visited on 6/3/2013

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)

CONTENTS

PART ONE GENERAL PROVISIONS

CHAPTER I THE AIM, BASIC PRINCIPLES AND SCOPE OF APPLICATION OF THE CRIMINAL LAW

CHAPTER II CRIMES

SECTION 1 CRIMES AND CRIMINAL RESPONSIBILITY

SECTION 2 PREPARATION FOR A CRIME, CRIMINAL ATTEMPT AND DISCONTINUATION OF A CRIME

SECTION 3 JOINT CRIMES

SECTION 4 CRIMES COMMITTED BY A UNIT

CHAPTER III PUNISHMENTS

SECTION 1 TYPES OF PUNISHMENTS

SECTION 2 PUBLIC SURVEILLANCE

SECTION 3 CRIMINAL DETENTION

SECTION 4 FIXED-TERM IMPRISONMENT AND LIFE IMPRISONMENT

SECTION 5 THE DEATH PENALTY

SECTION 6 FINES

SECTION 7 DEPRIVATION OF POLITICAL RIGHTS

SECTION 8 CONFISCATION OF PROPERTY

CHAPTER IV THE CONCRETE APPLICATION OF PUNISHMENTS

SECTION 1 SENTENCING

SECTION 2 RECIDIVISTS

SECTION 3 VOLUNTARY SURRENDER AND MERITORIOUS PERFORMANCE

SECTION 4 COMBINED PUNISHMENT FOR SEVERAL CRIMES

SECTION 5 SUSPENSION OF SENTENCE

SECTION 6 COMMUTATION OF PUNISHMENT

visited on 6/3/2013

SECTION 7 PAROLE

SECTION 8 LIMITATION

CHAPTER V OTHER PROVISIONS

PART TWO SPECIFIC PROVISIONS

CHAPTER I CRIMES OF ENDANGERING NATIONAL SECURITY

CHAPTER II CRIMES OF ENDANGERING PUBLIC SECURITY

CHAPTER III CRIMES OF DISRUPTING THE ORDER OF THE SOCIALIST MARKET ECONOMY

SECTION 1 CRIMES OF PRODUCING AND MARKETING FAKE OR SUBSTANDARD COMMODITIES

SECTION 2 CRIMES OF SMUGGLING

SECTION 3 CRIMES OF DISRUPTING THE ORDER OF ADMINISTRATION OF COMPANIES AND ENTERPRISES

SECTION 4 CRIMES OF DISRUPTING THE ORDER OF FINANCIAL ADMINISTRATION

SECTION 5 CRIMES OF FINANCIAL FRAUD

SECTION 6 CRIMES OF JEOPARDIZING ADMINISTRATION OF TAX COLLECTION

SECTION 7 CRIMES OF INFRINGING ON INTELLECTUAL PROPERTY RIGHTS

SECTION 8 CRIMES OF DISRUPTING MARKET ORDER

CHAPTER IV CRIMES OF INFRINGING UPON CITIZENS' RIGHT OF THE PERSON AND DEMOCRATIC RIGHTS

CHAPTER V CRIMES OF PROPERTY VIOLATION

CHAPTER VI CRIMES OF OBSTRUCTING THE ADMINISTRATION OF PUBLIC ORDER

SECTION 1 CRIMES OF DISTURBING PUBLIC ORDER

SECTION 2 CRIMES OF IMPAIRING JUDICIAL ADMINISTRATION

SECTION 3 CRIMES AGAINST CONTROL OF NATIONAL BORDER (FRONTIER)

