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Criminal Law of the People's Republic of China

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Criminal Law of the People's Republic of China

(Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979; revised at the Fifth Session of the Eighth National People's Congress on March 14, 1997; and amended according to the Decision of the Standing Committee of the National People's Congress on Punishing Crimes of Fraudulently Purchasing, Evading, and Illegally Trading Foreign Exchange at the 6th Meeting 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 at the 13th Meeting 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 at the 23rd Meeting 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 at the 25th Meeting of the Standing Committee of the Ninth National People's Congress on December 29, 2001, Amendment (IV) to the Criminal Law of the People's Republic of China at the 31st Meeting 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 at the 14th Meeting 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 at the 22nd Meeting 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 at the 7th Meeting of the Standing Committee of the Eleventh National People's Congress on February 28, 2009, Decision of the Standing Committee of the National People's Congress on Amending Certain Laws at the 10th Meeting of the Standing Committee of the Eleventh National People's Congress on August 27, 2009, Amendment (VIII) to the Criminal Law of the People's Republic of China at the 19th Meeting of the Standing Committee of the Eleventh National People's Congress on February 25, 2011, Amendment (IX) to the Criminal Law of the People's Republic of China at the 16th Meeting of the Standing Committee of the Twelfth National People's Congress on August 29, 2015, Amendment (X) to the Criminal Law of the People's Republic of China at the 30th Meeting of the Standing Committee of the Twelfth National People's Congress on November 4, 2017, and Amendment (XI) to the Criminal Law of the People's Republic of China at the 24th Meeting of the Standing Committee of the Thirteenth National People's Congress on December 26, 2020)

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Part I General Provisions

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

Article 1 This Law is enacted in accordance with the Constitution, based on the practical experience of fighting against crime, and in line with the realities of China, in order to punish crime and protect the people.

Article 2 The tasks of the Criminal Law of the People's Republic of China are, by fighting against all forms of crime with criminal punishment, to protect national security, the state power of the people's democratic dictatorship, and the socialist system; to protect state-owned property, collectively owned property, and private property owned by citizens; to protect personal rights, democratic rights, and other rights of citizens; to maintain social and economic order; and to safeguard the smooth progress of the socialist cause.

Article 3 Anyone who commits an act explicitly provided by law to be a crime shall be subjected to conviction and punishment in accordance with the law, while anyone who commits an act that is not explicitly provided by law to be a crime shall not be subjected to conviction or punishment.

Article 4 Whoever commits a crime shall be treated equally in the application of the law and no one is permitted to have any privilege to transcend the law.

Article 5 Criminal punishment shall be proportionate to the severity of the offense and the consequent criminal liability to be born by the offender.

Article 6 This Law is applicable to anyone who commits a crime within the land, waters and space under the jurisdiction of the People's Republic of China, except otherwise specifically provided by law.

This Law is also applicable to anyone who commits a crime on a ship or an aircraft of the People's Republic of China.

Where either a criminal act takes place or the consequences of a criminal act arise within the land, waters and space under the jurisdiction of the People's Republic of China, the crime is deemed to have been committed within the land, waters and space under the jurisdiction of the People's Republic of China.

Article 7 This Law is applicable to any citizen of the People's Republic of China who commits a crime specified in this Law outside the land, waters and space under the jurisdiction of the People's Republic of China; but one whose offense is punishable by fixed-term imprisonment of not more than 3 years at the maximum as provided in this Law may be exempted from punishment.

This Law is applicable to any state functionary or serviceperson who commits a crime specified in this Law outside the land, waters and space under the jurisdiction of the People's Republic of China.

Article 8 This Law may be applicable to any foreigner who commits a crime against the People's Republic of China or its citizens outside the land, waters and space under the jurisdiction of the People's Republic of China, which is punishable by fixed-term imprisonment of not less than 3 years at the minimum according to this Law, except, however, when the said crime is not punishable according to the law of the place where it is committed.

Article 9 This Law is applicable to the crimes specified in international treaties which the People's Republic of China has concluded or acceded to and under which the People's Republic of China exercises criminal jurisdiction within the scope of its obligations.

Article 10 Anyone who commits a crime outside the land, waters and space under the jurisdiction of the People's Republic of China for which he shall bear criminal liability in accordance with this Law may still be dealt with according to this Law even if he has been tried in a foreign court. However, the offender may be exempted from punishment or be given a mitigated punishment if he has been subjected to criminal punishment in that foreign country.

Article 11 Criminal liability of foreigners who enjoy diplomatic privileges and immunities shall be resolved through diplomatic channels.

Article 12 Where an act committed after the founding of the People's Republic of China and before the implementation of this Law was not deemed a crime under the laws then in force, the laws then in force shall apply. Where the act was deemed a crime under the laws then in force, and should be prosecuted under the provisions of Section 8, Chapter IV of the General Provisions of this Law, the offender shall be held criminally liable according to the laws then in force; however, if it is not deemed a crime by this Law or is punishable by a lighter punishment according to this Law, this Law shall prevail.

All effective judgments rendered before the implementation of this Law according to the laws then in force remain effective.

Chapter II Crimes

Section 1 Crimes and Criminal Liability

Article 13 Any act that endangers the sovereignty, territorial integrity, or security of the state, splits the state, subverts the political power of the people's democratic dictatorship, overthrows the socialist system, or undermines social or economic order, or that is against state-owned property, collectively owned property, or private property owned by citizens, or that violates the personal rights, democratic rights or other rights of the citizens, or any other act that endangers the society, which is subject to criminal punishment in accordance with the law, is a crime. However, if the circumstances are manifestly minor and the harm is not serious, the act is not deemed a crime.

Article 14 Where a person has clear knowledge that his act will cause socially harmful consequences and hopes for or allows such consequences to occur, which constitutes a crime, the crime is deemed intentional.

A person committing an intentional crime shall bear criminal liability.

Article 15 Where a person should have foreseen that his act may cause socially harmful consequences but fails to foresee them because of his carelessness, or has foreseen such consequences but believes that they can be avoided, which leads to such consequences, he commits a negligent crime.

A person committing a negligent crime shall bear criminal liability only when the law so provides.

Article 16 Where an act causes harmful consequences, while it is attributed not to intent or negligence but to irresistible or unforeseeable causes, the act is not a crime.

Article 17 Where a person who has reached the age of 16 commits a crime, he shall bear criminal liability.

Where a person who has reached the age of 14 but is under the age of 16 commits intentional homicide, intentional infliction of bodily harm causing serious injury to or the death of another person, rape, robbery, drug trafficking, arson, explosion, or releasing hazardous substances, he shall bear criminal liability.

Where a person who has reached the age of 12 but is under the age of 14 commits intentional homicide or intentional infliction of bodily harm, causing the death of another person or, by extremely cruel means, causing serious injury to another person to the extent of severely disabling that person, given that the circumstances are grave, if the Supreme People's Procuratorate approves the prosecution of the offender, he shall bear criminal liability.

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

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

Article 17a A person who has reached the age of 75 may be given a lighter or mitigated punishment if he commits an intentional crime, and shall be given a lighter or mitigated punishment if he commits a negligent crime.

Article 18 Where a mentally ill person causes harmful consequences while he is unable to appreciate the wrongfulness of or to control his act and whose condition has been authenticated and confirmed through statutory procedures, he shall not bear criminal liability, but his family members or guardians shall be ordered to keep him under careful watch and provide him with medical treatment. Where it is necessary, the government may subject him to compulsory medical treatment.

A person with intermittent mental illness who commits a crime in a normal mental state shall bear criminal liability.

A person with mental illness who commits a crime while he is not yet completely unable to appreciate the wrongfulness of or control his act shall bear criminal liability, but may be given a lighter or mitigated punishment.

A person who commits a crime while intoxicated shall bear criminal liability.

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

Article 20 Where a person, in order to protect the interests of the state or the public, or his own or another person's personal rights, property rights or other rights from a present unlawful attack, takes action to stop such an unlawful attack and therefore causes harm to the attacker, this person shall be considered acting in justifiable defense and shall not bear criminal liability.

Where a person acting in justifiable defense obviously exceeds the necessary limit and therefore causes major harm, he shall bear criminal liability, but shall be given a mitigated punishment or be exempted from punishment.

Where a person takes action against present physical assault, murder, robbery, rape, kidnapping, or any other violent crime that seriously endangers personal safety and therefore causes injury to or the death of the attacker, his action shall not be considered excessive defense and he shall not bear criminal liability.

Article 21 Where a person, in order to protect the interests of the state or the public, or his own or another person's personal rights, property rights or other rights from a present danger, has no choice but to take emergency action and therefore causes harm, this person shall not bear criminal liability.

Where a person taking an urgent action to avert danger exceeds the necessary limit and therefore causes unnecessary harm, he shall bear criminal liability, but shall be given a mitigated punishment or be exempted from punishment.

The provisions in the first paragraph of this Article on the averting danger from a person himself do not apply to those who take specified responsibilities by virtue of their posts or professions.

Section 2 Preparation, Attempt and Abandonment of a Crime

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

An offender whose act falls within the definition of the preparation for a crime may, with reference to the punishment imposed on a person who has completed the crime, be given a lighter or mitigated punishment or be exempted from punishment.

Article 23 Criminal attempt occurs when an offender has already started to commit a crime but fails to complete the crime because of factors independent of the offender's will.

An offender whose act falls within the definition of the criminal attempt may be given a lighter or mitigated punishment with reference to the punishment imposed on a person who has completed the crime.

Article 24 Abandonment of a crime occurs when, during the process of committing a crime, an offender voluntarily abandons the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

An offender whose act falls within the definition of the abandonment of a crime shall be exempted from punishment if no harm is caused and shall be given a mitigated punishment if harm is caused.

Section 3 Joint Crimes

Article 25 A joint crime refers to a crime committed intentionally by two or more persons jointly.

A negligent crime by two or more persons shall not be punished as a joint crime. Where criminal liability is involved, these persons shall be punished separately according to the crimes they have committed.

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

A relatively stable criminal organization composed of three or more persons to jointly commit crimes is a criminal group.

The ringleader who organizes or leads a criminal group shall be punished based on all the crimes committed by the group.

A principal offender other than the one provided in the third paragraph shall be punished based on all the crimes he participated in, organized, or directed.

Article 27 A person who plays a secondary or supplementary role in a joint crime is an accomplice.

An accomplice shall be given a lighter or mitigated punishment or be exempted from punishment.

Article 28 A person 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.

Article 29 A person who abets another in committing a crime shall be punished according to the role he plays in the joint crime. A person who abets a person under the age of 18 in committing a crime shall be subjected to a heavier punishment.

If the abetted person does not commit the instigated crime, the abettor may be given a lighter or mitigated punishment.

Section 4 Crimes Committed by an Entity

Article 30 Any company, enterprise, public institution, state organ, or organization that commits an act endangering the society that is defined in laws as a crime committed by an entity shall bear criminal liability.

Article 31 An entity shall be fined for the crime it has committed. The directly responsible persons in charge and other directly responsible persons shall also be subjected to criminal punishment. Where the Special Provisions of this Law or other laws provide otherwise, those provisions shall prevail.

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Chapter III Criminal Punishment

Section 1 Types of Criminal Punishment

Article 32 Criminal punishment is classified into principal punishment and supplementary punishment.

Article 33 The types of principal punishment are as follows:

- (1) non-custodial correction;
- (2) short-term custody;
- (3) fixed-term imprisonment;
- (4) life imprisonment; and
- (5) death penalty.

Article 34 The types of supplementary punishment are as follows:

- (1) fines;
- (2) deprivation of political rights; and
- (3) confiscation of property.

Supplementary punishment may be imposed independently.

Article 35 Deportation may be imposed independently or additionally on a foreigner who commits a crime.

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Article 36 Where a victim suffers economic losses as a result of a criminal act, the offender shall, in addition to being subjected to criminal punishment in accordance with the law, be sentenced to pay compensation for the economic losses according to the situation.

If an offender liable for civil compensation is also sentenced to pay a fine but his property is not sufficient to pay both, or if he is also sentenced to confiscation of property, he shall first bear the liability for civil compensation to the victim.

Article 37 Where the circumstances of a crime are minor and the imposition of a criminal punishment is not necessary, the offender may be exempted from criminal punishment; however, depending on the situation of the case, he may be given a reprimand, be ordered to make a statement of repentance, offer an apology or pay compensation for losses, or be subjected to administrative penalties or sanctions by the competent department.

Article 37a Where an offender is sentenced to criminal punishment for a crime he has committed by taking advantage of his occupation, or for violating the specific obligations required by his occupation, the people's court may, based on the situation with reference to the crime and the need for prevention of repeat offenses, prohibit him from engaging in relevant professions within 3 to 5 years, counting from the date when he finishes serving his sentence or he is released on parole.

Whoever is prohibited from engaging in certain professions but violates the decision made by the people's court according to the provisions of the preceding paragraph shall be punished by the public security organ. If the circumstances are serious, the person shall be convicted and punished in accordance with Article 313 of this Law.

Where there are prohibitive or restrictive provisions in other laws or administrative regulations governing the offender's engagement in relevant professions, such provisions shall prevail.

Section 2 Non-Custodial Correction

Article 38 The term of non-custodial correction shall be not less than 3 months but not more than 2 years.

An offender sentenced to non-custodial correction may, according to the situation of the crime, be given an injunction restricting him from engaging in certain activities, entering certain areas or premises, or having contacts with certain persons during the term of non-custodial correction.

The offender sentenced to non-custodial correction shall be subjected to community correction in accordance with the law.

Any offender who violates the injunction prescribed in the second paragraph of this Article shall be punished by the public security organ in accordance with the Law of the People's Republic of China on Penalties for Administration of Public Security.

Article 39 An offender sentenced to non-custodial correction shall abide by the following rules while serving his term:

(1) abiding by laws and administrative regulations and submitting himself to supervision;

(2) obtaining approval from the executing authority before exercising the rights to freedom of speech, the press, assembly, association, procession and demonstration;

(3) reporting his activities in accordance with the rules of the executing authority;

(4) observing the rules of the executing authority on meeting with visitors; and

(5) reporting to and obtaining approval from the executing authority before any departure from the city or county he lives in and for any change in residence.

An offender sentenced to non-custodial correction shall receive equal pay for equal work.

Article 40 Upon the expiration of the term of the non-custodial correction, the executing authority shall announce the termination of the non-custodial correction to the offender himself and to the entity he belongs to or the community he lives in.

Article 41 The term of non-custodial correction is calculated from the date when the judgment begins to be executed. Where an offender is already held in custody before the execution of the judgment, one day in custody is counted as two days of the term sentenced.

Section 3 Short-Term Custody

Article 42 The term of short-term custody is not less than 1 month but not more than 6 months.

Article 43 The sentence of short-term custody of an offender shall be executed by the public security organ in the vicinity.

During the period of execution, the offender sentenced to short-term custody may go home for 1 to 2 days each month. When engaged in work, he may receive an appropriate pay.

Article 44 The term of short-term custody is calculated from the date when the judgment begins to be executed. Where an offender is held in custody before the execution of the judgment, one day in custody is counted as one day of the term sentenced.

Section 4 Fixed-Term Imprisonment and Life Imprisonment

Article 45 The term of fixed-term imprisonment is not less than 6 months but not more than 15 years, except as provided in Articles 50 and 69 of this Law.

Article 46 An offender sentenced to fixed-term imprisonment or life imprisonment shall serve his sentence in prison or another execution premise; anyone who is able to work shall engage in work for the purpose of education and rehabilitation.

Article 47 The term of fixed-term imprisonment is calculated from the date when the judgment begins to be executed. Where the offender is already held in custody before the execution of the judgment, one day in custody is counted as one day of the term sentenced.

Section 5 Death Penalty

Article 48 Death penalty applies only to an offender who commits extremely serious crimes. Where the immediate execution of death sentence is not deemed necessary, a two-year reprieve may be announced at the same time the death sentence is imposed.

Except for judgments rendered by the Supreme People's Court in accordance with the law, all death sentences shall be submitted to the Supreme People's Court for verification and approval. A death sentence with reprieve may be decided upon or be verified and approved by a high people's court.

Article 49 Death penalty shall not be imposed upon a person under the age of 18 at the time of committing the crime or upon a woman who is pregnant at the time of trial.

Death penalty shall not be imposed upon a person aged 75 or above at the time of trial, except where he has caused the death of another person by extremely cruel means.

Article 50 Where an offender sentenced to death with reprieve commits no intentional crime during the reprieve period, his death sentence shall be commuted to life imprisonment upon the expiration of the two-year reprieve. If the offender has carried out major meritorious performance during the reprieve period, the death sentence shall be commuted to fixed-term imprisonment of 25 years upon the expiration of the two-year reprieve. If the offender commits an intentional crime with grave circumstances during the reprieve period, the death penalty shall be executed upon verification and approval by the Supreme People's Court. If, despite an intentional crime committed during the reprieve period, death penalty is not to be executed, the reprieve period shall be calculated anew and the case shall be reported to the Supreme People's Court for the record.

When imposing death with reprieve on a recidivist or an offender of intentional homicide, rape, robbery, kidnapping, arson, explosion, releasing hazardous substances, or organized violent crime, the people's court may, based on the circumstances of the crime and other factors, concurrently decide to impose restrictions on commutation.

Article 51 The period of reprieve for the death penalty is calculated from the date when the judgment becomes final. The term of fixed-term imprisonment commuted from the death penalty with reprieve is counted from the date when the period of reprieve expires.

Section 6 Fines

Article 52 The amount of a fine shall be determined according to the circumstances of the crime.

Article 53 A fine shall be paid in a lump sum or in installments within the period specified in a judgment. If an offender fails to pay upon the expiration of that period, the fine shall be enforced. If an offender is unable to pay the fine in full, the people's court shall demand the payment whenever it finds that he holds executable property.

If an offender truly has difficulties in paying the fine due to an irresistible calamity or for other reasons, the payment of the fine may be postponed, or the fine may be reduced as appropriate or be remitted upon a ruling of the people's court.

Section 7 Deprivation of Political Rights

Article 54 Deprivation of political rights refers to the deprivation of the following rights:

- (1) the right to vote and stand for election;
- (2) the rights to freedom of speech, press, assembly, association, procession and demonstration;
- (3) the right to hold a position in a state organ; and
- (4) the right to hold a leading position in a state-owned company, enterprise or public institution, or a people's organization.

Article 55 The term of deprivation of political rights is not less than 1 year but not more than 5 years, except as otherwise provided in Article 57 of this Law.

Where a sentence of deprivation of political rights is imposed as a supplementary punishment in addition to a sentence of non-custodial correction, the term of deprivation of political rights shall be as long as the term of non-custodial correction and the punishments shall be executed concurrently.

Article 56 An offender who has committed the crime of endangering national security shall be sentenced to deprivation of political rights as a supplementary punishment. An offender who has committed intentional homicide, rape, arson, explosion, poisoning, robbery, or other crimes, which seriously undermines the public order, may be sentenced to deprivation of political rights as a supplementary punishment.

Where deprivation of political rights is independently imposed upon an offender, relevant provisions in the Specific Provisions of this Law shall apply.

Article 57 An offender sentenced to death or life imprisonment shall be deprived of political rights for life.

Where death penalty with reprieve is commuted to fixed-term imprisonment or where life imprisonment is commuted to fixed-term imprisonment, the term of the imposed supplementary punishment of deprivation of political rights shall be modified into not less than 3 years but not more than 10 years.

Article 58 The term of the supplementary punishment of deprivation of political rights is calculated from the date when the execution of imprisonment or short-term custody finishes, or from the date when parole begins. Deprivation of political rights shall, as a matter of course, be in effect during the period in which the principal punishment is being executed.

An offender who is deprived of political rights shall, during the period of execution, abide by laws, administrative regulations, and relevant rules on supervision and administration made by the public security department under the State Council, and submit himself to supervision. He shall not exercise any of the rights specified in Article 54 of this Law during the period of execution.

Section 8 Confiscation of Property

Article 59 Confiscation of property refers to the confiscation of part or all of the property personally owned by an offender. Where confiscation of all the property of an offender is imposed, certain amount of property shall be set aside for basic living of the offender himself and the family members supported by him.

When a sentence of confiscation of property is imposed, the property that the family members of the offender own or are entitled to shall not be confiscated.

Article 60 Where it is necessary to use the confiscated property to repay the legitimate debts incurred by an offender before confiscation of property, these debts shall be paid at the request of the creditors.



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Chapter IV Concrete Application of Criminal Punishment

Section 1 Sentencing

Article 61 Punishment to be imposed on an offender shall be determined based on the facts of the crime, the nature and circumstances of the crime and the gravity of harm to society, in accordance with the relevant provisions of this Law.

Article 62 Where the circumstances of the crime committed fit into those for a heavier or lighter punishment provided by this Law, the offender shall be sentenced within the range of the statutory punishment.

Article 63 Where the circumstances of the crime committed fit into those for a mitigated punishment provided by this Law, the offender shall be sentenced to a punishment below the statutory punishment. Where this Law provides several sentencing ranges, the punishment shall be determined within the next range of punishment below the statutorily prescribed one.

An offender not eligible for a mitigated punishment as prescribed by this Law may still, in light of the special situation of the case and with approval from the Supreme People's Court, be sentenced to a punishment below the prescribed one.

Article 64 All property illegally obtained by an offender shall be recovered, or the offender shall be ordered to return it or pay compensation for it. The lawful property of victims shall be returned without delay. Contraband and the offender's personal property which has been used for the commission of a crime shall be confiscated. All confiscated property and fines shall be turned over to the State Treasury and shall not be misappropriated or be dealt with without authorization.

Section 2 Recidivists

Article 65 A recidivist is an offender who has been sentenced to fixed-term imprisonment or an even heavier punishment and, within 5 years after the completion of his sentence or the granting of pardon, commits another crime punishable by fixed-term imprisonment or an even heavier

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punishment. A recidivist shall be subjected to a heavier punishment. However, any crime committed negligently or committed when an offender is under the age of 18 shall not be counted when the court determines whether the offender is a recidivist.

For an offender released on parole, the period prescribed in the preceding paragraph of this Article shall be calculated from the date of the expiration of the parole.

Article 66 An offender who was ever convicted of the crime of endangering national security, the crime of terrorist activities or organized crime of a gang nature and, after the completion of his sentence or the granting of pardon, commits any of the aforementioned crimes again at any time, shall be convicted and punished as a recidivist.

