Criminals Seriously
- Undermining the Economy;
- Decision on Severely Punishing Criminal Elements
 Seriously Compromising Social Order;
- Supplementary Provisions on Cracking Down on the Crime of Smuggling;
- Supplementary Provisions on Cracking Down on the Crime of Corruption or Bribery;
- Supplementary Provisions on Cracking Down on the Crime of Letting Out State Secrets;
- 7. Supplementary Provisions on Cracking Down on the Crime of Killing Rare and Endangered Wildlife That Are Selectively Under the State's Protection;
- 8. Decision on Cracking Down on the Crime of Insulting the PRC National Flag or Emblem;
- Supplementary Provisions on Cracking Down on the
 Crime of Robbing Ancient Cultural Ruins or Ancient Tombs;

- 2. 关于严惩严重破坏经济的罪犯的决定
- 3. 关于严惩严重危害社会治安的犯罪分子的决定
- 4. 关于惩治走私罪的补充规定
- 5. 关于惩治贪污罪贿赂罪的补充规定
- 6. 关于惩治泄露国家秘密犯罪的补充规定
- **7.** 关于惩治捕杀国家重点保护的珍贵、濒危野生动物犯罪的 补充规定
 - 8. 关于惩治侮辱中华人民共和国国旗国徽罪的决定
 - 9. 关于惩治盗掘古文化遗址古墓葬犯罪的补充规定



Aviation Vehicles:

10. Decision on Punishing Criminal Elements Hijacking

- 11. Supplementary Provisions on Cracking Down on the Crime of Counterfeiting Registered Trade Marks;
- 12. Decision on Cracking Down on the Crime of Producing or Selling Counterfeit or Inferior Commodities;
- 13. Decision on Cracking Down on the Crime of Infringing on Copyright;
- **14.** Decision on Cracking Down on the Crime of Violating the Company Law;
- 15. Decision on Handling Escaped Criminals Under Reform
 Through Labor or People Under Education Through Labor,
 or Those Who Commit Crimes Again.

Appendix II

The following supplementary provisions and decisions, made by the National People's Congress Standing Committee, are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

1. Decision on Prohibiting Drugs;





12. 关于惩治生产、销售伪劣商品犯罪的决定

13. 关于惩治侵犯著作权的犯罪的决定

14. 关于惩治违反公司法的犯罪的决定

15. 关于处理逃跑或者重新犯罪的劳改犯和劳教人员的决定

附件二

全国人民代表大会常务委员会制定的下列补充规定和决定予以保留, 其中,有关行政处罚和行政措施的规定继续有效;有关刑事责任的规 定已纳入本法,自本法施行之日起,适用本法规定:

1. 关于禁毒的决定



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Decision on Punishing Criminal Elements Committing
 Smuggling, Producing, Selling, or Disseminating Obscene
 Materials;

2. 关于惩治走私、制作、贩卖、传播淫秽物品的犯罪分子的 决定

- Decision on Strictly Prohibiting Prostitution and Whorehouse Visiting;
- 3. 关于严禁卖淫嫖娼的决定
- Decision on Punishing Criminal Elements Committing
 Abduction and Selling or Kidnapping of Women or
 Children;
- 4. 关于严惩拐卖、绑架妇女、儿童的犯罪分子的决定
- Supplementary Provisions on Cracking Down on the Crime of Evading Taxes or Refusing to Pay Taxes;
- 5. 关于惩治偷税、抗税犯罪的补充规定
- 6. Supplementary Provisions on Severely Cracking Down on the Crime of Organizing People to Illegally Cross National Borders (Frontiers) or of Illegally Shipping People Across National Borders (Frontiers);
- 6. 关于严惩组织、运送他人偷越国(边)境犯罪的补充规定

 Decision on Cracking Down on the Crime of Undermining the Financial Order;

- 7. 关于惩治破坏金融秩序犯罪的决定
- 8. Decision on Cracking Down on the Crime of the Fraudulent Issuance of, Forging, or Illegally Selling Invoices Exclusively for Value-Added Taxes.

8. 关于惩治虚开、伪造和非法出售增值税专用发票犯罪的决





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Law of the People's Republic of China on Public Security Administration Punishments (2025 Revision)

Document Number: Order No. 49 of the President of the People's Republic of China

Area of Law: Public Security Administration Handling of Violations

Level of Authority: Laws

Issuing Authority: Standing Committee of the National People's Congress

Date Issued: 06-27-2025

Effective Date: 01-01-2026

Status: Not Yet Effective

Topic: Cyber Crime

2012-2025 Comparison Version 2005-2012 Annotation Version 1994-2005 Comparison Version

1986-1994 Annotation Version

Order of the President of the People's Republic of China

中华人民共和国主席令

(No. 49) (第四十九号)

The Law of the People's Republic of China on Public Security Administration Punishments, as revised and adopted at the 16th Session of the Standing Committee of the Fourteenth National People's Congress of the People's Republic of China on June 27, 2025, is hereby issued with effect from January 1, 2026.

《中华人民共和国治安管理处罚法》已由中华人民共和国第十四届全国人民代表大会常务委员会第十六次会议于2025年6月27日修订通过,现予公布,自2026年1月1日起施行。

Xi Jinping, President of the People's Republic of China 中华人民共和国主席 习近平

June 27, 2025 2025年6月27日

Law of the People's Republic of China on Public Security

Administration Punishments

中华人民共和国治安管理处罚法



(Adopted at the 17th Session of the Standing Committee of the Tenth National People's Congress on August 28, 2005, amended in accordance with the Decision to Amend the Law of the People's Republic of China on Public Security Administration Punishments adopted at the 29th Session of the Standing Committee of the Eleventh National People's Congress on October 26, 2012, and revised at the 16th Session of the Standing Committee of the Fourteenth National People's Congress on June 27, 2025)

(2005年8月28日第十届全国人民代表大会常务委员会第十七次会议通过 根据2012年10月26日第十一届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国治安管理处罚法〉的决定》修正 2025年6月27日第十四届全国人民代表大会常务委员会第十六次会议修订)

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Chapter I General Provisions

Article 1 This Law is enacted in accordance with the Constitution for the purposes of maintaining the order of public security, safeguarding public security, protecting the lawful rights and interests of citizens, legal persons, and other organizations, and regulating and guaranteeing the performance of public security administration duties by public security authorities and their police officers in accordance with the law.

Article 2 The administration of public security shall uphold the leadership of the Communist Party of China and adhere to comprehensive governance.

People's governments at all levels shall strengthen the comprehensive governance of public security and take effective measures to prevent and resolve social conflicts and disputes, enhance social harmony, and maintain social stability.

第一章 总则

第一条 为了维护社会治安秩序,保障公共安全,保护公民、 法人和其他组织的合法权益,规范和保障公安机关及其人民警察依法 履行治安管理职责,根据宪法,制定本法。

第二条 治安管理工作坚持中国共产党的领导,坚持综合治理。

各级人民政府应当加强社会治安综合治理,采取有效措施,预防和化解社会矛盾纠纷,增进社会和谐,维护社会稳定。



Article 3 Whoever disrupts the public order, endangers public security, infringes upon personal rights or property rights, or impedes social administration shall be held criminally liable if the violation is harmful to the society and constitutes a crime in accordance with the provisions of the Criminal Law of the People's Republic of China; and shall be punished by the public security authority in public security administration in accordance with this Law if the violation is not serious enough for a criminal punishment.

第三条 扰乱公共秩序,妨害公共安全,侵犯人身权利、财产权利,妨害社会管理,具有社会危害性,依照《中华人民共和国刑法》的规定构成犯罪的,依法追究刑事责任;尚不够刑事处罚的,由公安机关依照本法给予治安管理处罚。

Article 4 The procedures for imposing public security administration punishments shall be governed by this Law. For any matters not prescribed by this Law, the relevant provisions of the Administrative Sanctioning Law of the People's Republic of China and the Administrative Compulsion Law of the People's Republic of China shall apply.

第四条 治安管理处罚的程序,适用本法的规定;本法没有规定的,适用《中华人民共和国行政处罚法》、《中华人民共和国行政 强制法》的有关规定。

Article 5 This Law shall apply to the violations of public security administration committed within the territory of the People's Republic of China, except as otherwise specially provided for by any law.

第五条 在中华人民共和国领域内发生的违反治安管理行为,除法律有特别规定的外,适用本法。

This Law shall apply to the violations of public security administration committed on vessels and aircraft of the People's Republic of China, except as otherwise specially provided for by any law.

在中华人民共和国船舶和航空器内发生的违反治安管理行为,除法律 有特别规定的外,适用本法。



This Law shall apply to the violations of public security administration that are committed on foreign vessels and aircraft and over which the People's Republic of China exercises jurisdiction in accordance with international treaties concluded or acceded to by the People's Republic of China.

在外国船舶和航空器内发生的违反治安管理行为,依照中华人民共和国缔结或者参加的国际条约,中华人民共和国行使管辖权的,适用本法。

Article 6 Public security administration punishments shall be based on facts and be commensurate with the facts, nature, and circumstances of, and degree of social harm caused by, the violations of public security administration.

第六条 治安管理处罚必须以事实为依据,与违反治安管理的 事实、性质、情节以及社会危害程度相当。

Public security administration punishments shall be imposed in an open and impartial manner, human rights shall be respected and safeguarded, and the personal dignity of citizens shall be protected.

实施治安管理处罚,应当公开、公正,尊重和保障人权,保护公民的 人格尊严。

Public security cases shall be handled under the principle of combining education with punishment, laws and reasons shall be fully interpreted, and citizens, legal persons, or other organizations shall be educated to voluntarily abide by laws.

办理治安案件应当坚持教育与处罚相结合的原则,充分释法说理,教育公民、法人或者其他组织自觉守法。

Article 7 The public security department of the State Council shall be responsible for public security administration throughout the country. The public security authorities of local people's governments at or above the county level shall be responsible for public security administration within their respective administrative regions.

第七条 国务院公安部门负责全国的治安管理工作。县级以上地方各级人民政府公安机关负责本行政区域内的治安管理工作。





The jurisdiction over public security cases shall be prescribed by the public security department of the State Council.

治安案件的管辖由国务院公安部门规定。

Article 8 Where any violation of public security administration causes damage to any other person, the violator or his or her guardian shall, in addition to being subject to public security administration punishment in accordance with this Law, bear civil liability in accordance with the law.

第八条 违反治安管理行为对他人造成损害的,除依照本法给 予治安管理处罚外, 行为人或者其监护人还应当依法承担民事责任。

If any violation of public security administration constitutes a crime and the offender shall be held criminally liable in accordance with the law, public security administration punishment may not be imposed in lieu of criminal punishment.

违反治安管理行为构成犯罪,应当依法追究刑事责任的,不得以治安 管理处罚代替刑事处罚。

Article 9 With regard to the violations of public security administration, such as fighting and damaging or destroying the property of any other person caused by civil disputes, if the circumstances are relatively minor, the 违反治安管理行为,情节较轻的,公安机关可以调解处理。 public security authority may handle the matter through mediation.

第九条 对于因民间纠纷引起的打架斗殴或者损毁他人财物等

When handling public security cases through mediation, the facts shall be ascertained, the principles of legality, impartiality, voluntariness, and timeliness shall be followed, and attention shall be paid to education and persuasion, to promote the resolution of conflicts and disputes.

调解处理治安案件,应当查明事实,并遵循合法、公正、自愿、及时 的原则, 注重教育和疏导, 促进化解矛盾纠纷。

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If the parties reach an agreement through mediation by the public security authority, no punishment shall be imposed. If no agreement is reached through mediation or an agreement has been reached but not been performed, the public security authority shall handle the violation of public security administration in accordance with the provisions of this Law and inform the parties that they may legally file a civil lawsuit with the people's court regarding the civil dispute.

经公安机关调解,当事人达成协议的,不予处罚。经调解未达成协议 或者达成协议后不履行的,公安机关应当依照本法的规定对违反治安 管理行为作出处理,并告知当事人可以就民事争议依法向人民法院提 起民事诉讼。

For a public security case falling within the scope of mediation specified in paragraph 1, no punishment shall be imposed on the violator if the parties reach a settlement on their own or reach an agreement through mediation by the people's mediation committee and have it performed before the public security authority makes a handling decision, and the written application has been recognized by the public security authority.

对属于第一款规定的调解范围的治安案件,公安机关作出处理决定 前,当事人自行和解或者经人民调解委员会调解达成协议并履行,书 面申请经公安机关认可的,不予处罚。

Chapter II Types and Application of Punishments

第二章 处罚的种类和适用

Article 10 The public security administration punishments are classified into:

(1) warning;

(2) fine;

- (3) administrative detention: and
- (4) revocation of the license issued by the public security authority.

第十条 治安管理处罚的种类分为:

(一) 警告;

- (二) 罚款:
- (三) 行政拘留;
- (四)吊销公安机关发放的许可证件。



For a foreigner who commits any violation of public security administration, ordering the violator to leave the country within a prescribed time limit or deportation may additionally apply.

对违反治安管理的外国人, 可以附加适用限期出境或者驱逐出境。

Article 11 The drugs, pornographic items, and other illegal items, gambling devices, gambling stakes, devices used for taking or injecting drugs, and all the instruments owned and directly used by the person for committing any violation of public security administration that are seized in handling a public security case shall be confiscated and disposed of in accordance with relevant provisions.

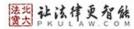
第十一条 办理治安案件所查获的毒品、淫秽物品等违禁品, 赌具、赌资,吸食、注射毒品的用具以及直接用于实施违反治安管理 行为的本人所有的工具,应当收缴,按照规定处理。

The property obtained from the commission of the violation of public security administration shall be recovered and returned to the victim; and if there is no victim, shall be registered in archives and sold by open auction or disposed of in accordance with the relevant provisions issued by the state, and the proceeds therefrom shall be turned over to the state treasury.

违反治安管理所得的财物,追缴退还被侵害人;没有被侵害人的,登 记造册,公开拍卖或者按照国家有关规定处理,所得款项上缴国库。

Article 12 Where a person who has attained the age of 14 but under the age of 18 commits any violation of public security administration, the person shall be given a lighter or mitigated punishment. If a person who is under the age of 14 commits any violation of public security administration, no punishment shall be imposed on him or her, but his or her guardian shall be ordered to subject him or her to strict discipline.

第十二条 已满十四周岁不满十八周岁的人违反治安管理的, 从轻或者减轻处罚;不满十四周岁的人违反治安管理的,不予处罚, 但是应当责令其监护人严加管教。



Article 13 Where a person with mental illness or a person with intellectual disability commits any violation of public security administration when he or she is unable to recognize or control his or her behavior, no punishment shall be imposed on him or her, but his or her guardian shall be ordered to strengthen custody and management and give him or her medical treatment. A person with intermittent psychotic episodes shall be punished if he or she commits any violation of public security administration when he or she is in a normal mental state. If a person with mental illness or a person with intellectual disability who has not completely lost his or her ability to recognize or control his or her behavior commits any violation of public security administration, the person shall be punished, but a lighter or mitigated punishment may be given.

第十三条 精神病人、智力残疾人在不能辨认或者不能控制自己行为的时候违反治安管理的,不予处罚,但是应当责令其监护人加强看护管理和治疗。间歇性的精神病人在精神正常的时候违反治安管理的,应当给予处罚。尚未完全丧失辨认或者控制自己行为能力的精神病人、智力残疾人违反治安管理的,应当给予处罚,但是可以从轻或者减轻处罚。

Article 14 A blind or a deaf and mute person who commits any violation of public security administration 第十四条 盲人或 may be given a lighter or mitigated punishment or may be 轻、减轻或者不予处罚。

第十四条 盲人或者又聋又哑的人违反治安管理的,可以从 、减轻或者不予处罚。

Article 15 An intoxicated person who commits any violation of public security administration shall be punished.

exempted from punishment.

第十五条 醉酒的人违反治安管理的,应当给予处罚。

If any intoxicated person in a state of intoxication may cause danger to himself or herself or threaten any other person's personal or property safety or public security, protective measures shall be taken to restrain him or her until he or she sobers up.

醉酒的人在醉酒状态中,对本人有危险或者对他人的人身、财产或者 公共安全有威胁的,应当对其采取保护性措施约束至酒醒。



detention shall not exceed 20 days.

Article 16 Where a person commits two or more violations of public security administration, decisions shall be made separately, but punishments shall be executed concurrently. The maximum time period for the concurrently executed punishments of administrative

第十六条 有两种以上违反治安管理行为的,分别决定,合并执行处罚。行政拘留处罚合并执行的,最长不超过二十日。

Article 17 Where two or more persons jointly commit a violation of public security administration, they shall be punished respectively based on their respective roles in the violation.

第十七条 共同违反治安管理的,根据行为人在违反治安管理 行为中所起的作用,分别处罚。

Whoever instigates, coerces, or induces any other person to commit any violation of public security administration shall be punished according to the act committed as a result of his or her instigation, coercion, or inducement.

教唆、胁迫、诱骗他人违反治安管理的,按照其教唆、胁迫、诱骗的 行为处罚。

Article 18 Where an entity commits any violation of public security administration, the directly liable person in charge of the entity and other directly liable persons shall be punished in accordance with the provisions of this Law. If any other law or administrative regulation prescribes that the punishment shall be imposed on an entity for the same violation, the entity shall be punished in accordance with the provisions of such a law or administrative regulation.

第十八条 单位违反治安管理的,对其直接负责的主管人员和 其他直接责任人员依照本法的规定处罚。其他法律、行政法规对同一 行为规定给予单位处罚的,依照其规定处罚。



Article 19 The act of stopping an ongoing illegal infringement which causes damage does not constitute a violation of public security administration and shall not be punished. If the act of stopping evidently exceeds the limits of necessity and causes considerable damage, a punishment shall be imposed on the violator in accordance with the law, but a mitigated punishment shall be given. If

第十九条 为了免受正在进行的不法侵害而采取的制止行为, 造成损害的,不属于违反治安管理行为,不受处罚;制止行为明显超 过必要限度,造成较大损害的,依法给予处罚,但是应当减轻处罚; 情节较轻的,不予处罚。

Article 20 Where the violation of public security administration falls under any of the following circumstances, the violator shall be given a lighter or mitigated punishment or be exempted from punishment:

the circumstances are relatively minor, no punishment

第二十条 违反治安管理有下列情形之一的,从轻、减轻或者不予处罚:

(1) The circumstances are minor.

shall be imposed on the violator.

- (一) 情节轻微的:
- (2) The violator has taken the initiative to eliminate or mitigate the consequences of the violation.
- (二) 主动消除或者减轻违法后果的;
- (3) The violator has obtained the forgiveness of the victim.
- (三)取得被侵害人谅解的;
- (4) The violator is forced or induced by any other person to commit the violation.
- (四) 出于他人胁迫或者诱骗的:
- (5) The violator voluntarily surrenders and truthfully makes a statement on his or her illegal conduct to the public security authority.
- (五) 主动投案, 向公安机关如实陈述自己的违法行为的;
- (6) The violator has performed meritorious service.
- (六)有立功表现的。

法此法律更智能

法寧



Article 21 A violator of public security administration may be given a lenient punishment in accordance with the law if he or she voluntarily and truthfully states his or her illegal conduct to the public security authority, admits the facts of his or her illegal conduct, and is willing to accept the punishment.

第二十一条 违反治安管理行为人自愿向公安机关如实陈述 自己的违法行为,承认违法事实,愿意接受处罚的,可以依法从宽处 理。

Article 22 Where the violation of public security administration falls under any of the following circumstances, the violator shall be given a heavier punishment:

第二十二条 违反治安管理有下列情形之一的,从重处罚:

- (1) Any relatively serious consequence has been caused.
- (2) The violator instigates, coerces, or induces any other person to commit the violation of public security
- (二)教唆、胁迫、诱骗他人违反治安管理的;

(一) 有较严重后果的;

(3) The violator retaliates against the reporting party, accuser, informant, or witness.

administration.

- (三)对报案人、控告人、举报人、证人打击报复的;
- (4) The violator has been subject to any public security administration punishment within one year.
- (四)一年以内曾受过治安管理处罚的。

Article 23 Where a violator of public security administration falls under any of the following circumstances, although he or she shall be given a punishment of administrative detention in accordance with this Law, the punishment of administrative detention shall not be executed:

第二十三条 违反治安管理行为人有下列情形之一,依照本 法应当给予行政拘留处罚的,不执行行政拘留处罚:

(1) The violator has attained the age of 14 but is under the age of 16.

(一)已满十四周岁不满十六周岁的;



- (2) The violator has attained the age of 16 but is under the age of 18, and the violation of public security administration is committed for the first time.
- (二)已满十六周岁不满十八周岁,初次违反治安管理的;

(3) The violator is over 70 years old.

- (三) 七十周岁以上的;
- (4) The violator is pregnant or breastfeeding her baby who is under one year old.
- (四) 怀孕或者哺乳自己不满一周岁婴儿的。

If the circumstances of the violation of public security administration committed by the violator specified in subparagraph (1), (2), or (3) of the preceding paragraph are serious and the effects are adverse, or if the violator specified in subparagraph (1) or (3) commits any violation of public security administration twice or more within one year, it shall not be subject to the restriction specified in the preceding paragraph.