SECTION 4 CRIMES AGAINST CONTROL OF CULTURAL RELICS

SECTION 5 CRIMES OF IMPAIRING PUBLIC HEALTH

SECTION 6 CRIMES OF IMPAIRING THE PROTECTION OF ENVIRONMENT AND RESOURCES

SECTION 7 CRIMES OF SMUGGLING, TRAFFICKING IN, TRANSPORTING AND MANUFACTURING NARCOTIC DRUGS

SECTION 8 CRIMES OF ORGANIZING, FORCING, LURING, SHELTERING OR PROCURING OTHER PERSONS TO ENGAGE IN PROSTITUTION

SECTION 9 CRIMES OF PRODUCING, SELLING, DISSEMINATING PORNOGRAPHIC MATERIALS

CHAPTER VII CRIMES OF IMPAIRING THE INTERESTS OF NATIONAL DEFENCE

CHAPTER VIII CRIMES OF EMBEZZLEMENT AND BRIBERY

visited on 6/3/2013

CHAPTER IX CRIMES OF DERELICTION OF DUTY

CHAPTER X CRIMES OF SERVICEMEN'S TRANSGRESSION OF DUTIES

CHAPTER XI SUPPLEMENTARY PROVISIONS

PART ONE GENERAL PROVISIONS

CHAPTER I THE AIM, BASIC PRINCIPLES AND SCOPE OF APPLICATION OF THE CRIMINAL LAW

Article 1 In order to punish crimes and protect the people, this Law is enacted on the basis of the Constitution and in the light of the concrete experiences and actual circumstances in China's fight against crimes.

Article 2 The aim of the Criminal Law of the People's Republic of China is to use criminal punishments to fight against all criminal acts in order to safeguard security of the State, to defend the State power of the people's democratic dictatorship and the socialist system, to protect property owned by the State, and property collectively owned by the working people and property privately owned by citizens, to protect citizens' rights of the person and their democratic and other rights, to maintain public and economic order, and to ensure the smooth progress of socialist construction.

Article 3 For acts that are explicitly defined as criminal acts in law, the offenders shall be convicted and punished in accordance with law; otherwise, they shall not be convicted or punished.

Article 4 The law shall be equally applied to anyone who commits a crime. No one shall have the privilege of transcending the law.

Article 5 The degree of punishment shall be commensurate with the crime committed and the criminal responsibility to be borne by the offender.

Article 6 This Law shall be applicable to anyone who commits a crime within the territory and territorial waters and space of the People's republic of China, except as otherwise specifically provided by law.

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

If a criminal act or its consequence takes place within the territory or territorial waters or space of the People's Republic of China, the crime shall be deemed to have been committed within the territory and territorial waters and space of the People's Republic of China.

Article 7 This Law shall be applicable to any citizen of the People's Republic of China who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China; however, if the maximum punishment to be imposed is fixed-term imprisonment of not more than three years as stipulated in this Law, he may be exempted from the investigation for his criminal responsibility.

This Law shall be applicable to any State functionary or serviceman who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China.

Article 8 This Law may be applicable to any foreigner who commits a crime outside the territory and territorial waters and space of the People's Republic of China against the State of the People's Republic of China or against any of its citizens, if for that crime this Law prescribes a minimum punishment of fixed-term imprisonment of not less than three years; however, this does not apply to a crime that is not punishable according to the laws of the place where it is committed.

Article 9 This Law shall be applicable to crimes which are stipulated in international treaties concluded or acceded to by the People's Republic of China and over which the People's Republic of China exercises criminal jurisdiction within the scope of obligations, prescribed in these treaties, it agrees to perform.

Visited on 6/3/2013

Article 10 Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to this Law he should bear criminal responsibility, may still be investigated for his criminal responsibility according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment.

Article 11 The criminal responsibility of foreigners who enjoy diplomatic privileges and immunities shall be solved through diplomatic channels.

Article 12 If an act committed after the founding of the People's Republic of China and before the entry into force of this Law was not deemed a crime under the laws at the time, those laws shall apply. If the act was deemed a crime under the laws in force at the time and is subject to prosecution under the provisions of Section 8, Chapter IV of the General Provisions of this Law, criminal responsibility shall be investigated in accordance with those laws. However, if according to this Law the act is not deemed a crime or is subject to a lighter punishment, this Law shall apply.

Before the entry into force of this Law, any judgment that has been made and has become effective according to the laws at the time shall remain valid.

CHAPTER II CRIMES

SECTION 1 CRIMES AND CRIMINAL RESPONSIBILITY

Article 13 A crime refers to an act that endangers the sovereignty, territorial integrity and security of the State, splits the State, subverts the State power of the people's democratic dictatorship and overthrows the socialist system, undermines public and economic order, violates State-owned property, property collectively owned by the working people, or property privately owned by citizens, infringes on the citizens' rights of the person, their democratic or other rights, and any other act that endangers society and is subject to punishment according to law. However, if the circumstances are obviously minor and the harm done is not serious, the act shall not be considered a crime.

Article 14 An intentional crime refers to an act committed by a person who clearly knows that his act will entail harmful consequences to society but who wishes or allows such consequences to occur, thus constituting a crime.