Section 3 Voluntary Surrender and Meritorious Performance

Article 67 Voluntary surrender means that an offender, having committed a crime, voluntarily surrenders himself and makes a truthful confession on the crime he has committed. A voluntarily surrendered offender may be subjected to a lighter or mitigated punishment, and may be exempted from punishment if the crime he has committed is a relatively minor one.

Where a criminal suspect or defendant who is under a compulsory measure or a convict who is serving his sentence makes truthful confession on another crime he committed which is still unknown to the judicial organs, he shall be considered as having voluntarily surrendered himself.

A criminal suspect who makes truthful confession may be given a lighter punishment although his confession does not fit within the definition of voluntary surrender as is provided in the preceding two paragraphs, and may be given a mitigated punishment if any especially serious consequence is avoided for his truthful confession.

Article 68 An offender who carries out meritorious performance such as reporting a criminal activity of another person which is later verified, or providing an important clue that leads to the solving of another case, may be subjected to a lighter or mitigated punishment. An offender who carries out major meritorious performance may be given a mitigated punishment or be exempted from punishment.

Section 4 Combining Punishments for Multiple Crimes

Article 69 Where a person commits more than one crime before a judgment is rendered, except where a death penalty or life imprisonment is to be imposed, the term of the sentence shall be determined as appropriate and shall be not longer than the accumulated total of terms for all crimes committed, but not shorter than the maximum punishment of all the punishments meted out respectively for the crimes committed. However, the combined term of non-custodial correction shall not exceed 3 years; the combined term of short-term custody shall not exceed 1 year; and the combined term of fixed-term imprisonment shall not exceed 20 years if the cumulative term of punishment is less than 35 years, and shall not exceed 25 years if the cumulative term of punishment is not less than 35 years.

Of the punishments imposed for multiple crimes, where there is both fixed-term imprisonment and short-term custody, fixed-term imprisonment shall be executed. Where there is both fixed-term

imprisonment and non-custodial correction, or both short-term custody and non-custodial correction, non-custodial correction shall still be executed after the execution of fixed-term imprisonment or short-term custody finishes.

Where punishments imposed for multiple crimes include any supplementary punishment, the supplementary punishment shall also be executed. In the case that supplementary punishments imposed are of the same type, they shall be combined for execution and shall be executed separately if they are of different types.

Article 70 Where, after a judgment is rendered on a crime but before the sentence thereunder is completely executed, it is discovered that the convicted had committed another crime before the said judgment was rendered, for which he has not been sentenced, a judgment for the newly discovered crime shall be rendered, in which the combined punishment to be executed for this crime and the earlier crime shall be determined in accordance with the provisions of Article 69 of this Law. The term that has already been served shall be counted towards the term determined in the new judgment.

Article 71 Where, after a judgment is rendered on a crime but before the sentence thereunder is completely executed, the convicted commits another crime, a judgment for the newly committed crime shall be rendered, and the punishment to be executed shall be determined by combining the punishment for this crime and the remainder of punishment for the earlier crime in accordance with the provisions of Article 69 of this Law.

Section 5 Probation

Article 72 Probation may be granted to offenders sentenced to short-term custody or fixed-term imprisonment of not more than 3 years if all the following conditions are met, among whom those under the age of 18, pregnant women, and those at or above the age of 75 shall be granted probation:

- (1) that the circumstances of the crime are relatively minor;
- (2) that the offender has shown repentance;
- (3) that the offender poses no risk of committing another crime; and
- (4) that the granting of probation does not have a major adverse influence on the community in which the offender lives.

As probation is granted, in light of the relevant situation of the crime, the offender may be concurrently prohibited from engaging in certain activities, or entering certain areas or premises, or having contacts with certain persons during the probation period.

The supplementary punishment, if any, imposed on an offender granted probation shall still be executed.

Article 73 The period of probation for short-term custody shall be not less than the term of custody originally decided and not more than 1 year, but it shall not be less than 2 months.

The period of probation for fixed-term imprisonment shall be not less than the term of imprisonment originally decided and not more than 5 years, but it shall not be less than 1 year.

The period of probation shall begin on the date when the judgment is made final.

Article 74 Probation is not applicable to a recidivist or a ringleader of a criminal group.

Article 75 An offender on probation shall observe the following provisions:

- (1) abiding by laws and administrative regulations and submitting himself to supervision;
- (2) reporting his activities in accordance with the rules set by the supervising authority;
- (3) obeying the rules regarding meeting visitors set by the supervising authority; and
- (4) reporting to and obtaining approval from the supervising authority organ before leaving the city or county where the offender lives, or for a change of residence.

Article 76 An offender on probation shall be subjected to community correction in accordance with the law. If no circumstances as prescribed in Article 77 of this Law exist, the punishment originally decided shall no longer be executed on the expiration of the probation period and a pronouncement to this effect shall be made.

Article 77 Where an offender on probation commits a new crime or it is found that a judgment is yet to be made on another crime he had committed before the judgment granting the probation was rendered, the probation shall be revoked and a judgment shall be made on the newly committed or found crime. The punishment to be executed shall be determined combining the punishment originally decided and the punishment for the newly committed or found crime in accordance with the provisions of Article 69 in this Law.

Where an offender on probation violates laws, administrative regulations, or the provisions on the supervision and administration of probation of the relevant departments under the State Council, or violates the restraining order given in the judgment of the people's court, the probation shall be revoked and the punishment originally imposed shall be executed where the circumstances are serious.

Section 6 Commutation

Article 78 An offender sentenced to non-custodial correction, short-term custody, fixed-term imprisonment or life imprisonment may have his sentence commuted while serving the sentence, if the offender observes prison rules, accepts education and rehabilitation, shows sincere repentance, or carries out meritorious performance. His sentence shall be reduced if he has carried out any of the following major meritorious performance:

- (1) preventing a major crime from being committed by others;
- (2) reporting a major criminal activity in or outside the prison, which is later verified;

- (3) making an invention or a major technological innovation;
- (4) rescuing others in work and daily life while risking his own life;
- (5) making great contributions to fighting against a natural disaster or preventing a major accident;
or
- (6) making other major contributions to the state or society.

The term of the sentence actually executed after commutation may not be less than the time period listed as follows:

- (1) for those sentenced to non-custodial correction, short-term custody or fixed-term imprisonment, not less than half of the term originally decided;
- (2) for those sentenced to life imprisonment, not less than 13 years; and
- (3) for those sentenced to death with reprieve and for whom commutation is restricted by the people's court in accordance with the provisions of the second paragraph of Article 50 of this Law, not less than 25 years if his sentence has been reduced to life-imprisonment in accordance with the law after the expiration of the reprieve; and not less than 20 years if his sentence has been reduced to fixed-term imprisonment of 25 years after the expiration of the reprieve.

Article 79 To have the sentence of an offender commuted, the executing authority shall submit a recommendation on commutation of the sentence to an intermediate people's court or above. The people's court shall form a collegial panel to adjudicate and, where the offender demonstrates sincere repentance or carries out meritorious performance, render an order for commutation of the sentence. No sentence may be reduced without statutory procedures.

Article 80 The term of fixed-term imprisonment commuted from life imprisonment shall begin at the date when the order for commutation of the sentence is rendered.

Section 7 Parole

Article 81 Where an offender sentenced to fixed-term imprisonment has already served half or more of his sentence, or an offender sentenced to life imprisonment has served 13 years or longer in prison, the offender may be granted parole if he has observed the prison rules, accepted education and rehabilitation, demonstrated sincere repentance, and will no longer pose a risk of committing another crime. Under special situations, granting of parole is not subject to the aforementioned term-serving restrictions upon the approval from the Supreme People's Court.

Parole shall not be granted to a recidivist or an offender sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment for intentional homicide, rape, robbery, kidnapping, arson, explosion, releasing hazardous substances, or organized crime of a violent nature.

As for whether to grant parole, the impact on the community where the parolee is going to live shall be taken into consideration.

Article 82 The granting of parole to an offender shall be in accordance with the procedures provided in Article 79 of this Law. No parole may be granted without statutory procedures.

Article 83 The period of parole for fixed-term imprisonment is the remaining term that has not been served; and the period of parole for life imprisonment is 10 years.

The period of parole begins on the date when the offender is released on parole.

Article 84 An offender granted parole shall observe the following provisions:

- (1) abiding by laws and administrative regulations and submitting himself to supervision;
- (2) reporting his activities in accordance with the rules set by the supervising authority;
- (3) observing rules on meeting visitors set by the supervising authority; and
- (4) reporting to and obtaining approval from the supervising authority before leaving the city or county where the parolee lives, or for a change of residence.

Article 85 A parolee shall be subjected to community correction in accordance with the law. If there is no circumstance as prescribed in Article 86 of this Law, upon the expiration of the parole period, the sentence originally imposed shall be regarded as having been served and a pronouncement to this effect shall be made.

Article 86 Where a parolee commits a new crime, the parole shall be revoked and combined punishment for multiple offenses shall be imposed in accordance with the provisions in Article 71 of this Law.

Where it is found that a parolee has not been sentenced for another crime he had committed before the judgment was rendered, the parole shall be revoked and a punishment for multiple offenses shall be imposed in accordance with the provisions in Article 70 of this Law.

Where a parolee violates laws, administrative regulations or rules on the supervision and administration of parole set by the relevant departments under the State Council, which does not constitute a new crime, the parole shall be revoked in accordance with the statutory procedures and the parolee shall be taken back to prison to serve the remaining term of the sentence.

Section 8 Limitation Period

Article 87 A crime shall no longer be prosecuted when the following periods have elapsed:

- (1) 5 years, where the maximum punishment prescribed for the crime is fixed-term imprisonment of less than 5 years;
- (2) 10 years, where the maximum punishment prescribed for the crime is fixed-term imprisonment of not less than 5 years but less than 10 years;

(3) 15 years, where the maximum punishment prescribed for the crime is fixed-term imprisonment of not less than 10 years; or

(4) 20 years, where the maximum punishment prescribed for the crime is life imprisonment or death penalty. If it is considered that a crime must be prosecuted after 20 years, the case shall be submitted to the Supreme People's Procuratorate for approval.

Article 88 Where an offender evades investigation or trial after his case is filed for investigation by the people's procuratorate, the public security organ or the state security organ, or after his case is accepted by a people's court, the limitation period is not binding.

Where a victim brings an accusation within the limitation period, and the people's court, the people's procuratorate, or the public security organ fails to accept the case while it should do so, the limitation period is not binding.

Article 89 The limitation period shall begin on the date when the crime is committed. Where the criminal act is of a continuous or continuing nature, it shall begin on the date when the criminal act is completed.

If the offender commits any other crime during the limitation period, the limitation period of the former crime shall begin on the date when the new crime is committed.



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Chapter V Miscellaneous Provisions

Article 90 Where the provisions of this Law are not completely applicable in an ethnic autonomous area, the people's congress of the autonomous region or of the province concerned may formulate alternative or supplementary provisions in light of the political, economic and cultural characteristics of the local ethnic groups and in accordance with the basic principles of this Law. The provisions so formulated shall become effective after they are submitted to and approved by the Standing Committee of the National People's Congress.

Article 91 For purposes of this Law, the term "public property" refers to the following property:

- (1) state-owned property;
- (2) property of collective ownership; and
- (3) public donations and special funds used for poverty relief and other public welfare purposes.

Private property that is managed, used or under transportation by a state organ, a state-owned company or enterprise, an enterprise of collective ownership or a people's organization, is considered public property.

Article 92 For purposes of this Law, "private property owned by citizens" refers to the following property:

- (1) the lawful incomes, savings, houses and other means of livelihood, of citizens;
- (2) means of production which belong to an individual or a family in accordance with the law;
- (3) property lawfully owned by individual-run industrial and commercial households or private enterprises; and
- (4) shares, stocks, bonds and other property which belong to individuals in accordance with the law.

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Article 93 For purposes of this Law, a “state functionary” refers to a person who performs public service in a state organ.

The following are regarded as state functionaries: persons performing public service in state-owned companies, enterprises and public institutions, and people’s organizations; persons assigned by state organs and state-owned companies, enterprises and public institutions to perform public service in non-state-owned companies, enterprises and public institutions, as well as social organizations; and other persons performing public service in accordance with the law.

Article 94 For purposes of this Law, a “judicial officer” refers to a person who performs the duty of investigation, procuratorial work, adjudication, or the relevant supervision and administration.

Article 95 For purposes of this Law, a “serious injury” refers to any of the following injuries:

- (1) an injury that results in disability or disfigurement of a person;
- (2) an injury that results in the loss of a person’s hearing, sight, or the function of any other organ;
or
- (3) any other injury that causes serious harm to a person’s physical health.

Article 96 For purposes of this Law, “violation of the state regulations” refers to any violation of laws or decisions enacted by the National People’s Congress or its Standing Committee, or administrative regulations, administrative measures, decisions or orders formulated and issued by the State Council.

Article 97 For purposes of this Law, a “ringleader” refers to an offender who plays the role of an organizer, planner, or director in a criminal group or plays such a role in a crime committed by a gathered crowd.

Article 98 For purposes of this Law, the term “to be handled only upon complaint” refers to a case that will only be handled after the victim lodges a complaint. If the victim is unable to lodge a complaint because he is under coercion or intimidation, the people’s procuratorate or the victim’s close relatives may also file the complaint.

Article 99 For purposes of this Law, “not more than”, “not less than” and “within” include the given figures themselves.

Article 100 A person who has been subjected to criminal punishment in accordance with the law shall, when being enlisted in the military or seeking employment, report truthfully to the relevant entities about the punishment he received without concealment.

A person sentenced to punishment not heavier than fix-term imprisonment of 5 years who had not reached the age of 18 at the time of committing the crime is exempted from the reporting obligation provided in the preceding paragraph.

Article 101 The General Provisions of this Law are applicable to other laws containing provisions on criminal punishment, except where it is specifically provided otherwise in those laws.

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Part II Special Provisions

Chapter I Crimes of Endangering National Security

Article 102 Whoever in conspiracy with a foreign state, endangers the sovereignty, territorial integrity or security of the People's Republic of China shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years.

Whoever commits a crime as prescribed in the preceding paragraph in collusion with an overseas institution, organization or individual shall be punished according to the provisions in the preceding paragraph.

Article 103 For organizing, plotting, or carrying out any activity to split the country and undermine national unity, the ringleaders or those whose crimes are grave shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; active participants shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; and other participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

Whoever incites others to split the country and undermine national unity shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights; the ringleaders or those whose crimes are grave shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 104 In organizing, plotting, or carrying out an armed rebellion or armed riot, the ringleaders or those whose crimes are grave shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; active participants shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; and other participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

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Whoever incites, coerces, lures, or bribes a functionary of a state organ or a member of the armed forces, people's police or militia to commit armed rebellion or armed riots shall be sentenced to a heavier punishment according to the provisions in the preceding paragraph.

Article 105 In organizing, plotting, or carrying out any activity to subvert the state power or overthrow the socialist system, the ringleaders or those whose crimes are grave shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; active participants shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; other participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

Whoever incites others to subvert the state power or overthrow the socialist system by spreading rumors, slandering, or any other means shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights; in the case of a ringleader or one whose crime is grave, he shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 106 Whoever colludes with an overseas institution, organization, or individual and commits a crime as prescribed in Article 103, 104, or 105 of this Chapter shall be sentenced to a heavier punishment according to the provisions in these articles respectively.

Article 107 Where a domestic or overseas institution, organization or individual provides financial support for the commission of a crime as prescribed in Article 102, 103, 104 or 105 of this Chapter, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights. Where the circumstances are serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 108 Whoever defects to an enemy and turns traitor shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. Where the circumstances are serious or where it is a case of leading a group of the armed forces, people's police, or militia to defect to an enemy and turn traitor, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 109 A functionary of a state organ who, when discharging his public duties at home, leaves his post without permission and escapes from the country as a defector, or defects as he performs public duties abroad, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

A state functionary holding state secrets who escapes from the country as a defector or defects as he is abroad shall be sentenced to a heavier punishment according to the provisions in the preceding paragraph.

Article 110 Whoever commits any of the following acts of espionage and therefore endangers national security shall be sentenced to fixed-term imprisonment of not less than 10 years or life

imprisonment. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years:

(1) joining an espionage organization, or accepting a mission assigned by the organization or its agent; or

(2) informing an enemy of a bombing or shelling target.

Article 111 Whoever steals, spies on, or illegally purchases or provides state secrets or intelligence for an overseas organization, institution or individual shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights.

Article 112 Whoever supplies weapons, equipment or other military materials to an enemy in wartime shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 113 Whoever commits a crime of endangering national security as provided in this Chapter, if extremely serious harm is caused to the state and the people or the circumstances are extremely grave, may be sentenced to death, except for the crimes as prescribed in the second paragraph of Article 103, and in Articles 105, 107 and 109.

Whoever commits a crime as prescribed in this Chapter may concurrently be sentenced to confiscation of property.



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Chapter II Crimes of Endangering Public Security

Article 114 Whoever commits arson, breaches a dike, causes an explosion, releases poisonous or radioactive substances, pathogens of infectious diseases or other substances, or employs any other dangerous means to endanger public security, if no serious consequence is caused, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 115 Whoever commits arson, breaches a dike, causes an explosion, releases poisonous or radioactive substances, pathogens of infectious diseases or other substances, or employs any other dangerous means, therefore inflicting serious injury or death on another person or causing heavy losses to public or private property, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever negligently commits a crime as prescribed in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 116 Whoever sabotages a train, motor vehicle, tram, ship, or an aircraft in a manner likely to put it in danger of being overturned or destroyed, if no serious consequence is caused, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 117 Whoever sabotages any railroad, bridge, tunnel, highway, airport, waterway, lighthouse or sign, or conducts other destructive activities in a manner likely to put any train, motor vehicle, tram, ship, or aircraft in danger of being overturned or destroyed, if no serious consequence is caused, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 118 Whoever sabotages any electric power or gas facility or other combustible or explosive equipment, thereby endangering public security, if no serious consequence is caused, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

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Article 119 Whoever sabotages any means of transportation, transportation infrastructure, any electric power or gas facility, or other combustible or explosive equipment, if serious consequences are caused, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Whoever negligently commits a crime as prescribed in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 120 Whoever forms or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, confiscation of property; active participants in the terrorist organization shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine; other participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights, and may concurrently be fined.

Whoever commits a crime as prescribed in the preceding paragraph and also commits homicide, explosion, kidnapping or other crimes shall be punished in accordance with the provisions on combining punishments for multiple crimes.

Article 120a Whoever provides financial support for a terrorist organization or an individual conducting terrorist activities, or provides financial support for training for terrorist activities shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights, and concurrently, a fine. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine or confiscation of property.

Whoever recruits or transports personnel for a terrorist organization, or for the purpose of conducting terrorist activities or terrorist training shall be punished in accordance with the provisions in the preceding paragraph.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Article 120b Whoever falls under any of the following circumstances shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights, and concurrently, a fine. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine or confiscation of property:

- (1) preparing weapons, hazardous articles or other tools for conducting terrorist activities;
- (2) organizing or actively participating in training for terrorist activities;
- (3) contacting an overseas terrorist organization or individual for conducting terrorist activities; or

(4) plotting terrorist activities or making other preparation therefor.

Whoever commits a crime as prescribed in the preceding paragraph, which concurrently constitutes another crime shall be convicted and punished in accordance with the provisions that specify a heavier punishment.

Article 120c Whoever advocates terrorism or extremism or incites others to conduct terrorist activities by producing or distributing books, audio or video materials or other articles propagating terrorism or extremism, by providing or publicizing information, or by any other way, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights, and concurrently, a fine. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine or confiscation of property.

Article 120d Whoever, by using extremism, incites or coerces the public to disrupt the marital, judicial, educational, social management or any other system established by laws shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine or confiscation of property.

Article 120e Whoever, by violence, coercion, or by any other means, forces others to wear or adorn themselves with costumes or symbols that propagate terrorism or extremism in a public place shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine.

Article 120f Whoever illegally possesses any book, audio or video materials, or any other article, knowing that the book, audio or video materials, or article propagate(s) terrorism or extremism, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

Article 121 Whoever hijacks an aircraft by violence, coercion, or by any other means shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. Where the hijacking causes serious injuries to or the death of anyone, or serious damage to the aircraft, the offender shall be sentenced to death.

Article 122 Whoever hijacks a ship or motor vehicle by violence, coercion, or by any other means shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. Where serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 123 Whoever uses violence upon personnel on board an aircraft during a flight, thereby endangering flight safety, if no serious consequence is caused, shall be sentenced to fixed-termed imprisonment of not more than 5 years or short-term custody. If serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 124 Whoever sabotages a radio or television broadcasting facility, or public telecommunications facility, thereby endangering public safety, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. If serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years.

Whoever negligently commits a crime as prescribed in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 125 Whoever illegally manufactures, trades, transports, mails, or stores guns, ammunition, or explosives shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

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

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Article 126 An enterprise which is designated or determined in accordance with the law to manufacture or sell guns violating the regulations on gun management and committing any of the following acts shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years. Where the circumstances are serious, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years; and they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment where the consequences are especially serious:

- (1) manufacturing or selling guns over the quota or at variance with the given variety, for illegal sale;
 - (2) manufacturing guns without serial numbers, or with duplicate or fake numbers, for illegal sale;
- or
- (3) selling guns illegally, or selling guns manufactured for export within the territory People's Republic of China.

Article 127 Whoever steals or forcibly seizes guns, ammunition or explosives, or steals or forcibly seizes poisonous or radioactive substances, pathogens of infectious diseases, or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Whoever robs others of guns, ammunition or explosives, or robs others of poisonous or radioactive substances, pathogens of infectious diseases, or other substances, thereby endangering public

security, or steals or forcibly seizes guns, ammunition or explosives from a state organ, a member of the military, the police or the militia, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 128 Whoever, in violation of the regulations on gun management, illegally possesses or conceals guns or ammunition shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Where a person lawfully equipped with a gun for official use illegally leases or lends the gun, he shall be punished in accordance with the provisions in the preceding paragraph.

Where a person lawfully equipped with a gun illegally leases or lends the gun, thereby causing serious consequences, he shall be punished in accordance with the provisions in the first paragraph.