前款第一项、第二项、第三项规定的行为人违反治安管理情节严重、 影响恶劣的,或者第一项、第三项规定的行为人在一年以内二次以上 违反治安管理的,不受前款规定的限制。

Article 24 Where a minor is exempt from punishment in accordance with the provisions of Article 12 of this Law or is exempt from the punishment of administrative detention in accordance with the provisions of Article 23 of this Law, the public security authority shall take corresponding correction and education and other measures in accordance with the provisions of the Law of the People's Republic of China on the Prevention of Juvenile Delinguency.

第二十四条 对依照本法第十二条规定不予处罚或者依照本法第二十三条规定不执行行政拘留处罚的未成年人,公安机关依照《中华人民共和国预防未成年人犯罪法》的规定采取相应矫治教育等措施。

Article 25 Where any violation of public security administration has not been found by the public security authority within six months, no punishment shall be imposed on the violator.

第二十五条 违反治安管理行为在六个月以内没有被公安机 关发现的,不再处罚。



The time period specified in the preceding paragraph shall be calculated from the date when the violation of public security administration is committed; and if the violation of public security administration is in a consecutive or continuous state, the time period shall be calculated from the date when the violation ends.

前款规定的期限,从违反治安管理行为发生之日起计算;违反治安管理行为有连续或者继续状态的,从行为终了之日起计算。

Chapter III Violations of Public Security Administration and Punishments

第三章 违反治安管理的行为和处罚

Section 1 Acts Disrupting Public Order and Punishments

第一节 扰乱公共秩序的行为和处罚

Article 26 Whoever commits any of the following conduct shall be warned or fined not more than 500 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan:

第二十六条 有下列行为之一的,处警告或者五百元以下罚款; 情节较重的,处五日以上十日以下拘留,可以并处一千元以下罚款:

- (1) Disrupting the order of any authority, group, enterprise, or public institution, thus making it impossible for the work, production, business operation, medical services, teaching, or scientific research to proceed normally without causing any serious loss.
- (一) 扰乱机关、团体、企业、事业单位秩序,致使工作、生产、营业、医疗、教学、科研不能正常进行,尚未造成严重损失的;
- (2) Disrupting the order of any station, port, dock, airport, shopping mall, park, exhibition hall, or any other public place.
- (二)扰乱车站、港口、码头、机场、商场、公园、展览馆或者其他 公共场所秩序的;
- (3) Disrupting the order on any public bus, trolleybus, urban rail transit vehicle, train, ship, aircraft, or other means of public transport.
- (三)扰乱公共汽车、电车、城市轨道交通车辆、火车、船舶、航空 器或者其他公共交通工具上的秩序的;



- (4) Illegally intercepting or forcibly boarding or holding on to any motor vehicle, ship, aircraft, or other means of transport, thus affecting the normal operation of the means of transport.
- (四)非法拦截或者强登、扒乘机动车、船舶、航空器以及其他交通工具,影响交通工具正常行驶的;
- (5) Disrupting the order of any election conducted in accordance with the law.
- (五)破坏依法进行的选举秩序的。

If a crowd is gathered to commit any of the conduct as mentioned in the preceding paragraph, the ringleader shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 2,000 yuan.

聚众实施前款行为的,对首要分子处十日以上十五日以下拘留,可以并处二千元以下罚款。

Article 27 Where a person commits any of the following conduct during a national examination prescribed by laws and administrative regulations, thus disrupting the order of the examination, the person shall be fined not less than one time nor more than five times the amount of illegal proceeds, and if there are no illegal proceeds therefrom or the illegal proceeds are less than 1,000 yuan, shall be fined not less than 1,000 yuan nor more than 3,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 15 days.

第二十七条 在法律、行政法规规定的国家考试中,有下列 行为之一,扰乱考试秩序的,处违法所得一倍以上五倍以下罚款,没 有违法所得或者违法所得不足一千元的,处一千元以上三千元以下罚 款;情节较重的,处五日以上十五日以下拘留:

(1) Organizing cheating.

- (一) 组织作弊的;
- (2) Providing any cheating device or other assistance for any other person to organize cheating.
- (二)为他人组织作弊提供作弊器材或者其他帮助的;
- (3) Illegally selling or providing examination questions or answers to any other person in order to cheat in the examination.
- (三)为实施考试作弊行为,向他人非法出售、提供考试试题、答案的;



(4) Taking the examination on behalf of any other person or having any other person take the examination on his or her behalf.

(四)代替他人或者让他人代替自己参加考试的。

Article 28 Whoever commits any of the following conduct to disrupt the order of any sports, cultural, or any other large-scale public activity shall be warned or fined not more than 500 yuan; and if the circumstances are serious, shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan:

第二十八条 有下列行为之一,扰乱体育、文化等大型群众性活动秩序的,处警告或者五百元以下罚款;情节严重的,处五日以上十日以下拘留,可以并处一千元以下罚款:

- (1) Forcibly entering the venue.
- (2) Setting off fireworks, firecrackers, or other items in the venue in violation of relevant provisions.
- (二)违反规定,在场内燃放烟花爆竹或者其他物品的;
- (3) Displaying any insulting slogan, banner, or other item.
- (4) Besieging any referee, athlete, or other staff member.
- (四) 围攻裁判员、运动员或者其他工作人员的;
- (5) Throwing debris into the venue and refusing to be stopped.
- (五) 向场内投掷杂物, 不听制止的;

(三)展示侮辱性标语、条幅等物品的;

(一)强行进入场内的;

- (6) Other acts that disrupt the order of large-scale public activities.
- (六) 扰乱大型群众性活动秩序的其他行为。



A person who is subject to the punishment of detention for disrupting the order of a sports competition or cultural performance may, at the same time, be ordered not to enter a sports venue or performance venue to watch the same type of competitions or performances for six months to one year. A person who enters a sports venue or performance venue in violation of the provisions shall be forcibly removed from the scene and may be detained for not more than five days or be fined not more than 1,000 yuan.

因扰乱体育比赛、文艺演出活动秩序被处以拘留处罚的,可以同时责令其六个月至一年以内不得进入体育场馆、演出场馆观看同类比赛、演出; 违反规定进入体育场馆、演出场馆的,强行带离现场,可以处五日以下拘留或者一千元以下罚款。

Article 29 Whoever commits any of the following conduct shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 1,000 yuan:

第二十九条 有下列行为之一的,处五日以上十日以下拘留,可以并处一千元以下罚款;情节较轻的,处五日以下拘留或者一千元以下罚款;

- (1) Intentionally disrupting the public order by intentionally spreading any rumor, falsely reporting any dangerous situation, epidemic disease, disaster, or police situation, or by other means.
- (一)故意散布谣言,谎报险情、疫情、灾情、警情或者以其他方法 故意扰乱公共秩序的;
- (2) Disrupting the public order by throwing any false explosive, toxic, radioactive, or corrosive substance, infectious disease pathogen, or other hazardous substance.
- (二)投放虚假的爆炸性、毒害性、放射性、腐蚀性物质或者传染病病原体等危险物质扰乱公共秩序的;
- (3) Disrupting the public order by threatening to set fire, set off explosions, throw hazardous substances, or commit any other criminal act that endangers public security.
- (三)扬言实施放火、爆炸、投放危险物质等危害公共安全犯罪行为 扰乱公共秩序的。

江山 コレコン は あ なっ なし





Article 30 Whoever commits any of the following conduct shall be detained for not less than five days nor more than 10 days or be fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than ten days nor more than 15 days and may be fined not more than 2,000 yuan:

第三十条 有下列行为之一的,处五日以上十日以下拘留或者 一千元以下罚款;情节较重的,处十日以上十五日以下拘留,可以并 处二千元以下罚款:

- (1) Gang fighting or assaulting any other person at will.
- (一) 结伙斗殴或者随意殴打他人的;
- (2) Chasing or intercepting any other person.
- (二) 追逐、拦截他人的;
- (3) Taking or demanding forcibly, or destroying, damaging, or occupying at will public or private property.
- (三)强拿硬要或者任意损毁、占用公私财物的;
- (4) Other acts of picking fights and troubles that disturb any other person without any cause or disrupt the social order.
- (四) 其他无故侵扰他人、扰乱社会秩序的寻衅滋事行为。

Article 31 Whoever commits any of the following conduct shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 2,000 yuan; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan:

第三十一条 有下列行为之一的,处十日以上十五日以下拘留,可以并处二千元以下罚款;情节较轻的,处五日以上十日以下拘留,可以并处一千元以下罚款:

(1) Arranging for, instigating, coercing, inducing, or inciting any other person to carry out activities of any cult or superstitious sect or secret society, illegal religious activities, or disrupting the social order or impairing the physical health of any other person by using any cult organization, superstitious sect, or secret society, or superstitious activity.

(一)组织、教唆、胁迫、诱骗、煽动他人从事邪教活动、会道门活动、非法的宗教活动或者利用邪教组织、会道门、迷信活动,扰乱社会秩序、损害他人身体健康的;



- (2) Engaging in activities that disrupt the social order or impairing the physical health of any other person under the guise of any religion or Qigong.
- (二)冒用宗教、气功名义进行扰乱社会秩序、损害他人身体健康活动的;
- (3) Making or spreading items, information, or materials with the content of any cult organization, superstitious sect, or secret society.
- (三)制作、传播宣扬邪教、会道门内容的物品、信息、资料的。

Article 32 Whoever commits any of the following conduct in violation of the provisions issued by the state shall be detained for not less than five days nor more than 10 days; and if the circumstances are serious, shall be detained for not less than 10 days nor more than 15 days.

第三十二条 违反国家规定,有下列行为之一的,处五日以上十日以下拘留;情节严重的,处十日以上十五日以下拘留:

- (1) Intentionally interfering with the normal operation of radio services.
- (一) 故意干扰无线电业务正常进行的;
- (2) Causing harmful interference to any normally operating radio station, and refusing to take effective measures to eliminate the interference after being reminded by the appropriate authority.
- (二)对正常运行的无线电台(站)产生有害干扰,经有关主管部门 指出后,拒不采取有效措施消除的;
- (3) Setting up any radio broadcasting station, communication base station, or any other radio station without approval, or illegally using or occupying radio frequencies to engage in illegal activities.
- (三)未经批准设置无线电广播电台、通信基站等无线电台(站)的,或者非法使用、占用无线电频率,从事违法活动的。

Article 33 Whoever commits any of the following conduct shall be detained for not more than five days if any damage has been caused; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 15 days:

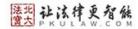
第三十三条 有下列行为之一,造成危害的,处五日以下拘留:情节较重的,处五日以上十五日以下拘留:



- (1) In violation of the provisions issued by the state, intruding into a computer information system or obtaining the data stored, processed, or transmitted in a computer information system, or exercising illegal control over a computer information system by other technical means.
- (一)违反国家规定,侵入计算机信息系统或者采用其他技术手段, 获取计算机信息系统中存储、处理或者传输的数据,或者对计算机信息系统实施非法控制的;
- (2) In violation of the provisions issued by the state, deleting, altering, adding, or interfering with the functions of a computer information system.
- (二)违反国家规定,对计算机信息系统功能进行删除、修改、增加、干扰的;
- (3) In violation of the provisions issued by the state, deleting, altering, or adding the data and applications stored, processed, or transmitted in a computer information system.
- (三)违反国家规定,对计算机信息系统中存储、处理、传输的数据 和应用程序进行删除、修改、增加的;
- (4) Internationally producing or spreading any computer virus or other destructive programs.
- (四) 故意制作、传播计算机病毒等破坏性程序的;
- (5) Providing programs or tools specially used for intruding into or illegally controlling a computer information system, or providing programs or tools to any other person, although knowing that such a person is committing the illegal or criminal conduct of intruding into or illegally controlling a computer information system.
- (五)提供专门用于侵入、非法控制计算机信息系统的程序、工具, 或者明知他人实施侵入、非法控制计算机信息系统的违法犯罪行为而 为其提供程序、工具的。

Article 34 Whoever organizes or leads pyramid sale activities shall be detained for not less than 10 days nor more than 15 days; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than 10 days.

第三十四条 组织、领导传销活动的,处十日以上十五日以 下拘留; 情节较轻的,处五日以上十日以下拘留。



Whoever coerces or induces others to participate in pyramid sale activities shall be detained for not less than five days nor more than 10 days; and if the circumstances are relatively serious, shall be detained for not less than 10 days nor more than 15 days.

胁迫、诱骗他人参加传销活动的,处五日以上十日以下拘留;情节较重的,处十日以上十五日以下拘留。

Article 35 Whoever commits any of the following conduct shall be detained for not less than five days nor more than 10 days or be fined not less than 1,000 yuan nor more than 3,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 5,000 yuan:

第三十五条 有下列行为之一的,处五日以上十日以下拘留 或者一千元以上三千元以下罚款; 情节较重的,处十日以上十五日以 下拘留,可以并处五千元以下罚款;

- (1) Intentionally engaging in any activities contrary to the theme and atmosphere of celebration, commemoration, memorial, public memorial, or other important activities held by the state in the venues where such important activities are held and the surrounding controlled areas and disregarding dissuasion, causing an adverse social impact.
- (一)在国家举行庆祝、纪念、缅怀、公祭等重要活动的场所及周边管控区域,故意从事与活动主题和氛围相违背的行为,不听劝阻,造成不良社会影响的;
- (2) Engaging in activities that damage the environment and atmosphere for commemorating heroes and martyrs within the protected area of memorial facilities for heroes and martyrs, disregarding persuasion, or occupying, damaging, or defiling the memorial facilities for heroes and martyrs.
- (二)在英雄烈士纪念设施保护范围内从事有损纪念英雄烈士环境和 氛围的活动,不听劝阻的,或者侵占、破坏、污损英雄烈士纪念设施 的;
- (3) Infringing upon the name, portrait, reputation, or honor of any hero or martyr by insulting, defaming, or other means, causing damage to the public interest.
- (三)以侮辱、诽谤或者其他方式侵害英雄烈士的姓名、肖像、名 誉、荣誉,损害社会公共利益的;



(4) Desecrating or denying the deeds and spirit of any hero or martyr, or producing, disseminating, or spreading speeches, pictures, audio and video recordings, or other items that advocate or glorify wars of aggression or acts of aggression, thereby disrupting the public order.

(四) 亵渎、否定英雄烈士事迹和精神,或者制作、传播、散布宣 扬、美化侵略战争、侵略行为的言论或者图片、音视频等物品,扰乱 公共秩序的;

(5) Wearing or forcing others to wear in public places clothes or signs that advocate or glorify wars of aggression or acts of aggression, and disregarding dissuasion, causing an adverse social impact.

(五)在公共场所或者强制他人在公共场所穿着、佩戴宣扬、美化侵略战争、侵略行为的服饰、标志,不听劝阻,造成不良社会影响的。

Section 2 Acts Endangering Public Security and Punishments

第二节 妨害公共安全的行为和处罚

Article 36 Whoever, in violation of the provisions issued by the state, produces, trades in, stores, transports, mails, carries, uses, provides, or disposes of any explosive, toxic, radioactive, or corrosive substance, infectious disease pathogen, or other hazardous substance shall be detained for not less than 10 days nor more than 15 days; and if the circumstances are relatively minor, shall be detained

for not less than five days nor more than 10 days.

第三十六条 违反国家规定,制造、买卖、储存、运输、邮 寄、携带、使用、提供、处置爆炸性、毒害性、放射性、腐蚀性物质或者传染病病原体等危险物质的,处十日以上十五日以下拘留;情节较轻的,处五日以上十日以下拘留。

Article 37 Where any explosive, toxic, radioactive, or corrosive substance, infectious disease pathogen, or other hazardous substance is stolen, robbed, or lost and no report is filed as required, the violator shall be detained for not more than five days; and if the violator intentionally conceals the relevant information, the violator shall be detained for not less than five days nor more than 10 days.

第三十七条 爆炸性、毒害性、放射性、腐蚀性物质或者传染病病原体等危险物质被盗、被抢或者丢失,未按规定报告的,处五日以下拘留; 故意隐瞒不报的,处五日以上十日以下拘留。



Article 38 Whoever illegally carries any gun,

ammunition, crossbow, dagger, or other controlled device prescribed by the state shall be detained for not more than five days and may be fined not more than 1,000 yuan; and if the circumstances are relatively minor, shall be warned or fined not more than 500 yuan.

Whoever illegally carries any gun, ammunition, crossbow, dagger, or other controlled device prescribed by the state into a public place or means of public transport shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan.

Article 39 Whoever commits any of the following conduct shall be detained for not less than ten days nor more than 15 days; and if the circumstances are relatively minor, shall be detained for not more than five days:

- (1) Stealing, damaging, or destroying oil and gas pipeline facilities, electric power and telecommunications facilities, radio and television facilities, water conservancy engineering facilities, public water supply facilities, highways and their affiliated facilities, or hydrological monitoring, measurement, meteorological forecasting, ecological and environmental monitoring, geological monitoring, earthquake monitoring, or other public facilities, thereby endangering public security.
- (2) Moving, damaging, or destroying any boundary marker or boundary post along the national border or any other border marker or border facilities, or benchmark marking facilities for territorial land or territorial sea.

第三十八条 非法携带枪支、弹药或者弩、匕首等国家规定 的管制器具的,处五日以下拘留,可以并处一千元以下罚款;情节较 轻的,处警告或者五百元以下罚款。

非法携带枪支、弹药或者弩、匕首等国家规定的管制器具进入公共场 所或者公共交通工具的,处五日以上十日以下拘留,可以并处一千元 以下罚款。

第三十九条 有下列行为之一的,处十日以上十五日以下拘留;情节较轻的,处五日以下拘留:

(一)盗窃、损毁油气管道设施、电力电信设施、广播电视设施、水 利工程设施、公共供水设施、公路及附属设施或者水文监测、测量、 气象测报、生态环境监测、地质监测、地震监测等公共设施,危及公 共安全的:

(二)移动、损毁国家边境的界碑、界桩以及其他边境标志、边境设施或者领土、领海基点标志设施的;



(3) Illicitly conducting any activity that may affect the direction of the national border (boundary) line or building any facilities that may obstruct national border (border area) administration.

(三)非法进行影响国(边)界线走向的活动或者修建有碍国(边) 境管理的设施的。

Article 40 Whoever steals, damages, or moves without authorization any aviation facilities in use, or forcibly enters the cockpit of any aircraft shall be detained for not less than 10 days nor more than 15 days.

第四十条 盗窃、损坏、擅自移动使用中的航空设施,或者强行进入航空器驾驶舱的,处十日以上十五日以下拘留。

Whoever uses any device or tool that may affect the normal functions of the navigation system on an aircraft in use and disregards persuasion shall be detained for not more than five days or fined not more than 1,000 yuan.

在使用中的航空器上使用可能影响导航系统正常功能的器具、工具, 不听劝阻的,处五日以下拘留或者一千元以下罚款。

Whoever steals, damages, or moves without authorization the facilities or equipment of other means of public transport in use, or interferes with the normal operation of the means of public transport by forcibly controlling the driving control device, pulling or assaulting the driver, or other methods shall be detained for not more than five days or fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days.

盗窃、损坏、擅自移动使用中的其他公共交通工具设施、设备,或者以抢控驾驶操纵装置、拉扯、殴打驾驶人员等方式,干扰公共交通工具正常行驶的,处五日以下拘留或者一千元以下罚款;情节较重的,处五日以上十日以下拘留。

Article 41 Whoever commits any of the following conduct shall be detained for not less than five days nor more than ten days, and may be fined not more than 1,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 1,000 yuan:

第四十一条 有下列行为之一的,处五日以上十日以下拘留,可以并处一千元以下罚款;情节较轻的,处五日以下拘留或者一千元以下罚款;







- (1) Stealing, damaging, destroying, or moving without authorization any railway or urban rail transit facilities, equipment, locomotive fittings, or safety signs.
- (2) Placing obstacles on railway or urban rail transit lines or intentionally throwing items at trains.
- (3) Digging pits, quarrying stones and extracting sand along railway lines, urban rail transit lines, bridges, tunnels, or culverts.
- (4) Privately setting up road junctions or level crossings on railway or urban rail transit lines.

Article 42 Whoever enters the railway or urban rail transit protective net without authorization, or walks, sits, or lies down on a railway or urban rail transit line when a train or urban rail transit train is approaching, rushes across the railway or urban rail transit line, thereby endangering traffic safety, shall be warned or fined not more than 500 yuan.

Article 43 Whoever commits any of the following conduct shall be detained for not more than five days or be fined not more than 1,000 yuan; and if the circumstances are serious, shall be detained for not less than ten days nor more than 15 days and may be fined not more than 1,000 yuan:

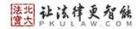
(1) Installing or using any power grid without approval, or installing or using any power grid in noncompliance with safety requirements.