Criminal responsibility shall be borne for intentional crimes.

Article 15 A negligent crime refers to an act committed by a person who should have foreseen that his act would possibly entail harmful consequences to society but who fails to do so through his negligence or, having foreseen the consequences, readily believes that they can be avoided, so that the consequences do occur.

Criminal responsibility shall be borne for negligent crimes only when the law so provides.

Article 16 An act is not a crime if it objectively results in harmful consequences due to irresistible or unforeseeable causes rather than intent or negligence.

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

If a person who has reached the age of 14 but not the age of 16 commits intentional homicide, intentionally hurts another person so as to cause serious injury or death of the person, or commits rape, robbery, drug- trafficking, arson, explosion or poisoning, he shall bear criminal responsibility.

If a person who has reached the age of 14 but not the age of 18 commits a crime, he shall be given a lighter or mitigated punishment.

If a person is not given criminal punishment because he has not reached the age of 16, the head of his family or his guardian shall be ordered to discipline him. When necessary, he may be taken in by the government for rehabilitation.

Visited on 6/3/2013

Article 18 If a mental patient causes harmful consequences at a time when he is unable to recognize or control his own conduct, upon verification and confirmation through legal procedure, he shall not bear criminal responsibility, but his family members or guardian shall be ordered to keep him under strict watch and control and arrange for his medical treatment. When necessary, the government may compel him to receive medical treatment.

Any person whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime when he is in a normal mental state.

If a mental patient who has not completely lost the ability of recognizing or controlling his own conduct commits a crime, he shall bear criminal responsibility; however, he may be given a lighter or mitigated punishment.

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

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

Article 20 An act that a person commits to stop an unlawful infringement in order to prevent the interests of the State and the public, or his own or other person's rights of the person, property or other rights from being infringed upon by the on-going infringement, thus harming the perpetrator, is justifiable defence, and he shall not bear criminal responsibility.

If a person's act of justifiable defence obviously exceeds the limits of necessity and causes serious damage, he shall bear criminal responsibility; however, he shall be given a mitigated punishment or be exempted from punishment.

If a person acts in defence against an on-going assault, murder, robbery, rape, kidnap or any other crime of violence that seriously endangers his personal safety, thus causing injury or death to the perpetrator of the unlawful act, it is not undue defence, and he shall not bear criminal responsibility.

Article 21 If a person is compelled to commit an act in an emergency to avert an immediate danger to the interests of the State or the public, or his own or another person's rights of the person, property or other rights, thus causing damage, he shall not bear criminal responsibility.

If the act committed by a person in an emergency to avert danger exceeds the limits of necessity and causes undue damage, he shall bear criminal responsibility; however, he shall be given a mitigated punishment or be exempted from punishment.

The provisions of the first paragraph of this Article with respect to averting danger to oneself shall not apply to a person who is charged with special responsibility in his post or profession.

SECTION 2 PREPARATION FOR A CRIME, CRIMINAL ATTEMPT AND DISCONTINUATION OF A CRIME

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

An offender who prepares for a crime may, in comparison with one who completes the crime, be given a lighter or mitigated punishment or be exempted from punishment.

Article 23 A criminal attempt refers to a case where an offender has already started to commit a crime but is prevented from completing it for reasons independent of his will.

An offender who attempts to commit a crime may, in comparison with one who completes the crime, be given a lighter or mitigated punishment.

Article 24 Discontinuation of a crime refers to a case where, in the course of committing a crime, the offender voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

An offender who discontinues a crime shall, if no damage is caused, be exempted from punishment or, if any damage is caused, be given a mitigated punishment.

SECTION 3 JOINT CRIMES

Visited on 6/3/2013

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

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

Article 26 A principal criminal refers to any person who organizes and leads a criminal group in carrying out criminal activities or plays a principal role in a joint crime.

A criminal group refers to a relatively stable criminal organization formed by three or more persons for the purpose of committing crimes jointly.

Any ringleader who organizes or leads a criminal group shall be punished on the basis of all the crimes that the criminal group has committed.

Any principal criminal not included in Paragraph 3 shall be punished on the basis of all the crimes that he participates in or that he organizes or directs.

Article 27 An accomplice refers to any person who plays a secondary or auxiliary role in a joint crime.

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

Article 28 Anyone who is coerced to participate in a crime shall be given a mitigated punishment or be exempted from punishment in the light of the circumstances of the crime he commits.