An entity committing a crime as prescribed in the second or the third paragraph of this Article shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Article 129 Where a person lawfully equipped with a gun for official use loses the gun and fails to report the loss in a timely manner, thereby causing serious consequences, he shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 130 Whoever illegally carries a gun, ammunition, a controlled knife or cutting tool, or an article of an explosive, a combustible, a radioactive, a poisonous or a corrosive nature into a public place or on public transport, thereby endangering public safety, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Article 131 Any aircrew member who violates rules or regulations and thereby causes a major air accident, if serious consequences are caused, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If it leads to an air crash or the death of any other person, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 132 A railway worker who violates rules or regulations and thereby causes a railway accident, if serious consequences are caused, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If especially serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 133 Whoever violates the laws or regulations on traffic and transportation and thereby causes a major accident, if it leads to serious injuries to or the death of any other person, or heavy losses to public or private property, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the offender flees the scene after the accident or there are other extremely grave circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. Where the fleeing causes the death of the victim of the accident, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years.

Article 133a Whoever drives a motor vehicle on the road under any of the following circumstances shall be sentenced to short-term custody and concurrently, a fine:

- (1) racing with another vehicle and the circumstances of the crime are grave;
- (2) drunk driving;
- (3) engaging in school bus service or passenger transport, and overloading the vehicle with passengers seriously exceeding the allowable limit or driving the vehicle at a speed seriously exceeding speed limits; or
- (4) transporting hazardous chemical substances in violation of the regulations on the safety management of hazardous chemicals and thereby endangering public safety.

Where the motor vehicle owner or manager is directly responsible for an act as prescribed in Subparagraph (3) or (4) of the preceding paragraph, the owner or manager shall be punished in accordance with the provisions in the preceding paragraph.

Whoever commits a crime as prescribed in the preceding two paragraphs, which concurrently constitutes another crime shall be convicted and punished in accordance with the provisions which specify a heavier punishment.

Article 133b Whoever disrupts the normal driving of a public vehicle by using violence on its driver or grabbing the steering devices, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not more than 1 year, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

Where a driver as mentioned in the preceding paragraph leaves his post on the public vehicle in operation without permission and fights with or assaults others, thereby endangering public security, the driver shall be punished in accordance with the provisions in the preceding paragraph.

Whoever commits a crime as prescribed in the preceding two paragraphs, which concurrently constitutes another crime, shall be convicted and punished in accordance with the provisions which specify a heavier punishment.

Article 134 Whoever violates the regulations on safety management in production or operation, thereby causing an accident with heavy casualties or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where the circumstances are extremely grave, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Whoever gives an order forcing another person to operate at risk in violation of rules, or continues to organize operation at risk while having clear knowledge of the latent danger which may cause a major accident but failing to remove the danger, thereby causing an accident with heavy casualties or causing other serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. Where the circumstances are extremely grave, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 134a Whoever, under any of the following circumstances, violates the regulations on safety management in production or operation and poses an actual danger of causing an accident with heavy casualties or causing other serious consequences, shall be sentenced to fixed-term imprisonment of not more than 1 year, short-term custody, or non-custodial correction:

(1) shutting down or damaging any monitoring, alarm, protection, or lifesaving equipment or facilities directly related to work safety, or tampering with, concealing, or destroying relevant data or information;

(2) refusing to implement an order of stopping production or business, stopping construction, stopping using relevant equipment, facilities or premises which is given owing to a major accident hazard, or refusing to take immediate corrective measures to remove the hazard; or

(3) without obtaining approval and licensing for matters related to work safety in accordance with the law, engaging in highly dangerous production or operation activities such as mining, metal smelting, construction, and the production, distribution, and storage of dangerous articles.

Article 135 Where the facilities or conditions for work safety fail to meet the relevant state regulations, thereby causing an accident with heavy casualties or causing other serious consequences, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where the circumstances are extremely grave, the offenders shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 135a Where a large-scale public activity is conducted in violation of regulations on safety management, thereby causing an accident with heavy casualties or causing other serious consequences, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where the circumstances are extremely grave, the offenders shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 136 Whoever violates the regulations on the control of articles of an explosive, a combustible, a radioactive, a poisonous or a corrosive nature, thereby causing a major accident in production, storage, transportation, or use of these articles, if serious consequences are caused, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 137 Where a developer, a design entity, a construction entity, or an engineering supervision entity, in violation of the state regulations, lowers the quality standards of a project, thereby causing a major accident, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. Where the consequences are especially serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

Article 138 For failing to take measures to remove a known danger in a school building or an educational or a teaching facility, or failing to report the matter in time, thereby causing a major accident with heavy casualties, the directly responsible persons shall be sentenced to fixed-term

imprisonment of not more than 3 years or short-term custody. Where the consequences are especially serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 139 For refusing to implement the notice to take corrective measures given by the supervision organ for fire prevention and control in violation of the regulations on fire prevention and control, thereby causing serious consequences, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where the consequences are especially serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 139a Whoever with the duty to report fails to report or knowingly makes a false report after the occurrence of an accident, thus delaying the rescue, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.



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Criminal Law of the People's Republic of China

Updated: 2020-12-26

Chapter III Crimes of Undermining Order of Socialist Market Economy

Section 1 Crimes of Manufacturing and Selling Fake and Substandard Goods

Article 140 Where a producer or seller mixes products with inferior or adulterated products or passes off fake products as genuine ones, defective products as good ones, or substandard products as quality ones, if the sales revenue reaches an amount of not less than RMB 50,000 yuan but not more than RMB 200,000 yuan, the offender shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody, with a fine of not less than half but not more than twice the amount of the sales revenue, or shall be sentenced to a fine on the said scale only. Where the sales revenue reaches an amount of not less than RMB 200,000 yuan but not more than RMB 500,000 yuan, the offender shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years, with a fine of not less than half but not more than twice the amount of the sales revenue. Where the sales revenue reaches an amount of not less than RMB 500,000 yuan but not more than RMB 2 million yuan, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years, with a fine of not less than half but not more than twice the amount of the sales revenue. Where the sales revenue reaches an amount of not less than RMB 2 million yuan, the offender shall be sentenced to fixed-term imprisonment of 15 years or life imprisonment, with a fine of not less than half but not more than twice the amount of the sales revenue or confiscation of property.

Article 141 Whoever produces or sells fake medicine shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. Where any serious harm is caused to human health or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. Where it causes the death of any person or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death, and concurrently, a fine or confiscation of property.

Where an employee of an entity dispensing medicine knowingly provides fake medicine for another person, the employee shall be punished in accordance with the provisions in the preceding paragraph.

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Article 142 Whoever produces or sells substandard medicine, thereby causing serious harm to human health, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. Where the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property.

Where an employee of an entity dispensing medicine knowingly provides substandard medicine for another person for use, the employee shall be punished in accordance with the provisions in the preceding paragraph.

Article 142a Whoever violates the laws or regulations on medicine administration and falls under any of the following circumstances, which is likely to cause serious harm to human health, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where any serious harm is caused to human health or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine:

- (1) producing or selling the medicine which is prohibited from use by the medical products administration under the State Council;
- (2) producing or importing medicine without obtaining relevant approval documents, or knowingly selling such medicine;
- (3) applying for medicine registration by providing fake certificates, data, materials, or samples, or by any other deceptive means; or
- (4) fabricating production or inspection records.

Whoever commits a crime as prescribed in the preceding paragraph, which concurrently constitutes another crime provided in Article 141 or 142 of this Law or any other crime, shall be convicted and punished in accordance with the provisions which specify a heavier punishment.

Article 143 Whoever produces or sells food that does not meet food safety standards, which is likely to cause a serious food poisoning accident or any other serious foodborne disease, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. Where serious harm is caused to human health or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. Where the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years or life imprisonment, and concurrently, a fine or confiscation of property.

Article 144 Whoever adds toxic or harmful non-food ingredients to food that he produces or sells or whoever knowingly sells food that is mixed with such ingredients shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine. Where serious harm is caused to human health or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. Where any death is caused or there are other especially serious circumstances, the offender shall be punished in accordance with the provisions in Article 141 of this Law.

Article 145 Whoever produces medical devices or medical hygiene products that do not meet the national or industry standards for safeguarding human health, or knowingly sells such items, which is likely to cause serious harm to human health, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, with a fine of not less than half but not more than twice the amount of the sales revenue. Where serious harm is caused to human health, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than half but not more than twice the amount of the sales revenue. Where the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than half but not more than twice the amount of the sales revenue or confiscation of property.

Article 146 Whoever produces electrical appliances, pressure ships, explosive or combustible products or other products, which do not meet the national or industry standards for protecting human or property safety, or knowingly sells such products, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years, with a fine of not less than half but not more than twice the amount of the sales revenue. Where the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, with a fine of not less than half but not more than twice the amount of the sales revenue.

Article 147 Whoever produces fake pesticides, veterinary medicine or chemical fertilizers, or knowingly sells pesticides, veterinary medicine, chemical fertilizers or seeds which are fake or are no longer effective, or passes off substandard pesticides, veterinary medicine, chemical fertilizers or seeds as quality ones, thereby causing relatively heavy losses in production, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody with a fine of not less than half but not more than twice the amount of the sales revenue, or shall be sentenced to a fine on the said scale only. If heavy losses in production are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, with a fine of not less than half but not more than twice the amount of the sales revenue. If extremely heavy losses in production are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years or life imprisonment, and concurrently, a fine of not less than half but not more than twice the amount of the sales revenue or confiscation of property.

Article 148 Whoever produces cosmetics which do not meet hygiene standards, or knowingly sells such cosmetics, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, with a fine of not less than half but not more than twice the amount of the sales revenue, or shall be sentenced to a fine on the said scale only.

Article 149 Whoever produces or sells a product as prescribed in Articles 141 to 148 of this Section with the sales revenue standing at or exceeding RMB 50,000 yuan, which, however, does not constitute a crime under the aforementioned articles, shall be convicted and punished in accordance with the provisions in Article 140 of this Section.

Whoever commits a crime under Articles 141 to 148 of this Section by producing or selling a product as prescribed in the aforementioned articles, which concurrently constitutes another crime provided in Article 140 of this Law, shall be convicted and punished in accordance with the provisions which specify a heavier punishment.

Article 150 An entity committing a crime as prescribed in Articles 140 to 148 of this Section shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding article.

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Criminal Law of the People's Republic of China

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Section 2 Crimes of Smuggling

Article 151 Whoever smuggles weapons, ammunition, nuclear materials, or counterfeit currency shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine or confiscation of property. Where the circumstances are especially serious, the offender shall be sentenced to life imprisonment and confiscation of property. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever smuggles cultural relics, gold, silver or any other precious metal, the export of which is prohibited by the state, or smuggles rare animals or the products made thereof or therefrom, the import or export of which is prohibited by the state, shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, confiscation of property. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine.

Whoever smuggles rare plants or the products made thereof or therefrom, or other goods or articles, the import or export of which is prohibited by the state, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

An entity committing a crime as prescribed in this Article shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding paragraph of this Article.

Article 152 Whoever, for the purpose of making profits or dissemination, smuggles pornographic movies, videotapes, audiotapes, pictures, books or journals, or other pornographic materials shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. Where the circumstances are serious, the offender shall be sentenced to fixed-

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term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property. Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine.

Whoever transports solid, liquid or gaseous waste into the territory of the People's Republic of China by evading the supervision and control of the customs, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine, or shall be sentenced to a fine only. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding two paragraphs of this Article shall be fined, and the directly responsible persons in charge and other directly responsible persons 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 based on the gravity of the circumstances according to the following provisions respectively:

(1) whoever smuggles goods or articles and evades a relatively large amount of payable duties, or commits smuggling again after being subjected to administrative penalty twice for smuggling within a year, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, with a fine of not less than the amount of payable duties evaded but not more than five times the amount of payable duties evaded;

(2) whoever smuggles goods or articles, if the amount of payable duties evaded is large or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than the amount of payable duties evaded but not more than five times the amount of payable duties evaded; or

(3) whoever smuggles goods or articles, if the amount of payable duties evaded is especially large or there are other especially serious circumstances, shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than the amount of payable duties evaded but not more than five times the amount of payable duties evaded, or with confiscation of property.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where the circumstances are serious, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. Where the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than 10 years.

Where a smuggler has smuggled goods or articles several times but has not been dealt with, the smuggler shall be punished on the basis of the cumulative amount of the payable duties evaded in these smuggling cases.

Article 154 Whoever commits any of the following acts of smuggling, which constitutes a crime according to the provisions in this Section, shall be convicted and punished in accordance with the provisions in Article 153 of this Law:

(1) without approval from the customs and without paying the payable duties, selling for profits within the territory of the People's Republic of China bonded goods approved for import to be used in processing, assembly, and compensatory trade, including raw and processed materials, parts, finished products, and equipment; or

(2) without approval from the customs and without paying the payable duties, selling for profits within the territory of the People's Republic of China specific imported goods or articles with reduced duties or tax exemption.

Article 155 Whoever commits any of the following acts shall be convicted of the crime of smuggling and be punished in accordance with the relevant provisions in this Section:

(1) directly and illegally purchasing from smugglers articles, the import of which is prohibited by the state, or directly and illegally purchasing from smugglers other smuggled goods or articles, with a relatively large value;

(2) transporting, purchasing or selling goods or articles, the import or export of which is prohibited by the state, in inland seas, territorial waters, or boundary rivers or lakes; or transporting, purchasing or selling without legal certificates, goods or articles, the import or export of which is restricted by the state, with a relatively large value.

Article 156 Whoever colludes with smugglers and provides them with loans, funds, accounts, invoices, or documents of proof, or with conveniences such as transportation, storage, or mailing services, shall be convicted and punished as an accomplice in smuggling.

Article 157 Whoever provides armed escorts for smuggling shall be given a heavier punishment in accordance with the provisions in the first paragraph of Article 151 of this Law.

Whoever resists, by means of violence or threat, the investigation of smuggling shall be convicted of the crime of smuggling and the crime of obstructing functionaries of a state organ in performing their duty in accordance with the law which is prescribed in Article 277 of this Law, and be punished in accordance with the provisions on combining punishments for multiple crimes.

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Criminal Law of the People's Republic of China

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Section 3

Crimes of Disrupting Order of Company and Enterprise Management

Article 158 Whoever deceives the competent company registration department and falsely declares the registered capital by using false documents of proof or other deceptive means, thus obtaining the company registration certificate, if the amount of the registered capital falsely declared is large, the consequences are serious, or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than 1 percent but not more than 5 percent of the registered capital falsely declared; or shall be sentenced to a fine on the said scale only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 159 A company promoter or shareholder who, in violation of the provisions in the Company Law, makes a false capital contribution by failing to deliver the promised cash or tangible assets or to transfer property rights, or withdraws the contributed capital after the incorporation of the company, if the amount involved is large, the consequences are serious or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than 2 percent but not more than 10 percent of the amount of his fake capital contribution or the capital contribution withdrawn; or shall be sentenced to a fine on the said scale only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Article 160 Whoever, when issuing stocks, corporate or enterprise bonds, depositary receipts, or other securities recognized by the State Council in accordance with the law, conceals important facts or fabricates major information in the prospectus for stocks, share

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subscription form, prospectus for corporate or enterprise bonds, or other issuance documents, if the amount involved is large, the consequences are serious or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where the amount involved is especially large, the consequences are especially serious or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

A controlling shareholder or an actual controller who organizes or gives instructions for the commission of an act as prescribed in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than 20 percent but not more than the amount of the illegally raised fund; or shall be sentenced to a fine on the said scale only. Where the amount involved is especially large, the consequences are especially serious, or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine of not less than 20 percent but not more than the amount of the illegally raised fund.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined not less than 20 percent but not more than the amount of the illegally raised fund, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph of this Article.

Article 161 Where a company or an enterprise obligated to disclose information in accordance with the law provides its shareholders and the general public with an accounting report which is false or conceals important facts, or fails to disclose according to the applicable regulations other important information that shall be disclosed in accordance with the law, thereby seriously harming the interests of the shareholders or other persons, or there being other serious circumstances, its directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where the circumstances are especially serious, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

A controlling shareholder or an actual controller of a company or an enterprise as prescribed in the preceding paragraph who commits, organizes or instructs others to commit an act as prescribed in the preceding paragraph, or conceals the relevant information, which results in the occurrence of the circumstances as prescribed in the preceding paragraph, shall be punished in accordance with the provisions in the preceding paragraph.

Where the controlling shareholder or actual controller committing a crime as prescribed in the preceding paragraph is an entity, the entity shall be fined, and its directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph of this Article.

Article 162 Where, in the process of liquidation, a company or an enterprise conceals its assets, records false information in its balance sheet or asset list, or distributes the assets of the company or enterprise prior to full payment of its debts, thereby seriously harming the interests of the creditors or others, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and

concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan; or shall be sentenced to a fine on the said scale only.

Article 162a Whoever conceals or deliberately destroys accounting vouchers, accounting books or accounting reports that shall be preserved in accordance with the law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan; or shall be sentenced to a fine on the said scale only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 162b Where a company or an enterprise transfers or disposes of its assets by concealing assets, undertaking fabricated debts or any other means and goes through false bankruptcy, thereby seriously harming the interests of the creditors or others, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan; or shall be sentenced to a fine on the said scale only.

Article 163 Where an employee of a company, an enterprise, or any other entity, taking advantage of his position, solicits or illegally accepts money or other forms of property from others as a price of providing benefits, if the amount involved is relatively large, he shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the amount involved is large or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, the employee shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine.

Where an employee of a company, an enterprise or any other entity, in violation of the relevant state regulations, takes advantage of his position and accepts kickbacks or service charges of any form in economic activities and takes them into his own possession, he shall be punished in accordance with the provisions in the preceding paragraph.

Where a person engaged in public duties in a state-owned company, enterprise or any other state-owned entity, or a person delegated by a state-owned company or enterprise or any other state-owned entity to a non-state-owned company or enterprise or any other non-state-owned entity to engage in public duties commits an act as prescribed in the preceding two paragraphs, the person shall be convicted and punished in accordance with the provisions in Articles 385 and 386 of this Law.

Article 164 Whoever, for seeking illicit benefits, gives money or other forms of property to an employee of a company, an enterprise or any other entity, if the amount of the money or other forms of property thus given is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the amount of money or other forms of property thus given is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Whoever, for seeking illicit commercial benefits, gives money or other forms of property to a public official of a foreign country or of a public international organization shall be punished according to the provisions in the preceding paragraph.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and its directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

A briber who voluntarily confesses to his bribery before being prosecuted may be given a mitigated punishment or be exempted from punishment.

Article 165 A director of the board or manager of a state-owned company or enterprise who, taking advantage of his office, operates for himself or another person the same business as that of the company or enterprise in which he holds a position, and obtains illegal benefits, if the amount involved is large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Article 166 An employee of a state-owned company, enterprise, or public institution who, taking advantage of his position, commits any of the following acts, thereby causing heavy losses to the interests of the state, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where extremely heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine:

- (1) turning operation of the profitable business of the state-owned company, enterprise, or the public institution over to his relatives or friends;
- (2) purchasing commodities from an entity operated and managed by his relatives or friends at a price manifestly higher than the market price, or selling commodities to an entity operated and managed by his relatives or friends at a price manifestly lower than the market price; or
- (3) purchasing substandard commodities from an entity operated and managed by his relatives or friends.

Article 167 Where in the process of signing or fulfilling a contract, a person of a state-owned company, enterprise or public institution, who is directly in charge is defrauded due to serious remissness in his duty, thereby causing heavy losses to the interests of the state, he shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where extremely heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 168 Where an employee of a state-owned company or enterprise causes the bankruptcy of or heavy losses to the company or enterprise due to serious remissness in his duty or abuse of his office, if heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If extremely heavy losses are caused

to the interests of the state, he shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

An employee of a state-owned public institution committing a crime as prescribed in the preceding paragraph, thereby causing heavy losses to the interests of the state, shall be punished in accordance with the provisions in the preceding paragraph.

An employee of a state-owned company, enterprise or public institution practicing favoritism and irregularities and committing a crime as prescribed in the preceding two paragraphs shall be given a heavier punishment in accordance with the provisions in the first paragraph.

Article 169 Where a person who is directly in charge of a state-owned company or enterprise, or a department superior to and in charge of such companies or enterprises practices favoritism and irregularities and converts state-owned assets to shares at a low price or sells the assets at a low price, thereby causing heavy losses to the interests of the state, he shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where extremely heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 169a Where a director of the board, supervisor or senior manager of a listed company, in violation of his fiduciary duty to the company, takes advantage of his office and manipulates the company to engage in any of the following acts, thereby causing heavy losses to the interests of the company, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where extremely heavy losses are caused to the interests of the company, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine:

- (1) providing funds, commodities, services or other assets for another entity or individual for free;
- (2) providing or accepting funds, commodities, services or other assets under obviously unfair conditions;
- (3) providing funds, commodities, services or other assets for an entity or individual that obviously does not have the ability of repayment;
- (4) providing a guaranty for an entity or individual that obviously does not have the ability of repayment, or providing a guaranty for an entity or individual without a justifiable reason;
- (5) waiving the creditor's right or undertaking a debt without a justifiable reason; or
- (6) harming the interests of the listed company by any other means.

Where a controlling shareholder or an actual controller of a listed company instructs a director of the board, supervisor, or senior manager of the listed company to commit an act as prescribed in the preceding paragraph, the controlling shareholder or actual controller shall be punished in accordance with the provisions in the preceding paragraph.

Where the controlling shareholder or actual controller of the listed company which commits a crime as prescribed in the preceding paragraph is an entity, the entity shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

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Criminal Law of the People's Republic of China

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Section 4

Crimes of Undermining Order of Financial Management

Article 170 Whoever counterfeits currency shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine; and shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property under any of the following circumstances:

- (1) being a ringleader of a currency-counterfeiting organization;
- (2) having counterfeited currency in an especially large amount; or
- (3) there being other especially serious circumstances.

Article 171 Whoever sells or purchases counterfeit currency or knowingly transports counterfeit currency, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

An employee of a bank or any other financial institution who purchases counterfeit currency or, by taking advantage of his position, exchanges counterfeit currency for genuine one, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. Where the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan, or confiscation of property.

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Where the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, or shall be sentenced to a fine on the said scale only.

Whoever counterfeits currency and sells or transports the currency counterfeited shall be convicted and given a heavier punishment in accordance with the provisions in Article 170 of this Law.

Article 172 Whoever knowingly possesses or uses counterfeit currency, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, or shall be sentenced to a fine on the said scale only. If the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

Article 173 Whoever alters the currency, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, or shall be sentenced to a fine on the said scale only. If the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan.