- (一)盗窃、损毁、擅自移动铁路、城市轨道交通设施、设备、机车车辆配件或者安全标志的;
- (二)在铁路、城市轨道交通线路上放置障碍物,或者故意向列车投掷物品的;
- (三)在铁路、城市轨道交通线路、桥梁、隧道、涵洞处挖掘坑穴、 采石取沙的:
- (四)在铁路、城市轨道交通线路上私设道口或者平交过道的。

第四十二条 擅自进入铁路、城市轨道交通防护网或者火车、城市轨道交通列车来临时在铁路、城市轨道交通线路上行走坐卧,抢越铁路、城市轨道,影响行车安全的,处警告或者五百元以下罚款。

第四十三条 有下列行为之一的,处五日以下拘留或者一千元以下罚款;情节严重的,处十日以上十五日以下拘留,可以并处一千元以下罚款:

(一)未经批准,安装、使用电网的,或者安装、使用电网不符合安全规定的;



- (2) Failing to place any cover, fence, or warning sign for a pit, well, ridge, or hole in a construction site where vehicles and pedestrians pass, or intentionally damaging, destroying, or moving the cover, fence, or warning sign.
- (二)在车辆、行人通行的地方施工,对沟井坎穴不设覆盖物、防围和警示标志的,或者故意损毁、移动覆盖物、防围和警示标志的;
- (3) Stealing, damaging, or destroying public facilities, such as well lids and lighting devices on a road.
- (三)盗窃、损毁路面井盖、照明等公共设施的;
- (4) Releasing ascending items carrying open flames in violation of the provisions of relevant laws and regulations, posing a risk of fire accidents, and disregarding persuasion.
- (四)违反有关法律法规规定,升放携带明火的升空物体,有发生火灾事故危险,不听劝阻的;
- (5) Throwing items from buildings or other heights, posing a danger to the personal safety of any other person, the safety of public or private property, or public security.
- (五)从建筑物或者其他高空抛掷物品,有危害他人人身安全、公私 财产安全或者公共安全危险的。

Article 44 Whoever holds any sports, cultural, or large-scale mass activities in violation of relevant provisions, posing a risk of safety accidents, and refuses to take corrective action or is unable to take corrective action after being ordered by the public security authority to do so shall be ordered to stop such activities and evacuate immediately. The directly liable person in charge and other directly liable persons shall be detained for not less than five days nor more than ten days and fined not less than 1,000 yuan nor more than 3,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than 10 days nor more than 15 days and be fined not less than 3,000 yuan nor more than 5,000 yuan, and may, at the same time, be ordered not to hold large-scale public activities within six months to one year.

第四十四条 举办体育、文化等大型群众性活动,违反有关规定,有发生安全事故危险,经公安机关责令改正而拒不改正或者无法改正的,责令停止活动,立即疏散;对其直接负责的主管人员和其他直接责任人员处五日以上十日以下拘留,并处一千元以上三千元以下罚款;情节较重的,处十日以上十五日以下拘留,并处三千元以上五千元以下罚款,可以同时责令六个月至一年以内不得举办大型群众性活动。



Article 45 Where a hotel, restaurant, cinema, theater, entertainment venue, sports venue, exhibition hall, or any other place for holding public activities causes any safety incident risk at the place in violation of safety provisions, if the violator refuses to take corrective action after being ordered to do so by the public security authority, the directly liable person in charge and other directly liable persons shall be detained for not more than five days; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days.

第四十五条 旅馆、饭店、影剧院、娱乐场、体育场馆、展览馆或者其他供社会公众活动的场所违反安全规定,致使该场所有发生安全事故危险,经公安机关责令改正而拒不改正的,对其直接负责的主管人员和其他直接责任人员处五日以下拘留;情节较重的,处五日以上十日以下拘留。

Article 46 Whoever flies a civil unmanned aircraft or aviation sports equipment, or releases unmanned free balloons, tethered balloons, or other ascending items in violation of the provisions of relevant laws and regulations on the management of flight airspace shall be detained for not less than five days nor more than 10 days if the circumstances are relatively serious.

第四十六条 违反有关法律法规关于飞行空域管理规定,飞行民用无人驾驶航空器、航空运动器材,或者升放无人驾驶自由气球、系留气球等升空物体,情节较重的,处五日以上十日以下拘留。

Whoever illegally crosses the national border (border area) by flying or releasing the items specified in the preceding paragraph shall be detained for not less than 10 days nor more than 15 days.

飞行、升放前款规定的物体非法穿越国(边)境的,处十日以上十五日以下拘留。

Section 3 Acts Infringing upon Personal Rights or Property Rights and Punishments

第三节 侵犯人身权利、财产权利的行为和处罚



Article 47 Whoever commits any of the following conduct shall be detained for not less than 10 days nor more than 15 days and be fined not less than 1,000 yuan nor more than 2,000 yuan; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than 10 days and be fined not more than 1,000 yuan:

第四十七条 有下列行为之一的,处十日以上十五日以下拘留,并处一千元以上二千元以下罚款; 情节较轻的,处五日以上十日以下拘留,并处一千元以下罚款:

- (1) Arranging for, coercing, or inducing any minor under the age of 16 or any disabled person to make terrific or cruel performances.
- (一)组织、胁迫、诱骗不满十六周岁的人或者残疾人进行恐怖、残 忍表演的;
- (2) Forcing any other person to work by violence, threat, or other means.
- (二)以暴力、威胁或者其他手段强迫他人劳动的;
- (3) Illegally restricting the personal freedom of any other person, illegally trespassing into the residence of any other person, or illegally searching the body of any other person.
- (三) 非法限制他人人身自由、非法侵入他人住宅或者非法搜查他人身体的。

Article 48 Whoever arranges for or coerces the minors to engage in paid companion services such as drinking and singing at business premises that are inappropriate for the minors shall be detained for not less than 10 days nor more than 15 days and be fined not more than 5,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or fined not more than 5,000 yuan.

第四十八条 组织、胁迫未成年人在不适宜未成年人活动的 经营场所从事陪酒、陪唱等有偿陪侍活动的,处十日以上十五日以下 拘留,并处五千元以下罚款;情节较轻的,处五日以下拘留或者五千 元以下罚款。

Article 49 Whoever coerces, induces, or takes advantage of any other person to beg shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 2,000 yuan.

第四十九条 胁迫、诱骗或者利用他人乞讨的,处十日以上 十五日以下拘留,可以并处二千元以下罚款。



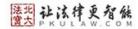
Whoever begs by repeatedly pestering, forcefully demanding, or other means of harassing others shall be detained for not more than five days or be warned.

反复纠缠、强行讨要或者以其他滋扰他人的方式乞讨的,处五日以下 拘留或者警告。

Article 50 Whoever commits any of the following conduct shall be detained for not more than five days or be fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days, and may be fined not more than 1,000 yuan:

第五十条 有下列行为之一的,处五日以下拘留或者一千元以下罚款;情节较重的,处五日以上十日以下拘留,可以并处一千元以下罚款;

- (1) Threatening the personal safety of any other person by writing threatening letters or other methods.
- (一) 写恐吓信或者以其他方法威胁他人人身安全的;
- (2) Publicly insulting any other person or fabricating facts to defame any other person.
- (二)公然侮辱他人或者捏造事实诽谤他人的;
- (3) Fabricating facts to falsely accuse and frame any other person, with the intention of subjecting him or her to criminal punishment or public security administration punishment.
- (三)捏造事实诬告陷害他人,企图使他人受到刑事追究或者受到治 安管理处罚的;
- (4) Threatening, insulting, assaulting, or retaliating against the witness or any of his or her close relatives.
- (四)对证人及其近亲属进行威胁、侮辱、殴打或者打击报复的;
- (5) Disrupting the normal life of any other person by repeatedly sending pornographic, insulting, threatening, or other information many times, or by harassing, pestering, stalking, or other methods.
- (五)多次发送淫秽、侮辱、恐吓等信息或者采取滋扰、纠缠、跟踪等方法,干扰他人正常生活的;
- (6) Peeping at, secretly taking photos of, eavesdropping, or spreading the privacy of any other person.
- (六) 偷窥、偷拍、窃听、散布他人隐私的。



Whoever commits the conduct of harassing, pestering, or stalking specified in subparagraph (5) of the preceding paragraph may, in addition to being punished in accordance with the provisions of the preceding paragraph, be ordered to refrain from contacting the victim for a certain period of time with the approval of the person in charge of the public security authority. Whoever violates the provisions on prohibiting contact shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan.

有前款第五项规定的滋扰、纠缠、跟踪行为的,除依照前款规定给予 处罚外,经公安机关负责人批准,可以责令其一定期限内禁止接触被 侵害人。对违反禁止接触规定的,处五日以上十日以下拘留,可以并 处一千元以下罚款。

Article 51 Whoever assaults any other person or intentionally injures the body of any other person shall be detained for not less than five days nor more than 10 days and be fined not less than 500 yuan nor more than 1,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 1,000 yuan.

第五十一条 殴打他人的,或者故意伤害他人身体的,处五日以上十日以下拘留,并处五百元以上一千元以下罚款;情节较轻的,处五日以下拘留或者一千元以下罚款。

Whoever falls under any of the following circumstances shall be detained for not less than 10 days nor more than 15 days and be fined not less than 1,000 yuan nor more than 2,000 yuan:

有下列情形之一的,处十日以上十五日以下拘留,并处一千元以上二 千元以下罚款:

- (1) Ganging up to assault or injure any other person.
- (一)结伙殴打、伤害他人的;
- (2) Assaulting or injuring any person who is disabled, pregnant, under the age of 14, or over 70 years old.
- (二)殴打、伤害残疾人、孕妇、不满十四周岁的人或者七十周岁以上的人的;
- (3) Assaulting or injuring any other person many times, or assaulting or injuring multiple people at one time.
- (三) 多次殴打、伤害他人或者一次殴打、伤害多人的。







Article 52 Whoever molests any other person shall be detained for not less than five days nor more than ten days. Whoever molests a person with mental illness or a person with intellectual disability or a minor under the age of 14, or falls under any other serious circumstance shall be detained for not less than ten days nor more than 15 days.

第五十二条 猥亵他人的,处五日以上十日以下拘留;猥亵精神病人、智力残疾人、不满十四周岁的人或者有其他严重情节的,处十日以上十五日以下拘留。

Whoever deliberately exposes his or her private body parts at a public place shall be warned or fined not more than 500 yuan; and if the circumstances are execrable, shall be detained for not less than five days nor more than 10 days.

在公共场所故意裸露身体隐私部位的,处警告或者五百元以下罚款; 情节恶劣的,处五日以上十日以下拘留。

Article 53 Whoever commits any of the following conduct shall be detained for not more than five days or warned; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than ten days and may be fined not more than 1,000 yuan:

第五十三条 有下列行为之一的,处五日以下拘留或者警告;情节较重的,处五日以上十日以下拘留,可以并处一千元以下罚款:

- (1) The violator abuses any family member, and the abused person or his or her guardian requests handling.
- (一) 虐待家庭成员,被虐待人或者其监护人要求处理的;
- (2) A person who has the duty of guardianship or care for the minors, the elderly, the sick, or the disabled, among others, abuses a person under his or her guardianship or care.
- (二)对未成年人、老年人、患病的人、残疾人等负有监护、看护职 责的人虐待被监护、看护的人的;
- (3) The violator abandons any person who has no ability to live independently and shall be supported by him or her.
- (三)遗弃没有独立生活能力的被扶养人的。



not more than 1,000 yuan.

Article 54 Whoever forcibly trades in any goods or forces any other person to provide or accept services shall be detained for not less than five days nor more than 10 days and be fined not less than 3,000 yuan nor more than 5,000 yuan; and if the circumstances are relatively minor,

shall be detained for not more than five days or be fined

第五十四条 强买强卖商品,强迫他人提供服务或者强迫他人接受服务的,处五日以上十日以下拘留,并处三千元以上五千元以下罚款;情节较轻的,处五日以下拘留或者一千元以下罚款。

Article 55 Whoever incites hatred or discrimination among ethnic groups, or publishes any content discriminating or insulting any minority ethnic group in publications or information networks shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 3,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 3,000 yuan.

第五十五条 煽动民族仇恨、民族歧视,或者在出版物、信息网络中刊载民族歧视、侮辱内容的,处十日以上十五日以下拘留,可以并处三千元以下罚款;情节较轻的,处五日以下拘留或者三千元以下罚款。

Article 56 Whoever sells or provides personal

information to others in violation of the relevant provisions issued by the state shall be detained for not less than ten days nor more than 15 days; and if the circumstances are relatively minor, shall be detained for not more than five days.

Whoever steals or illegally obtains personal information by other means shall be punished in accordance with the provisions of the preceding paragraph. 第五十六条 违反国家有关规定,向他人出售或者提供个人信息的,处十日以上十五日以下拘留;情节较轻的,处五日以下拘留。

窃取或者以其他方法非法获取个人信息的,依照前款的规定处罚。



Article 57 Whoever falsely claims, conceals, destroys, discards, resells, opens without authorization, or illegally inspects the mail or express mail of any other person shall be warned or fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days.

第五十七条 冒领、隐匿、毁弃、倒卖、私自开拆或者非法 检查他人邮件、快件的,处警告或者一千元以下罚款;情节较重的, 处五日以上十日以下拘留。

Article 58 Whoever commits theft, fraud, pillaging, robbery, or extortion shall be detained for not less than five days nor more than 10 days or be fined not more than 2,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 3,000 yuan.

第五十八条 盗窃、诈骗、哄抢、抢夺或者敲诈勒索的,处 五日以上十日以下拘留或者二千元以下罚款;情节较重的,处十日以 上十五日以下拘留,可以并处三千元以下罚款。

Article 59 Whoever intentionally damages public or private property shall be detained for not more than five days or be fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than ten days and may be fined not more than 3,000 yuan.

第五十九条 故意损毁公私财物的,处五日以下拘留或者一千元以下罚款;情节较重的,处五日以上十日以下拘留,可以并处三千元以下罚款。

Article 60 Where anyone bullies a student by assaulting, insulting, intimidating, or other methods in violation of public security administration, the public security authority shall, in accordance with the provisions of this Law and the Law of the People's Republic of China on the Prevention of Juvenile Delinquency, impose a public security administration punishment and take corresponding correction and education and other measures against him or her.

第六十条 以殴打、侮辱、恐吓等方式实施学生欺凌,违反治安管理的,公安机关应当依照本法、《中华人民共和国预防未成年人犯罪法》的规定,给予治安管理处罚、采取相应矫治教育等措施。



If a school, in violation of the provisions of relevant laws and regulations, fails to report or handle serious student bullying or any other crime harming minor students in accordance with the applicable provisions although it knows such fact, it shall be ordered to take corrective action, and the relevant department shall be proposed to take disciplinary actions against the directly liable person in charge and other directly liable persons of the school in accordance with the law.

学校违反有关法律法规规定,明知发生严重的学生欺凌或者明知发生 其他侵害未成年学生的犯罪,不按规定报告或者处置的,责令改正, 对其直接负责的主管人员和其他直接责任人员,建议有关部门依法予 以处分。

Section 4 Acts Impeding Social Administration and Punishments

第四节 妨害社会管理的行为和处罚

Article 61 Whoever commits any of the following conduct shall be warned or fined not more than 500 yuan; and if the circumstances are serious, shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan:

第六十一条 有下列行为之一的,处警告或者五百元以下罚款; 情节严重的,处五日以上十日以下拘留,可以并处一千元以下罚款:

- (1) Refusing to execute the decision or order lawfully issued by the people's government in a state of emergency.
- (一) 拒不执行人民政府在紧急状态情况下依法发布的决定、命令的:
- (2) Obstructing any staff member of the state authority from performing his or her duties in accordance with the law.
- (二) 阻碍国家机关工作人员依法执行职务的:
- (3) Obstructing the passage of any fire engine, ambulance, engineering rescue vehicle, or police car executing the aforesaid emergency tasks, or any special vessel executing the aforesaid emergency tasks.
- (三)阻碍执行紧急任务的消防车、救护车、工程抢险车、警车或者 执行上述紧急任务的专用船舶通行的;
- (4) Forcibly rushing into the warning area, warning zone, or checkpoint delimited by the public security authority.
- (四)强行冲闯公安机关设置的警戒带、警戒区或者检查点的。



Whoever obstructs any police officer from performing his or her duties in accordance with the law shall be given a heavier punishment.

阻碍人民警察依法执行职务的, 从重处罚。

Article 62 Whoever practices fraud by impersonating any staff member of the state authority shall be detained for not less than ten days nor more than 15 days and may be fined not more than 1,000 yuan; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than ten days.

第六十二条 冒充国家机关工作人员招摇撞骗的,处十日以上十五日以下拘留,可以并处一千元以下罚款;情节较轻的,处五日以上十日以下拘留。

Whoever practices fraud by impersonating any serviceman or police officer shall be given a heavier punishment.

冒充军警人员招摇撞骗的,从重处罚。

Whoever practices fraud by stealing and using or by falsely using the identity or name of an individual or an organization or by using any other false identity shall be detained for not more than five days or be fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan.

盗用、冒用个人、组织的身份、名义或者以其他虚假身份招摇撞骗的,处五日以下拘留或者一千元以下罚款;情节较重的,处五日以上十日以下拘留,可以并处一千元以下罚款。

Article 63 Whoever commits any of the following conduct shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 5,000 yuan; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than 10 days, and may be fined not more than 3,000 yuan:

第六十三条 有下列行为之一的,处十日以上十五日以下拘留,可以并处五千元以下罚款;情节较轻的,处五日以上十日以下拘留,可以并处三千元以下罚款:



- (1) Forging, altering, or trading in any official document, certificate, certification document, or seal of any state authority, people's organization, enterprise, public institution, or any other organization.
- (2) Leasing or lending any official document, certificate, certification document, or seal of any state authority, people's organization, enterprise, public institution, or any other organization for illegal use by any other person.
- (3) Trading in or using any forged or altered official document, certificate, certification document, or seal of any state authority, people's organization, enterprise, public institution, or any other organization.
- (4) Forging, altering, or reselling train tickets, ship tickets, air tickets, tickets for cultural and artistic performances, tickets for sports competitions, or other valuable tickets or vouchers.
- (5) Forging or altering ship registration plates, trading in or using any forged or altered ship registration plates, or altering the engine numbers of ships.

Article 64 Where a vessel enters or docks at waters or islands prohibited or restricted from entry by the state without authorization, the person in charge of the vessel and other relevant liable persons shall be fined not less than 1,000 yuan nor more than 2,000 yuan; and if the circumstances are serious, shall be detained for not more than five days and may be fined not more than 2,000 yuan.

- (一)伪造、变造或者买卖国家机关、人民团体、企业、事业单位或者其他组织的公文、证件、证明文件、印章的;
- (二)出租、出借国家机关、人民团体、企业、事业单位或者其他组织的公文、证件、证明文件、印章供他人非法使用的:
- (三)买卖或者使用伪造、变造的国家机关、人民团体、企业、事业单位或者其他组织的公文、证件、证明文件、印章的;
- (四)伪造、变造或者倒卖车票、船票、航空客票、文艺演出票、体 育比赛入场券或者其他有价票证、凭证的:
- (五)伪造、变造船舶户牌,买卖或者使用伪造、变造的船舶户牌,或者涂改船舶发动机号码的。

第六十四条 船舶擅自进入、停靠国家禁止、限制进入的水域或者岛屿的,对船舶负责人及有关责任人员处一千元以上二千元以下罚款;情节严重的,处五日以下拘留,可以并处二千元以下罚款。

洪北 36 计结面知从

洪

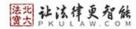


Article 65 Whoever commits any of the following conduct shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 5,000 yuan; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than 10 days or be fined not less than 1,000 yuan nor more than 3,000 yuan:

- 第六十五条 有下列行为之一的,处十日以上十五日以下拘留,可以并处五千元以下罚款;情节较轻的,处五日以上十日以下拘留或者一千元以上三千元以下罚款;
- (1) Carrying out activities in the name of an unregistered social organization, such as a social group, foundation, or social service institution, in violation of the relevant provisions issued by the state, and continuing to carry out activities after the activities are banned.
- (一)违反国家规定,未经注册登记,以社会团体、基金会、社会服务机构等社会组织名义进行活动,被取缔后,仍进行活动的;
- (2) Carrying out activities in the name of a social organization, such as a social group, foundation, or social service institution, that has been lawfully deregistered or of which the registration certificate has been revoked in accordance with the law.
- (二)被依法撤销登记或者吊销登记证书的社会团体、基金会、社会服务机构等社会组织,仍以原社会组织名义进行活动的;
- (3) Engaging in any industry that shall be subject to the licensing of the public security authority in accordance with relevant provisions issued by the state without licensing.
- (三)未经许可,擅自经营按照国家规定需要由公安机关许可的行业的。

The conduct specified in subparagraph (3) of the preceding paragraph shall be banned. If the conduct is committed again within one year after a ban is imposed, the violator shall be detained for not less than ten days nor more than 15 days and be fined not less than 3,000 yuan nor more than 5,000 yuan.

有前款第三项行为的,予以取缔。被取缔一年以内又实施的,处十日 以上十五日以下拘留,并处三千元以上五千元以下罚款。



If a business that has obtained a license from the public security authority violates the relevant administrative regulations of the state, and the circumstances are serious, the public security authority may revoke the license.

取得公安机关许可的经营者,违反国家有关管理规定,情节严重的,公安机关可以吊销许可证件。

Article 66 Whoever incites or plans any illegal assembly, parade, or demonstration and disregards persuasion shall be detained for not less than 10 days nor more than 15 days.

第六十六条 煽动、策划非法集会、游行、示威,不听劝阻 的,处十日以上十五日以下拘留。

Article 67 Where anyone fails to register the name, type or number of the valid identity certificate or other information of any guest as required in hotel business operations, or provides accommodation services to any person whose identity is unknown or who refuses to register his or her identity information, the directly liable person in charge and other directly liable persons shall be fined not less than 500 yuan nor more than 1,000 yuan; and if the circumstances are relatively minor, shall be warned or fined not more than 500 yuan.