Article 29 Anyone who instigates another to commit a crime shall be punished according to the role he plays in a joint crime. Anyone who instigates a person under the age of 18 to commit a crime shall be given a heavier punishment.

If the instigated person has not committed the instigated crime, the instigator may be given a lighter or mitigated punishment.

SECTION 4 CRIMES COMMITTED BY A UNIT

Article 30 Any company, enterprise, institution, State organ, or organization that commits an act that endangers society, which is prescribed by law as a crime committed by a unit, shall bear criminal responsibility.

Article 31 Where a unit commits a crime, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be given criminal punishment. Where it is otherwise provided for in the Specific Provisions of this Law or in other laws, those provisions shall prevail.

CHAPTER III PUNISHMENTS

SECTION 1 TYPES OF PUNISHMENTS

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

Article 33 The principal punishments are as follows:

(1) public surveillance;

(2) criminal detention;

(3) fixed-term imprisonment;

(4) life imprisonment; and

(5) the death penalty.

Article 34 The supplementary punishments are as follows:

(1) fine;

Visited on 6/3/2013

(2) deprivation of political rights; and

(3) confiscation of property.

Supplementary punishments may be imposed independently.

Article 35 Deportation may be imposed independently or supplementarily to a foreigner who commits a crime.

Article 36 If a victim has suffered economic losses as a result of a crime, the criminal shall, in addition to receiving a criminal punishment according to law, be sentenced to making compensation for the economic losses in the light of the circumstances.

If criminal who is liable for civil compensation is sentenced to a fine at the same time but his property is not sufficient to pay both the compensation and the fine, or if he is sentenced to confiscation of property at the same time, he shall, first of all, bear his liability for civil compensation to the victim.

Article 37 If the circumstances of a person's crime are minor and do not require criminal punishment, he may be exempted from it; however, he may, depending on the different circumstances of the case, be reprimanded or ordered to make a statement of repentance, offer an apology or pay compensation for the losses, or be subjected to administrative penalty or administrative sanctions by the competent department.

SECTION 2 PUBLIC SURVEILLANCE

Article 38 The term of public surveillance shall be not less than three months but not more than two years.

Where a criminal is sentenced to public surveillance, the sentence shall be executed by a public security organ.

Article 39 Any criminal who is sentenced to public surveillance shall observe the following during the term in which his sentence is being executed:

(1) observe laws and administrative rules and regulations, and submit to supervision;

(2) exercise no right of freedom of speech, of the press, of assembly, of association, of procession or of demonstration without the approval of the organ executing the public surveillance;

(3) report on his own activities as required by the organ executing the public surveillance;

(4) observe the regulations for receiving visitors stipulated by the organ executing the public surveillance; and

(5) report to obtain approval from the organ executing the public surveillance for any departure from the city or county he lives in or for any change in residence.

Criminals sentenced to public surveillance shall, while engaged in labour, receive equal pay for equal work.

Article 40 Upon the expiration of a term of public surveillance, the executing organ shall immediately announce the termination of public surveillance to the criminal sentenced to public surveillance and to his work unit or the people of the place where he resides.

Article 41 A term of public surveillance shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be considered two days of the term sentenced.

SECTION 3 CRIMINAL DETENTION

Article 42 A term of criminal detention shall be not less than one month but not more than 6 months.

Article 43 Where a criminal is sentenced to criminal detention, the sentence shall be executed

Visited on 6/3/2013

by the public security organ in the vicinity.

During the period of execution, a criminal sentenced to criminal detention may go home for one to two days each month; an appropriate remuneration may be given to those who participate in labor.

Article 44 A term of criminal detention shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be considered one day of the term sentenced.

SECTION 4 FIXED-TERM IMPRISONMENT AND LIFE IMPRISONMENT

Article 45 A term of fixed-term imprisonment shall be not less than six months but not more than 15 years, except as stipulated in Articles 50 and 69 of this Law.

Article 46 Any criminal who is sentenced to fixed-term imprisonment or life imprisonment shall serve his sentence in prison or another place for the execution. Anyone who is able to work shall do so to accept education and reform through labor.

Article 47 A term of fixed-term imprisonment shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be considered one day of the term sentenced.