Article 174 Whoever, without approval from the competent departments of the state, establishes any commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or any other financial institution, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan, or shall be sentenced to a fine on the said scale only. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan.

Whoever forges, alters or transfers the business license or any other approval document of any commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company or any other financial institution shall be punished in accordance with the provisions in the preceding paragraph.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Article 175 Whoever, for the purpose of making profits, fraudulently obtains funds via credit from a financial institution and relends them to another at a higher rate, if the amount of illegal gains is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, with a fine of not less than the amount of but not more than five times the illegal gains. If the amount of illegal gains is large, the offender shall be sentenced to fixed-term

imprisonment of not less than 3 years but not more than 7 years, with a fine of not less than the amount of but not more than five times the illegal gains.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 175a Whoever obtains a loan, an acceptance of a negotiable instrument, a letter of credit, or a letter of guarantee, etc., from a bank or any other financial institution by deceptive means, thereby causing heavy losses to the bank or this financial institution, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where extremely heavy losses are caused to the bank or this financial institution or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 176 Whoever illegally absorbs savings from the public or does so in a disguised form, thereby disrupting the financial order, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. Where the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Whoever commits an act as prescribed in the preceding two paragraphs but proactively returns the illegally obtained savings or makes compensation to mitigate the damage before being prosecuted may be given a lighter or mitigated punishment.

Article 177 Whoever forges or alters a financial document or instrument under any of the following circumstances shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan, or shall be sentenced to a fine on the said scale only. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property:

(1) forging or altering a bill of exchange, promissory note or cheque;

(2) forging or altering any other bank settlement document, such as a certificate of entrusted collection of payments, a certificate of remittance, and a certificate of bank deposits;

(3) forging or altering a letter of credit or a bill or document attached to a letter of credit; or

(4) forging a credit card.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 177a Whoever hinders the management of credit cards under any of the following circumstances shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, or shall be sentenced to a fine on the said scale only. Where the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan:

(1) knowingly possessing or transporting a forged credit card, or knowingly possessing or transporting a relatively large quantity of forged blank credit cards;

(2) illegally holding a relatively large quantity of credit cards of others;

(3) obtaining a credit card by using a false identity certification; or

(4) selling, purchasing, or providing others with forged credit cards or credit cards obtained with false identity certifications.

Whoever steals, purchases or illegally provides credit card information of others shall be punished in accordance with the provisions in the preceding paragraph.

An employee of a bank or any other financial institution who, by taking advantage of his position, commits a crime as prescribed in the second paragraph shall be given a heavier punishment.

Article 178 Whoever forges or alters any certificate of treasury securities or other securities issued by the state, where the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan, or shall be sentenced to a fine on the said scale only. Where the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. Where the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

Whoever forges or alters certificates of shares, enterprise bonds, or corporate bonds, where the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than

3 years or short-term custody, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, or shall be sentenced to a fine on the said scale only. Where the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding two paragraphs.

Article 179 Whoever, without approval from the competent departments of the state, issues shares, enterprise bonds, or corporate bonds, where the amount involved is large, the consequences are serious, or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than 1 percent but not more than 5 percent of the illegally raised funds, or shall be sentenced to a fine on the said scale only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Article 180 Where an insider who holds inside information on securities or futures transactions or a person who illegally obtains such information, prior to the release of the information related to the issuance of securities, transactions of securities or futures, or other information that has a significant impact on the transaction prices of the securities or futures, buys or sells such securities, engages in the futures transaction related to the inside information, leaks such information, or explicitly or implicitly advises others to engage in the aforesaid transaction activities, the insider or this person shall, where the circumstances are serious, be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and, concurrently, a fine of not less than the amount of but not more than five times the illegal gains, or shall be sentenced to a fine on the said scale only. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than the amount of but not more than five times the illegal gains.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Inside information and insiders as mentioned above shall be determined in accordance with the relevant laws and administrative regulations.

A practitioner of any stock exchange, futures exchange, securities company, futures brokerage company, fund management company, commercial bank, insurance company or any other financial institution, or an employee of the relevant regulatory department or industry association who, in violation of the relevant regulations, by using undisclosed information other than inside information which the offender has learned by virtue of his position, engages in securities or futures transactions involving the said information, or explicitly or implicitly advises another person to engage in the relevant transaction activities, where the circumstances are serious, shall be punished in accordance with the provisions in the first paragraph.

Article 181 Whoever fabricates and spreads false information that affects securities or futures transactions, thereby disrupting the securities or futures market and causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, or shall be sentenced to a fine on the said scale only.

A practitioner of a stock exchange, futures exchange, securities company, or futures brokerage company, or an employee of the securities industry association, the futures industry association or the relevant securities and futures regulatory department who deliberately provides false information, or forges, alters or destroys transaction records in order to induce investors to buy or sell securities or futures contracts, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, or shall be sentenced to a fine on the said scale only. Where the circumstances are extremely grave, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Article 182 Whoever manipulates the securities or futures market, thereby affecting the prices or quantities of securities or futures transactions by the following means, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine:

- (1) carrying out combined or successive purchases or sales independently or in collusion with other persons by building up an advantage in terms of funds, shareholding, position, or information;
- (2) colluding with other persons to trade securities or futures at preconcerted time and price through preconcerted method;
- (3) trading securities between accounts actually controlled by himself, or trading futures contracts with himself as the counterpart;
- (4) placing and withdrawing orders of securities or futures contracts frequently or in a large volume without the intent of filling the order;
- (5) inducing investors to conduct securities or futures trading using false or uncertain material information;
- (6) making public evaluations, forecasts or investment recommendations on certain securities or issuers, or certain underlying assets, while making reverse securities or futures trading; or
- (7) using other means to manipulate the securities or futures markets.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 183 An employee of an insurance company who, taking advantage of his position, intentionally fabricates a non-existing accident and settles a false claim thereupon, thereby obtaining the insurance proceeds for his own possession, shall be convicted and punished in accordance with the provisions in Article 271 of this Law.

An employee of a state-owned insurance company or a person assigned by a state-owned insurance company to perform public duties in a non-state-owned insurance company committing an act as prescribed in the preceding paragraph shall be convicted and punished in accordance with the provisions in Articles 382 and 383 of this Law.

Article 184 An employee of a bank or any other financial institution who, in conducting financial business, solicits or illegally accepts money or other forms of property from others as a price of providing benefits, or, in violation of the relevant state regulations, accepts kickbacks or service charges under various names and takes them into his own possession, shall be convicted and punished in accordance with the provisions in Article 163 of this Law.

An employee of a state-owned financial institution or a person assigned by a state-owned financial institution to perform public duties in a non-state-owned financial institution committing an act as prescribed in the preceding paragraph shall be convicted and punished in accordance with the provisions in Articles 385 and 386 of this Law.

Article 185 An employee of any commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company or any other financial institution who, by taking advantage of his position, misappropriates funds belonging to the said institution or its customers shall be convicted and punished in accordance with the provisions in Article 272 of this Law.

An employee of a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company or any other state-owned financial institution or a person assigned by a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company or any other state-owned financial institution to perform public duties in a non-state-owned institution as listed in the preceding paragraph committing an act as prescribed in the preceding paragraph shall be convicted and punished in accordance with the provisions in Article 384 of this Law.

Article 185a Any commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company or any other financial institution that, in violation of its fiduciary duty, uses the funds of its customers or other entrusted property, or trust property, if the circumstances are serious, shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, with a fine of not less than RMB 30,000 yuan but not more than RMB 300,000 yuan. Where the circumstances are especially serious, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan.

Where a social security fund management institution, a housing provident fund management institution or any other public fund management institution, or an insurance company, an insurance asset management company, or a securities investment fund management company uses funds in violation of the relevant state regulations, the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 186 An employee of a bank or any other financial institution who grants loans in violation of the relevant state regulations, where the amount involved is large or heavy losses are caused, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan. Where the amount involved is especially large or extremely heavy losses are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan.

An employee of a bank or any other financial institution who grants loans to his connections in violation of the relevant state regulations shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding two paragraphs.

The connections mentioned above shall be determined in accordance with the Law of the People's Republic of China on Commercial Banks and the relevant financial regulations.

Article 187 An employee of a bank or any other financial institution who absorbs funds from its customers without entering these funds into the corresponding account book of the bank or this financial institution, where the amount involved is large or heavy losses are caused, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. Where the amount involved is especially large or extremely heavy losses are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 188 An employee of a bank or any other financial institution who, in violation of the relevant regulations, issues to others letters of credit or other letters of guarantee, negotiable instruments, certificates of deposits, or certificates of financial standing, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. Where the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in

accordance with the provisions in the preceding paragraph.

Article 189 An employee of a bank or any other financial institution who, in dealing with instruments, accepts, pays for, or provides a guarantee for negotiable instruments which do not conform to the provisions in the Law on Negotiable Instruments, thereby causing heavy losses, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. Where extremely heavy losses are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 190 A company, an enterprise, or any other entity that, in violation of the relevant state regulations, deposits foreign exchange overseas without authorization, or illegally transfers foreign exchange overseas, where the amount involved is relatively large, shall be fined not less than 5 percent but not more than 30 percent of the amount of the evaded foreign exchange, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. Where the amount is large or there are other serious circumstances, the entity shall be fined not less than 5 percent but not more than 30 percent of the amount of the evaded foreign exchange, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 191 Where a person commits any of the following acts to cover up or conceal the source or nature of the gains, as well as the proceeds derived therefrom, of drug-related crime, organized crime of a gang nature, crime of terrorism, crime of smuggling, crime of corruption or bribery, crime of undermining the order of financial management, or crime of financial fraud, the aforesaid criminal gains and proceeds derived therefrom shall be confiscated and in the meantime, the offender shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. Where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine:

- (1) providing bank accounts;
- (2) converting property into cash, negotiable instruments, or securities;
- (3) transferring funds by remittance or in any other manner of payment and settlement;
- (4) transferring assets across the border; or
- (5) covering up or concealing, by any other means, the source and nature of criminal gains and proceeds.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Section 5 Crimes of Financial Fraud

Article 192 Whoever, for the purpose of illegal possession, unlawfully raises funds by fraudulent means, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. If the amount involved is large or if there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years or life imprisonment, and concurrently, a fine or confiscation of property.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 193 Whoever, for the purpose of illegal possession, commits any of the following acts to defraud a bank or any other financial institution of loans, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property:

- (1) fabricating a cause, such as attracting investment and introducing a project;
- (2) using a false economic contract;
- (3) using a false document of proof;
- (4) using a false certificate of property right as a guaranty, or repeatedly using the same property as guaranties in excess of its value; or
- (5) obtaining loans by any other fraudulent means.

Article 194 Whoever commits fraud in relation to negotiable instruments in any of the following ways, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property:

- (1) knowingly using a forged or an altered bill of exchange, promissory note or cheque;

- (2) knowingly using an invalidated bill of exchange, promissory note or cheque;
- (3) using a bill of exchange, promissory note or cheque in the name of another person or entity without authorization;
- (4) issuing a rubber cheque or a cheque on which the seal is not in conformity with the reserved specimen seal, in order to obtain money or other forms of property; or
- (5) in the capacity of a drawer, issuing a bill of exchange or promissory note not backed by funds, or falsely specifying the particulars thereon at the time of issue, in order to obtain money or other forms of property.

Whoever uses a forged or an altered bank settlement document, such as the certificate of entrusted collection of payments, the certificate of remittance and the certificate of deposits, shall be punished in accordance with the provisions in the preceding paragraph.

Article 195 Whoever commits fraud in relation to a letter of credit in any of the following ways shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property:

- (1) using a forged or an altered letter of credit, or a forged or an altered bill or document attached to a letter of credit;
- (2) using an invalidated letter of credit;
- (3) obtaining a letter of credit by fraud; or
- (4) committing fraud in relation to a letter of credit by any other means.

Article 196 Whoever commits credit card fraud in any of the following ways, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than 20,000 yuan but not more than 200,000 yuan. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than 50,000 yuan but not more than 500,000 yuan or confiscation of property:

- (1) using a forged credit card, or using a credit card obtained with a false identity certification;
- (2) using an invalidated credit card;

(3) using another's credit card without authorization; or

(4) malicious overdraft.

"Malicious overdraft" as mentioned in the preceding paragraph refers to the situation where a credit card holder who, for the purpose of illegal possession, draws the account beyond the limit or defaults in paying the debt, and still refuses to make the repayment after the issuing bank gives a notice urging him to pay.

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

Article 197 Whoever commits fraud by using forged or altered certificates of treasury bonds or any other securities issued by the state, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

Article 198 Whoever commits insurance fraud in any of the following ways, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than RMB 10,000 yuan but not more than RMB 100,000 yuan. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan or confiscation of property:

(1) a policyholder obtaining insurance proceeds through deliberate falsification of the subject matter of the insurance;

(2) a policyholder, an insured or a beneficiary obtaining insurance proceeds by fabricating the cause of an accident or overstating the extent of losses;

(3) a policyholder, an insured or a beneficiary obtaining insurance proceeds by making up an accident that never occurred;

(4) a policyholder or an insured obtaining insurance proceeds by deliberately causing an accident which results in property damage; or

(5) a policyholder or a beneficiary obtaining proceeds by deliberately causing the death, disability or illness of the insured.

Whoever commits a crime listed in Subparagraph (4) or (5) of the preceding paragraph, which concurrently constitutes another crime, shall be punished in accordance with the provisions on combining punishments for multiple crimes.

An entity committing a crime as prescribed in the first paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the amount involved is especially large or there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years.

Any insurance appraiser, witness or property assessor of an accident who deliberately provides false documents of proof, thus facilitating others in committing insurance fraud, shall be convicted as an accomplice and be punished as such.

Article 199 (repealed)

Article 200 An entity committing a crime as prescribed in Article 194 or 195 of this Section shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and may concurrently be fined. If the amount involved is large or there are other serious circumstances, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine.

Section 6

Crimes of Undermining Administration of Tax Collection

Article 201 A taxpayer who files a false tax return or fails to file a tax return by means of deception or concealment to evade taxes, if the amount of evaded tax is relatively large and accounts for not less than 10 percent of the total payable taxes, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the amount of evaded tax is large and accounts for not less than 30 percent of the total payable taxes, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years and concurrently, a fine.

Where a withholding agent, by using a means as prescribed in the preceding paragraph, fails to pay or underpays the taxes which this agent has withheld or collected, if the amount involved is relatively large, the withholding agent shall be punished in accordance with the provisions in the preceding paragraph.

Whoever has committed acts as prescribed in the preceding two paragraphs multiple times but has not been dealt with for such acts shall be punished on the basis of the cumulative total tax evaded.

Whoever has committed an act as prescribed in the first paragraph, but has paid the taxes in arrears and the surcharge thereon after receiving a recovery notice issued by the tax authorities in accordance with the law, and has already been subjected to an administrative penalty, shall not be held criminally liable except when, within the last 5 years, the person has received criminal punishment for tax evasion or has been given an administrative penalty by the tax authorities twice or more times for tax evasion.

Article 202 Whoever resists paying taxes by means of violence or threat shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, with a fine of not less than the amount of but not more than five times the amount of the tax he resists to pay. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, with a fine of not less than the amount of but not more than five times the amount of the tax he resists paying.

Article 203 Any taxpayer who fails to pay the payable tax and transfers or conceals property, as a result of which the tax authorities are unable to collect the tax in arrears, if the amount of the delinquent tax is not less than RMB 10,000 yuan but not more than RMB 100,000 yuan, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than the amount of the delinquent tax but not more than five times the amount, or shall be sentenced to a fine on the said scale only. If the amount of the delinquent tax is over RMB 100,000 yuan, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, with a fine of not less than the amount of the delinquent tax but not more than five times the amount.

Article 204 Whoever, by filing a false export declaration or by any other deceptive means, obtains from the state an export tax refund, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, with a fine of not less than the amount obtained by fraud but not more than five times the amount. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, with a fine of not less than the amount obtained by fraud but not more than five times the amount. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than the amount obtained by fraud but not more than five times the amount, or confiscation of property.

Any taxpayer who, after paying the taxes, adopts a deceptive means as prescribed in the preceding paragraph to obtain a tax refund shall be convicted and punished in accordance with the provisions in Article 201 of this Law, and for the amount obtained by fraud that exceeds what has been paid, the offender shall be punished in accordance with the provisions in the preceding paragraph.

Article 205 Whoever makes out false value-added tax invoices or other false invoices to obtain an export tax refund or to offset payable taxes shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the amount of the taxes indicated in the false invoices is relatively large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the amount of the taxes indicated in the false invoices is large or there are other especially serious circumstances, the offender shall be sentenced

to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

An entity committing a crime as prescribed in this Article shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the amount of the taxes indicated in the false invoices is relatively large or there are other serious circumstances, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If the amount of the taxes indicated in the false invoices is large or there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Making out false value-added tax invoices or any other false invoices to obtain an export tax refund or to offset payable taxes refers to the act of making out such false invoices for another or for oneself, asking another to make out such false invoices for oneself, or recommending another to make out such false invoices.

Article 205a Whoever makes out false invoices other than those specified in Article 205 of this Law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 206 Whoever forges value-added tax invoices or sells forged ones shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the number of invoices or the amount of taxes indicated is relatively large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the number of invoices or the amount of taxes indicated is large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

An entity committing a crime as prescribed in this Article shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If the number of invoices or the amount of taxes indicated is relatively large or there are other serious circumstances, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If the number of invoices or the amount of taxes indicated large or there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 207 Whoever illegally sells value-added tax invoices shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the number of invoices or the amount of taxes indicated is relatively large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the number of invoices or the amount of taxes indicated is large, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

Article 208 Whoever illegally purchases value-added tax invoices or purchases forged value-added tax invoices shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan, or shall be sentenced to a fine on the said scale only.

Whoever, after illegally purchasing value-added tax invoices or purchasing forged value-added tax invoices, makes out such invoices or sells them shall be convicted and punished in accordance with the provisions in Article 205, 206 or 207 of this Law correspondingly.

Article 209 Whoever forges, or makes without authorization, other invoices which can be used to obtain an export tax refund or to offset payable taxes, or sells such invoices shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, with a fine of not less than RMB 20,000 yuan but not more than RMB 200,000 yuan. If the number of invoices or the amount of taxes indicated is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan. If the number of invoices involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan or confiscation of property.

Whoever forges, or makes without authorization, invoices other than the ones specified in the preceding paragraph, or sells the said invoices shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or non-custodial correction, and concurrently, a fine of not less than RMB 10,000 yuan but not more than RMB 50,000 yuan, or shall be sentenced to a fine on the said scale only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years, with a fine of not less than RMB 50,000 yuan but not more than RMB 500,000 yuan.

Whoever illegally sells other invoices which can be used to obtain an export tax refund or to offset payable taxes shall be punished in accordance with the provisions in the first paragraph.

Whoever illegally sells invoices other than the ones specified in the third paragraph shall be punished in accordance with the provisions in the second paragraph.

Article 210 Whoever steals value-added tax invoices or other invoices which can be used to obtain an export tax refund or to offset payable taxes shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

Whoever obtains, by fraudulent means, value-added tax invoices or other invoices which can be used to obtain an export tax refund or to offset payable taxes shall be convicted and punished in accordance with the provisions in Article 266 of this Law.

Article 210a Whoever knowingly holds a relatively large number of forged invoices shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the number of invoices or the amount of taxes indicated is large, the offender shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 211 An entity committing a crime as prescribed in Article 201, 203, 204, 207, 208 or 209 of this Section shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding article of this Section.

Article 212 Whoever commits a crime as prescribed in Articles 201 to 205 and is sentenced to a fine or confiscation of property shall be so punished after the tax authorities have recovered the delinquent tax and the fraudulent export tax refund.

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Section 7

Crimes of Infringing on Intellectual Property Rights

Article 213 Whoever, without permission of the right holder of a registered trademark, uses a trademark representation which is identical with the registered trademark on the same kind of commodities or services, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Article 214 Whoever knowingly sells counterfeit commodities bearing another's registered trademark, if the amount of illegal gains is relatively large or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 3 years, and concurrently, a fine, or shall be sentenced to a fine only. If the amount of illegal gains is large, or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Article 215 Whoever forges, or makes without authorization of the right holder, representations of a registered trademark, or sells such representations, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Article 216 Whoever uses the patent of another without authorization, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Article 217 Whoever, for the purpose of making profits, commits any of the following acts infringing on copyrights or copyright-related rights, if the amount of illegal gains is relatively large or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than

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3 years, and concurrently, a fine, or shall be sentenced to a fine only. If the amount of illegal gains is large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine:

- (1) reproducing, distributing, or disseminating to the public through information network the written works, music, works of fine arts, audiovisual works, computer software, or other works prescribed by laws or administrative regulations, without permission of the copyright owner;
- (2) publishing a book of which the exclusive right of publication is enjoyed by another;
- (3) reproducing, distributing, or disseminating to the public through information network a sound or video recording, without permission of the producer;
- (4) reproducing or distributing sound or video recordings of a performance or making the performance available to the public through information network, without permission of the performer;
- (5) producing or selling a work of fine art with a forged signature of a painter; or
- (6) intentionally circumventing or destroying the technological measures which are adopted by a copyright owner or copyright-related right holder to protect the copyright or copyright-related rights on a work or on a sound or video recording, etc., without permission of the copyright owner or copyright-related right holder.

Article 218 Whoever, for the purpose of making profits, knowingly sells works reproduced which infringe on the copyright or copyright-related rights as mentioned in Article 217 of this Law, if the amount of illegal gains is large or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine, or shall be sentenced to a fine only.

Article 219 Whoever commits any of the following acts infringing on business secrets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine:

- (1) obtaining a right holder's business secrets by theft, bribing, fraud, coercion, electronic intrusion, or by any other unjustifiable means;
- (2) disclosing, using, or allowing another to use the business secrets obtained from the right holder by the means as mentioned in the preceding paragraph; or
- (3) disclosing, using, or allowing another to use the business secrets one has learned, by breaching his confidentiality obligation or by going against the right holder's demand for keeping said business secrets confidential.

Whoever, knowing that the business secrets fall under the circumstances specified in the preceding paragraph, obtains, discloses, uses, or allows another to use such business secrets, shall be deemed

an offender who infringes on business secrets.

Right holders as mentioned in this Article refer to the owner of business secrets and the authorized users of the business secrets.

Article 219a Whoever acquires through theft or spying, or illegally purchases or provides business secrets for an overseas institution, organization or individual shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

Article 220 An entity committing a crime as prescribed in Articles 213 to 219a of this Section shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding article of this Section.