第六十七条 从事旅馆业经营活动不按规定登记住宿人员姓名、有效身份证件种类和号码等信息的,或者为身份不明、拒绝登记身份信息的人提供住宿服务的,对其直接负责的主管人员和其他直接责任人员处五百元以上一千元以下罚款;情节较轻的,处警告或者五百元以下罚款。

Whoever commits the conduct specified in the preceding paragraph, thereby hindering the progress of the counterterrorism work and violating the provisions of the Counterterrorism Law of the People's Republic of China, shall be punished in accordance with such provisions.

实施前款行为,妨害反恐怖主义工作进行,违反《中华人民共和国反恐怖主义法》规定的,依照其规定处罚。



If any of the following conduct is committed in the operations of the hotel industry, the directly liable person in charge and other directly liable persons shall each be fined not less than 1,000 yuan nor more than 3,000 yuan; and if the circumstances are serious, shall be detained for not more than five days and may be fined not less than 3,000 yuan nor more than 5,000 yuan:

从事旅馆业经营活动有下列行为之一的,对其直接负责的主管人员和 其他直接责任人员处一千元以上三千元以下罚款;情节严重的,处五 日以下拘留,可以并处三千元以上五千元以下罚款;

- (1) Failing to stop the guest from bringing hazardous substances into the accommodation area in violation of any provisions, although knowing such fact.
- (一)明知住宿人员违反规定将危险物质带入住宿区域,不予制止的;
- (2) Failing to report to the public security authority, although knowing that the guest is a criminal suspect or is wanted by the public security authority.
- (二)明知住宿人员是犯罪嫌疑人员或者被公安机关通缉的人员,不向公安机关报告的;
- (3) Failing to report to the public security authority, although knowing that a guest is using the hotel to commit criminal activities.
- (三)明知住宿人员利用旅馆实施犯罪活动,不向公安机关报告的。

Article 68 A lessor of a house who leases the house to a person whose identity is unknown or who refuses to register his or her identity information, or fails to register the name, type, and number of the valid identity certificate or any other information of the lessee according to the relevant provisions shall be fined not less than 500 yuan nor more than 1,000 yuan; and if the circumstances are relatively minor, shall be warned or fined not more than 500 yuan.

第六十八条 房屋出租人将房屋出租给身份不明、拒绝登记身份信息的人的,或者不按规定登记承租人姓名、有效身份证件种类和号码等信息的,处五百元以上一千元以下罚款;情节较轻的,处警告或者五百元以下罚款。



A lessor of a house who knows that the lessee is committing any crime by using the rented house but fails to report it to the public security authority shall be fined not less than 1,000 yuan nor more than 3,000 yuan; and if the circumstances are serious, shall be detained for not more than five days and may be fined not less than 3,000 yuan nor more than 5,000 yuan.

房屋出租人明知承租人利用出租房屋实施犯罪活动,不向公安机关报告的,处一千元以上三千元以下罚款;情节严重的,处五日以下拘留,可以并处三千元以上五千元以下罚款。

Article 69 Any business of an entertainment venue or official seal engraving, motor vehicle repair, or the scrapped motor vehicle recycling industry that fails to register relevant information in accordance with relevant laws and regulations shall be warned. If the violator refuses to take corrective action or causes consequences, the directly liable person in charge and other directly liable persons shall be detained for not more than five days or be fined not more than 3,000 yuan.

第六十九条 娱乐场所和公章刻制、机动车修理、报废机动车回收行业经营者违反法律法规关于要求登记信息的规定,不登记信息的,处警告; 拒不改正或者造成后果的,对其直接负责的主管人员和其他直接责任人员处五日以下拘留或者三千元以下罚款。

Article 70 Whoever illegally installs, uses, or provides special equipment for eavesdropping or secret photographing shall be detained for not more than five days or be fined not less than 1,000 yuan nor more than 3,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than ten days and be fined not less than 3,000 yuan nor more than 5,000 yuan.

第七十条 非法安装、使用、提供窃听、窃照专用器材的,处 五日以下拘留或者一千元以上三千元以下罚款;情节较重的,处五日 以上十日以下拘留,并处三千元以上五千元以下罚款。

Article 71 Whoever commits any of the following conduct shall be fined not less than 1,000 yuan nor more than 3,000 yuan; and if the circumstances are serious, shall be detained for not less than five days nor more than 10 days and be fined not less than 1,000 yuan nor more than 3,000 yuan:

第七十一条 有下列行为之一的,处一千元以上三千元以下 罚款;情节严重的,处五日以上十日以下拘留,并处一千元以上三千元以下罚款;



- (1) A pawnbroking industry worker fails to check the relevant certificate or undergo registration formalities for any pawn accepted by him or her, or in violation of the provisions issued by the state, fails to report it to the public security authority although knowing that the pawner is a criminal suspect or the pawn is a booty.
- (一)典当业工作人员承接典当的物品,不查验有关证明、不履行登记手续的,或者违反国家规定对明知是违法犯罪嫌疑人、赃物而不向公安机关报告的;
- (2) Purchasing any waste and old equipment specifically used for railways, oil fields, power supply, telecommunications, mines, water conservancy, survey, or urban public utilities, among others, in violation of the provisions issued by the state.
- (二)违反国家规定,收购铁路、油田、供电、电信、矿山、水利、测量和城市公用设施等废旧专用器材的;
- (3) Purchasing any booty or item suspected of being booties that are being searched by the public security authority.
- (三) 收购公安机关通报寻查的赃物或者有赃物嫌疑的物品的;
- (4) Purchasing other items prohibited by the state.
- (四) 收购国家禁止收购的其他物品的。

Article 72 Whoever commits any of the following conduct shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan; and if the circumstances are relatively minor, shall be warned or fined not more than 1,000 yuan:

第七十二条 有下列行为之一的,处五日以上十日以下拘留,可以并处一千元以下罚款;情节较轻的,处警告或者一千元以下罚款; 罚款:

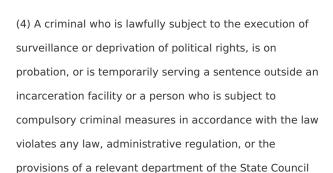
- (1) Concealing, transferring, selling, using without authorization, or damaging or destroying the property that has been impounded, placed under seal, frozen, retained, or first registered and preserved by the administrative agency of law enforcement in accordance with the law.
- (一)隐藏、转移、变卖、擅自使用或者损毁行政执法机关依法扣押、查封、冻结、扣留、先行登记保存的财物的;



(2) Forging, concealing, or destroying evidence, or providing false testimony or giving false information on a case, thereby affecting the handling of a case by the administrative agency of law enforcement in accordance with the law.

(二)伪造、隐匿、毁灭证据或者提供虚假证言、谎报案情,影响行 政执法机关依法办案的;

- (3) Knowingly harboring, transferring, or selling on behalf of any other person any booties.
- (三)明知是赃物而窝藏、转移或者代为销售的;



on supervision and administration.

(四)被依法执行管制、剥夺政治权利或者在缓刑、暂予监外执行中 的罪犯或者被依法采取刑事强制措施的人,有违反法律、行政法规或 者国务院有关部门的监督管理规定的行为的。

Article 73 Whoever commits any of the following conduct shall be warned or fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days, and may be fined not more than 1,000 yuan:

第七十三条 有下列行为之一的,处警告或者一千元以下罚款;情节较重的,处五日以上十日以下拘留,可以并处一千元以下罚款:

- (1) Violating the injunction or the decision on occupational prohibition in the criminal judgment of the people's court.
- (一) 违反人民法院刑事判决中的禁止令或者职业禁止决定的;
- (2) Refusing to comply with the warning letter against domestic violence or sexual harassment issued by the public security authority in accordance with the Anti-domestic Violence Law of the People's Republic of China and the Law of the People's Republic of China on the Protection of the Rights and Interests of Women.
- (二) 拒不执行公安机关依照《中华人民共和国反家庭暴力法》、 《中华人民共和国妇女权益保障法》出具的禁止家庭暴力告诫书、禁 止性骚扰告诫书的;



(3) Violating any protection measure legally taken by the oversight authority in the oversight work or by a judicial authority in criminal proceedings, which prohibits contact with witnesses, the identification or evaluation expert, and the victim and his or her close relatives.

(三) 违反监察机关在监察工作中、司法机关在刑事诉讼中依法采取 的禁止接触证人、鉴定人、被害人及其近亲属保护措施的。

Article 74 Where a person who has been lawfully detained for any illegal conduct escapes, he or she shall be detained for not less than 10 days nor more than 15 days; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than 10 days.

第七十四条 依法被关押的违法行为人脱逃的,处十日以上 十五日以下拘留:情节较轻的,处五日以上十日以下拘留。

Article 75 Whoever commits any of the following conduct shall be warned or fined not more than 500 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days and be fined not less than 500 yuan nor more than 1,000 yuan:

第七十五条 有下列行为之一的,处警告或者五百元以下罚款;情节较重的,处五日以上十日以下拘留,并处五百元以上一千元以下罚款;

- (1) Carving, defacing, or otherwise intentionally damaging cultural relics, scenic spots or historic sites protected by the state.
- (一)刻划、涂污或者以其他方式故意损坏国家保护的文物、名胜古迹的;
- (2) Carrying out activities such as blasting, drilling, and excavation near any cultural relic protection entity in violation of the provisions issued by the state, thereby endangering the safety of cultural relics.
- (二)违反国家规定,在文物保护单位附近进行爆破、钻探、挖掘等活动,危及文物安全的。



法實



Article 76 Whoever commits any of the following conduct shall be fined not less than 1,000 yuan nor more than 2,000 yuan; and if the circumstances are serious, shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 2,000 yuan:

第七十六条 有下列行为之一的,处一千元以上二千元以下 罚款;情节严重的,处十日以上十五日以下拘留,可以并处二千元以 下罚款:

- (1) Driving the motor vehicle of any other person without permission.
- (一) 偷开他人机动车的:
- (2) Driving any aircraft or motor vessel without a driving license or driving the aircraft or motor vessel of any other person without permission.
- (二)未取得驾驶证驾驶或者偷开他人航空器、机动船舶的。

Article 77 Whoever commits any of the following conduct shall be detained for not less than five days nor more than 10 days; and if the circumstances are serious, shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 2,000 yuan:

第七十七条 有下列行为之一的,处五日以上十日以下拘留;情节严重的,处十日以上十五日以下拘留,可以并处二千元以下罚款:

- (1) Intentionally destroying or defiling the grave of any other person or damaging or discarding the remains or bone ashes of any other person.
- (一)故意破坏、污损他人坟墓或者毁坏、丢弃他人尸骨、骨灰的;
- (2) Placing a corpse at a public place or disrupting the order of normal life or work of any other person for parking a corpse, and disregarding persuasion.
- (二)在公共场所停放尸体或者因停放尸体影响他人正常生活、工作 秩序,不听劝阻的。

Article 78 Whoever engages in prostitution or solicits prostitutes shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 5,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 1,000 yuan.

第七十八条 卖淫、嫖娼的,处十日以上十五日以下拘留,可以并处五千元以下罚款;情节较轻的,处五日以下拘留或者一千元以下罚款。



Whoever solicits customers for any prostitute at a public place shall be detained for not more than five days or be fined not more than 1,000 yuan.

在公共场所拉客招嫖的,处五日以下拘留或者一千元以下罚款。

Article 79 Whoever induces or introduces any other person into prostitution or harbors prostitution shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 5,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not less than 1,000 yuan nor more than 2,000 yuan.

第七十九条 引诱、容留、介绍他人卖淫的,处十日以上十 五日以下拘留,可以并处五千元以下罚款; 情节较轻的,处五日以下 拘留或者一千元以上二千元以下罚款。

Article 80 Whoever produces, transports, duplicates, sells, or leases any pornographic book or periodical, picture, film, or audio and video recording, among others, or spreads any pornographic information through information networks, telephone, or other communication tools shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 5,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not less than 1,000 yuan nor more than 3,000 yuan.

第八十条 制作、运输、复制、出售、出租淫秽的书刊、图片、影片、音像制品等淫秽物品或者利用信息网络、电话以及其他通讯工具传播淫秽信息的,处十日以上十五日以下拘留,可以并处五千元以下罚款;情节较轻的,处五日以下拘留或者一千元以上三千元以下罚款。

If the minors are involved in the pornographic items or pornographic information specified in the preceding paragraph, a heavier punishment shall be imposed.

前款规定的淫秽物品或者淫秽信息中涉及未成年人的,从重处罚。

Article 81 Whoever commits any of the following conduct shall be detained for not less than 10 days nor more than 15 days and be fined not less than 1,000 yuan nor more than 2,000 yuan:

第八十一条 有下列行为之一的,处十日以上十五日以下拘留,并处一千元以上二千元以下罚款:



- (1) Organizing the broadcasting of any pornographic audio and video recording.
- (一)组织播放淫秽音像的;
- (2) Organizing or making any pornographic performance.
- (二)组织或者进行淫秽表演的;

(3) Participating in gang orgies.

(三)参与聚众淫乱活动的。

Whoever provides conditions to any other person, although knowing that he or she engages in any of the activities specified in the preceding paragraph, shall be punished in accordance with the provisions of the preceding paragraph.

明知他人从事前款活动,为其提供条件的,依照前款的规定处罚。

Whoever arranges for the minors to engage in the activities specified in paragraph 1 shall be given a heavier punishment.

组织未成年人从事第一款活动的,从重处罚。

Article 82 Whoever, for the purpose of making profits, provides conditions for gambling or participates in gambling with a relatively large amount of gambling stakes shall be detained for not more than five days or be fined not more than 1,000 yuan; and if the circumstances are serious, shall be detained for not less than 10 days nor more than 15 days and be fined not less than 1,000 yuan nor more than 5,000 yuan.

第八十二条 以营利为目的,为赌博提供条件的,或者参与赌博赌资较大的,处五日以下拘留或者一千元以下罚款;情节严重的,处十日以上十五日以下拘留,并处一千元以上五千元以下罚款。

Article 83 Whoever commits any of the following conduct shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 5,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 1,000 yuan:

第八十三条 有下列行为之一的,处十日以上十五日以下拘留,可以并处五千元以下罚款;情节较轻的,处五日以下拘留或者一千元以下罚款:



- (1) Illegally cultivating less than 500 opium poppy plants or a small number of other drug plants.
- (一) 非法种植罂粟不满五百株或者其他少量毒品原植物的;
- (2) Illegally trading in, transporting, carrying, or holding a small number of seeds or seedlings of opium poppy or other drug plants, which have not been inactivated.
- (二) 非法买卖、运输、携带、持有少量未经灭活的罂粟等毒品原植物种子或者幼苗的:
- (3) Illegally transporting, trading in, storing, or using a small number of poppy capsules.
- (三) 非法运输、买卖、储存、使用少量罂粟壳的。

Whoever commits the conduct specified in subparagraph (1) of the preceding paragraph but uproots the plants on his or her initiative before they are ripe shall not be punished.

有前款第一项行为,在成熟前自行铲除的,不予处罚。



Article 84 Whoever commits any of the following conduct shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 3,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 1,000 yuan:

第八十四条 有下列行为之一的,处十日以上十五日以下拘留,可以并处三千元以下罚款;情节较轻的,处五日以下拘留或者一千元以下罚款:

- (1) Illegally holding less than 200 grams of opium or less than 10 grams of heroin or methyl amphetamine, or a small quantity of other drugs.
- (一)非法持有鸦片不满二百克、海洛因或者甲基苯丙胺不满十克或者其他少量毒品的;

(2) Providing drugs to any other person.

(二) 向他人提供毒品的;

(3) Taking or injecting drugs.

- (三) 吸食、注射毒品的;
- (4) Coercing or deceiving medical staff into prescribing any narcotic or psychotropic drug.
- (四)胁迫、欺骗医务人员开具麻醉药品、精神药品的。



If people are gathered or organized to take or inject drugs, the ringleader and the organizer shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

聚众、组织吸食、注射毒品的,对首要分子、组织者依照前款的规定 从重处罚。

Whoever takes or injects drugs may, at the same time, be ordered not to enter entertainment venues and not to contact persons involved in drug-related violations of law and crimes without authorization for a period of six months to one year. Whoever violates the provisions shall be detained for not more than five days or be fined not more than 1,000 yuan.

吸食、注射毒品的,可以同时责令其六个月至一年以内不得进入娱乐场所、不得擅自接触涉及毒品违法犯罪人员。违反规定的,处五日以 下拘留或者一千元以下罚款。

Article 85 Whoever induces, instigates, or forces any other person to take or inject drugs or deceives any other person into taking or injecting drugs shall be detained for not less than ten days nor more than 15 days and be fined not less than 1,000 yuan nor more than 5,000 yuan.

第八十五条 引诱、教唆、欺骗或者强迫他人吸食、注射毒品的,处十日以上十五日以下拘留,并处一千元以上五千元以下罚款。

Whoever allows any other person to take or inject drugs, or introduces the trade of drugs shall be detained for not less than 10 days nor more than 15 days and may be fined not more than 3,000 yuan; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not more than 1,000 yuan.

容留他人吸食、注射毒品或者介绍买卖毒品的,处十日以上十五日以 下拘留,可以并处三千元以下罚款;情节较轻的,处五日以下拘留或 者一千元以下罚款。

Article 86 Whoever, in violation of the provisions issued by the state, illegally produces, distributes, purchases, or transports raw materials or auxiliary materials for manufacturing drugs shall be detained for not less than 10 days nor more than 15 days; and if the circumstances are relatively minor, shall be detained for not less than five days nor more than 10 days.

第八十六条 违反国家规定,非法生产、经营、购买、运输 用于制造毒品的原料、配剂的,处十日以上十五日以下拘留;情节较 轻的,处五日以上十日以下拘留。

Article 87 Where any employee of an entity of the hotel industry, catering service industry, culture and entertainment industry, or taxi industry secretly informs a person who commits the violation of law or crime when the public security authority investigates into or punishes any activity such as drug abuse, gambling, prostitution, or solicitation of prostitutes, or provides conditions for the aforesaid activities by other means shall be detained for not less than 10 days nor more than 15 days; and if the circumstances are relatively minor, shall be detained for not more than five days or be fined not less than 1,000 yuan nor more than 2,000 yuan.

Article 88 Whoever, in violation of the provisions of any law or regulation on the prevention and control of pollution by the noise emitted in the course of social activities, produces noise in the course of social activities, and fails to curb such noise after dissuasion, mediation, and handling by the primary self-governing mass organization, the owners' committee, the property service provider, or the relevant department in accordance with the law and continues to disrupt the normal life, work, and study of any other person shall be detained for not more than five days or be fined not more than 1,000 yuan; and if the circumstances are serious, shall be detained for not less than five days nor more than 10 days and may be fined not more than 1,000 yuan.

Article 89 Whoever raises any animal, which disrupts the normal life of any other person, shall be warned; and if he or she fails to take corrective action after being warned, or allows his or her animal to intimidate any other person, he or she shall be fined not more than 1,000 yuan.

第八十七条 旅馆业、饮食服务业、文化娱乐业、出租汽车业等单位的人员,在公安机关查处吸毒、赌博、卖淫、嫖娼活动时,为违法犯罪行为人通风报信的,或者以其他方式为上述活动提供条件的,处十日以上十五日以下拘留;情节较轻的,处五日以下拘留或者一千元以上二千元以下罚款。

第八十八条 违反关于社会生活噪声污染防治的法律法规规定,产生社会生活噪声,经基层群众性自治组织、业主委员会、物业服务人、有关部门依法劝阻、调解和处理未能制止,继续干扰他人正常生活、工作和学习的,处五日以下拘留或者一千元以下罚款;情节严重的,处五日以上十日以下拘留,可以并处一千元以下罚款。

第八十九条 饲养动物,干扰他人正常生活的,处警告;警告后不改正的,或者放任动物恐吓他人的,处一千元以下罚款。



Whoever, in violation of the provisions of any relevant law, regulation, or rule, sells or raises any dangerous animal such as a fierce dog shall be warned; and if he or she fails to take corrective action after being warned, or causes his or her animal to injure any other person, he or she shall be detained for not more than five days or be fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days.

违反有关法律、法规、规章规定,出售、饲养烈性犬等危险动物的,处警告;警告后不改正的,或者致使动物伤害他人的,处五日以下拘留或者一千元以下罚款;情节较重的,处五日以上十日以下拘留。

Whoever fails to take safety measures for an animal, causing the animal to injure any other person, shall be fined not more than 1,000 yuan; and if the circumstances are relatively serious, shall be detained for not less than five days nor more than 10 days.

未对动物采取安全措施,致使动物伤害他人的,处一千元以下罚款; 情节较重的,处五日以上十日以下拘留。

Whoever drives an animal to injure any other person shall be punished in accordance with the provisions of Article 51 of this Law.

驱使动物伤害他人的,依照本法第五十一条的规定处罚。

Chapter IV Punishment Procedures

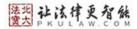
第四章 处罚程序

Section 1 Investigation

第一节 调查







Article 90 The public security authority shall immediately open a case and conduct an investigation into any of the cases of violations of public security administration reported by the reporting party, accuser, or informant, or cases where the violators of public security administration voluntarily surrender, as well as cases transferred by other state authorities. If it deems that the conduct does not constitute a violation of public security administration, it shall inform the reporting party, accuser, or informant, or the person who surrenders himself or herself, and explain the reason therefor.