Section 8

Crimes of Disrupting Market Order

Article 221 Whoever fabricates facts and spreads misinformation to damage another's business goodwill or commodity reputation, if heavy losses are caused to the victim or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Article 222 Any advertiser, advertisement agency, or advertisement publisher that, in violation of the state regulations, promotes commodities or services by false advertising, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Article 223 Bidders who act in collusion with each other in offering bid prices, thus harming the interests of a bid-inviter or of other bidders, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Where a bidder and a bid-inviter act in collusion with each other in a bidding, thus harming the lawful interests of the state, the collective, or citizens, they shall be punished in accordance with the provisions in the preceding paragraph.

Article 224 Whoever, when concluding or performing a contract, commits any of the following acts to defraud the other party of money or other forms of property for the purpose of illegal possession, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property:

(1) signing a contract in the name of a non-existent entity, or in the name of someone else without authorization;

(2) offering as a guaranty a forged, an altered, or an invalidated negotiable instrument or any other false property right certificate;

(3) inducing the other party to continue to sign and perform a contract by way of fulfilling part of the contract or a contract of small value, while having no fulfilling ability;

(4) absconding after receiving the goods, payment for goods, advanced payments, or property as a guaranty from the other party; or

(5) defrauding the other party of money or other forms of property by any other means.

Article 224a Whoever obtains money or other forms of property at the price of disrupting economic and social order by organizing or leading pyramid selling activities that are conducted under the guise of business activities of selling goods, providing services, or the like, in which people are demanded to pay fees or purchase goods or services, etc., in order to join as members, and are arranged in a hierarchy according to a certain order, with their remuneration or the return of profits directly or indirectly based on the number of new members they bring in, so that they are induced or even coerced to continue to introduce others as new members, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

Article 225 Whoever, in violation of the state regulations, commits any of the following illegal acts in business operation, thus disrupting market order, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine of not less than the amount of illegal gains but not more than five times the amount, or shall be sentenced to a fine on the said scale only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, with a fine of not less than the amount of illegal gains but not more than five times the amount, or confiscation of property:

(1) dealing, without permission, in goods that are designated by laws or administrative regulations to be operated or sold in a monopoly way, or in other goods the trading of which is restricted;

(2) buying or selling an import or export license, certificate of origin, or any other business license or approval paper prescribed by laws or administrative regulations;

(3) illegally conducting stock, futures or insurance business, or illegally engaging in payment and settlement business, without approval from the competent department of the state; or

(4) any other illegal act in business operation that seriously disrupts market order.

Article 226 Whoever commits any of the following acts by violence or threat, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are

especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine:

- (1) forcing another to buy or sell commodities;
- (2) forcing another to provide or accept services;
- (3) forcing another to participate in or withdraw from bidding or auction;
- (4) forcing another to transfer or acquire shares, bonds, or other assets of a company or an enterprise; or
- (5) forcing another to participate in or withdraw from specific business activities.

Article 227 Whoever counterfeits train or ship tickets, stamps or other tickets of value or resells such tickets or stamps for profits, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or non-custodial correction, and concurrently, a fine of not less than the value of the tickets but not more than five times the value, or shall be sentenced to a fine on the said scale only. If the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years, with a fine of not less than the value of the tickets but not more than five times the value.

Whoever resells train or ship tickets for profits, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine of not less than the value of the tickets but not more than five times the value, or shall be sentenced to a fine on the said scale only.

Article 228 Whoever, in violation of the provisions in laws or regulations on land administration, illegally transfers or resells the land-use right to make profits, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine of not less than 5 percent but not more than 20 percent of the transaction price, or shall be sentenced to a fine on the said scale only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, with a fine of not less than 5 percent but not more than 20 percent of the transaction price.

Article 229 An employee of an intermediary agency undertaking the duty of asset appraisal, capital verification, validation, accounting, auditing, serving as a sponsor, or providing legal service, safety evaluation, environmental impact assessment, environmental monitoring, etc. who deliberately provides false documents of proof, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. Under any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine:

- (1) providing a false document of proof on asset appraisal, accounting, auditing or legal service, a false sponsor letter, or other false documents of proof related to the issuance of securities, and the circumstances are especially serious;

(2) providing a false document of proof on asset appraisal, accounting or auditing, or other false documents of proof related to major asset transactions, and the circumstances are especially serious; or

(3) providing a false document of proof on safety evaluation, environmental impact assessment, or the like for a major project or program which concerns public safety, thus causing extremely heavy losses to public property or the interests of the state or the people.

Whoever commits a crime in the preceding paragraph and, in the meantime, solicits or illegally accepts money or other forms of property from another, which also constitutes a crime, shall be convicted and sentenced according to the provisions which specify a heavier punishment.

Whoever as mentioned in the first paragraph is seriously remiss in his duty and produces a document of proof that contains a major misrepresentation, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Article 230 Whoever, in violation of the provisions in the Law on Import and Export Commodity Inspection, evades commodity inspection and sells or uses the import goods without due inspection by any commodity inspection agency, or exports goods yet to be proven qualified through due inspection by the commodity inspection agency, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Article 231 An entity committing a crime as prescribed in Articles 221 to 230 of this Section shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding article of this Section.

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Criminal Law of the People's Republic of China

Updated: 2020-12-26

Chapter IV Crimes of Infringing on Citizens' Personal Rights and Democratic Rights

Article 232 Whoever intentionally commits homicide shall be sentenced to death, life imprisonment, or fixed-term imprisonment of not less than 10 years. If the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 233 Whoever negligently causes the death of another person shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. If the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years. Where it is provided otherwise in other provisions of this Law, such provisions shall prevail.

Article 234 Whoever intentionally inflicts bodily harm on another shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Whoever commits a crime as prescribed in the preceding paragraph, thereby causing serious injuries to another, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If the offender causes the death of another or, by resorting to especially cruel means, causes serious injuries to another to the extent of severely disabling that person, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. Where it is provided otherwise in other provisions of this Law, such provisions shall prevail.

Article 234a Whoever organizes others to sell human organs shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine or confiscation of property.

Whoever removes another person's organ without the person's consent, removes an organ of a person under the age of 18, or forces or deceives another person into donating his organ shall be convicted and punished in accordance with the provisions in Article 234 or Article 232 of this Law.

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Whoever removes a deceased person's organ against the person's express wishes before his death or, in the absence of a person's consent before his death, removes the dead person's organ against the will of the person's close relatives in violation of the state regulations, shall be convicted and punished in accordance with the provisions in Article 302 of this Law.

Article 235 Whoever negligently inflicts bodily harm on a person and causes serious injuries to that person shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. Where it is provided otherwise in other provisions of this Law, such provisions shall prevail.

Article 236 A man who rapes a woman by violence, coercion, or other means, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

A man who has sexual intercourse with a girl under the age of 14 shall be convicted of rape and be given a heavier punishment.

A man who rapes a woman or has sexual intercourse with an underage girl, if there is any of the following circumstances, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death:

- (1) raping a woman or having sexual intercourse with an underage girl, where the circumstances are grave;
- (2) raping several women or having sexual intercourse with several underage girls;
- (3) publicly raping a woman or having sexual intercourse with an underage girl in a public place;
- (4) gang-raping committed by two or more men;
- (5) having sexual intercourse with a girl under the age of 10, or causing injuries to an underage girl;
or
- (6) causing serious injuries to or the death of the victim, or other serious consequences.

Article 236a A man who, being the guardian, adoptive parent or caretaker of a girl aged 14 or above and under the age of 16, being responsible for the education or medication thereof, or owing other special duties to such a girl, has sexual intercourse with her, shall be sentenced to fixed-term imprisonment of not more than 3 years. If the circumstances are grave, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Whoever commits a crime as prescribed in the preceding paragraph, which also constitutes a crime under the provisions in Article 236 of this Law, shall be convicted and punished in accordance with the provisions that specify a heavier punishment.

Article 237 Whoever forcibly molests another person or insults a woman by violence, coercion, or other means, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Whoever attends a gathering and commits a crime as prescribed in the preceding paragraph or publicly commits such a crime in a public place, or where there are other grave circumstances, this person shall be sentenced to fixed-term imprisonment of not less than 5 years.

Whoever molests a child shall be sentenced to fixed-term imprisonment of not more than 5 years. If there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years:

- (1) molesting several children, or molesting a child several times;
- (2) attending a gathering to molest a child or publicly molesting a child in a public place, where the circumstances are grave;
- (3) causing injuries to a child or other serious consequences; or
- (4) molesting a child by abominable means, or where there are other grave circumstances.

Article 238 Whoever unlawfully detains another person or illegally deprives another person of his personal freedom by any other means shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights. If there are circumstances of assaulting or insulting the victim, the offender shall be given a heavier punishment.

Whoever commits a crime as prescribed in the preceding paragraph, thereby causing serious injuries to the victim, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If it causes the death of the victim, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years. If the offender uses violence and thereby causes injury to, disability of or the death of the victim, the offender shall be convicted and punished in accordance with the provisions in Article 234 or Article 232 of this Law.

Whoever unlawfully confines or detains another person for debt collection shall be punished in accordance with the provisions in the preceding two paragraphs.

A functionary of a state organ who commits a crime as prescribed in the preceding three paragraphs by taking advantage of his office shall be given a heavier punishment in accordance with the provisions in the preceding three paragraphs.

Article 239 Whoever kidnaps another person for ransom or kidnaps another person as a hostage shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property. If the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

Whoever commits a crime as prescribed in the preceding paragraph and kills the kidnapped person, or intentionally inflicts bodily harm on the kidnapped person, thereby causing serious injuries to or the death of the person, shall be sentenced to life imprisonment or death, and concurrently, confiscation of property.

Whoever steals an infant or a child for ransom shall be punished in accordance with the preceding two paragraphs.

Article 240 Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. If there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property. If the circumstances are especially serious, the offender shall be sentenced to death, and concurrently, confiscation of property:

- (1) being the ringleader of a criminal group engaged in the abduction and trafficking of women and children;
- (2) abducting and trafficking in three or more women and children;
- (3) raping the abducted and trafficked woman;
- (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such a woman to another person to force her into prostitution;
- (5) kidnapping a woman or child by means of violence, coercion or intoxication or by using intoxication for the purpose of selling the victim;
- (6) stealing an infant or a child for the purpose of selling the victim;
- (7) causing serious injuries to or the death of the abducted and trafficked woman or child or any relative thereof, or causing other serious consequences; or
- (8) selling a woman or child out of the territory of the People's Republic of China.

Abducting and trafficking in a woman or child refer to any of the following acts: trapping, kidnapping, buying, selling, picking up and dropping off, or transporting a woman or child, for the purpose of selling the victim.

Article 241 Whoever buys an abducted and trafficked woman or child shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

A man who buys an abducted and trafficked woman and forces her to have sexual intercourse with him shall be convicted and punished in accordance with the provisions in Article 236 of this Law.

Whoever buys an abducted and trafficked woman or child and unlawfully deprives the victim of personal freedom, restricts the victim's personal freedom or commits a criminal act of injuring or insulting the victim or other criminal acts against the victim, shall be convicted and punished in accordance with the relevant provisions of this Law.

Whoever buys an abducted and trafficked woman or child and commits a crime as prescribed in the second and third paragraphs of this Article shall be punished in accordance with the provisions on combining punishments for multiple crimes.

Whoever buys an abducted and trafficked woman or child and sells the victim afterward shall be convicted and punished in accordance with the provisions in Article 240 of this Law.

Whoever buys an abducted and trafficked child but does not abuse the child and does not obstruct the rescue of the child may be given a lighter punishment. Whoever buys an abducted and trafficked woman but does not obstruct the return of the woman to her original place of residence as the woman wishes may be given a lighter or mitigated punishment.

Article 242 Whoever, by violence or threat, obstructs a functionary of a state organ in the rescue of a trafficked woman or child shall be convicted and punished in accordance with the provisions in Article 277 of this Law.

A ringleader who gathers a crowd to prevent a functionary of a state organ from rescuing a trafficked woman or child shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody; other participants of the gathering who resort to violence or threat shall be punished in accordance with the provisions in the preceding paragraph.

Article 243 Whoever fabricates facts and lodges a false accusation against another person with the intention of having the person prosecuted, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If the consequences are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

A functionary of a state organ who commits a crime as prescribed in the preceding paragraph shall be given a heavier punishment.

The provisions in the preceding two paragraphs shall not apply to those who have made a mistake in the accusation or report without the intention of framing others.

Article 244 Whoever, by violence, threat, or restriction of personal freedom, forces another person to work shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Whoever, knowing that another person commits an act as prescribed in the preceding paragraph, recruits or transports personnel for the person or otherwise assists in forcing others to work, shall be punished in accordance with the provisions in the preceding paragraph.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph of this Article.

Article 244a Where an entity, in violation of the laws or regulations on labor administration, employs a minor under the age of 16 to do physical labor of ultra-intensity, to work at height or in a pit, or to work in an explosion-prone or combustion-prone environment, or with exposure to radioactive or poisonous substances or under other dangerous conditions, if the circumstances are serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are

especially serious, the offenders shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever commits a crime as prescribed in the preceding paragraph and causes an accident, which concurrently constitutes another crime, shall be punished in accordance with the provisions on combining punishments for multiple crimes.

Article 245 Whoever unlawfully searches another person's body or residence or unlawfully intrudes into another person's residence shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

A judicial officer who abuses his office and commits a crime as prescribed in the preceding paragraph shall be given a heavier punishment.

Article 246 Whoever blatantly insults another person by violence or other methods, or slanders another person, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

The crime prescribed in the preceding paragraph shall be handled only upon private prosecution, unless it causes serious harm to public order or to the interests of the state.

The people's court may request the public security organ to provide assistance when a victim files a complaint with the court about an act conducted via information network as prescribed in the preceding paragraph but has difficulties in providing evidence.

Article 247 A judicial officer who extorts a confession from a criminal suspect or defendant by torture or extorts testimony from a witness by violence shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If such an act causes injury to, disability of or the death of the criminal suspect, defendant or witness, the offender shall be convicted and be given a heavier punishment in accordance with the provisions in Article 234 or Article 232 of this Law.

Article 248 A custodial officer of a prison, detention house, custody house or any other custodial institution who assaults or physically abuses a person in custody, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If such an act causes injury to, disability of or the death of the person in custody, the offender shall be convicted and be given a heavier punishment in accordance with the provisions in Article 234 or Article 232 of this Law.

A custodial officer who abets a person in custody to assault or physically abuse another person in custody shall be punished in accordance with the provisions in the preceding paragraph.

Article 249 Whoever incites ethnic hatred or discrimination, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights. If the circumstances are especially serious, the

offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 250 Where a publication carries content discriminating against or insulting an ethnic minority group, if the circumstances are grave and the consequences are serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Article 251 A functionary of a state organ who unlawfully deprives a citizen of his freedom of religious belief or interferes in the custom and habits of an ethnic minority group, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody.

Article 252 Whoever conceals, destroys, discards, or unlawfully opens another person's letter, thereby infringing on the citizen's freedom of correspondence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 1 year or short-term custody.

Article 253 A postal worker who opens, conceals, destroys, or discards mails or telegrams without authorization shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody.

Whoever steals money or other forms of property by committing a crime as prescribed in the preceding paragraph shall be convicted and be given a heavier punishment in accordance with the provisions in Article 264 of this Law.

Article 253a Whoever, in violation of the relevant state regulations, sells or offers personal information of citizens to others, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever, in violation of the relevant state regulations, sells or offers to others the personal information of citizens which is obtained during his performance of duty or provision of services, shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

Whoever unlawfully obtains personal information of citizens by stealing or other means shall be punished in accordance with the provisions in the first paragraph.

An entity committing a crime as prescribed in the preceding three paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding paragraph.

Article 254 A functionary of a state organ who, abusing his office or using the power for private ends, retaliates against or frames a complainant, petitioner, critic, or accuser, shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years.

Article 255 A leader of a company, an enterprise, a public institution, a state organ, or an organization who retaliates against an accountant or a statistician who has resisted acts violating the Accounting Law or the Statistics Law in the performance of his duties in accordance with the law, if the circumstances are grave, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 256 Whoever, in the election of deputies to a people's congress or of leading members of a state organ, by means such as violence, threat, deception, bribery, falsification of electoral documents, or false report of ballots, disrupts the election or obstructs the electorate or the deputies in freely exercising the right to vote or the right to stand for election, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or deprivation of political rights.

Article 257 Whoever interferes with another person's freedom of marriage by violence shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody.

Whoever commits a crime as prescribed in the preceding paragraph, thereby causing the death of the victim, shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years.

The crime prescribed in the first paragraph of this Article shall be handled only upon private prosecution.

Article 258 Whoever with a spouse commits bigamy, or whoever knowingly marries a person who has a spouse, shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody.

Article 259 Whoever knowingly cohabits with or marries a person who is the spouse of a serviceperson in active service shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

A man who, by taking advantage of his office or the subordinate relationship, has sexual intercourse with the wife of a serviceperson in active service by means of coercion, shall be convicted and punished in accordance with the provisions in Article 236 of this Law.

Article 260 Whoever abuses a family member, if the circumstances are grave, shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or non-custodial correction.

Whoever commits a crime as prescribed in the preceding paragraph, thereby causing serious injuries to or the death of the victim, shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years.

The crime prescribed in the first paragraph of this Article shall be handled only upon private prosecution, except where the victim lacks capacity, or is under coercion or threat and therefore is unable to prosecute.

Article 260a Whoever maltreats a minor, an elderly, a sick person, a person with disability, or any other person of whom he is a guardian or caretaker, if the circumstances are grave, shall be

sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Whoever commits a crime as prescribed in the first paragraph, which concurrently constitutes another crime, shall be punished in accordance with the provisions that specify a heavier punishment.

Article 261 Whoever refuses to fulfill the duty to support an elderly, a minor, a sick person, or any other person who cannot live independently, if the circumstances are grave, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction.

Article 262 Whoever abducts a minor under the age of 14, thereby causing the separation of the minor from his family or guardian, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Article 262a Whoever, by means of violence or coercion, organizes persons with disabilities or minors under the age of 14 to panhandle, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Article 262b Whoever organizes minors to commit theft, fraud, forcible seizure of property, blackmail, or any other activity that is in violation of public security administration, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

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Criminal Law of the People's Republic of China

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Chapter V Crimes Against Property

Article 263 Whoever commits a robbery by taking away public property or private property by violence, coercion or any other method shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death, and concurrently, a fine or confiscation of property:

- (1) intruding into another person's residence to rob;
- (2) robbing on public transport;
- (3) robbing a bank or any other financial institution;
- (4) committing robbery several times or committing a robbery for a large amount of property;
- (5) causing serious injuries to or the death of another person in the course of robbery;
- (6) impersonating a serviceperson or police officer in robbery;
- (7) robbing with a gun; or
- (8) committing a robbery for military materials or materials for emergency rescue, disaster relief or social relief.

Article 264 Whoever steals a relatively large amount of public or private property, or commits theft several times, or commits burglary, or steals or pickpockets with a weapon, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced

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to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property.

Article 265 Whoever, for the purpose of making profits, connects a telecommunications line with that of another without authorization, duplicates the telecommunications code or number of others, or uses the telecommunications equipment or device despite knowing that it is connected or duplicated without authorization, shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

Article 266 Whoever obtains public or private property by fraud, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property. Where it is provided otherwise in other provisions of this Law, such provisions shall prevail.

Article 267 Whoever forcibly seizes a relatively large amount of public or private property, or forcibly seizes another's property several times, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property.

Whoever commits forcible seizure of another's property with weapons shall be convicted and punished in accordance with the provisions in Article 263 of this Law.

Article 268 In case of attending a gathering and looting public or private property, if the amount involved is relatively large or there are other serious circumstances, the ringleaders and the active participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the amount involved is large or there are other especially serious circumstances, the offenders shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Article 269 Whoever commits a crime of theft, fraud or forcible seizure of another's property, and uses violence or threats to use violence at the scene in order to conceal booty, resist arrest, or destroy criminal evidence, shall be convicted and punished in accordance with the provisions in Article 263 of this Law.

Article 270 Whoever unlawfully takes possession of another person's money or other forms of property which is placed under the former's custody and refuses to return it, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or a fine. If the amount involved is large or there are other serious circumstances, the

offender shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 5 years, and concurrently, a fine.

Whoever unlawfully takes possession of an object which another person has forgotten about or buried, and refuses to return it, if the value involved is relatively large, shall be punished in accordance with the provisions of the preceding paragraph.

The crime prescribed in this Article shall be handled only upon private prosecution.

Article 271 An employee of a company, an enterprise, or any other entity who, by taking advantage of his position, unlawfully takes possession of money or other forms of property of the entity, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine.

Where a person who performs public duty 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 non-state-owned company or enterprise or any other non-state-owned entity to perform public duty, commits an act as prescribed in the preceding paragraph, he shall be convicted and punished in accordance with the provisions in Articles 382 and 383 of this Law.

Article 272 An employee of a company, an enterprise, or any other entity who, by taking advantage of his position, misappropriates funds of the entity for personal use or lending them to another person, if the amount involved is relatively large and the funds are not returned after 3 months, or the funds are returned within 3 months but the amount involved is relatively large and the funds are used for profitable activities, or the funds are used for illegal activities, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the amount of misappropriated funds of the entity is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. If the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years.

Whoever performing public duty in a state-owned company or enterprise or any other state-owned entity, or whoever assigned by a state-owned company or enterprise or any other state-owned entity to a non-state-owned company or enterprise or any other non-state-owned entity to perform public duty, commits an act as prescribed in the preceding paragraph, shall be convicted and punished in accordance with the provisions in Article 384 of this Law.

Whoever commits an act as prescribed in the first paragraph of this Article but returns the misappropriated funds before being prosecuted may be given a lighter or mitigated punishment. If the crime is relatively minor, the offender may be given a mitigated punishment or be exempted from punishment.

Article 273 In case of misappropriation of funds or materials that are allocated for disaster relief, emergency rescue, flood prevention and control, support for servicepersons with disabilities or for families of martyrs and servicepersons, aid to the poor, migration, or social relief, if the circumstances are serious, and major harm is caused to the interests of the state and the people, the

directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are especially serious, the offenders shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 274 Whoever extorts a relatively large amount of public or private property or extorts property several times shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, and concurrently, a fine.

Article 275 Whoever intentionally destroys public or private property, if the amount involved is relatively large or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or a fine. If the amount involved is large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 276 Whoever, for giving vent to spite or retaliation or out of other personal motives, sabotages production or business operation by destroying machines or equipment, injuring or slaughtering farm animals, or by other means, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 276a Whoever evades paying workers their wages by transferring property, absconding or other means, or refuses to pay workers their wages while he has the ability to do so, if the amount involved is relatively large, and the offender still refuses to pay after being ordered to do so by the relevant government department, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If it causes serious consequences, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Whoever commits an act as prescribed in the preceding two paragraphs but has not caused serious consequences may be given a mitigated punishment or be exempted from punishment if the offender, before being publicly prosecuted, pays the workers their wages due and bears the corresponding liability for compensation in accordance with the law.

Chapter VI Crimes of Obstructing Administration of Public Order

Section 1 Crimes of Disrupting Public Order

Article 277 Whoever, by means of violence or threat, obstructs a functionary of a state organ in the performance of his duty in accordance with the law shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or a fine.

Whoever, by means of violence or threat, obstructs a deputy of the National People's Congress or a local people's congress in the performance of the deputy duty in accordance with the law shall be punished in accordance with the provisions in the preceding paragraph.

Whoever, by means of violence or threat, obstructs Red Cross staff members in the performance of their duty in accordance with the law in a natural disaster or an emergency shall be punished in accordance with the provisions in the first paragraph.

Whoever, without resorting to violence or threat, intentionally obstructs a national security organ or public security organ, in the execution of a national security task in accordance with the law, thereby causing serious consequences, shall be punished in accordance with the provisions in the first paragraph.

Whoever assaults a police officer in the performance of his duty in accordance with the law shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If the offender seriously endangers the personal safety of a police officer with a gun, or a controlled knife or cutting tool, by driving a motor vehicle and trying to crash him, or by other means, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 278 Whoever incites people to resist by violence the enforcement of laws and administrative regulations shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights. If serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 279 Whoever impersonates a functionary of a state organ to defraud another person shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Whoever impersonates a police officer to defraud another person shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

Article 280 Whoever forges, alters, trades or steals, forcibly seizes, or destroys official documents, certificates or seals of a state organ shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Whoever forges the seal of a company, an enterprise, a public institution or a people's organization shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights, and concurrently, a fine.

Whoever forges, alters, or trades residents' identity cards, passports, social security cards, driving licenses, or other certificates that can be used as proof of identity in accordance with the law, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Article 280a Whoever, in activities in which the proof of his identity is required in accordance with the state regulations, uses a forged or an altered resident's identity card, passport, social security card, driving license or any other forged or altered certification of identity, or steals and uses another person's certification as mentioned above, if the circumstances are serious, shall be sentenced to short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

Whoever commits an act as prescribed in the preceding paragraph, which constitutes two or more crimes, shall be punished in accordance with the provisions that specify a heavier punishment.

Article 280b Whoever, by taking another person's place, steals or uses the person's identity, and obtains the admission qualification of higher academic education, the recruitment qualification to be a civil servant, or employment resettlement treatment, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine.

Whoever organizes and abets another person to commit an act as prescribed in the preceding paragraph shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

A state functionary who commits a crime as prescribed in the preceding two paragraphs, which concurrently constitutes another crime, shall be punished in accordance with the provisions on combining punishments for multiple crimes.

Article 281 Whoever unlawfully produces or trades police uniforms, police vehicle number plates, or other specialized police signs, equipment, or weapons, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 282 Whoever unlawfully obtains state secrets by stealing, spying, or illegally purchasing such secrets shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Whoever unlawfully possesses any document, material or another article that is classified as a secret or top secret of the state, and refuses to explain its source and use, shall be sentenced to fixed-term

imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Article 283 Whoever unlawfully produces or sells specialized espionage equipment or devices, or specialized equipment or devices for eavesdropping or covert photography shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 284 Whoever unlawfully uses specialized equipment or devices for eavesdropping or covert photography, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or non-custodial correction.

Article 284a Whoever organizes cheating in a national examination provided by law shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever provides cheating equipment or other assistance for another person to commit a crime as prescribed in the preceding paragraph shall be punished in accordance with the provisions in the preceding paragraph.

Whoever unlawfully sells or provides the examination questions or answers for another person for cheating in an examination mentioned in the first paragraph, shall be punished in accordance with the provisions in the first paragraph.

Whoever takes an examination mentioned in the first paragraph in someone else's place or asks others to take such an examination for him shall be sentenced to short-term custody or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

Article 285 Whoever, in violation of the state regulations, hacks into a computer information system involving state affairs, national defense, or cutting-edge science and technology shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Whoever, in violation of the state regulations, hacks into any computer information system other than those prescribed in the preceding paragraph, or employs any other technical means to obtain the data stored or processed in, or transmitted via such a computer information system, or implements unlawful control of such a computer information system, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever provides programs or tools designated for hacking into or unlawfully controlling computer information systems, or knowingly provides programs or tools for another person to commit a criminal or any other illegal act of hacking into or unlawfully controlling computer information systems, if the circumstances are serious, shall be punished in accordance with the provisions in the preceding paragraph.

An entity committing a crime as prescribed in the preceding three paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding paragraph.

Article 286 Whoever, in violation of the state regulations, deletes, modifies, adds to, or interferes with the functions of a computer information system, thereby causing the failure of the system, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Whoever, in violation of the state regulations, deletes, modifies, or adds to the data or application programs stored or processed in, or transmitted via a computer information system, which causes serious consequences, shall be punished in accordance with the provisions in the preceding paragraph.

Whoever intentionally produces or spreads any computer virus or other harmful program, thereby affecting the normal operation of a computer system, if the consequences are serious, shall be punished in accordance with the provisions in the first paragraph.

An entity committing a crime as prescribed in the preceding three paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Article 286a Where a network service provider fails to fulfill the information and network security management obligations prescribed by laws and administrative regulations, and refuses to obey the order to take corrective measures by the regulatory authorities, if there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only:

- (1) causing the extensive spread of illegal information;
- (2) causing the leakage of user information, which results in serious consequences;
- (3) causing the loss of evidence in criminal cases, and where the circumstances are serious; or
- (4) there being other serious circumstances.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Whoever commits a crime as prescribed in the preceding two paragraphs, which concurrently constitutes another crime, shall be punished in accordance with the provisions that specify a heavier punishment.

Article 287 Whoever uses computers to commit financial fraud, theft, embezzlement, misappropriation of public funds, theft of state secrets, or any other crime shall be convicted and punished in accordance with the relevant provisions of this Law.

Article 287a Whoever uses information networks to commit any of the following acts, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only:

- (1) setting up websites or communication groups for committing fraud, teaching methods of committing a crime, producing or selling prohibited or controlled items or carrying out other illegal and criminal activities;
- (2) publishing information about the production or sale of narcotic drugs, guns, pornographic materials, or other prohibited or controlled items, or publishing any other illegal information; or
- (3) releasing information for carrying out fraud or other illegal activities.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Whoever commits a crime as prescribed in the preceding two paragraphs, which concurrently constitutes another crime, shall be punished in accordance with the provisions that specify a heavier punishment.

Article 287b Whoever, knowing that another person is committing or is going to commit a crime by using information networks, still provides the person with technical support such as internet access, server hosting, network storage, communications and transmission, or provides assistance in advertising or promotion, or payment and settlement, etc., if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Whoever commits a crime as prescribed in the preceding two paragraphs, which concurrently constitutes another crime, shall be punished in accordance with the provisions that specify a heavier punishment.

Article 288 Whoever, in violation of the state regulations, sets up and uses a radio station or occupies radio frequencies without authorization, thereby interfering with the normal operation of radio communications, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and

concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 289 Whoever attends a gathering and “fights, smashes, or loots”, thereby causing injury to, disability of or the death of another person, shall be convicted and punished in accordance with the provisions in Articles 234 and 232 of this Law. If public or private property is thereby destroyed or looted, the offender shall be ordered to return or make compensation for such property; and in the case of a ringleader, he shall also be convicted and punished in accordance with the provisions in Article 263 of this Law.

Article 290 In case of attending a gathering and disrupting public order, and the circumstances being so serious that work, production, business operation, teaching, scientific research or medical services cannot go on, if heavy losses are caused, the ringleaders shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years; and other active participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction or deprivation of political rights.

In case of attending a gathering and assaulting a state organ, which causes the state organ to be unable to carry on its work and thereby results in heavy losses, the ringleaders shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years; and other active participants shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights.

Whoever disrupts the working order of a state organ several times and fails to correct after being subjected to an administrative penalty, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Whoever repeatedly organizes or subsidizes others for unlawful gathering, thereby disrupting public order, if the circumstances are serious, shall be punished in accordance with the provisions in the preceding paragraph.

Article 291 A ringleader who gathers a crowd that disrupt the order in a public place, such as a station, dock, civil airport, shopping mall, park or theater, a fair or an exhibition, or a stadium, block or otherwise disrupt traffic, or prevent an officer of public security administration from carrying out his duty or obstruct the officer in the performance of the duty in accordance with the law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction.

Article 291a Whoever releases fake explosive, poisonous or radioactive substances, fake pathogens of infectious diseases, or other fake substances, or fabricates such information as any explosive, biochemical or radiation exposure threat, or deliberately spreads information that may cause terror and which the offender knows is fabricated, thereby seriously disrupting public order, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-

custodial correction. If the consequences are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Whoever fabricates information of a false emergency, epidemic, disaster, or situation that needs police involvement, and spreads such information via the internet or other media, or deliberately spreads via the internet or other media the abovementioned information which he knows is fake, thereby seriously disrupting public order, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 291b Whoever throws an object from a building or any other place at height, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 1 year, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

Whoever commits a crime as prescribed in the preceding paragraphs, which concurrently constitutes another crime, shall be punished in accordance with the provisions that specify a heavier punishment.

Article 292 In case of attending a gathering and fighting, the ringleaders and other active participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If there is any of the following circumstances, the ringleaders and other active participants shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years:

- (1) attending a gathering and fighting several times;
- (2) a large number of people gathering and engaging in large-scale fighting, which brings a bad social influence;
- (3) gathering and fighting in a public place or a traffic artery, thereby causing serious chaos; or
- (4) gathering and fighting with weapons.

Where gathering and fighting cause serious injuries or death, the offenders shall be convicted and punished in accordance with the provisions in Article 234 or Article 232 of this Law.

Article 293 Whoever commits any of the following acts of provoking troubles, thereby disrupting public order, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction:

- (1) randomly assaulting another person, where the circumstances are grave;
- (2) chasing, intercepting, insulting, or threatening another person, where the circumstances are grave;

(3) forcibly taking, or arbitrarily damaging or taking into his possession public or private property, where the circumstances are serious; or

(4) causing a disturbance in a public place, which leads to serious chaos there.

Whoever gathers others and commits an act as prescribed in the preceding paragraph several times, thereby seriously disrupting public order, shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and may concurrently be fined.

Article 293a Whoever, in any of the following circumstances, collects unlawful debts of usurious lending or other unlawful debts, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only:

(1) using violence or coercion;

(2) restricting the personal freedom of another person or breaking into another person's residence; or

(3) threatening, stalking, or harassing another person.

Article 294 Whoever organizes or leads an organization of a gang nature shall be sentenced to fixed-term imprisonment of not less than 7 years and confiscation of property; the active participants of the organization shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and may concurrently be sentenced to a fine or confiscation of property; and other participants of the organization shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights, and may concurrently be sentenced to a fine.

A member of an overseas criminal gang who recruits members within the territory People's Republic of China shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

A functionary of a state organ who harbors an organization of a gang nature or connives at criminal and other illegal activities carried out by such an organization shall be sentenced to fixed-term imprisonment of not more than 5 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Whoever committing a crime as prescribed in the preceding three paragraphs also commits another crime shall be punished in accordance with the provisions of combining punishments for multiple crimes.

An organization of a gang nature shall have all the following characteristics:

(1) being a relatively stable criminal organization with a large number of people, clear organizers and leaders, and basically fixed key members;

(2) obtaining economic benefits through criminal or other illegal activities or other means in an organized way and being financially capable of conducting activities;

(3) committing organized criminal and other illegal activities several times by violence, threat or other means, doing evil things, and bullying and brutalizing people; and

(4) through conducting criminal or other illegal activities, or being harbored by or with the connivance of a state functionary, bullying around in a certain place and taking unlawful control over or having significant influence in a certain area or industry, thereby seriously disrupting the order of economic and social order.

Article 295 Whoever teaches another person methods of committing a crime shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 296 Where a rally, procession, or demonstration is held when there is no application for it beforehand in accordance with the law, or when the application therefor is not approved, or when it does not comply with the time to start or finish, places, or routes permitted by the competent authority, and the order to dismiss the crowd is not obeyed, thereby seriously disrupting public order, the person in charge of the rally, procession, or demonstration and the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights.

Article 297 Whoever, in violation of laws and regulations, participates in a rally, procession, or demonstration with a weapon or controlled knife or explosives, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

Article 298 Whoever disrupts, assaults, or by other means disrupts a rally, procession, or demonstration held in accordance with the law, thereby disturbing the public order, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights.

Article 299 Whoever intentionally desecrates the National Flag or the National Emblem of the People's Republic of China by burning, destroying, defacing, defiling or trampling on it in a public place shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

Whoever intentionally alters the lyrics or melody of the National Anthem of the People's Republic of China in a public place, plays or sings the National Anthem in a distorted or derogatory way, or desecrates the National Anthem in any other way, if the circumstances are serious, shall be punished in accordance with the provisions in the preceding paragraph.

Article 299a Whoever smears the reputation or besmirches the honor of a hero or martyr through insults or slander or otherwise, thereby impairing social and public interests, if the circumstances

are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

Article 300 Whoever organizes or exploits a secret society or an evil organization, a cult, or a superstitious belief to undermine the enforcement of laws and administrative regulations shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years or life imprisonment, and concurrently, a fine or confiscation of property. If the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights, and concurrently, a fine, or shall be sentenced to a fine only.

Whoever organizes or exploits a secret society or an evil organization, a cult, or a superstitious belief to deceive another person, thereby causing serious injuries to or the death of another person, shall be punished in accordance with the provisions in the preceding paragraph.

Whoever committing a crime as prescribed in the first paragraph also commits another crime such as rape or fraud shall be punished in accordance with the provisions of combining punishments for multiple crimes.

Article 301 In case of attending a gathering to conduct obscene activities, the ringleaders, and those who participate in such activities several times shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction.

Whoever induces a minor to participate in the aforementioned obscene activities shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

Article 302 Whoever steals, insults, or intentionally destroys a corpse, a skeleton, or cremains shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Article 303 Whoever gathers people to gamble or makes a business out of gambling for the purpose of making profits shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine.

Whoever operates a casino shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

Whoever organizes citizens of the People's Republic of China to gamble overseas, if the amount involved is large or there are other serious circumstances, shall be punished in accordance with the provisions in the preceding paragraph.

Article 304 A postal worker who, being seriously remiss in his duty, intentionally delays the delivery of mail, thereby causing heavy losses to public property or the interests of the state and the people, shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody.

Section 2 Crimes of Obstructing Justice

Article 305 Any witness, expert witness, recorder, or translator in criminal proceedings, who intentionally provides false testimony, expert opinions, records, or translation which are material to the proceedings, intending to frame others or conceal criminal evidence, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 306 Where any defender or agent ad litem in criminal proceedings destroys or forges evidence, assists a client in destroying or forging evidence, or intimidates a witness into changing testimony deviating from the truth or committing perjury or induces a witness to commit any of the aforementioned acts, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

The circumstance where the witness testimony or other evidence provided, presented, or quoted by a defender or an agent ad litem is inaccurate but not deliberately forged shall not be considered forgery of evidence.

Article 307 Whoever, by violence, threat, bribery or other means, hinders a witness from testifying or asks another person to commit perjury shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Whoever assists a client in destroying or forging evidence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

A judicial officer who commits a crime as prescribed in the preceding two paragraphs shall be given a heavier punishment.

Article 307a Whoever brings a civil suit with fabricated facts, thereby obstructing judicial order or seriously infringing on the legitimate rights and interests of another person, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Whoever commits a crime as prescribed in the first paragraph and unlawfully takes possession of another person's property or evades lawful debts, which constitutes another crime, shall be convicted and punished in accordance with the provisions that specify a heavier punishment.

A judicial officer who, by taking advantage of his office, jointly commits a crime as prescribed in the preceding three paragraphs with another person shall be given a heavier punishment. If the act also

constitutes another crime, the judicial officer shall be convicted and punished in accordance with the provisions which specify a heavier punishment.

Article 308 Whoever retaliates against a witness shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 308a Any judicial officer, defender, or agent ad litem, or any other participant in the proceedings who leaks information that should not be made public in a case that is not tried in public in accordance with the law, thereby resulting in the spread of such information or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

Whoever commits an act as prescribed in the preceding paragraph and leaks state secrets shall be convicted and punished in accordance with the provisions in Article 398 of this Law.

Whoever publicly discloses or reports the case information prescribed in the first paragraph, if the circumstances are serious, shall be punished in accordance with the provisions in the first paragraph.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Article 309 Whoever disrupts the order in the courtroom, which falls under any of the following circumstances, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or a fine:

- (1) disrupting or attacking a courtroom with others;
- (2) assaulting a judicial officer or a participant in the proceedings;
- (3) insulting, slandering, or threatening a judicial officer or a participant in the proceedings, and refusing to obey the order of the court to cease such an act, thereby seriously disrupting the order in the courtroom; or
- (4) destroying the facilities of the courtroom, forcibly seizing, or destroying legal documents or evidence, or engaging in other activities of disrupting the order in the courtroom, and the circumstances are serious.

Article 310 Whoever knowingly provides a criminal with a hiding place or property, assists the criminal in absconding, or gives false testimony to harbor the criminal shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Whoever conspires with another person before committing a crime as prescribed in the preceding paragraph shall be convicted and punished as an accomplice.

Article 311 Whoever, knowing that a person has committed a criminal act of espionage, terrorism or extremism, refuses to provide relevant information or evidence upon the investigation of the judicial organ, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Article 312 Whoever knowingly hides, transfers, purchases, sells for another person, or covers up or conceals by other means criminal gains and the proceeds derived therefrom shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 313 Whoever refuses to submit himself to the enforcement of the judgment or ruling of the people's court when capable, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions of the preceding paragraph.

Article 314 Whoever conceals, transfers, sells, or intentionally destroys the property that has been sealed, seized, or frozen by a judicial organ, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or a fine.

Article 315 A criminal placed in custody in accordance with the law who commits any of the following acts against the custodial order, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years:

- (1) assaulting a custodial officer;
- (2) organizing other persons in custody to disrupt the custodial order;
- (3) disrupting the custodial order with others and causing a disturbance; or
- (4) assaulting or physically abusing another person in custody, or abetting someone else to assault or physically abuse another person in custody.

Article 316 A criminal, defendant, or criminal suspect placed in custody in accordance with the law who escapes from custody shall be sentenced to fixed-term imprisonment of not more than 5

years or short-term custody.

Whoever takes away by force a criminal, defendant, or criminal suspect under escort shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years.

Article 317 A ringleader who organizes a jailbreak and other active participants shall be sentenced to fixed-term imprisonment of not less than 5 years; and other participants shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

A ringleader who riots to escape from prison or gathers armed individuals to raid a jail and other active participants shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. If the circumstances are especially serious, the aforesaid offenders shall be sentenced to death; and other participants shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Section 3 Crimes of Obstructing National Border (Frontier) Administration

Article 318 Whoever organizes other persons to unlawfully cross the national border (frontier) shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years, and concurrently, a fine. If there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years or life imprisonment, and concurrently, a fine or confiscation of property:

- (1) being the ringleader of a group that organizes unlawful crossing of the national border (frontier);
- (2) organizing several times other persons to unlawfully cross the national border (frontier), or organizing a large number of persons to do so;
- (3) causing serious injuries to or the death of the persons organized to unlawfully cross the national border (frontier);
- (4) depriving the persons organized to unlawfully cross the national border (frontier) of personal freedom or restricting their personal freedom;
- (5) resisting inspection by means of violence or threat;
- (6) the amount of illegal gains being large; or
- (7) other especially serious circumstances.

Whoever commits a crime as prescribed in the preceding paragraph, and kills, injures, rapes, abducts or traffics in, or commits any other crime against any of the persons organized to unlawfully cross the national border (frontier), or kills, injures, or commits any other crime against an inspector, shall be punished in accordance with the provisions on combining punishments for multiple crimes.

Article 319 Whoever, in the name of labor export, commerce and trade, etc., fraudulently obtains passports, visas or other documents for exit, and uses them for organizing other persons to unlawfully cross the national border (frontier), shall be sentenced to fixed-term imprisonment of not more than 3 years, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 320 Whoever provides others with forged or altered passports, visas, or other documents for exit or entry, or sells passports, visas, or other documents for exit or entry, shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

Article 321 Whoever transports other persons for unlawfully crossing the national border (frontier) shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction, and concurrently, a fine. If there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine:

- (1) committing the act of transporting people for the aforementioned purpose several times or transporting a large number of people for the aforementioned purpose;
- (2) the ships, vehicles or other means of transport used for such transportation failing to meet the necessary safety requirements, which is likely to cause serious consequences;
- (3) the amount of illegal gains is large; or
- (4) other especially serious circumstances.

Whoever causes serious injuries to or the death of the persons being transported, or resists inspection by means of violence or threat while transporting such persons for unlawfully crossing the national border (frontier) shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine.

Whoever commits a crime as prescribed in the preceding two paragraphs and kills, injures, rapes, abducts or traffics in, or commits any other crime against the persons being transported, or kills, injures, or commits any other crime against an inspector, shall be punished in accordance with the provisions on combining punishments for multiple crimes.

Article 322 Whoever, in violation of the laws or regulations on national border (frontier) administration, unlawfully crosses the national border (frontier), if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 1 year, short-term custody, or non-custodial correction, and concurrently, a fine. If the offender unlawfully crosses the national border (frontier) for participating in a terrorist organization, receiving training for terrorist

activities, or committing an act of terrorism, the offender shall be sentenced to fixed-term imprisonment of not less than 1 year but not more than 3 years, and concurrently, a fine.