第九十条 公安机关对报案、控告、举报或者违反治安管理行为人主动投案,以及其他国家机关移送的违反治安管理案件,应当立即立案并进行调查;认为不属于违反治安管理行为的,应当告知报案人、控告人、举报人、投案人,并说明理由。

Article 91 The public security authority and its police officers shall investigate public security cases in accordance with the law. Extorting confessions by torture or collecting evidence by intimidation, enticement, deception, or other illegal means is prohibited.

第九十一条 公安机关及其人民警察对治安案件的调查,应 当依法进行。严禁刑讯逼供或者采用威胁、引诱、欺骗等非法手段收 集证据。

Evidence collected by illegal means shall not be taken as the basis for imposing punishments.

以非法手段收集的证据不得作为处罚的根据。

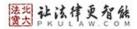
Article 92 A public security authority handling public security cases shall have the right to collect and obtain evidence from the relevant entities and individuals.

Relevant entities and individuals shall truthfully provide evidence.

第九十二条 公安机关办理治安案件,有权向有关单位和个 人收集、调取证据。有关单位和个人应当如实提供证据。

A public security authority shall, when collecting or requiring the submission of evidence from relevant entities and individuals, inform them that they shall truthfully provide evidence, and inform them of the legal liability that they shall assume for forging, concealing, or destroying evidence, or providing false testimony.

公安机关向有关单位和个人收集、调取证据时,应当告知其必须如实 提供证据,以及伪造、隐匿、毁灭证据或者提供虚假证言应当承担的 法律责任。



Article 93 The physical evidence, documentary evidence, audio and video recordings, electronic data, and other evidentiary materials collected in accordance with the law during the handling of a criminal case or before the law enforcement and case handling authority transfers a case may be used as evidence in a public security case.

第九十三条 在办理刑事案件过程中以及其他执法办案机关 在移送案件前依法收集的物证、书证、视听资料、电子数据等证据材料,可以作为治安案件的证据使用。

Article 94 In handling public security cases, the public security authority and its police officers shall keep confidential the state secrets, trade secrets, individual privacy, or personal information involved.

第九十四条 公安机关及其人民警察在办理治安案件时,对 涉及的国家秘密、商业秘密、个人隐私或者个人信息,应当予以保 密。

Article 95 When a police officer falls under any of the following circumstances when handling a public security case, he or she shall be disqualified. The violator of public security administration, the victim, or his or her legal representative also has the right to request the police officer's disqualification:

第九十五条 人民警察在办理治安案件过程中,遇有下列情形之一的,应当回避;违反治安管理行为人、被侵害人或者其法定代理人也有权要求他们回避:

- (1) He or she is a party to the case or a close relative thereof.
- (一)是本案当事人或者当事人的近亲属的;
- (2) He or she or a close relative thereof is an interested party to the case.
- (二)本人或者其近亲属与本案有利害关系的;
- (3) He or she has any other relationship with a party to the case, which may affect the impartial handling of the case.
- (三)与本案当事人有其他关系,可能影响案件公正处理的。



The disqualification of the police officer shall be decided by the public security authority to which he or she belongs. The disqualification of the person in charge of a public security authority shall be decided by the public security authority at the next higher level.

人民警察的回避,由其所属的公安机关决定;公安机关负责人的回避,由上一级公安机关决定。

Article 96 Where it is necessary to summon the violator of public security administration to accept investigation, a summons shall be used to summon him or her with the approval of the person in charge of the case handling department of the public security authority. With regard to a violator of public security administration found at the scene, the police officer may, after producing his or her police officer certificate, orally summon him or her, but shall indicate it in the interview transcripts.

第九十六条 需要传唤违反治安管理行为人接受调查的,经公安机关办案部门负责人批准,使用传唤证传唤。对现场发现的违反治安管理行为人,人民警察经出示人民警察证,可以口头传唤,但应当在询问笔录中注明。

The public security authority shall inform the summoned of the reasons and grounds for the summons. Whoever refuses to accept a summons or evades a summons without any justifiable reason may be forcibly summoned with the approval of the person in charge of the case handling department of the public security authority.

公安机关应当将传唤的原因和依据告知被传唤人。对无正当理由不接受传唤或者逃避传唤的人,经公安机关办案部门负责人批准,可以强制传唤。



Article 97 The public security authority shall promptly conduct an interview and investigation after summoning a violator of public security administration and the time for the interview and investigation shall not exceed eight hours. If a large number of people are involved in the case and the identity of the violator of public security administration is unknown, the time for interview and investigation shall not exceed 12 hours. If the circumstances are complicated and the punishment of administrative detention may apply in accordance with the provisions of this Law, the time for interview and investigation shall not exceed 24 hours. When interviewing a violator of public security administration in law enforcement and case handling places, an audio and video recording of the entire process shall be made.

第九十七条 对违反治安管理行为人,公安机关传唤后应当及时询问查证,询问查证的时间不得超过八小时;涉案人数众多、违反治安管理行为人身份不明的,询问查证的时间不得超过十二小时;情况复杂,依照本法规定可能适用行政拘留处罚的,询问查证的时间不得超过二十四小时。在执法办案场所询问违反治安管理行为人,应当全程同步录音录像。

The public security authority shall inform family members of the summoned of the reason for and place of the summons in a timely manner.

公安机关应当及时将传唤的原因和处所通知被传唤人家属。

During the period of interview and investigation, the public security authority shall ensure the food, necessary rest time, and other legitimate needs of the violator of public security administration.

询问查证期间,公安机关应当保证违反治安管理行为人的饮食、必要的休息时间等正当需求。

Article 98 Interview transcripts shall be presented to the interviewed person for verification or read out to illiterate persons. If there is any omission or error in the transcripts, the interviewed person may request supplements or corrections. When the interviewed person confirms that there is no error in the transcripts, he or she shall affix his or her signature, seal, or fingerprint to the transcripts, to which the police officer who conducts the interview shall also affix his or her signature.

第九十八条 询问笔录应当交被询问人核对;对没有阅读能力的,应当向其宣读。记载有遗漏或者差错的,被询问人可以提出补充或者更正。被询问人确认笔录无误后,应当签名、盖章或者按指印,询问的人民警察也应当在笔录上签名。



If the interviewed person requests the provision of written materials by himself or herself regarding the matters interviewed, such a request shall be permitted. When necessary, the police officer may also require the interviewed person to write by himself or herself.

被询问人要求就被询问事项自行提供书面材料的,应当准许;必要时,人民警察也可以要求被询问人自行书写。

To interview a violator of public security administration who is under the age of 18, his or her parents or any other guardian shall be notified to be present. If his or her parents or any other guardian is unable to be present, any other adult relative of the minor or a representative of his or her school or employer, a primary-level organization or a minor protection organization at the place of his or her residence, or any other appropriate adult may be notified to be present, and relevant information shall be recorded. If notification is impossible or the aforesaid party fails to be present after notification, it shall be indicated in the interview transcripts.

询问不满十八周岁的违反治安管理行为人,应当通知其父母或者其他监护人到场;其父母或者其他监护人不能到场的,也可以通知其他成年亲属,所在学校、单位、居住地基层组织或者未成年人保护组织的代表等合适成年人到场,并将有关情况记录在案。确实无法通知或者通知后未到场的,应当在笔录中注明。

Article 99 The police officer may interview a victim or any other witness on the spot or at the entity where the victim or witness works, his or her residence, or any place proposed by him or her; and when necessary, the victim or the witness may also be notified to provide testimony at the public security authority.

第九十九条 人民警察询问被侵害人或者其他证人,可以在 现场进行,也可以到其所在单位、住处或者其提出的地点进行;必要 时,也可以通知其到公安机关提供证言。

To interview the victim or any other witness at any place other than the public security authority, the police officer shall produce his or her police officer certificate.

人民警察在公安机关以外询问被侵害人或者其他证人,应当出示人民 警察证。

The provisions of Article 98 of this Law shall also apply to the interview of the victim or other witnesses.

询问被侵害人或者其他证人,同时适用本法第九十八条的规定。



Article 100 Where the violator of public security administration, the victim, or any other witness is in a different place, the public security authority may commission the public security authority at that place to interview the person on its behalf, or conduct the interview remotely through the video system of the public security authority.

第一百条 违反治安管理行为人、被侵害人或者其他证人在异地的,公安机关可以委托异地公安机关代为询问,也可以通过公安机关的视频系统远程询问。

If an interview is conducted through remote video, interview transcripts shall be read out to the interviewed person, and after the interviewed person confirms that there is no error in the transcripts, the police officer conducting the interview shall indicate it in the transcripts. An audio and video recording of the entire interview and reading process shall be made.

通过远程视频方式询问的,应当向被询问人宣读询问笔录,被询问人确认笔录无误后,询问的人民警察应当在笔录上注明。询问和宣读过程应当全程同步录音录像。

Article 101 In the interview of a violator of public security administration, a victim, or any other witness who is deaf or dumb, a person who has a command of the sign language or other means of communication shall be present to provide assistance, and it shall be indicated in the transcripts.

第一百零一条 询问聋哑的违反治安管理行为人、被侵害人或者其他证人,应当有通晓手语等交流方式的人提供帮助,并在笔录上注明。

In the interview of a violator of public security administration, a victim, or any other witness who does not have a command of the language which is commonly used in the local area, an interpreter shall be assigned, and it shall be indicated in the transcripts.

询问不通晓当地通用的语言文字的违反治安管理行为人、被侵害人或者其他证人,应当配备翻译人员,并在笔录上注明。

法實



Article 102 Where, for the purposes of ascertaining the facts of a case and determining certain characteristics, injuries, or physiological conditions of the violator of public security administration or the victim, it is necessary to conduct physical examination of the violator of public security administration or the victim or to extract or collect his or her portrait, fingerprint information, blood, urine, or any other biological sample, the examination shall be conducted after approval by the person in charge of the case handling department of the public security authority. The information or samples that have been extracted and collected shall not be extracted or collected again. The extraction or collection of information or samples of the victim shall be subject to the consent of the victim or his or her guardian.

第一百零二条 为了查明案件事实,确定违反治安管理行为 人、被侵害人的某些特征、伤害情况或者生理状态,需要对其人身进 行检查,提取或者采集肖像、指纹信息和血液、尿液等生物样本的, 经公安机关办案部门负责人批准后进行。对已经提取、采集的信息或 者样本,不得重复提取、采集。提取或者采集被侵害人的信息或者样 本,应当征得被侵害人或者其监护人同意。

Article 103 The public security authority may inspect the place related to the violation of public security administration or the body and items of the violator of public security administration. Not less than two police officers shall be assigned for the inspection, and they shall produce their police officer certificates.

第一百零三条 公安机关对与违反治安管理行为有关的场所或者违反治安管理行为人的人身、物品可以进行检查。检查时,人民警察不得少于二人,并应当出示人民警察证。







If a place is inspected, the inspection shall be conducted with an inspection certificate with the approval of the person in charge of the public security authority of the people's government at or above the county level. If it is indeed necessary to conduct an immediate inspection, a police officer may conduct inspection on the spot by producing his or her police officer certificate, and an audio and video recording of the entire process shall be made. When inspecting a citizen's residence, an inspection certificate issued by the public security authority of the people's government at or above the county level shall be produced.

对场所进行检查的, 经县级以上人民政府公安机关负责人批准, 使用检查证检查; 对确有必要立即进行检查的, 人民警察经出示人民警察证,可以当场检查, 并应当全程同步录音录像。检查公民住所应当出示县级以上人民政府公安机关开具的检查证。

The body of a woman shall be checked by a female staff member or physician.

检查妇女的身体,应当由女性工作人员或者医师进行。

Article 104 Inspection transcripts shall be made, to which the inspector, the inspectee, and the witnesses shall affix their signatures, seals, or fingerprints; and if the inspectee is not present or the inspectee or the witness refuses to affix his or her signature, the police officer shall indicate it in the transcripts.

第一百零四条 检查的情况应当制作检查笔录,由检查人、被检查人和见证人签名、盖章或者按指印;被检查人不在场或者被检查人、见证人拒绝签名的,人民警察应当在笔录上注明。

Article 105 When handling a public security case, the public security authority may impound the items that are related to the case and need to be taken as evidence; the property lawfully possessed by the victim or a bona fide third party shall not be impounded but shall be registered. However, the items that are related to the case and must be authenticated may be impounded, and the impoundment shall be released immediately after authentication. The items that are irrelevant to the case shall not be impounded.

第一百零五条 公安机关办理治安案件,对与案件有关的需要作为证据的物品,可以扣押;对被侵害人或者善意第三人合法占有的财产,不得扣押,应当予以登记,但是对其中与案件有关的必须鉴定的物品,可以扣押,鉴定后应当立即解除。对与案件无关的物品,不得扣押。



For the impounded items, the police officer shall, jointly with the witnesses on the spot and the holder of impounded items, carefully check the impounded items and shall produce a checklist in duplicate on the spot, which shall bear the signatures or seals of the investigator, the witnesses, and the holder, with one copy kept by the holder and the other attached to case files for future reference.

对扣押的物品,应当会同在场见证人和被扣押物品持有人查点清楚, 当场开列清单一式二份,由调查人员、见证人和持有人签名或者盖章,一份交给持有人,另一份附卷备查。

The matter shall be reported to the person in charge of the public security authority for approval before the items are impounded. If the items are impounded on the spot due to any emergency or the low value of the items, the police officer shall promptly report to the person in charge of the public security authority to which he or she belongs and undergo approval formalities retroactively. If the person in charge of the public security authority deems it inappropriate to impound the items, the impoundment shall be removed immediately. If the impoundment is conducted on the spot, audio and video recordings of the entire process shall be made.

实施扣押前应当报经公安机关负责人批准;因情况紧急或者物品价值 不大,当场实施扣押的,人民警察应当及时向其所属公安机关负责人 报告,并补办批准手续。公安机关负责人认为不应当扣押的,应当立 即解除。当场实施扣押的,应当全程同步录音录像。



The impounded items shall be properly preserved and may not be used for any other purpose. The items that are not suitable for long-term preservation shall be disposed of according to relevant provisions. If it is ascertained that the impounded items are irrelevant to the case, or if it is verified that they are the lawful property of the victim or any other person, they shall be returned immediately after registration. If no person claims the right to the said property or the right holder cannot be identified within six months, the property shall be sold by open auction or be disposed of in accordance with the relevant provisions issued by the state, and the proceeds arising therefrom shall be turned over to the state treasury.

对扣押的物品,应当妥善保管,不得挪作他用;对不宜长期保存的物品,按照有关规定处理。经查明与案件无关或者经核实属于被侵害人或者他人合法财产的,应当登记后立即退还;满六个月无人对该财产主张权利或者无法查清权利人的,应当公开拍卖或者按照国家有关规定处理,所得款项上缴国库。

Article 106 Where it is necessary to resolve any disputed specialized issue in a case for the purpose of ascertaining case facts, a person with expertise shall be assigned or retained to conduct an authentication. After conducting the authentication, the person who conducts the authentication shall produce his or her authentication opinion, to which his or her signature shall be affixed.

第一百零六条 为了查明案情,需要解决案件中有争议的专门性问题的,应当指派或者聘请具有专门知识的人员进行鉴定;鉴定人鉴定后,应当写出鉴定意见,并且签名。

Article 107 To ascertain case facts, the police officer may have the violator of public security administration, the victim, and other witnesses identify the places and items related to the violation of public security administration, may have the victim and other witnesses identify the violator of public security administration, or may have the violator of public security administration identify other violators of public security administration.

第一百零七条 为了查明案情,人民警察可以让违反治安管理行为人、被侵害人和其他证人对与违反治安管理行为有关的场所、物品进行辨认,也可以让被侵害人、其他证人对违反治安管理行为人进行辨认,或者让违反治安管理行为人对其他违反治安管理行为人进行辨认。



Identification transcripts shall be prepared for the identification, to which the signatures, seals, or fingerprints of the police officer and the identifier shall be affixed.

辨认应当制作辨认笔录,由人民警察和辨认人签名、盖章或者按指 印。

Article 108 When a public security authority conducts an interview, identification, or survey, takes administrative compulsory measures, and conducts other investigation and evidence collection work, there shall be not less than two police officers.

百零八条 公安机关进行询问、辨认、勘验,实施行政 强制措施等调查取证工作时,人民警察不得少于二人。

If a public security authority conducts an interview, impoundment, or identification at a law enforcement and case handling place that is properly set up and strictly managed, or conducts mediation, it may be conducted by a police officer.

公安机关在规范设置、严格管理的执法办案场所进行询问、扣押、辨 认的,或者进行调解的,可以由一名人民警察进行。

If a police officer conducts an interview, impoundment, identification, or mediation in accordance with the provisions of the preceding paragraph, an audio and video recording of the entire process shall be made. If the synchronous audio and video recording of the entire process is not made as required or is damaged or lost, the relevant evidence cannot be taken as the basis for punishment.

依照前款规定由一名人民警察进行询问、扣押、辨认、调解的,应当 全程同步录音录像。未按规定全程同步录音录像或者录音录像资料损 毁、丢失的,相关证据不能作为处罚的根据。

Section 2 Decision

第二节 决定

Article 109 A decision on imposing a public security administration punishment shall be made by the public security authority of the local people's government at or above the county level; in particular, a decision on giving a 机关决定: 其中警告、一千元以下的罚款,可以由公安派出所决定。 warning or imposing a fine of not more than 1,000 yuan may be made by a police station.

第一百零九条 治安管理处罚由县级以上地方人民政府公安







Article 110 For a person subject to the punishment of administrative detention upon decision, the time for restricting his or her personal freedom by compulsory measures taken before the imposition of punishment shall be counted into the period of administrative detention, with one day of personal freedom restriction counting as one day of administrative detention.

第一百一十条 对决定给予行政拘留处罚的人,在处罚前已 经采取强制措施限制人身自由的时间,应当折抵。限制人身自由一日,折抵行政拘留一日。

Article 111 The public security authority may, in the investigation and handling of a public security case, make a public security administration punishment decision if the violator makes no statement but the facts of the case can be proved by other evidence. However, if the violator makes statements without the support of other evidence, no public security administration punishment decision may be made.

第一百一十一条 公安机关查处治安案件,对没有本人陈述,但其他证据能够证明案件事实的,可以作出治安管理处罚决定。但是,只有本人陈述,没有其他证据证明的,不能作出治安管理处罚决定。

Article 112 The public security authority shall, before making a public security administration punishment decision, inform the violator of public security administration of the content, facts, grounds, and basis for such punishment, and shall inform the violator of the rights that he or she enjoys in accordance with the law.

第一百一十二条 公安机关作出治安管理处罚决定前,应当告知违反治安管理行为人拟作出治安管理处罚的内容及事实、理由、依据,并告知违反治安管理行为人依法享有的权利。





The violator of public security administration shall have the right to make statements and arguments. The public security authority must fully listen to the opinions of the violator of public security administration and review the facts, grounds, and evidence presented by the violator; and if the facts, grounds, or evidence presented by the violator of public security administration is tenable, the public security authority shall adopt them.

违反治安管理行为人有权陈述和申辩。公安机关必须充分听取违反治 安管理行为人的意见,对违反治安管理行为人提出的事实、理由和证 据,应当进行复核;违反治安管理行为人提出的事实、理由或者证据 成立的,公安机关应当采纳。

If the violator of public security administration is under the age of 18, the public security authority shall also inform his or her parents or any other guardian according to the provisions of the preceding two paragraphs and fully listen to their opinions.

违反治安管理行为人不满十八周岁的,还应当依照前两款的规定告知 未成年人的父母或者其他监护人,充分听取其意见。

The public security authority shall not impose an aggravated punishment on the violator of public security administration because the person has made his or her statements or arguments.

公安机关不得因违反治安管理行为人的陈述、申辩而加重其处罚。

Article 113 The public security authority shall, after completing the investigation of a public security case, handle the case as follows according to different circumstances:

第一百一十三条 治安案件调查结束后,公安机关应当根据 不同情况,分别作出以下处理:

- (1) If the illegal conduct that shall be subject to a public security punishment in accordance with the law has been committed, a punishment decision shall be made in light of the seriousness of circumstances and the specific circumstances of the case.
- (一)确有依法应当给予治安管理处罚的违法行为的,根据情节轻重及具体情况,作出处罚决定;
- (2) If no punishment shall be imposed in accordance with the law or the facts of the violation of law are untenable, a decision not to impose a punishment shall be made.
- (二) 依法不予处罚的,或者违法事实不能成立的,作出不予处罚决定;



(3) If the illegal conduct is suspected of constituting a crime, the case shall be transferred to the appropriate authority to hold the offender criminally liable in accordance with the law.

(三)违法行为已涉嫌犯罪的,移送有关主管机关依法追究刑事责任:

(4) If it is found that the violator of public security administration has committed any other illegal conduct, the public security authority shall notify or transfer the case to the appropriate authority for handling when it makes the punishment decision against the violation of public security administration.

(四)发现违反治安管理行为人有其他违法行为的,在对违反治安管理行为作出处罚决定的同时,通知或者移送有关主管机关处理。

To impose a public security administration punishment against a violation with complicated circumstances or major illegal conduct, the person in charge of the public security authority shall make a decision through group discussion.

对情节复杂或者重大违法行为给予治安管理处罚,公安机关负责人应 当集体讨论决定。

Article 114 Under any of the following circumstances,

before the public security authority makes a public security administration punishment decision, the person engaged in the legal review of the public security administration punishment decision shall conduct a legal review; and no decision shall be made without a legal review or if the legal review is not passed.

第一百一十四条 有下列情形之一的,在公安机关作出治安管理处罚决定之前,应当由从事治安管理处罚决定法制审核的人员进行法制审核;未经法制审核或者审核未通过的,不得作出决定:

(1) Major public interest is involved.

(一) 涉及重大公共利益的;

(2) It is directly related to the major rights and interests of a party or a third party and has undergone the hearing procedure.

(二)直接关系当事人或者第三人重大权益,经过听证程序的;



(3) The case is difficult and complicated and involves multiple legal relationships.

(三)案件情况疑难复杂、涉及多个法律关系的。

A person engaging in the legal review of a public security administration punishment decision for the first time in a public security authority shall pass the national uniform legal profession qualification examination and obtain the legal profession qualification.

公安机关中初次从事治安管理处罚决定法制审核的人员,应当通过国 家统一法律职业资格考试取得法律职业资格。

Article 115 Where the public security authority makes a public security administration punishment decision, it shall make a written public security administration punishment decision. The written decision shall indicate:

第一百一十五条 公安机关作出治安管理处罚决定的,应当制作治安管理处罚决定书。决定书应当载明下列内容:

- (1) the name, gender, and age, the name and number of the identity certificate, and the address of the person subject to punishment;
- (一)被处罚人的姓名、性别、年龄、身份证件的名称和号码、住

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(2) the facts and evidence of the violation;

- (二)违法事实和证据;
- (3) the type of punishment and the basis thereof;
- (三)处罚的种类和依据;
- (4) the method and time limit for the execution of punishment;
- (四)处罚的执行方式和期限;
- (5) the channels and time limit for applying for administrative reconsideration or filing an administrative lawsuit against the punishment decision; and
- (五)对处罚决定不服,申请行政复议、提起行政诉讼的途径和期限:
- (6) the name of the public security authority that makes the punishment decision and the date when the decision is made.
- (六)作出处罚决定的公安机关的名称和作出决定的日期。



The written decision shall bear the seal of the public security authority that makes the punishment decision.

决定书应当由作出处罚决定的公安机关加盖印章。

Article 116 The public security authority shall announce the written public security administration punishment decision to the person subject to punishment and deliver it to him or her on the spot; and if it is impossible to announce the written decision to the person subject to punishment on the spot, the written decision shall be served on the person within two days. If an administrative detention punishment decision is made, the family members of the person subject to punishment shall be notified in a timely manner.

第一百一十六条 公安机关应当向被处罚人宣告治安管理处罚决定书,并当场交付被处罚人;无法当场向被处罚人宣告的,应当在二日以内送达被处罚人。决定给予行政拘留处罚的,应当及时通知被处罚人的家属。

If there is any victim, the public security authority shall serve the written decision on the victim.

有被侵害人的,公安机关应当将决定书送达被侵害人。

Article 117 The public security authority shall, before making a public security administration punishment decision of revoking the license or imposing a fine of not more than 4,000 yuan, or taking the measure of ordering the violator to cease operations for an overhaul, inform the violator of public security administration of the right to request a hearing. If the violator of public security administration requests a hearing, the public security authority shall promptly hold a hearing in accordance with the law.

第一百一十七条 公安机关作出吊销许可证件、处四千元以 the violator to cease operations for an overhaul, inform the violator of public security administration of the right to 违反治安管理行为人有权要求举行听证;违反治安管理行为人要求听 request a hearing. If the violator of public security 证的,公安机关应当及时依法举行听证。



When a minor may be subject to administrative detention in accordance with the provisions of paragraph 2 of Article 23 of this Law, the public security authority shall inform the minor and his or her guardian that they have the right to request a hearing; and when the minor and his or her guardian request a hearing, the public security authority shall promptly hold a hearing in accordance with the law. Hearings on cases involving the minors shall not be held in public.

对依照本法第二十三条第二款规定可能执行行政拘留的未成年人,公 安机关应当告知未成年人和其监护人有权要求举行听证;未成年人和 其监护人要求听证的,公安机关应当及时依法举行听证。对未成年人 案件的听证不公开举行。

For a case with complicated circumstances or a major social impact other than those specified in the preceding two paragraphs, if the violator of public security administration requests a hearing, the public security authority shall, when it deems necessary, promptly hold a hearing in accordance with the law.

前两款规定以外的案情复杂或者具有重大社会影响的案件,违反治安管理行为人要求听证,公安机关认为必要的,应当及时依法举行听证。

The public security authority may not aggravate the punishment since the violator of public security administration requests a hearing.

公安机关不得因违反治安管理行为人要求听证而加重其处罚。

Article 118 The time period for a public security authority to handle a public security case shall not exceed 30 days from the date when it opens the case; and if the case circumstances are significant and complicated, an extension of 30 days may be made with the approval of the public security authority at the next higher level. The extension may be made twice at the maximum. If an extension is required for the handling of a case by a police station, it shall be subject to approval by the public security authority to which the police station belongs.

第一百一十八条 公安机关办理治安案件的期限,自立案之 日起不得超过三十日;案情重大、复杂的,经上一级公安机关批准, 可以延长三十日。期限延长以二次为限。公安派出所办理的案件需要 延长期限的,由所属公安机关批准。



The time period required for authentication for the purposes of ascertaining case facts and for a hearing shall not be included in the time period for handling the public security case.

为了查明案情进行鉴定的期间、听证的期间,不计入办理治安案件的 期限。

Article 119 Where the facts of a violation of public security administration are clear and the evidence is conclusive, for which a warning shall be given or a fine of not more than 500 yuan shall be imposed, a public security punishment decision may be made on the spot.

第一百一十九条 违反治安管理行为事实清楚,证据确凿,处警告或者五百元以下罚款的,可以当场作出治安管理处罚决定。

Article 120 Where a public security administration punishment decision is made on the spot, the police officer shall produce his or her police officer certificate to the violator of public security administration and shall complete a written punishment decision. The written punishment decision shall be delivered to the person subject to punishment on the spot; and if there is any victim, the written decision shall be served on the victim.

第一百二十条 当场作出治安管理处罚决定的,人民警察应当向违反治安管理行为人出示人民警察证,并填写处罚决定书。处罚决定书应当当场交付被处罚人;有被侵害人的,并应当将决定书送达被侵害人。

The written punishment decision as mentioned in the preceding paragraph shall indicate the name of and violation committed by the person subject to punishment, the basis for imposing the punishment, the amount of the fine, time, place, and the name of the public security authority, and shall bear the signature or seal of the police officer handling the case.

前款规定的处罚决定书,应当载明被处罚人的姓名、违法行为、处罚依据、罚款数额、时间、地点以及公安机关名称,并由经办的人民警察签名或者盖章。







If an on-the-spot punishment applies, and the person subject to punishment has no objection to the content, facts, grounds, and basis of the public security administration punishment to be given, a police officer may make a public security administration punishment decision, and an audio and video recording of the entire process shall be made.

适用当场处罚,被处罚人对拟作出治安管理处罚的内容及事实、理由、依据没有异议的,可以由一名人民警察作出治安管理处罚决定,并应当全程同步录音录像。

If a public security administration punishment decision is made on the spot, the police officer handling the case shall, within 24 hours, report the matter to the public security authority to which he or she belongs for recordation.

当场作出治安管理处罚决定的,经办的人民警察应当在二十四小时以 内报所属公安机关备案。

Article 121 The person subject to punishment or the victim may legally apply for administrative reconsideration or file an administrative lawsuit against the public security administration punishment decision or the decision on collecting or recovering the proceeds made by or the relevant restrictive or prohibitive measures taken by the public security authority in accordance with the provisions of this Law.

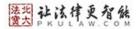
第一百二十一条 被处罚人、被侵害人对公安机关依照本法规定作出的治安管理处罚决定,作出的收缴、追缴决定,或者采取的有关限制性、禁止性措施等不服的,可以依法申请行政复议或者提起行政诉讼。

Section 3 Execution

第三节 执行

Article 122 A person subject to the punishment of administrative detention upon decision shall be sent by the public security authority that made the decision to the detention house for the execution of the decision. Upon the expiration of the period for the execution of the punishment, the detention house shall remove the detention as scheduled and issue a certificate of removal of detention.

第一百二十二条 对被决定给予行政拘留处罚的人,由作出决定的公安机关送拘留所执行;执行期满,拘留所应当按时解除拘留,发给解除拘留证明书。



If a person subject to the punishment of administrative detention upon decision is seized in a different place or it is necessary to execute such punishment in a detention house of a different place, the punishment may be executed in a different place with the approval of the public security authority in charge of the detention house of a different place.

被决定给予行政拘留处罚的人在异地被抓获或者有其他有必要在异地拘留所执行情形的,经异地拘留所主管公安机关批准,可以在异地执行。

Article 123 A person subject to a fine punishment shall pay the fine to the designated bank or through the electronic payment system within 15 days of receiving the written punishment decision. However, the police officer may collect the fine on the spot under any of the following circumstances:

第一百二十三条 受到罚款处罚的人应当自收到处罚决定书 之日起十五日以内,到指定的银行或者通过电子支付系统缴纳罚款。 但是,有下列情形之一的,人民警察可以当场收缴罚款:

- (1) The person subject to punishment is fined not more than 200 yuan and raises no objection to the fine.
- (一)被处二百元以下罚款,被处罚人对罚款无异议的;
- (2) In a remote area, on the water, in an area with inconvenient transportation, on a passenger train or at a port, after the public security authority and its police officer make a fine decision in accordance with the provisions of this Law, it is indeed difficult for the person subject to punishment to pay the fine to the designated bank or through the electronic payment system and the person subject to punishment states his or her difficulty.
- (二)在边远、水上、交通不便地区,旅客列车上或者口岸,公安机 关及其人民警察依照本法的规定作出罚款决定后,被处罚人到指定的 银行或者通过电子支付系统缴纳罚款确有困难,经被处罚人提出的;

- (3) The person subject to punishment has no fixed residence in the local area, and it is difficult to collect the fine afterwards if the fine is not collected on the spot.
- (三)被处罚人在当地没有固定住所,不当场收缴事后难以执行的。



Article 124 A fine collected on the spot by a police officer shall be turned over to the public security authority to which the police officer belongs within two days from the date of collection. A fine collected on the spot on the water or a passenger train shall be turned over to the public security authority to which the police officer belongs within two days after the arrival at the port or station. The public security authority shall pay the fine to the designated bank within two days of receiving the fine.

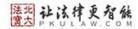
第一百二十四条 人民警察当场收缴的罚款,应当自收缴罚 款之日起二日以内,交至所属的公安机关;在水上、旅客列车上当场 收缴的罚款,应当自抵岸或者到站之日起二日以内,交至所属的公安 机关;公安机关应当自收到罚款之日起二日以内将罚款缴付指定的银

Article 125 When a police officer collects a fine on the spot, he or she shall issue to the person subject to punishment a special receipt uniformly produced and issued by the finance department of the people's government at or above the provincial level; and if no such 制发的专用票据的,被处罚人有权拒绝缴纳罚款。 receipt is issued, the person subject to punishment shall have the right to refuse to pay the fine.

第一百二十五条 人民警察当场收缴罚款的,应当向被处罚 人出具省级以上人民政府财政部门统一制发的专用票据; 不出具统一







Article 126 Where the person subject to punishment who is dissatisfied with the administrative detention punishment decision files an application for administrative reconsideration or files an administrative lawsuit, he or she may file an application with the public security authority for suspending the execution of the administrative detention if he or she takes an entrance examination, his or her child is born, or his or her close relative has a critical illness or dies, among others. If the public security authority deems that the suspension of the execution of administrative detention will not cause danger to the society, after the person subject to punishment or his or her close relative proposes a guarantor who meets the conditions specified in Article 127 of this Law or pays a surety of 200 yuan per day for the administrative detention, the execution of the administrative detention punishment decision shall be suspended.

If a person who is currently under the punishment of administrative detention is involved in circumstances such as taking an entrance examination, the birth of his or her child, or the critical illness or death of his or her close relative, among others, and the detainee or his or her close relative applies for temporary release from the detention house, the public security authority shall handle the matter in accordance with the provisions of the preceding paragraph. The time period during which a detainee is temporarily released from the detention house shall not be included in the detention period.

Article 127 A guarantor shall meet the following conditions:

第一百二十六条 被处罚人不服行政拘留处罚决定,申请行政复议、提起行政诉讼的,遇有参加升学考试、子女出生或者近亲属病危、死亡等情形的,可以向公安机关提出暂缓执行行政拘留的申请。公安机关认为暂缓执行行政拘留不致发生社会危险的,由被处罚人或者其近亲属提出符合本法第一百二十七条规定条件的担保人,或者按每日行政拘留二百元的标准交纳保证金,行政拘留的处罚决定暂缓执行。

正在被执行行政拘留处罚的人遇有参加升学考试、子女出生或者近亲 属病危、死亡等情形,被拘留人或者其近亲属申请出所的,由公安机 关依照前款规定执行。被拘留人出所的时间不计入拘留期限。

第一百二十七条 担保人应当符合下列条件:



- (1) The guarantor is not involved in this case.
- (2) The guarantor enjoys political rights and his or her personal freedom is not restricted.
- (3) The guarantor has a registered permanent residence and a fixed residence in the local area.
- (4) The guarantor is able to fulfill the guarantee obligation. (四) 有能力履行担保义务。

Article 128 The guarantor shall guarantee that the guaranteed party will not evade the execution of the punishment of administrative detention.

If the guarantor fails to fulfill the guarantee obligation, which leads to the guaranteed party's evasion of the execution of the punishment of administrative detention, the public security authority shall impose a fine of not more than 3,000 yuan on the guarantor.

Article 129 Where a person subject to the punishment of administrative detention upon decision evades the execution of the punishment after the payment of the surety, and the suspension of the execution of administrative detention or his or her temporary release from the detention house, the surety shall be confiscated and turned over to the state treasury and the administrative detention decision that has been made shall still be executed.

- (一) 与本案无牵连;
- (二)享有政治权利,人身自由未受到限制;
- (三) 在当地有常住户口和固定住所;

第一百二十八条 担保人应当保证被担保人不逃避行政拘留 处罚的执行。

担保人不履行担保义务,致使被担保人逃避行政拘留处罚的执行的, 处三千元以下罚款。

第一百二十九条 被决定给予行政拘留处罚的人交纳保证 金, 暂缓行政拘留或者出所后, 逃避行政拘留处罚的执行的, 保证金 予以没收并上缴国库,已经作出的行政拘留决定仍应执行。



Article 130 After an administrative detention

punishment decision is revoked or after an administrative detention punishment begins to be executed or continues to be executed after the violator is temporarily released from the detention house, the surety collected by the public security authority shall be returned to the payer in a timely manner.

第一百三十条 行政拘留的处罚决定被撤销,行政拘留处罚 开始执行,或者出所后继续执行的,公安机关收取的保证金应当及时 退还交纳人。

Chapter V Law Enforcement Supervision

第五章 执法监督

Article 131 The public security authority and its police officers shall handle public security cases in a legal, impartial, strict, and efficient manner, enforce laws in a civilized manner, and shall not engage in malpractices for personal gain, neglect duty, or abuse power.

第一百三十一条 公安机关及其人民警察应当依法、公正、 严格、高效办理治安案件,文明执法,不得徇私舞弊、玩忽职守、滥 用职权。

Article 132 In handling a public security case, the public security authority and its police officers shall not abuse, maltreat, or insult any violator of public security administration.

第一百三十二条 公安机关及其人民警察办理治安案件,禁止对违反治安管理行为人打骂、虐待或者侮辱。

Article 133 In handling a public security case, the public security authority and its police officers shall voluntarily accept the supervision of the public and citizens.

第一百三十三条 公安机关及其人民警察办理治安案件,应 当自觉接受社会和公民的监督。

If a public security authority or its police officer fails to strictly enforce the law or commits any violation of law or discipline when handling a public security case, any entity or individual shall have the right to file a report or accusation with the public security authority or the people's procuratorate or oversight authority, and the authority that receives the report or accusation shall promptly handle the case according to its duties.

公安机关及其人民警察办理治安案件,不严格执法或者有违法违纪行为的,任何单位和个人都有权向公安机关或者人民检察院、监察机关 检举、控告;收到检举、控告的机关,应当依据职责及时处理。



Article 134 When making a public security

administration punishment decision, if the public security authority discovers that the person subject to punishment is a public official and shall be subject to administrative disciplinary actions in accordance with the Law of the People's Republic of China on Administrative Disciplinary Actions against Public Officials, it shall promptly notify the oversight authority and other relevant entities in accordance with relevant provisions.

Article 135 When executing the fine punishment in accordance with the law, the public security authority shall, in accordance with the provisions of relevant laws or administrative regulations, separate the fine decision from the collection of the fine. All fines collected shall be turned over to the state treasury, shall not be returned or returned in disguise, and shall not be linked to funding quarantee.

Article 136 The records of violations of public security administration shall be sealed up for safekeeping and shall not be provided to any entity or individual or made public, except as required for handling a case by a state authority or inquiry by the relevant entity according to the relevant provisions issued by the state. Entities that make inquiries in accordance with the law shall keep confidential the circumstances of the sealed illegal records.

第一百三十四条 公安机关作出治安管理处罚决定,发现被处罚人是公职人员,依照《中华人民共和国公职人员政务处分法》的规定需要给予政务处分的,应当依照有关规定及时通报监察机关等有关单位。

第一百三十五条 公安机关依法实施罚款处罚,应当依照有 关法律、行政法规的规定,实行罚款决定与罚款收缴分离;收缴的罚 款应当全部上缴国库,不得返还、变相返还,不得与经费保障挂钩。

第一百三十六条 违反治安管理的记录应当予以封存,不得向任何单位和个人提供或者公开,但有关国家机关为办案需要或者有关单位根据国家规定进行查询的除外。依法进行查询的单位,应当对被封存的违法记录的情况予以保密。



法實



Article 137 A public security authority shall perform its duties of safety administration of the operation of synchronous audio and video recordings, improve technical measures, and maintain facilities and equipment on a periodical basis to ensure the continuous, stable, and safe operation of audio and video recording equipment.

第一百三十七条 公安机关应当履行同步录音录像运行安全管理职责,完善技术措施,定期维护设施设备,保障录音录像设备运行连续、稳定、安全。

Article 138 A public security authority and its police officers shall not use the personal information obtained in the course of handling public security cases or the relevant information and samples legally extracted or collected for purposes unrelated to public security administration or crime investigation and handling, or sell or provide such information and samples to any other entity or individual.

第一百三十八条 公安机关及其人民警察不得将在办理治安 案件过程中获得的个人信息,依法提取、采集的相关信息、样本用于 与治安管理、查处犯罪无关的用途,不得出售、提供给其他单位或者 个人。

Article 139 Where a police officer commits any of the following conduct when handling a public security case, disciplinary actions shall be taken against him or her in accordance with the law; and if it is criminally punishable, the offender shall be held criminally liable in accordance with the law:

第一百三十九条 人民警察办理治安案件,有下列行为之一的,依法给予处分;构成犯罪的,依法追究刑事责任:

- (1) Extorting a confession by torture, or physically punishing, abusing, maltreating, or insulting any other person.
- (一) 刑讯逼供、体罚、打骂、虐待、侮辱他人的;
- (2) Restricting personal freedom by exceeding the time limit for the interview and investigation.
- (二)超过询问查证的时间限制人身自由的;



(3) Failing to carry out the system of separating the fine
decision from the collection of a fine, failing to turn any
confiscated property over to the state treasury according
to relevant provisions, or failing to dispose of such
property in accordance with the law.

- (三)不执行罚款决定与罚款收缴分离制度或者不按规定将罚没的财物上缴国库或者依法处理的;
- (4) Privately dividing, embezzling, misappropriating, or intentionally damaging or destroying any collected, recovered, or impounded property.
- (四)私分、侵占、挪用、故意损毁所收缴、追缴、扣押的财物的;
- (5) Using the property of a victim in violation of the relevant provisions or failing to return the property of a victim in a timely manner.
- (五)违反规定使用或者不及时返还被侵害人财物的;
- (6) Failing to return the surety in a timely manner in violation of relevant provisions.
- (六)违反规定不及时退还保证金的;
- (7) Taking advantage of his or her position to accept property from any other person or seeking other benefits.
- (七)利用职务上的便利收受他人财物或者谋取其他利益的;
- (8) Failing to issue a special receipt for a fine collected on the spot or failing to truthfully enter the amount of a fine.
- (八) 当场收缴罚款不出具专用票据或者不如实填写罚款数额的;
- (9) Failing to dispatch the police to the scene in a timely manner after being requested to stop a violation of public security administration.
- (九)接到要求制止违反治安管理行为的报警后,不及时出警的;
- (10) Secretly informing the person who commits the violation of law or crime when investigating and handling a violation of public security administration.
- (十) 在查处违反治安管理活动时, 为违法犯罪行为人通风报信的;
- (11) Divulging any work secret or other information that should be kept confidential in accordance with the law during the handling of a public security case.
- (十一) 泄露办理治安案件过程中的工作秘密或者其他依法应当保密 的信息的;



(12) Using the personal information obtained in the course of handling a public security case, and relevant information and samples extracted and collected in accordance with the law for purposes unrelated to public security administration or crime investigation and handling, or selling or providing them to any other entity or individual.