Article 323 Whoever intentionally destroys a boundary tablet, boundary pillar, or permanent survey marker on the national border shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Section 4 Crimes of Obstructing the Management of Cultural Relics

Article 324 Whoever intentionally destroys a precious cultural relic under state protection or a site classified as a national key protection relic or provincial-level protection relic, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Whoever intentionally destroys a site of historical and cultural interest that is under state protection, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Whoever negligently damages or destroys a precious cultural relic that is under state protection, or a site classified as a national key protection relic or provincial-level protection relic, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 325 Whoever, in violation of the laws or regulations on the protection of cultural relics, sells or presents as a gift a precious cultural relic the export of which is prohibited by the state to a foreigner without authorization, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and may concurrently be fined.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 326 Whoever, for the purpose of making profits, sells a cultural relic the trade of which is prohibited by the state, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 327 Where any state-owned museum, library or other entity, in violation of the laws or regulations on the protection of cultural relics, sells or presents as a gift a cultural relic under state protection which is in its collections, to a non-state-owned entity or an individual without authorization, the entity shall be fined, and the directly responsible persons in charge and other

directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 328 Whoever illegally excavates ancient cultural heritage sites or ancient tombs of historical, artistic or scientific value shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property:

- (1) illegally excavating an ancient cultural heritage site or ancient tomb that is identified as a national key cultural protection relic or provincial level cultural protection relic;
- (2) being the ringleader of a group that engages in illegally excavating ancient cultural heritage sites or ancient tombs;
- (3) illegally excavating ancient heritage cultural sites or ancient tombs several times; or
- (4) illegally excavating an ancient cultural heritage site or ancient tomb, and plundering precious cultural relics therein or causing serious damage to precious cultural relics.

Whoever illegally excavates a fossil of the ancient human or animal which is of scientific value and is under state protection shall be punished in accordance with the provisions in the preceding paragraph.

Article 329 Whoever forcibly seizes or steals state-owned archives shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Whoever, in violation of the provisions of the Archives Law, sells or transfers state-owned archives without authorization, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Whoever commits a crime as prescribed in the preceding two paragraphs, which concurrently constitutes another crime prescribed in this Law, shall be convicted and punished in accordance with the provisions which specify a heavier punishment.

Section 5 Crimes of Impairing Public Health

Article 330 In any of the following circumstances where the offender, in violation of the provisions of the Law on Prevention and Treatment of Infectious Diseases, causes the spread of, or a high risk of the spread of a Class A infectious disease or any other infectious disease against which preventive and control measures for Class A infectious diseases are determined to be taken in accordance with the law, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years:

(1) a water supply entity failing to supply drinking water in conformity with the sanitation standards set by the state;

(2) refusing to disinfect the sewage, wastes, feces, areas, or articles contaminated by pathogens of infectious diseases in accordance with the sanitary requirements set by the relevant diseases prevention and control agency;

(3) permitting a patient with an infectious disease, a carrier of pathogens, or a suspected patient with an infectious disease to take a job that such a person is prohibited from taking, as is provided by the administrative department of health under the State Council because of the likelihood of causing the spread of the infectious disease, or conniving at taking such a job by the said person;

(4) selling or transporting goods from an epidemic area, which have been contaminated or may have been contaminated by pathogens of infectious diseases, without disinfecting them first; or

(5) refusing to implement the preventative and control measures of the people's government at or above the county level or the relevant diseases prevention and control agency in accordance with the Law on Prevention and Treatment of Infectious Diseases.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Class A infectious diseases shall be determined in accordance with the Law of the People's Republic of China on Prevention and Treatment of Infectious Diseases and the relevant regulations of the State Council.

Article 331 Whoever, engaging in experimentation with, storage of, or carrying or transportation of bacterial strains or virus strains of infectious diseases, in violation of the relevant regulations of the administrative department of health under the State Council, causes the spread of the bacterial strains or virus strains of an infectious disease, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 332 Whoever, in violation of the regulations on frontier health and quarantine, causes the spread of, or a high risk of the spread of a quarantinable infectious disease, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 333 Whoever unlawfully organizes other persons to sell blood shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine. Whoever, by violence or

threat, forces another person to sell blood shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

Whoever commits an act as prescribed in the preceding paragraph and causes injuries to another person shall be convicted and punished in accordance with the provisions in Article 234 of this Law.

Article 334 Whoever unlawfully collects or supplies blood, or produces or supplies blood products that do not meet the standards prescribed by the state, in a manner likely to endanger human health, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. If serious harm is caused to human health, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property.

Where an entity authorized by the competent department of the state to collect and supply blood or to produce or supply blood products fails to conduct tests according to relevant regulations or conducts tests in violation of other operational rules, thereby endangering the health of other persons, the entity shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Article 334a Whoever, in violation of the relevant state regulations, unlawfully collects China's human genetic resources or unlawfully transports, mails, or carries China's human genetic resources materials overseas, thereby endangering public health or public interests, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Article 335 A medical worker who, being seriously remiss in his duty, causes the death of or serious harm to the health of a patient shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 336 Whoever, without the qualification to practice medicine, unlawfully practices medicine, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If serious harm is caused to the health of a patient, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If it causes the death of a patient, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, and concurrently, a fine.

Whoever, without the qualification to practice medicine, performs birth control reversal surgery, fake birth control surgery, pregnancy termination surgery, or intrauterine device removal surgery without authorization, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If serious harm is caused to the health of a patient, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not

more than 10 years, and concurrently, a fine. If it causes the death of a patient, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, and concurrently, a fine.

Article 336a Whoever implants a gene-edited or cloned human embryo into a human or an animal body, or implants a gene-edited or cloned animal embryo into a human body, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Article 337 Whoever, in violation of the state regulations on the epidemic prevention and quarantine of animals and plants, causes a major animal or plant epidemic or poses a risk of a major animal or plant epidemic, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Section 6 Crimes of Impairing the Conservation of Environment and Resources

Article 338 Whoever, in violation of state regulations, discharges, dumps, or disposes of radioactive wastes, wastes containing pathogens of infectious diseases, toxic substances, or other hazardous substances, thereby seriously polluting the environment, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. If there is any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine:

- (1) discharging, dumping, or disposing of radioactive wastes, wastes containing pathogens of infectious diseases, or toxic substances in key protected zones identified in accordance with the law, such as drinking water source reserves and key protected zones of nature reserves, and the circumstances are especially serious;
- (2) discharging, dumping, or disposing of radioactive wastes, wastes containing pathogens of infectious diseases, or toxic substances in the water areas of important rivers or lakes identified by the state, and the circumstances are especially serious;
- (3) causing a large amount of permanent basic farmland to lose its basic function or to endure permanent damage; or
- (4) causing serious injuries or serious diseases to several persons, or causing serious disability or the death of a person.

Whoever commits a crime as prescribed in the first paragraph, which constitutes another crime, shall be punished in accordance with the provisions that specify a heavier punishment.

Article 339 Whoever, in violation of the state regulations, dumps, amasses, or disposes of, within the People's Republic of China, solid waste from overseas, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. If any of the aforementioned acts causes a major environmental pollution accident and thereby results in heavy losses to public or private property, or serious harm to human health, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, and concurrently, a fine.

Whoever, without the permission of the competent department under the State Council, imports solid waste as raw materials, thereby causing a major environmental pollution accident and resulting in heavy losses to public or private property, or serious harm to human health, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

Whoever, under the pretext of using it as raw materials, imports solid waste, liquid waste, or gaseous waste that cannot be used as raw materials, shall be convicted and punished in accordance with the second or third paragraph of Article 152 of this Law.

Article 340 Whoever, in violation of the laws and regulations on the protection of aquatic resources, catches aquatic products where or when fishing is prohibited, or with prohibited fishing gear or methods, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or a fine.

Article 341 Whoever unlawfully hunts or kills precious or endangered wild animals which are under national key protection, or unlawfully purchases, transports, or sells precious or endangered wild animals under national key protection or their products, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, and concurrently, a fine or confiscation of property.

Whoever, in violation of the laws or regulations on hunting, hunts where or when hunting is prohibited, or with prohibited hunting tools or methods, thereby damaging wildlife resources, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or a fine.

Whoever, in violation of the laws or regulations on wildlife protection and management, and for eating, unlawfully hunts, purchases, transports, or sells terrestrial wild animals which grow and breed in the wild but do not belong to those prescribed in the first paragraph, if the circumstances are serious, shall be punished in accordance with the provisions in the preceding paragraph.

Article 342 Whoever, in violation of the laws or regulations on land administration, unlawfully occupies farmland, woodland, or other agricultural land, and changes the planned use of the occupied land, if the area involved is relatively large, and a large area of farmland, woodland, or

other agricultural land is damaged, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Article 342a Whoever, in violation of the laws or regulations on nature reserves management, conducts reclamation or development activities or constructs buildings in national parks or national nature reserves, thereby causing serious consequences, or if there are other grave circumstances, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Whoever commits a crime as prescribed in the preceding paragraph, which constitutes another crime, shall be punished in accordance with the provisions which specify a heavier punishment.

Article 343 Whoever, in violation of the provisions of the Mineral Resources Law, mines without any mining license, or enters and mines without authorization in a mining area under the state plan, is of great value to the national economy, or belongs to another person, or mines without authorization for a specific mineral which should be mined for in a protective manner under state regulations, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever, in violation of the provisions of the Mineral Resources Law, mines for a mineral resource in a destructive way, thereby causing serious damage to the mineral resources, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine.

Article 344 Whoever, in violation of state regulations, unlawfully fells or destroys precious trees or other precious plants which are under national key protection, or unlawfully purchases, transports, processes, or sells precious trees or other precious plants which are under national key protection or their products, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Article 344a Whoever, in violation of state regulations, unlawfully imports, releases, or discards invasive alien species, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine, or shall be sentenced to a fine only.

Article 345 Whoever unlawfully fells and steals forest trees or bamboos in a bamboo forest, or other trees or bamboos, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. If the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine.

Whoever, in violation of the provisions of the Forestry Law, arbitrarily fells forest trees, bamboos in a bamboo forest, or other trees or bamboos, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the amount involved is especially large, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever knowingly and unlawfully purchases or transports trunks or logs that are unlawfully or arbitrarily felled, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever unlawfully or arbitrarily fells forest trees, bamboos in a bamboo forest, or other trees or bamboos in a national nature reserve shall be given a heavier punishment.

Article 346 An entity committing a crime as prescribed in Articles 338 to 345 of this Section shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding article of this Section.

Section 7 Crimes of Smuggling, Trafficking, Transporting, or Manufacturing Narcotic Drugs

Article 347 Whoever smuggles, traffics, transports, or manufactures narcotic drugs, regardless of the quantity, shall be held criminally liable and be subjected to criminal punishment.

Whoever smuggles, traffics, transports, or manufactures narcotic drugs shall be sentenced to fixed-term imprisonment of 15 years, life imprisonment, or death, and concurrently, confiscation of property if there is any of the following circumstances:

- (1) smuggling, trafficking, transporting, or manufacturing opium of not less than 1 kilogram, or heroin or methamphetamine of not less than 50 grams, or any other narcotic drug of a large quantity;
- (2) being a ringleader of a group engaged in smuggling, trafficking, transporting, or manufacturing narcotic drugs;
- (3) providing armed support for smuggling, trafficking, transporting, or manufacturing narcotic drugs;
- (4) resisting inspection, detention, or arrest by means of violence, where the circumstances are serious; or
- (5) participating in organized international narcotic drug trafficking.

Whoever smuggles, traffics, transports, or manufactures opium of not less than 200 grams but less than 1 kilogram, or heroin or methamphetamine of not less than 10 grams but less than 50

grams, or any other narcotic drug of a relatively large quantity, shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine.

Whoever smuggles, traffics, transports, or manufactures opium of less than 200 grams, or heroin or methamphetamine of less than 10 grams, or any other narcotic drug of a small quantity, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the second, third, and fourth paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the corresponding provisions in the preceding paragraphs.

Whoever makes use of or abets a minor to smuggle, traffic, transport, or manufacture narcotic drugs, or sells narcotic drugs to a minor, shall be given a heavier punishment.

Whoever smuggles, traffics, transports, or manufactures narcotic drugs several times but has not been dealt with shall be punished based on the cumulative quantity of the narcotic drugs involved.

Article 348 Whoever unlawfully possesses opium of not less than 1 kilogram, or heroin or methamphetamine of not less than 50 grams, or any other narcotic drug of a large quantity, shall be sentenced to fixed-term imprisonment of not less than 7 years or life imprisonment, and concurrently, a fine. Whoever unlawfully possesses opium of not less than 200 grams but less than 1 kilogram, or heroin or methamphetamine of not less than 10 grams but less than 50 grams, or any other narcotic drug of a relatively large quantity, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Article 349 Whoever harbors a criminal who smuggles, traffics, transports, or manufactures narcotic drugs, or assists such a criminal in hiding, transferring, or concealing narcotic drugs or money or other forms of property gained from crimes, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

A narcotic drug enforcement officer or any other functionary of a state organ who shelters or harbors an offender who smuggles, traffics, transports, or manufactures narcotic drugs shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

Whoever connives with others in advance and commits a crime as prescribed in the preceding two paragraphs, shall be convicted and punished as an accomplice in the crime of smuggling, trafficking, transporting, or manufacturing narcotic drugs.

Article 350 Whoever, in violation of state regulations, unlawfully manufactures, trades, or transports acetic anhydride, ether, chloroform, or other raw materials or chemicals used in the manufacture of narcotic drugs, or carries the abovementioned substances into or out of the country, if the

circumstances are relatively serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine or confiscation of property.

Whoever, knowing that another person manufactures narcotic drugs, manufactures, trades, or transports the substances mentioned in the preceding paragraph for this person shall be convicted and punished as an accomplice in the crime of manufacturing narcotic drugs.

An entity committing a crime as prescribed in the preceding two paragraphs shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the corresponding provisions in the preceding two paragraphs.

Article 351 Unlawfully cultivated opium poppies, marijuana, or other narcotic plants shall be compulsorily uprooted. Whoever cultivates the aforementioned plants under any of the following circumstances shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction, and concurrently, a fine:

- (1) cultivating not less than 500 but less than 3,000 opium poppies, or other narcotic plants in a relatively large quantity;
- (2) recultivating any of the abovementioned plants after being handled by the public security organ;
or
- (3) resisting the uprooting of the abovementioned plants.

Whoever unlawfully cultivates not less than 3,000 opium poppies or other narcotic plants in a large quantity shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine or confiscation of property.

Whoever unlawfully cultivates opium poppies or other narcotic plants but voluntarily uproots them before harvest may be exempted from punishment.

Article 352 Whoever unlawfully trades, transports, carries, or possesses seeds or seedlings which have not been inactivated of opium poppies or of other narcotic plants, if the quantity is relatively large, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently a fine, or shall be sentenced to a fine only.

Article 353 Whoever induces, abets, or deceives another person to take or inject narcotic drugs shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Whoever forces another person to take or inject narcotic drugs shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Whoever induces, abets, deceives, or forces a minor to take or inject narcotic drugs shall be given a heavier punishment.

Article 354 Whoever provides shelter for another person to take or inject narcotic drugs shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine.

Article 355 Whoever engaging in the manufacture, transportation, administration, or utilization of state-controlled narcotic or psychotropic substances in accordance with the law, in violation of state regulations, provides another person who takes or injects narcotic drugs with addictive narcotic or psychotropic substances that are controlled under state regulations, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. Whoever provides a criminal smuggling or trafficking narcotic drugs with addictive narcotic or psychotropic substances that are controlled under state regulations, or, for the purpose of making profits, provides another person who takes or injects narcotic drugs with addictive narcotic or psychotropic substances that are controlled under state regulations shall be convicted and punished in accordance with the provisions in Article 347 of this Law.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 355a Whoever induces, abets, or deceives an athlete to use performance-enhancing drugs in a major domestic or international sports competition, or knowingly provides performance-enhancing drugs to an athlete participating in a competition mentioned above, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine.

Whoever organizes or forces athletes to use performance-enhancing drugs in a major domestic or international sports competition shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

Article 356 Where a person who has been subjected to criminal punishment for smuggling, trafficking, transporting, manufacturing, or unlawfully possessing narcotic drugs commits a crime as prescribed in this Section, he shall be given a heavier punishment.

Article 357 For purposes of this Law, "narcotic drugs" refer to opium, heroin, methamphetamine (meth), morphine, marijuana, cocaine, and other addictive narcotic and psychotropic substances that are controlled under state regulations.

The quantity of drugs smuggled, trafficked, transported, manufactured, or unlawfully possessed shall be calculated by the verified amount instead of purity.

Section 8 Crimes of Organizing, Forcing, Inducing, Sheltering, or Procuring People to Engage in Prostitution

Article 358 Whoever organizes or forces other persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property.

Whoever organizes or forces minors to engage in prostitution shall be given a heavier punishment in accordance with the provisions in the preceding paragraph.

Whoever commits a crime as prescribed in the preceding two paragraphs, and in the course of it commits a criminal act such as killing, injuring, raping, or kidnapping another, shall be punished in accordance with the provisions on combining punishments for multiple crimes.

Whoever recruits or transports people for another person who organizes people to engage in prostitution, or otherwise assists others in organizing people to engage in prostitution, shall be sentenced to fixed-term imprisonment of not more than 5 years, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine.

Article 359 Whoever induces, provides shelter for, or procures another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

Whoever induces a girl under the age of 14 to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than 5 years, and concurrently, a fine.

Article 360 Whoever, knowing that he himself suffers from syphilis, gonorrhea, or any other serious venereal disease, engages in prostitution or solicits prostitution, shall be sentenced to fixed-term imprisonment of not more than 5 years, short-term custody, or non-custodial correction, and concurrently, a fine.

Article 361 Whoever working for an entity in the hotel business, or the catering service, or the culture and entertainment industry, or the taxi industry, etc., by taking advantage of the conditions of the entity, organizes, forces, induces, provides shelter for, or procures another person to engage in prostitution, shall be convicted and punished in accordance with the provisions in Articles 358 and 359 of this Law.

The leading person in charge of an entity mentioned in the preceding paragraph who commits a crime as prescribed in the preceding paragraph shall be given a heavier punishment.

Article 362 Whoever works for an entity in the hotel business, or the catering service, or the culture and entertainment industry, or the taxi industry, etc., informs and notices the lawbreakers when the public security organ investigates prostitution or solicitation of prostitution, if the circumstances are serious, shall be convicted and punished in accordance with the provisions in Article 310 of this Law.

Section 9 Crimes of Producing, Selling, or Disseminating Pornographic Materials

Article 363 Whoever produces, duplicates, publishes, sells, or disseminates pornographic materials for the purpose of making profits shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property.

Whoever provides another person with a book number to publish a pornographic book or magazine shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. Whoever knowingly provides a book number to another person for publishing a pornographic book or magazine shall be punished in accordance with the provisions in the preceding paragraph.

Article 364 Whoever distributes or disseminates pornographic books, magazines, films, audio-visual products, pictures, or other pornographic materials, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 2 years, short-term custody, or non-custodial correction.

Whoever organizes the broadcasting of pornographic films, videos, or other audio-visual products shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Whoever produces or duplicates pornographic films, videos or other audio-visual products, and organizes the broadcasting of them, shall be given a heavier punishment in accordance with the provisions in the second paragraph of this Article.

Whoever distributes or disseminates pornographic materials to minors under the age of 18 shall be given a heavier punishment.

Article 365 Whoever organizes pornographic performances shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine.

Article 366 An entity committing a crime as prescribed in Article 363, 364 or 365 of this Law shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the corresponding article.

Article 367 For purposes of this Law, "pornographic materials" refer to obscene books, magazines, films, videotapes, audiotapes, pictures, and other pornographic materials that specifically depict sexual activities or publicize pornography.

Scientific works on human physiology or medical knowledge are not pornographic materials.

Literature and works of artistic value with erotic contents shall not be regarded as pornographic materials.

Chapter VII Crimes of Impairing the Interests of National Defense

Article 368 Whoever, by violence or threat, obstructs a serviceperson in the performance of his duty in accordance of the law shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or a fine.

Whoever intentionally obstructs military operations of armed forces, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Article 369 Whoever destroys weapons or equipment, military installations or military communication shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody or non-custodial correction. Whoever destroys major weapons or equipment, military installations or military communication shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Whoever negligently commits a crime as prescribed in the preceding paragraph and causes serious consequences shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If especially serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Whoever commits a crime as prescribed in the preceding two paragraphs in wartime shall be given a heavier punishment.

Article 370 Whoever knowingly provides substandard weapons or equipment or military installations for the armed forces shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever negligently commits a crime as prescribed in the preceding paragraph and causes serious consequences shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If especially serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

An entity committing a crime as prescribed in the first paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the first paragraph.

Article 371 In the case of gathering to assault a restricted military zone, thereby seriously disrupting the order of the zone, the ringleaders shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years; and other active participants shall be sentenced to fixed-term

imprisonment of not more than 5 years, short-term custody, non-custodial correction, or deprivation of political rights.

In the case of gathering and disrupting the order of a military administrative zone, if the circumstances are serious, whereby the normal functioning of the military administrative zone is obstructed and heavy losses are caused, the ringleaders shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and other active participants shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights.

Article 372 Whoever impersonates a serviceperson to defraud another person shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 373 Whoever incites a serviceperson to desert the military or knowingly employs a deserter, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction.

Article 374 Whoever engages in malpractice for personal gains in the enlistment process by accepting or sending unqualified recruits, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 375 Whoever forges, alters, trades or steals, or forcibly seizes official documents, certificates, or seals of the armed forces shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, non-custodial correction, or deprivation of political rights. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Whoever illegally manufactures or trades uniforms of the armed forces, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only.

Whoever forges, steals, trades, or unlawfully provides or uses number plates of vehicles of the armed forces or other specialized symbols of the armed forces, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction, and concurrently, a fine, or shall be sentenced to a fine only. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

An entity committing a crime as prescribed in the second or third paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the corresponding provisions in the preceding paragraphs.

Article 376 A reservist who refuses or evades conscription or military training in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years

or short-term custody.

A citizen who refuses or evades military service in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody.