(十二)将在办理治安案件过程中获得的个人信息,依法提取、采集的相关信息、样本用于与治安管理、查处犯罪无关的用途,或者出售、提供给其他单位或者个人的;

(13) Editing, deleting, modifying, damaging, or losing synchronous audio and video recordings made in the handling of a public security case.

(十三)剪接、删改、损毁、丢失办理治安案件的同步录音录像资料的;

(14) Falling under other circumstances of engaging in malpractices for personal gain, neglecting duty, or abusing power, or failing to perform statutory duties in accordance with the law.

(十四)有徇私舞弊、玩忽职守、滥用职权,不依法履行法定职责的 其他情形的。

If the public security authority handling a public security case commits any of the conduct specified in the preceding paragraph, disciplinary actions shall be taken against the liable leader and directly liable persons in accordance with the law.

办理治安案件的公安机关有前款所列行为的,对负有责任的领导人员 和直接责任人员,依法给予处分。

Article 140 Where a public security authority or its police officer infringes upon the lawful rights and interests of any citizen, legal person, or any other organization due to its or his exercise of power in violation of the law, the violator shall make an apology; and shall be liable for compensation if the violator causes any damage.

第一百四十条 公安机关及其人民警察违法行使职权,侵犯公民、法人和其他组织合法权益的,应当赔礼道歉;造成损害的,应当依法承担赔偿责任。

Chapter VI Supplemental Provisions

第六章 附则



Article 141 Where it is prescribed in other laws that the punishment of administrative detention shall be imposed by the public security authority, the provisions of this Law shall apply to the punishment procedures thereof.

第一百四十一条 其他法律中规定由公安机关给予行政拘留处罚的,其处罚程序适用本法规定。

If the public security authority imposes punishments in accordance with laws and administrative regulations directly related to public security and the order of public security, such as the Gun Control Law of the People's Republic of China and the Regulation on the Safety Administration of Explosives for Civilian Use, the provisions of this Law shall apply to the punishment procedures thereof.

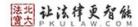
公安机关依照《中华人民共和国枪支管理法》、《民用爆炸物品安全管理条例》等直接关系公共安全和社会治安秩序的法律、行政法规实施处罚的,其处罚程序适用本法规定。

Any conduct that shall be subject to the punishment of administrative detention in accordance with the provisions of Article 32, 34, 46, or 56 of this Law and shall be subject to any other administrative sanction such as fine, confiscation of illegal proceeds, and confiscation of illegal property in accordance with the provisions of any other law or administrative regulation shall be punished by the appropriate authority in accordance with the corresponding provisions; and if the punishment of administrative detention shall be imposed, the public security authority shall handle the matter in accordance with the provisions of this Law.

本法第三十二条、第三十四条、第四十六条、第五十六条规定给予行 政拘留处罚,其他法律、行政法规同时规定给予罚款、没收违法所 得、没收非法财物等其他行政处罚的行为,由相关主管部门依照相应 规定处罚;需要给予行政拘留处罚的,由公安机关依照本法规定处 理。

Article 142 Coast guard agencies shall perform the duties of maritime security administration and exercise the functions and powers of public security authorities as prescribed by this Law, except as otherwise provided for by any law.

第一百四十二条 海警机构履行海上治安管理职责,行使本法规定的公安机关的职权,但是法律另有规定的除外。



Article 143 The terms "not less than", "not more than,"

and "within" as referred to in this Law include the figure itself.

第一百四十三条 本法所称以上、以下、以内,包括本数。

Article 144 This Law takes effect on January 1, 2026.

第一百四十四条 本法自2026年1月1日起施行。



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Prison Law of the People's Republic of China (2012 Amendment)

Document Number: Order No. 63 of the President of the People's Republic of China

Area of Law: Reform through Labor, Reeducation through Labor, Jail and Prison Affairs

Level of Authority: Laws

Issuing Authority: Standing Committee of the National People's Congress

Date Issued: 10-26-2012
Effective Date: 01-01-2013
Status: Effective

1994-2012 Annotation Version

Prison Law of the People's Republic of China

中华人民共和国监狱法

(Adopted at the 11th Session of the Standing Committee of the Eighth National People's Congress on December 29, 1994 and amended on the basis of the Decision on

Amending the Prison Law of the People's Republic of China

(Order No. 63 of the President of the People's Republic of

China) as adopted at the 29th Session of the Standing

Committee of the Eleventh National People's Congress on

October 26, 2012)

(1994年12月29日第八届全国人民代表大会常务委员会第十一次

会议通过 根据2012年10月26日第十一届全国人民代表大会常务

委员会第二十九次会议《关于修改<中华人民共和国监狱法>的决

定》修正 主席令第63号)

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CHAPTER I GENERAL PROVISIONS

第一章 总则

Article 1 This Law is formulated in accordance with the Constitution for the purpose of correctly executing criminal punishments, punishing and reforming prisoners, preventing and reducing crimes.

第一条 为了正确执行刑罚,惩罚和改造罪犯,预防和减少犯罪,根据宪法,制定本法。

Article 2 A prison is an organ of the State for executing criminal punishments.

第二条 监狱是国家的刑罚执行机关



Criminal punishments of prisoners sentenced to death with a two-year suspension of execution, life imprisonment, or fixed-term imprisonment shall be executed in prisons under the Criminal Law and the Criminal Procedure Law.

依照刑法和刑事诉讼法的规定,被判处死刑缓期二年执行、无期徒 刑、有期徒刑的罪犯,在监狱内执行刑罚。

Article 3 A prison shall, with regard to prisoners, implement the principle of combining punishment with reform and combining education with labor, in order to transform them into law-abiding citizens.

第三条 监狱对罪犯实行惩罚和改造相结合、教育和劳动相结合的原则,将罪犯改造成为守法公民。

Article 4 A prison shall exercise supervision and control over prisoners according to law, and shall, in accordance with the needs of reforming prisoners, organize prisoners to engage in productive labor and conduct ideological, cultural and technical education among prisoners.

第四条 监狱对罪犯应当依法监管,根据改造罪犯的需要,组织罪犯从事生产劳动,对罪犯进行思想教育、文化教育、技术教育。



Article 5 Activities in prison administration, execution of criminal punishments, and education and reform of prisoners conducted according to law by the people's police of a prison shall be protected by law.

第五条 监狱的人民警察依法管理监狱、执行刑罚、对罪犯进 行教育改造等活动,受法律保护。

Article 6 A people's procuratorate shall exercise supervision in accordance with the law over the legality of activities conducted by prisons in execution of criminal punishments.

第六条 人民检察院对监狱执行刑罚的活动是否合法,依法实 行监督。

Article 7 Human dignity of a prisoner shall not be humiliated, and his personal safety, lawful properties, and rights to defense, petition, complaint and accusation as well as other rights which have not been deprived of or restricted according to law shall not be violated.

第七条 罪犯的人格不受侮辱,其人身安全、合法财产和辩护、申诉、控告、检举以及其他未被依法剥夺或者限制的权利不受侵犯。

A prisoner must strictly observe laws, regulations, and rules and discipline of the prison, subject himself to control, accept education and take part in labor.

罪犯必须严格遵守法律、法规和监规纪律,服从管理,接受教育,参加劳动。

Article 8 The State shall ensure the expenditures of a prison for the reform of prisoners. The prisons' expenditures for the people's police, for the reform of prisoners, for the living expenses of prisoners, for the administration and installations of the prison, and other special expenses shall be included into the State budget.

第八条 国家保障监狱改造罪犯所需经费。监狱的人民警察经费、罪犯改造经费、罪犯生活费、狱政设施经费及其他专项经费,列入国家预算。

The State shall provide production facilities and production expenses necessary for prisoners to do labor.

国家提供罪犯劳动必需的生产设施和生产经费。



Article 9 Lands, mineral resources and other natural resources used by a prison according to law as well as properties of a prison shall be protected by law; no organizations or individuals shall seize or undermine them.

第九条 监狱依法使用的土地、矿产资源和其他自然资源以及 监狱的财产,受法律保护,任何组织或者个人不得侵占、破坏。

Article 10 The department of judicial administration under the State Council shall be in charge of the work of prisons in the whole country.

第十条 国务院司法行政部门主管全国的监狱工作。

CHAPTER II PRISON

第二章 监狱

Article 11 The establishment, abolition or move of a prison shall be subject to the approval of the department of judicial administration under the State Council.

第十一条 监狱的设置、撤销、迁移,由国务院司法行政部门 批准。

Article 12 A prison shall install one warden, several deputy wardens, and, in light of the actual needs, set up necessary working organs and provide other administrative personnel.

第十二条 监狱设监狱长一人、副监狱长若干人,并根据实际需要设置必要的工作机构和配备其他监狱管理人员。

The administrative personnel in a prison are the people's police.

监狱的管理人员是人民警察。

Article 13 The people's police of a prison shall strictly abide by the Constitution and the law, be loyal to their duties, enforce the law impartially, strictly observe discipline and be honest and upright.

第十三条 监狱的人民警察应当严格遵守宪法和法律,忠于职守,秉公执法,严守纪律,清正廉洁。

Article 14 The people's police of a prison shall not commit any of the following acts:

第十四条 监狱的人民警察不得有下列行为





(1) to demand, accept or seize money or goods from prisoners or their relatives;

(一) 索要、收受、侵占罪犯及其亲属的财物;

(2) to release a prisoner without authorization or through dereliction of duty to cause a prisoner to flee from the prison;

(二)私放罪犯或者玩忽职守造成罪犯脱逃;

(3) to use torture to coerce a confession, or to use corporal punishment, or to maltreat a prisoner;

(三) 刑讯逼供或者体罚、虐待罪犯;

(4) to humiliate the human dignity of a prisoner;

(四)侮辱罪犯的人格;

(5) to beat or connive at others to beat a prisoner;

(五)殴打或者纵容他人殴打罪犯;

(6) to utilize a prisoner to provide labor services for personal gains;

(六)为谋取私利,利用罪犯提供劳务;

(7) to privately deliver a letter or an article for a prisoner in violation of regulations;

(七) 违反规定, 私自为罪犯传递信件或者物品;

(8) to illegally surrender the functions and powers to supervise and control prisoners to another person; or

(八) 非法将监管罪犯的职权交予他人行使;

(9) other law-breaking acts.

(九) 其他违法行为。

If the people's police of a prison commit any act specified in the preceding paragraph and the case constitutes a crime, the offenders shall be investigated for criminal responsibility; if the case does not constitute a crime, the offenders shall be given administrative sanctions.

监狱的人民警察有前款所列行为,构成犯罪的,依法追究刑事责任; 尚未构成犯罪的,应当予以行政处分。

CHAPTER III EXECUTION OF CRIMINAL PUNISHMENTS

第三章 刑罚的执行



SECTION 1 PUTTING IN PRISON

第一节 收监

Article 15 With respect to a criminal who is sentenced to death with a two-year suspension of execution, life imprisonment or fixed-term imprisonment, the people's court shall serve the notice of execution and the written judgment on the public security organ where the criminal is in custody. The public security organ shall hand the criminals over to a prison for execution of the punishment within one month from the date of receiving the notice of execution and the written judgment.

第十五条 人民法院对被判处死刑缓期二年执行、无期徒刑、 有期徒刑的罪犯,应当将执行通知书、判决书送达羁押该罪犯的公安 机关,公安机关应当自收到执行通知书、判决书之日起一个月内将该 罪犯送交监狱执行刑罚。

Where the remaining term of imprisonment of a criminal is not more than three months before the criminal is committed for execution of his or her sentence, the sentence shall be executed by a detention house instead.

罪犯在被交付执行刑罚前,剩余刑期在三个月以下的,由看守所代为执行。

Article 16 A people's court shall, in handing over a criminal for execution of the criminal punishment, serve on the prison a copy of the bill of prosecution from the people's procuratorate together with the written judgment, the notice of execution and the registration form of closing the case from the people's court. The prison shall not put the criminal in prison without receiving the above-mentioned documents; if such documents are incomplete or have errors in the records, the people's court which rendered the effective judgment shall, without delay, make them complete or correct; if any of the above-mentioned circumstances may lead to wrongful imprisonment of a person, the prison shall not incarcerate him.

第十六条 罪犯被交付执行刑罚时,交付执行的人民法院应当 将人民检察院的起诉书副本、人民法院的判决书、执行通知书、结案 登记表同时送达监狱。监狱没有收到上述文件的,不得收监;上述文 件不齐全或者记载有误的,作出生效判决的人民法院应当及时补充齐 全或者作出更正;对其中可能导致错误收监的,不予收监。



Article 17 Where a criminal committed for execution of a criminal penalty meets the provisions of Article 16 of this Law, the criminal shall be incarcerated. After a criminal is incarcerated, the prison shall conduct a physical examination of the criminal. Where it is discovered after examination that the criminal falls under any of the circumstances for serving a sentence outside an incarceration facility, the prison may file a written opinion with the prison administrative authority at or above the provincial level for approval.

第十七条 罪犯被交付执行刑罚,符合本法第十六条规定的,应当予以收监。罪犯收监后,监狱应当对其进行身体检查。经检查,对于具有暂予监外执行情形的,监狱可以提出书面意见,报省级以上监狱管理机关批准。

Article 18 When a criminal is put in prison, his or her body and the articles brought with him or her shall be strictly checked. The non-daily necessities shall be taken care of by the prison for the criminal or with the agreement of the criminal be returned to his or her families, and contraband goods shall be confiscated.

第十八条 罪犯收监,应当严格检查其人身和所携带的物品。 非生活必需品,由监狱代为保管或者征得罪犯同意退回其家属,违禁 品予以没收。

A female criminal shall be checked by a people's policewoman.

女犯由女性人民警察检查。

Article 19 A criminal may not bring his or her child with him or her to serve sentence in prison.

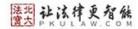
第十九条 罪犯不得携带子女在监内服刑。

Article 20 After a criminal is put in prison, the prison shall inform the criminal's family members. A written notice shall be sent out within five days from the date when the criminal is put in prison.

第二十条 罪犯收监后,监狱应当通知罪犯家属。通知书应当自收监之日起五日内发出。

SECTION 2 HANDLING OF PETITIONS, COMPLAINTS AND ACCUSATIONS MADE BY PRISONERS

第二节 对罪犯提出的申诉、控告、检举的处理



Article 21 If a prisoner is not satisfied with the effective judgment, he may file a petition.

第二十一条 罪犯对生效的判决不服的,可以提出申诉。

A people's procuratorate or a people's court shall without delay handle the petitions filed by prisoners.

对于罪犯的申诉, 人民检察院或者人民法院应当及时处理。

Article 22 A prison shall without delay handle the complaints or accusations made by prisoners, or transfer the above material to a public security organ or a people's procuratorate for handling. The public security organ or the people's procuratorate shall inform the prison of the result of its handling.

第二十二条 对罪犯提出的控告、检举材料,监狱应当及时 处理或者转送公安机关或者人民检察院处理,公安机关或者人民检察 院应当将处理结果通知监狱。

Article 23 A prison shall transfer without delay the petitions, complaints and accusations made by prisoners and shall not withhold them.

第二十三条 罪犯的申诉、控告、检举材料,监狱应当及时转递,不得扣压。

Article 24 In the course of execution of the criminal punishment, if a prison believes on the basis of a prisoner's petition that the judgment may be wrongfully rendered, it shall refer the matter to a people's procuratorate or a people's court for handling. The people's procuratorate or the people's court shall notify the prison of the result of its handling within six months from the date of receiving the prison's written recommendation for handling.

第二十四条 监狱在执行刑罚过程中,根据罪犯的申诉,认 为判决可能有错误的,应当提请人民检察院或者人民法院处理,人民 检察院或者人民法院应当自收到监狱提请处理意见书之日起六个月内 将处理结果通知监狱。

SECTION 3 EXECUTION OUTSIDE PRISON

第三节 监外执行



Article 25 If a prisoner sentenced to life imprisonment or fixed-term imprisonment serving his sentence in prison complies with the conditions for execution outside prison as provided by the Criminal Procedure Law, he may be permitted to temporarily serve his sentence outside prison.

第二十五条 对于被判处无期徒刑、有期徒刑在监内服刑的 罪犯,符合刑事诉讼法规定的监外执行条件的,可以暂予监外执行。

Article 26 For temporary execution outside prison, a written recommendation shall be made by a prison and submitted for approval to the administrative organ of prisons of the province, autonomous region or municipality directly under the Central Government. The organ granting the approval shall notify the public security organ and the people's court making the original judgment of the decision on the approval of the temporary execution outside prison, and send a duplicate of its decision to the people's procuratorate.

第二十六条 暂予监外执行,由监狱提出书面意见,报省、 自治区、直辖市监狱管理机关批准。批准机关应当将批准的暂予监外 执行决定通知公安机关和原判人民法院,并抄送人民检察院。

If a people's procuratorate considers that it is improper to apply temporary execution outside prison to the prisoner, the people's procuratorate shall send its written opinions within one month from the date of receiving the notice to the organ that has approved the temporary execution outside prison. The said organ shall, upon receiving the written opinions from the people's procuratorate, conduct forthwith reexamination and re-verification of its decision.

人民检察院认为对罪犯适用暂予监外执行不当的,应当自接到通知之 日起一个月内将书面意见送交批准暂予监外执行的机关,批准暂予监 外执行的机关接到人民检察院的书面意见后,应当立即对该决定进行 重新核查。



Article 27 A criminal who temporarily serves a sentence outside an incarceration facility shall be subject to community correction in accordance with law, which shall be executed by a community correction institution. The prison that originally incarcerated the criminal shall, in a timely manner, notify the community correction institution responsible for execution of the criminal's reform performance in prison.

第二十七条 对暂予监外执行的罪犯,依法实行社区矫正,由社区矫正机构负责执行。原关押监狱应当及时将罪犯在监内改造情况通报负责执行的社区矫正机构。

Article 28 Where a criminal who temporarily serves a sentence outside an incarceration facility falls under any of the circumstances for incarceration as set forth in the Criminal Procedure Law, the community correction institution shall, in a timely manner, notify the prison to incarcerate the criminal. When the term of imprisonment expires, the prison that originally incarcerated the criminal shall handle the release formalities for the criminal. Where a criminal dies during the period of temporary service of a sentence outside an incarceration facility, the community correction institution shall, in a timely manner, notify the prison that originally incarcerated the criminal of the death.

第二十八条 暂予监外执行的罪犯具有刑事诉讼法规定的应 当收监的情形的,社区矫正机构应当及时通知监狱收监;刑期届满 的,由原关押监狱办理释放手续。罪犯在暂予监外执行期间死亡的, 社区矫正机构应当及时通知原关押监狱。

SECTION 4 COMMUTATION OF PUNISHMENT AND

RELEASE ON PAROLE

第四节 减刑、假释

Article 29 If a prisoner sentenced to life imprisonment or fixed-term imprisonment has shown true repentance or rendered meritorious service during the term of imprisonment, his sentence may be commuted on the basis of the result of the assessment made by the prison. If a prisoner has rendered one of the following major meritorious services, his sentence shall be commuted:

第二十九条 被判处无期徒刑、有期徒刑的罪犯,在服刑期间确有悔改或者立功表现的,根据监狱考核的结果,可以减刑。有下列重大立功表现之一的,应当减刑:





(1) having stopped a grave criminal activity of another person;

- (一)阻止他人重大犯罪活动的;
- (2) having reported a grave criminal activity inside or outside prison which has been ascertained to be true;
- (二)检举监狱内外重大犯罪活动,经查证属实的;
- (3) having made an invention or a major technical innovation;
- (三)有发明创造或者重大技术革新的;
- (4) having risked his or her life to save others in daily production or life;
- (四)在日常生产、生活中舍己救人的;
- (5) having made remarkable performances in fighting against natural disasters or in avoiding or removing grave accidents; or
- (五)在抗御自然灾害或者排除重大事故中,有突出表现的;
- (6) having made other major contributions to the State or the society.
- (六)对国家和社会有其他重大贡献的。

Article 30 A recommendation for commutation of a sentence shall be made by a prison to a people's court. The people's court shall within one month from the date of receiving the written recommendation examine it and make a ruling thereon; if the case is complicated or the circumstances are special, the said period may be extended by one month. A duplicate of the ruling on commutation of a sentence shall be sent to the people's procuratorate.

第三十条 减刑建议由监狱向人民法院提出,人民法院应当自 收到减刑建议书之日起一个月内予以审核裁定;案情复杂或者情况特 殊的,可以延长一个月。减刑裁定的副本应当抄送人民检察院。





Article 31 Where a prisoner sentenced to death with a two-year suspension of execution conforms with the conditions for commutation to life imprisonment or fixed-term imprisonment as provided by the law during the period of suspension of execution of his death penalty, the prison holding the prisoner in custody shall make a timely recommendation for commutation upon expiration of the two-year suspension of execution and report it first to the administrative organ of prisons of the province, autonomous region or the municipality directly under the Central Government for examination and verification, and then submit the matter to the higher people's court for a ruling.