Article 377 Whoever intentionally provides the armed forces with false information about the enemy in wartime, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If especially serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 378 Whoever spreads rumors in wartime and damages the morale of armed forces shall be sentenced to fixed-term imprisonment of not more than 3 years, short-term custody, or non-custodial correction. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 379 Whoever knowingly hides, or provides money or other forms of property for a deserter from the armed forces in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 380 An entity which refuses or intentionally delays orders for military supplies in wartime, if the circumstances are serious, shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If serious consequences are caused, the offenders shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 381 Whoever refuses military expropriation or requisition in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Chapter VIII Crimes of Embezzlement and Bribery

Article 382 A state functionary who, by taking advantage of his office, appropriates, steals, or obtains by fraud, public property, or unlawfully takes public property into his own possession by other means, shall be liable for the crime of embezzlement.

Whoever entrusted by a state organ, a state-owned company, enterprise or public institution, or a people's organization with administering or managing state-owned property, by taking advantage of his office, appropriates, steals, or obtains by fraud, state-owned property, or unlawfully takes state-owned property into his own possession by other means, shall be convicted of embezzlement.

Whoever colludes with an offender as prescribed in the preceding two paragraphs to engage in embezzlement shall be convicted and punished as an accomplice.

Article 383 Whoever commits the crime of embezzlement shall be punished on the basis of the gravity of the circumstances and in accordance with the following provisions:

(1) if the amount embezzled is relatively large, or there are other relatively serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine.

(2) if the amount embezzled is large, or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years, and concurrently, a fine or confiscation of property.

(3) if the amount embezzled is especially large, or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and concurrently, a fine or confiscation of property. If the amount embezzled is especially large, and extremely heavy losses are caused to the interests of the state and the people, the offender shall be sentenced to life imprisonment or death, and concurrently, confiscation of property.

Whoever commits embezzlement several times but has not been dealt with shall be punished based on the cumulative amount of the embezzlement involved.

Where an offender who has committed a crime as prescribed in the first paragraph truthfully confesses his crime, shows sincere repentance, voluntarily returns the embezzled property, and avoids or reduces damage before the public prosecution, he may be given a lighter or mitigated punishment or be exempted from punishment under the circumstances prescribed in Subparagraph (1); and he may be given a lighter punishment if there is any of the circumstances prescribed in Subparagraphs (2) and (3).

Where a person is sentenced to death penalty with reprieve for committing a crime as prescribed in the first paragraph with the circumstances specified in Subparagraph (3), the people's court may at the same time decide, based on the circumstances of the crime and other factors, that upon the expiration of the two-year reprieve, when the death sentence with reprieve is commuted to life imprisonment in accordance with the law, the offender will be subjected to life imprisonment with no further commutation nor parole.

Article 384 A state functionary who, by taking advantage of his office and for private use, misappropriates public funds for illegal activities, or misappropriates a relatively large amount of public funds for profitable activities, or misappropriates a relatively large amount of public funds and fails to return them after the lapse of 3 months, shall be liable for the crime of misappropriation of public funds and shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years. Whoever misappropriates a large amount of public funds and fails to return them shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Whoever, for his own use, misappropriates funds or materials allocated for disaster relief, emergency rescue, flood prevention and control, support for servicepersons with disabilities or for families of martyrs and servicepersons, aid to the poor, migration, or social relief, shall be given a heavier punishment.

Article 385 A state functionary who, by taking advantage of his office, solicits money or other forms of property from others, or illegally accepts others' money or other forms of property as a price of providing benefits, shall be liable for the crime of taking bribes.

A state functionary who, in economic activities, violates state regulations by accepting kickbacks or service charges under any name and taking them into his own possession, shall be convicted of and punished for the crime of taking bribes.

Article 386 Whoever commits the crime of taking bribes shall be punished in accordance with the provisions in Article 383 of this Law based on the amount of bribes the offender has taken and the gravity of the circumstances. Whoever solicits bribes from another person shall be given a heavier punishment.

Article 387 Where a state organ, a state-owned company, enterprise or public institution, or a people's organization solicits or unlawfully accepts money or other forms of property from others as a price of providing benefits, if the circumstances are serious, the entity shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

An entity as prescribed in the preceding paragraph that, in economic activities, secretly accepts off-the-book kickbacks or service charges under any name, shall be convicted of the crime of accepting bribes and be punished in accordance with the provisions in the preceding paragraph.

Article 388 A state functionary who, by taking advantage of his office or position, secures illicit benefits for an entrusting party through another state functionary's performance of duty, and solicits or accepts money or other forms of property from the entrusting party, shall be convicted of and punished for the crime of taking bribes.

Article 388a Any close relative of a state functionary or any other person closely related to him who, by taking advantage of the state functionary's office or position, secures illicit benefits for an entrusting party through the state functionary's performance of duty or through another state functionary's performance of duty, and solicits or accepts money or other forms of property from the entrusting party, if the amount involved is relatively large or there are other relatively serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the amount involved is large or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. If the amount involved is especially large or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years, and concurrently, a fine or confiscation of property.

A former state functionary who no longer holds the office or post, or any of his close relatives or any other person closely related to him who, by taking advantage of the office or position he once held, commits an act as prescribed in the preceding paragraph, shall be punished in accordance with the provisions in the preceding paragraph.

Article 389 Whoever, for securing illicit benefits, gives money or other forms of property to a state functionary, shall be convicted of the crime of offering bribes.

Whoever, in economic activities, gives a relatively large amount of money or other forms of property to a state functionary in violation of state regulations, or gives kickbacks or service charges under any name to a state functionary in violation of state regulations, shall be convicted of and punished for offering bribes.

Where a victim of extortion is pressured into giving money or other forms of property to a state functionary without gaining illicit benefits, his act shall not be regarded as bribery.

Article 390 Whoever commits the crime of offering bribes shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. Where the offender offers bribes to secure illicit benefits, if the circumstances are serious or heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years, and concurrently, a fine. If the circumstances are especially serious, or extremely heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and concurrently, a fine or confiscation of property.

A briber who, before being prosecuted, voluntarily confesses his act of offering bribes, may be given a lighter or mitigated punishment. If the crime is relatively minor, or the briber plays a critical role in solving a major case, or the offender carries out a major meritorious performance, he may be given a mitigated punishment or be exempted from punishment.

Article 390a Whoever, for securing illicit benefits, offers bribes to any close relative of or any other person closely related to a state functionary, or offers bribes to a former state functionary who no longer holds the office or post, or any close relative of or any other person closely related to him, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine. If the circumstances are serious, or heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine. If the circumstances are especially serious, or extremely heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 7 years but not more than 10 years, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine.

Article 391 Whoever, for securing illicit benefits, gives money or other forms of property to a state organ, a state-owned company, enterprise or public institution, or a people's organization or, in economic activities, gives kickbacks or service charges under any name in violation of state regulations, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine.

An entity committing a crime as prescribed in the preceding paragraph shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be punished in accordance with the provisions in the preceding paragraph.

Article 392 Whoever acts as an intermediary in bribing a state functionary, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term

custody, and concurrently, a fine.

Whoever, before being prosecuted, voluntarily confesses his act of being an intermediary may be given a mitigated punishment or be exempted from punishment.

Article 393 Where an entity for securing illicit benefits, offers bribes or, in violation of state regulations, gives kickbacks or service charges to a state functionary, if the circumstances are serious, the entity shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody, and concurrently, a fine. Whoever takes into his own possession the illegal gains derived from bribery shall be convicted and punished in accordance with the provisions in Articles 389 and 390 of this Law.

Article 394 A state functionary who accepts gifts in domestic public service activities or in activities with any foreign party, and fails to turn such gifts over to the state as is required by state regulations, if the amount involved is relatively large, shall be convicted and punished in accordance with the provisions in Articles 382 and 383 of this Law.

Article 395 Where a state functionary's property or expenditure obviously exceeds his lawful income by a large amount, he may be ordered to explain the sources of his property, and if he cannot explain the sources, the part above his lawful income shall be regarded as illegal gains, and he shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the amount involved is especially large, the offender shall be sentenced to fixed-term of imprisonment of not less than 5 years but not more than 10 years. The part of property above lawful income shall be confiscated.

A state functionary shall, in accordance with state regulations, report his bank savings overseas. Whoever has a relatively large amount of such savings and fails to make such a report shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody. If the circumstances are relatively minor, the person shall be subjected to sanctions at the discretion of his entity or the competent authority at a higher level.

Article 396 Where a state organ, a state-owned company, enterprise or public institution, or a people's organization, in the name of the entity, divides up state-owned assets among employees of the entity in violation of state regulations, if the amount involved is relatively large, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody, and concurrently, a fine; or shall be sentenced to a fine only. If the amount involved is large, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years, and concurrently, a fine.

Any judicial organ or administrative law enforcement organ that, in violation of state regulations, and in the name of the organ, divides up the fines collected or confiscated property, which should be turned over to the state, among employees of the organ, shall be punished in accordance with the provisions in the preceding paragraph.

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Criminal Law of the People's Republic of China

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Chapter IX Crimes of Dereliction of Duty

Article 397 A functionary of a state organ who abuses his office or neglects his duty, thereby causing heavy losses to public property or to the interests of the state and the people, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years. Where it is provided otherwise in other provisions of this Law, such provisions shall prevail.

A functionary of a state organ who engages in malpractice for personal gains and commits a crime as prescribed in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. Where it is provided otherwise in other provisions of this Law, such provisions shall prevail.

Article 398 A functionary of a state organ who, in violation of the provisions of the Law on Guarding State Secrets, intentionally or negligently leaks state secrets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Any person other than a functionary of a state organ who commits a crime as prescribed in the preceding paragraph shall be punished as appropriate in accordance with the provisions in the preceding paragraph.

Article 399 A judicial officer who, bending the law for personal gains or twisting the law for a favor, subjects a person known to be innocent to prosecution, or intentionally shields a person known to be guilty from prosecution, or intentionally delivers a judgment or an order against the facts or the law in criminal proceedings, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are

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especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years.

A judicial officer who intentionally delivers a judgment or an order against the facts or the law in civil or administrative proceedings, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

A judicial officer who, being seriously remiss in his duty or abusing his office in the execution of a judgment or ruling, fails to take preservation measures in litigation in accordance with the law, or fails to perform his legal duty of execution, or unlawfully takes preservation measures in litigation or compulsory enforcement measures, thereby causing heavy losses to the interests of a party or others, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If extremely heavy losses are caused to the interests of a party or others, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

A judicial officer who accepts bribes and commits an act as prescribed in the preceding three paragraphs, which also constitutes a crime as prescribed in Article 385 of this Law, shall be convicted and punished in accordance with the provisions that specify a heavier punishment.

Article 399a Whoever, in performing his duty of arbitration in accordance with the law, intentionally makes a ruling against the facts or the law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 400 A judicial officer who, without authorization, releases a criminal suspect, defendant or convict in custody, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years.

A judicial officer who, being seriously remiss in his duty, causes a criminal suspect, defendant or convict in custody to escape, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 401 A judicial officer who, by engaging in malpractices for personal gains, grants commutation, parole, or temporary serving of the sentence outside the prison to a criminal who fails to meet the requirements for these measures, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 402 An administrative officer of law enforcement who, by engaging in malpractices for personal gains, fails to refer a case that should be referred to the judicial organ for investigating the

offenders' criminal liability in accordance with the law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the consequences are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 403 A functionary of a competent department of the state who, by engaging in malpractices for personal gains or abusing his office, approves an application for the incorporation or registration of a company or an application for the issuance or listing of shares or bonds, which fails to meet the corresponding conditions provided by law, thereby causing heavy losses to public property or the interests of the state and the people, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Where a department at a higher level compels a registration office and its staff members to commit an act as prescribed in the preceding paragraph, the person in charge of the said department who is directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

Article 404 A functionary of a tax organ who, by engaging in malpractices for personal gains, fails to collect or undercollects tax payable, thereby causing heavy revenue losses to the state, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If extremely heavy losses are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 405 A functionary of a tax organ who, in violation of the provisions of the laws or administrative regulations, engages in malpractices for personal gains in selling invoices, offsetting taxes payable, or handling export tax refunds, thereby causing heavy losses to the interests of the state, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If extremely heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

A functionary of any other state organ who, in violation of state regulations, engages in malpractices for personal gains in providing the exports declaration forms, certificates for cancellation of foreign exchange after export, or any other certificates for an export tax refund, thereby causing heavy losses to the interests of the state, shall be punished in accordance with the provisions of the preceding paragraph.

Article 406 A functionary of a state organ who, in concluding or performing a contract, is defrauded due to serious remissness in his duty, thereby causing heavy losses to the interests of the state, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If extremely heavy losses are caused to the interests of the state, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 407 A functionary of the competent forestry department who, in violation of the provisions of the Forestry Law, issues forest tree felling permits beyond the approved annual felling quota, or arbitrarily issues forest tree felling permits in violation of laws and regulations, if the circumstances are serious, thereby causing serious damage to the forest, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 408 A functionary of a state organ who, with the duty of supervision and administration of environmental protection, is seriously remiss in his duty, which results in a serious environmental pollution accident and causes heavy losses to public or private property or the serious consequence of personal injury or death, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 408a A functionary of a state organ who, with the duty of food and drug safety supervision and administration, abuses his office or neglects his duty under any of the following circumstances, if serious consequences are caused or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If especially serious consequences are caused or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years:

- (1) concealing, or knowingly making a false report of a food safety accident or drug safety accident;
- (2) failing to investigate and punish serious violations related to food or drug safety that have been discovered, as required in regulations;
- (3) granting a license to an applicant whose application fails to meet the conditions in the process of examination, review and approval of drugs or special foods;
- (4) failing to refer a case which should be referred to the judicial organ to be investigated for criminal liability; or
- (5) any other act of abuse of the office or negligence of duty.

Whoever commits a crime as prescribed in the preceding paragraph for personal gains shall be given a heavier punishment.

Article 409 A functionary of the administrative department of health with the duty of prevention and treatment of infectious diseases who is seriously remiss in his duty and thereby causes the spread of an infectious disease or an epidemic, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 410 A functionary of a state organ who, engaging in malpractices for personal gains by abusing his office, acts in violation of the laws or regulations on land administration and approves the expropriation, requisition or occupation of land, or transfers the right to use the state-owned land at an unreasonably low price, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If extremely heavy losses are caused to the interests of the state or the collective entity concerned, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 411 A customs officer who engages in malpractices and connives at smuggling for personal gains, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 412 A functionary of a commodity inspection department of the state or a commodity inspection agency who, by engaging in malpractices for personal gains, falsifies inspection results, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the consequences are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

A functionary as mentioned in the preceding paragraph who, due to serious remissness in his duty, fails to inspect the commodities that are subject to inspection, delays the inspection or the issuance of inspection certificates, or issues erroneous certificates, thereby causing heavy losses to the interests of the state, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 413 An officer of an animal and plant quarantine agency who, by engaging in malpractices for personal gains, falsifies quarantine results, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If serious consequences are caused, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

An officer as mentioned in the preceding paragraph who, due to serious remissness in his duty, fails to conduct quarantine inspection of the items that should have been inspected, delays the quarantine inspection or the issuance of inspection certificates, or issues erroneous certificates, thereby causing heavy losses to the interests of the state, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 414 A functionary of a state organ who, with the duty of investigating the crime of producing or selling fake or substandard commodities, engages in malpractices for personal gains and fails to perform the duty of investigation as required by the law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

Article 415 A functionary of a state organ who, in charge of the issuance of passports, visas, or other documents for exit or entry, knowingly grants a document for exit or entry to a person attempting to unlawfully cross the national boundary (frontier) or, a functionary of a border defense authority, a customs office, or any other state organ who knowingly allows a person unlawfully crossing the national boundary (frontier) to pass, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 416 A functionary of a state organ who, with the duty of rescuing women or children who are trafficked in or kidnapped, fails to take measures to rescue a victim at the request of the victim or a family member thereof, or upon receiving a report made by another person, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody.

A functionary of a state organ who, with the aforementioned rescue duty, obstructs the rescue effort by taking advantage of his office, shall be sentenced to fixed-term imprisonment of not less than 2 years but not more than 7 years. If the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than 2 years or short-term custody.

Article 417 A functionary of a state organ who, with the duty of investigating and suppressing criminal activities, leaks information to or provides convenience for criminals and assists them in evading punishment shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 418 A functionary of a state organ who engages in malpractices for personal gains in recruiting civil servants or students, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 419 A functionary of a state organ who is seriously remiss in his duty and causes damage to or the loss of precious cultural relics, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

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Chapter X Crimes of Serviceperson's Transgression of Duty

Article 420 A serviceperson acting in transgression of duty and thereby endangering the military interests of the state, which is criminally punishable in accordance with the law, commits the crime of serviceperson's transgression of duty.

Article 421 A serviceperson who disobeys an order in wartime, thereby endangering a military operation, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If heavy losses are caused to a battle or campaign, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 422 A serviceperson who intentionally conceals or makes a false report about a military situation, or refuses to convey a military order or conveys a false military order, thereby endangering a military operation, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If heavy losses are caused to a battle or campaign, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 423 A serviceperson who, in fear of death, voluntarily lays down arms and surrenders to an enemy on the battleground shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

A serviceperson who, after surrendering to an enemy, works for the enemy, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 424 A serviceperson who deserts from the battlefield shall be sentenced to fixed-term imprisonment of not more than 3 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If heavy losses are caused to a battle or campaign, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 425 Any commander or other serviceperson on duty who is absent without official leave or neglects his duty, and thereby causes serious consequences, shall be sentenced to fixed-term

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imprisonment of not more than 3 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Whoever commits a crime as prescribed in the preceding paragraph in wartime shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 426 A serviceperson who, by violence or threat, obstructs a commander or another serviceperson on duty in the performance of his duty, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. Whoever commits such a crime in wartime shall be given a heavier punishment.

Article 427 A serviceperson who abuses his office by instructing his subordinates to act in transgression of their duty, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

Article 428 A commander who disobeys an order, or flinches before a battle, or willfully fails to do his utmost in a military operation, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years. If heavy losses are caused to a battle or campaign or there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 429 A commander on the battlefield who, knowing that a nearby friendly troop in a critical situation requests rescue, refuses to go to rescue when it is possible, thereby causing heavy losses to the nearby friendly troop, shall be sentenced to fixed-term imprisonment of not more than 5 years.

Article 430 A serviceperson who, when performing his duty at home, leaves his post without permission and escapes from the country as a defector, or defects as he performs public duties abroad, thereby endangering the military interests of the state, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

A serviceperson who defects by piloting an aircraft or a ship or with other especially serious circumstances shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 431 A serviceperson who unlawfully obtains military secrets by stealing, spying on or illegally purchasing such secrets shall be sentenced to fixed-term imprisonment of not more than 5 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years.

A serviceperson who steals, spies on, purchases, or unlawfully provides military secrets for overseas institutions, organizations or individuals shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 432 A serviceperson who, in violation of the laws and regulations on the protection of state secrets, intentionally or negligently leaks military secrets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

Whoever commits a crime as prescribed in the preceding paragraph in wartime shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 433 A serviceperson who spreads rumors to mislead others in wartime and damages the morale of the armed forces shall be sentenced to fixed-term imprisonment of not more than 3 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 434 A serviceperson who commits self-injury in wartime to evade military obligation shall be sentenced to fixed-term imprisonment of not more than 3 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 435 A serviceperson who deserts the military in violation of the laws and regulations on military service, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Whoever commits the crime prescribed in the preceding paragraph in wartime shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 436 A serviceperson who acts in violation of the regulations on the use of weapons and equipment, if the circumstances are serious and an accident is caused which results in serious injury to or the death of another person or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 437 A serviceperson who, in violation of the regulations on the control of weapons and equipment, alters without authorization the allocated use of weapons and equipment, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 7 years.

Article 438 A serviceperson who steals or forcibly seizes weapons, equipment, or military supplies shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

A serviceperson who steals or forcibly seizes guns, ammunition or explosives shall be punished in accordance with the provisions in Article 127 of this Law.

Article 439 A serviceperson who, unlawfully, sells or otherwise transfers weapons or equipment of the military shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years. If the offender, unlawfully, sells or otherwise transfers, weapons or equipment in a large quantity, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 440 A serviceperson who, disobeying an order, abandons weapons or equipment shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the offender abandons weapons or equipment of importance or in a large quantity, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 441 A serviceperson who loses weapons or equipment but fails to report it immediately, or if there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody.

Article 442 Where a military real estate is sold or otherwise transferred without authorization in violation of the relevant regulations, if the circumstances are serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 3 years or short-term custody. If the circumstances are especially serious, the directly responsible persons shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years.

Article 443 A serviceperson who abuses his office and maltreats his subordinates, if the circumstances are grave, thereby causing serious injury to a subordinate or causing other serious consequences, shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If the death of a subordinate is caused, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 444 Where a wounded or sick serviceperson is deliberately abandoned on a battlefield, if the circumstances are grave, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than 5 years.

Article 445 A serviceperson who has the duty to save or treat servicepersons in wartime but refuses to save a critically wounded or sick serviceperson when it is possible shall be sentenced to fixed-term imprisonment of not more than 5 years or short-term custody. If serious disability or death is caused to the wounded or sick serviceperson, or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years.

Article 446 A serviceperson who cruelly injures innocent residents or plunders their property in an area of military operation in wartime shall be sentenced to fixed-term imprisonment of not more than 5 years. If the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years. If the circumstances are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or death.

Article 447 A serviceperson who sets free a prisoner of war without authorization shall be sentenced to fixed-term imprisonment of not more than 5 years. If the offender, without authorization, sets free an important prisoner of war or several prisoners of war, or there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 5 years.

Article 448 A serviceperson who maltreats a prisoner of war, if the circumstances are grave, shall be sentenced to fixed-term imprisonment of not more than 3 years.

Article 449 In wartime, a convicted serviceperson sentenced to fixed-term imprisonment of not more than 3 years and granted probation on the ground that he poses no tangible danger is allowed to redeem himself by meritorious performance. If the serviceperson indeed performs such services, his original criminal punishment may be rescinded and he shall not be considered as having committed the crime.

Article 450 This Chapter applies to officers, non-ranking officers, and enlisted personnel in active service, and military cadets of the Chinese People's Liberation Army; officers, non-ranking officers, and enlisted personnel in active service, and military cadets of the Chinese People's Armed Police; as well as civilian staff, and the reservists and other persons who perform military tasks.

Article 451 "Wartime" as mentioned in this Chapter refers to the time after the state declares the state of war, after the military receive missions of military operations, or when an enemy launches a surprise attack.

The time when the military execute martial-law missions or cope with an emergency of violence shall be regarded as wartime.

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