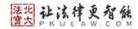
第三十一条 被判处死刑缓期二年执行的罪犯,在死刑缓期 执行期间,符合法律规定的减为无期徒刑、有期徒刑条件的,二年期 满时,所在监狱应当及时提出减刑建议,报经省、自治区、直辖市监狱管理机关审核后,提请高级人民法院裁定。

Article 32 Where a prisoner sentenced to life imprisonment or fixed-term imprisonment conforms with the conditions for release on parole as provided by the law, the prison shall, on the basis of the result of its assessment, make a recommendation for release on parole to the people's court. The people's court shall, within one month from the date of receiving the written recommendation, examine it and make a ruling thereon; if the case is complicated or the circumstances are special, the said period may be extended by one month. A duplicate of the ruling on parole shall be sent to the people's procuratorate.

第三十二条 被判处无期徒刑、有期徒刑的罪犯,符合法律 规定的假释条件的,由监狱根据考核结果向人民法院提出假释建议,人民法院应当自收到假释建议书之日起一个月内予以审核裁定;案情复杂或者情况特殊的,可以延长一个月。假释裁定的副本应当抄送人民检察院。

Article 33 Where a people's court has made a ruling on parole, the prison shall parole the prisoner as scheduled and issue him a certificate of parole.

第三十三条 人民法院裁定假释的,监狱应当按期假释并发给假释证明书。



A criminal released on parole shall be subject to community correction in accordance with law, which shall be executed by a community correction institution. Where a criminal released on parole violates any law, administrative regulation or provisions of a relevant department of the State Council on parole supervision and administration during the probation period for parole, which does not constitute a new crime, the community correction institution shall file a written recommendation with the people's court regarding cancellation of parole, and the people's court shall conduct examination and issue a ruling within one month of receiving the written recommendation regarding cancellation of parole. If the people's court rules to cancel the parole, the public security authority shall commit the criminal to the prison.

对被假释的罪犯,依法实行社区矫正,由社区矫正机构负责执行。被假释的罪犯,在假释考验期限内有违反法律、行政法规或者国务院有关部门关于假释的监督管理规定的行为,尚未构成新的犯罪的,社区矫正机构应当向人民法院提出撤销假释的建议,人民法院应当自收到撤销假释建议书之日起一个月内予以审核裁定。人民法院裁定撤销假释的,由公安机关将罪犯送交监狱收监。

Article 34 If a prisoner does not satisfy the conditions for commutation or parole as provided by the law, the prisoner shall not be commuted or paroled on any ground.

第三十四条 对不符合法律规定的减刑、假释条件的罪犯, 不得以任何理由将其减刑、假释。

Where a people's procuratorate deems that a ruling of a people's court on commutation or parole is improper, the people's procuratorate shall submit a written opinion on correction to the people's court within the time limit prescribed by the Criminal Procedure Law. The people's court shall try again the case on which the people's procuratorate submits a written opinion on correction.

人民检察院认为人民法院减刑、假释的裁定不当,应当依照刑事诉讼 法规定的期间向人民法院提出书面纠正意见。对于人民检察院提出书 面纠正意见的案件,人民法院应当重新审理。

SECTION 5 RELEASE AND RESETTLEMENT

第五节 释放和安置



Article 35 If a prisoner has completed the service of his sentence, the prison shall release him as scheduled and issue him a certificate of release.

第三十五条 罪犯服刑期满,监狱应当按期释放并发给释放证明书。

Article 36 After a prisoner is released, the public security organ shall make residence registration for him on the strength of his certificate of release.

第三十六条 罪犯释放后,公安机关凭释放证明书办理户籍 登记。

Article 37 With respect to a person released after serving his sentence, the local people's government shall assist him in resettling down.

第三十七条 对刑满释放人员,当地人民政府帮助其安置生活。

If a person released after serving his sentence has lost his ability to do labor, and has no statutory supporters or basic source of income, the local people's government shall offer him relief.

刑满释放人员丧失劳动能力又无法定赡养人、扶养人和基本生活来源 的,由当地人民政府予以救济。

Article 38 A person released after serving his sentence shall enjoy equal rights with other citizens in accordance with the law.

第三十八条 刑满释放人员依法享有与其他公民平等的权利。

CHAPTER IV PRISON ADMINISTRATION

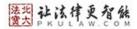
第四章 狱政管理

SECTION 1 SEPARATE CUSTODY AND SEPARATE CONTROL

第一节 分押分管

Article 39 A prison shall practice separate custody and separate control with respect to male adult prisoners, female adult prisoners and juvenile delinquents. In respect of the reform of juvenile delinquents and female prisoners, special consideration shall be given to their physiological and psychological characteristics.

第三十九条 监狱对成年男犯、女犯和未成年犯实行分开关 押和管理,对未成年犯和女犯的改造,应当照顾其生理、心理特点。



A prison shall, with respect to prisoners, carry out separate custody and varied control on the basis of their types of crimes and punishments, terms of sentences and performances of reform.

监狱根据罪犯的犯罪类型、刑罚种类、刑期、改造表现等情况,对罪 犯实行分别关押,采取不同方式管理。

Article 40 Female prisoners shall be under the direct control of people's policewomen.

第四十条 女犯由女性人民警察直接管理。

SECTION 2 GUARD

Article 41 The people's armed police forces shall be in charge of the armed guard of prisons. The specific measures shall be prescribed by the State Council and the Central Military Commission.

第四十一条 监狱的武装警戒由人民武装警察部队负责,具体办法由国务院、中央军事委员会规定。

Article 42 If a prison discovers that a prisoner in custody has escaped, the prison shall capture him as soon as possible. If the prison can not immediately capture the escaped prisoner, it shall notify the public security organ without delay. The public security organ shall be responsible for the pursuit and capture of the escaped prisoner, and the prison shall closely coordinate with the public security organ.

第四十二条 监狱发现在押罪犯脱逃,应当即时将其抓获, 不能即时抓获的,应当立即通知公安机关,由公安机关负责追捕,监 狱密切配合。

Article 43 A prison shall set up guard installations in accordance with the needs of supervision and control. The guard segregation zone around a prison shall be delimited.

No one shall, without permission, enter into such zone.

第四十三条 监狱根据监管需要,设立警戒设施。监狱周围 设警戒隔离带,未经准许,任何人不得进入。



Article 44 State organs, public organizations,

enterprises, institutions and grass-roots organizations in the neighborhood of a prison or its operation areas shall assist the prison in its security work. 第四十四条 监区、作业区周围的机关、团体、企业事业单位和基层组织,应当协助监狱做好安全警戒工作。

SECTION 3 USE OF RESTRAINT IMPLEMENTS AND

WEAPONS



第四十五条 监狱遇有下列情形之一的,可以使用戒具:

Article 45 Under any of the following circumstances, a prison may use restraint implements:

- (2) if a prisoner commits any acts of violence;

(1) if a prisoner commits any acts of escape;

- (3) if a prisoner is on the way of escort; or
- (4) if a prisoner commits other dangerous acts against which it is necessary to take precautions.

After the circumstances specified in the preceding paragraph disappear, restraint implements shall not be used.

前款所列情形消失后,应当停止使用戒具。

(四) 罪犯有其他危险行为需要采取防范措施的。

(一) 罪犯有脱逃行为的;

(二)罪犯有使用暴力行为的;

(三)罪犯正在押解途中的;

Article 46 Personnel on duty of the people's police or the people's armed police forces may, under any of the following circumstances, which cannot be checked without the use of weapons, use weapons in accordance with the relevant regulations of the State:

第四十六条 人民警察和人民武装警察部队的执勤人员遇有 下列情形之一,非使用武器不能制止的,按照国家有关规定,可以使 用武器:

(1) if any prisoner is assembling a crowd to make a riot or rebellion;

(一) 罪犯聚众骚乱、暴乱的;

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- (2) if any prisoner is escaping or resisting arrest;
- (二) 罪犯脱逃或者拒捕的



- (3) if any prisoner is committing physical assault or destruction with a lethal weapon or other dangerous articles to endanger the safety of another person's life or property;
- (三)罪犯持有凶器或者其他危险物,正在行凶或者破坏,危及他人生命、财产安全的;
- (4) if any prisoner is being seized and rescued by force; or
- (四)劫夺罪犯的;
- (5) if any prisoner is seizing a weapon by force.
- (五) 罪犯抢夺武器的。

Personnel who have used weapons shall report the situations in accordance with the relevant regulations of the State.

使用武器的人员, 应当按照国家有关规定报告情况。

SECTION 4 CORRESPONDENCE AND MEETING WITH VISITORS

第四节 通信、会见

Article 47 A prisoner may, during the service of his sentence, correspond with others, but their correspondence shall be examined by the prison. If the prison discovers that the contents of a letter present a hindrance to the reform of the prisoner, the prison may withhold the letter. Letters from a prisoner to the higher authorities of the prison or to the judicial organs shall be free from examination.

第四十七条 罪犯在服刑期间可以与他人通信,但是来往信件应当经过监狱检查。监狱发现有碍罪犯改造内容的信件,可以扣留。罪犯写给监狱的上级机关和司法机关的信件,不受检查。

Article 48 A prisoner may, in accordance with the relevant regulations, meet with his relatives and guardians during the service of his sentence.

第四十八条 罪犯在监狱服刑期间,按照规定,可以会见家属、监护人。



Article 49 Goods or money to be received by a prisoner shall be subject to the approval and examination of the prison.

第四十九条 罪犯收受物品和钱款,应当经监狱批准、检查。

SECTION 5 LIFE AND HEALTH

第五节 生活、卫生

Article 50 The living standard of prisoners shall be measured by the quantity of material objects, and it shall be set by the State.

第五十条 罪犯的生活标准按实物量计算,由国家规定。

Article 51 The beddings and clothings of prisoners shall be uniformly rationed and provided by the prison.

第五十一条 罪犯的被服由监狱统一配发。

Article 52 Considerations shall be given to the special habits and customs of prisoners of minority ethnic groups.

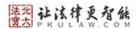
第五十二条 对少数民族罪犯的特殊生活习惯,应当予以照顾。

Article 53 Wards of a prison shall be firm, ventilated, possible for the natural light to come in, clean and warm.

第五十三条 罪犯居住的监舍应当坚固、通风、透光、清 洁、保暖。

Article 54 A prison shall set up medical organs and living and sanitary facilities, and institute regulations on the life and sanitation of prisoners. Medical and health care of prisoners shall be put into the public health and epidemic prevention program of the area in which the prison is located.

第五十四条 监狱应当设立医疗机构和生活、卫生设施,建立罪犯生活、卫生制度。罪犯的医疗保健列入监狱所在地区的卫生、防疫计划。



Article 55 If a prisoner dies during imprisonment, the prison shall immediately inform the prisoner's family members, the people's procuratorate and the people's court. If a prisoner dies from a disease, the prison shall make a medical appraisal. If the people's procuratorate suspects the prison's medical appraisal, it may make an appraisal anew on the cause of the death. If the family members of the prisoner suspect the prison's medical appraisal, they may raise their suspicion to the people's procuratorate. If a prisoner dies an abnormal death, the people's procuratorate shall immediately conduct examinations and make an appraisal on the cause of the death.

第五十五条 罪犯在服刑期间死亡的,监狱应当立即通知罪 犯家属和人民检察院、人民法院。罪犯因病死亡的,由监狱作出医疗 鉴定。人民检察院对监狱的医疗鉴定有疑义的,可以重新对死亡原因 作出鉴定。罪犯家属有疑义的,可以向人民检察院提出。罪犯非正常 死亡的,人民检察院应当立即检验,对死亡原因作出鉴定。

SECTION 6 REWARDS AND PUNISHMENTS

Article 56 A prison shall establish a routine check-up system for prisoners. The result of such check-ups shall be taken as the basis for awarding or punishing prisoners.

Article 57 If a prisoner is under any of the following circumstances, the prison may commend or award him, or record a merit for him:

- (1) if a prisoner observes the rules and discipline of the prison, studies hard, takes an active part in labor and shows admission of guilt and acceptance of the judgment;
- (2) if a prisoner has stopped any law-breaking or criminal activities;
- (3) if a prisoner has overfulfilled his production task;

第六节 奖惩

第五十六条 监狱应当建立罪犯的日常考核制度,考核的结果作为对罪犯奖励和处罚的依据。

第五十七条 罪犯有下列情形之一的,监狱可以给予表扬 物质奖励或者记功:

- (一) 遵守监规纪律,努力学习,积极劳动,有认罪服法表现的;
- (二)阻止违法犯罪活动的;
- (三)超额完成生产任务的;



- (4) if a prisoner has made achievements in saving on raw materials or caring for public property;
- (四)节约原材料或者爱护公物,有成绩的;
- (5) if a prisoner has achieved certain success in technical renovation or passing on his production skill;
- (五)进行技术革新或者传授生产技术,有一定成效的;
- (6) if a prisoner has made contributions in preventing or removing a disastrous accident; or
- (六)在防止或者消除灾害事故中作出一定贡献的;
- (7) if a prisoner has made other contributions to the State and the society.
- (七)对国家和社会有其他贡献的。

Where a prisoner sentenced to fixed-term imprisonment is under any of the circumstances specified in the preceding paragraph, if he has served more than half of the original term of his sentence, and has always shown good performances during imprisonment and if his leaving from the prison will no longer endanger the society, the prison may, in light of the circumstances, permit him to leave the prison for the purpose of visiting his family members or relatives.

被判处有期徒刑的罪犯有前款所列情形之一,执行原判刑期二分之一以上,在服刑期间一贯表现好,离开监狱不致再危害社会的,监狱可以根据情况准其离监探亲。

Article 58 If a prisoner has committed any of the following acts obstructing the order of supervision and control, the prison may give him a warning, demerit-recording or solitary confinement:

第五十八条 罪犯有下列破坏监管秩序情形之一的,监狱可以给予警告、记过或者禁闭:

- (1) assembling a crowd to make a stir and to disturb the order of the prison;
- (一)聚众哄闹监狱,扰乱正常秩序的;

(2) abusing or beating the people's police;

(二) 辱骂或者殴打人民警察的;

(3) bullying other prisoners;

(三) 欺压其他罪犯的;



(4) stealing, gambling, coming to blows, or stirring up fights and causing troubles;

(四)偷窃、赌博、打架斗殴、寻衅滋事的;

(5) refusing to do labor though he has the ability to work or being slack in work and refusing to mend his ways even after education;

(五)有劳动能力拒不参加劳动或者消极怠工,经教育不改的;

(6) escaping from doing labor by means of self-injury or self-mutilation;

(六)以自伤、自残手段逃避劳动的;

(7) intentionally violating the operation rules in productive labor or intentionally destroying tools of production; or

(七) 在生产劳动中故意违反操作规程,或者有意损坏生产工具的

(8) other acts violating the rules and discipline of the prison.

(八) 有违反监规纪律的其他行为的。

The term of solitary confinement imposed on a prisoner as stipulated by the preceding paragraph shall be from seven to fifteen days.

依照前款规定对罪犯实行禁闭的期限为七天至十五天。

If a prisoner has committed an act specified in the first paragraph during the service of his sentence, and if the case constitutes a crime, he shall be investigated for criminal responsibility according to law.

罪犯在服刑期间有第一款所列行为,构成犯罪的,依法追究刑事责任。

SECTION 7 HANDLING OF CRIMES COMMITTED BY PRISONERS DURING THE TERM OF IMPRISONMENT

第七节 对罪犯服刑期间犯罪的处理

Article 59 If a prisoner intentionally commits a crime during the service of his sentence, he shall be given a heavier punishment according to law.

第五十九条 罪犯在服刑期间故意犯罪的,依法从重处罚。



Article 60 Crimes committed by criminals within a prison shall be investigated by the prison. After the close of investigation, a written prosecution opinion shall be prepared and be transferred to the people's procuratorate along with the case file and evidence.

第六十条 对罪犯在监狱内犯罪的案件,由监狱进行侦查。侦查终结后,写出起诉意见书,连同案卷材料、证据一并移送人民检察院。

CHAPTER V EDUCATION AND REFORM OF PRISONERS

第五章 对罪犯的教育改造

Article 61 In the education and reform of prisoners, the principle of suiting education to different persons and cases and persuading prisoners through reasoning shall be implemented and the method of combining collective education with individual education and combining education by the prison with education by the society adopted.

第六十一条 教育改造罪犯,实行因人施教、分类教育、以理服人的原则,采取集体教育与个别教育相结合、狱内教育与社会教育相结合的方法。

Article 62 A prison shall carry out ideological education among prisoners in legality, morality, current situations, policies and outlook on their futures.

第六十二条 监狱应当对罪犯进行法制、道德、形势、政策、前途等内容的思想教育。

Article 63 A prison shall, in light of different conditions of prisoners, carry out literacy education, primary education and junior secondary education. If a prisoner has passed due examinations, the educational department shall issue him the corresponding certificate of education.

第六十三条 监狱应当根据不同情况,对罪犯进行扫盲教育、初等教育和初级中等教育,经考试合格的,由教育部门发给相应的学业证书。

Article 64 A prison shall carry out occupational and technical education among prisoners in accordance with the needs of production in the prison and of employment after their release. If a prisoner has passed due examination and verification, the labor department shall issue him the corresponding certificate of technical grade.

第六十四条 监狱应当根据监狱生产和罪犯释放后就业的需要,对罪犯进行职业技术教育,经考核合格的,由劳动部门发给相应的技术等级证书。



Article 65 A prison shall encourage prisoners to study on their own. If a prisoner has passed due examinations, the relevant department shall issue him the corresponding certificate.

第六十五条 监狱鼓励罪犯自学,经考试合格的,由有关部门发给相应的证书。

66 The cultural, occupational and technical education of prisoners shall be included into the educational plan of the area where the prison is located. A prison shall have necessary educational facilities such as class-rooms and reading-rooms.

第六十六条 罪犯的文化和职业技术教育,应当列入所在地 区教育规划。监狱应当设立教室、图书阅览室等必要的教育设施。

Article 67 A prison shall organize prisoners to conduct proper sport activities and cultural recreations.

第六十七条 监狱应当组织罪犯开展适当的体育活动和文化 娱乐活动。

Article 68 State organs, public organizations, units of armed forces, enterprises, institutions, personage of various circles and family members or relatives of prisoners shall assist prisons in doing a good job in the education and reform of prisoners.

第六十八条 国家机关、社会团体、部队、企业事业单位和社会各界人士以及罪犯的亲属,应当协助监狱做好对罪犯的教育改造工作。

Article 69 An able-bodied prisoner must do labor.

第六十九条 有劳动能力的罪犯,必须参加劳动。

Article 70 A prison shall, in the light of the individual conditions of prisoners, rationally organize them to do labor so as to correct their bad habits, to cultivate their habits of working, to acquire production skills and to create conditions for employment after their release.

第七十条 监狱根据罪犯的个人情况,合理组织劳动,使其矫正恶习,养成劳动习惯,学会生产技能,并为释放后就业创造条件。







Article 71 With regard to the working hours of prisoners, a prison shall make reference to the State's relevant regulations on working hours; under special circumstances such as seasonal production, the working hours may be readjusted.

第七十一条 监狱对罪犯的劳动时间,参照国家有关劳动工时的规定执行;在季节性生产等特殊情况下,可以调整劳动时间。

Prisoners shall have the right to rest on statutory festivals and holidays.

罪犯有在法定节日和休息日休息的权利。

Article 72 Prisons shall, in accordance with the relevant regulations, pay remunerations to the prisoners who take part in labor, and implement relevant regulations of the State on labor protection.

第七十二条 监狱对参加劳动的罪犯,应当按照有关规定给 予报酬并执行国家有关劳动保护的规定。

Article 73 If a prisoner is injured, disabled or dead in the course of doing labor, the prison shall handle the matter with reference to relevant regulations of the State on labor insurance.

第七十三条 罪犯在劳动中致伤、致残或者死亡的,由监狱 参照国家劳动保险的有关规定处理。

CHAPTER VI EDUCATION AND REFORM OF JUVENILE DELINQUENTS

第六章 对未成年犯的教育改造

Article 74 Criminal punishments on juvenile delinquents shall be executed in the reformatories for juvenile delinquents.

第七十四条 对未成年犯应当在未成年犯管教所执行刑罚。

Article 75 The focus in the execution of criminal punishments on juvenile delinquents shall be on education and reform. Labor for juvenile delinquents shall conform to the characteristics of minors and its main objectives shall be to acquire an elementary education and production skills.

第七十五条 对未成年犯执行刑罚应当以教育改造为主。未成年犯的劳动,应当符合未成年人的特点,以学习文化和生产技能为主。



A prison shall coordinate with the State, society and educational institutions such as schools in providing necessary conditions for juvenile delinquents to receive compulsory education.

监狱应当配合国家、社会、学校等教育机构,为未成年犯接受义务教育提供必要的条件。

Article 76 If a juvenile delinquent has reached the age of 18 and the remaining term of his sentence does not exceed two years, he may still be kept in the reformatory for juvenile delinquents for the execution of the remaining term of his sentence.

第七十六条 未成年犯年满十八周岁时,剩余刑期不超过二年的,仍可以留在未成年犯管教所执行剩余刑期。

Article 77 If matters relating to the control, education and reform of juvenile delinquents are not covered by this Chapter, the relevant provisions of this Law shall apply.

第七十七条 对未成年犯的管理和教育改造,本章未作规定的,适用本法的有关规定。

CHAPTER VII SUPPLEMENTARY PROVISIONS

第七章 附则

Article 78 This Law shall go into effect as of the date of promulgation.

第七十八条 本法自公布之日起施行。





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