SECTION 5 THE DEATH PENALTY

Article 48 The death penalty shall only be applied to criminals who have committed extremely serious crimes. If the immediate execution of a criminal punishable by death is not deemed necessary, a two-year suspension of execution may be pronounced simultaneously with the imposition of the death sentence.

All death sentences, except for those that according to law should be decided by the Supreme People's Court, shall be submitted to the Supreme People's Court for verification and approval. Death sentences with a suspension of execution may be decided or verified and approved by a Higher People's Court.

Article 49 The death penalty shall not be imposed on persons who have not reached the age of 18 at the time the crime is committed or on women who are pregnant at the time of trial.

Article 50 Anyone who is sentenced to death with a suspension of execution commits no intentional crime during the period of suspension, his punishment shall be commuted to life imprisonment upon the expiration of the two-year period; if he has truly performed major meritorious service, his punishment shall be commuted to fixed-term imprisonment of not less than 15 years but not more than 20 years upon the expiration of the two-year period; if it is verified that he has committed an intentional crime, the death penalty shall be executed upon verification and approval of the Supreme People's Court.

Article 51 The term of suspension of execution of a death penalty shall be counted from the date the judgment becomes final. The term of a fixed-term imprisonment that is commuted from a death penalty with suspension of execution shall be counted from the date the suspension of execution expires.

SECTION 6 FINES

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

Article 53 A fine may be paid in a lump sum or in installments within the time limit specified in the judgment. If a fine is not paid upon the expiration of that time limit, the payment shall be compelled. If a person is not able to pay the fine in full, the People's Court shall demand the payment whenever it finds the person has property for execution of the fine. If a person has true difficulties in paying because of an irresistible disaster, the fine may be reduced or remitted according to the circumstances.

SECTION 7 DEPRIVATION OF POLITICAL RIGHTS

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

Visited on 6/3/2013

(1) the right to vote and to stand for election;

(2) the rights of freedom of speech, of the press, of assembly, of association, of procession and of demonstration;

(3) the right to hold a position in a State organ; and

(4) the right to hold a leading position in any State-owned company, enterprise, institution or people's organization.

Article 55 A term of deprivation of political rights shall be not less than one year but not more than five years, except as stipulated in Article 57 of this Law.

Anyone who is sentenced to public surveillance is deprived of political rights as a supplementary punishment, the term of deprivation of political rights shall be the same as the term of public surveillance, and the punishments shall be executed simultaneously.

Article 56 Anyone who commits the crime of endangering national security shall be sentenced to deprivation of political rights as a supplementary punishment; anyone who commits the crime of seriously undermining public order by intentional homicide, rape, arson, explosion, poisoning or robbery may be sentenced to deprivation of political rights as a supplementary punishment.

Where deprivation of political rights is imposed exclusively, the Specific Provisions of this Law shall apply.

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

When a death penalty with a suspension of execution is commuted to a fixed-term imprisonment, or a life imprisonment is commuted to a fixed- term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years but not more than 10 years.

Article 58 A term of deprivation of political rights as a supplementary punishment shall be counted from the date on which imprisonment or criminal detention ends or from the date on which 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.

Any criminal who is deprived of his political rights shall, during the period of execution, observe laws, administrative rules and regulations and other regulations governing supervision and control stipulated by the department of public security under the State Council and submit to supervision; he shall not exercise any of the rights listed in Article 54 of this Law.

SECTION 8 CONFISCATION OF PROPERTY

Article 59 Confiscation of property refers to the confiscation of part or all of the property personally owned by a criminal. Where confiscation of all the property of a criminal is imposed, the amount necessary for the daily expenses of the criminal himself and the family members supported by him shall be taken out.

When a sentence of confiscation of property is imposed, property that the criminal's family members own or should own shall not be subject to confiscation.

Article 60 Where it is necessary to use part of the confiscated property to repay the legitimate debts that the criminal incurred before his property is confiscated, the debts shall be repaid at the request of the creditors.

CHAPTER IV THE CONCRETE APPLICATION OF PUNISHMENTS

SECTION 1 SENTENCING

Article 61 When sentencing a criminal, a punishment shall be meted out on the basis of the facts, nature and circumstances of the crime, the degree of harm done to society and the relevant provisions of this Law.

Article 62 In cases where the circumstances of a crime call for a heavier or lighter punishment

Visited on 6/3/2013

under the provisions of this Law, the criminal shall be sentenced to a punishment within the limits of the prescribed punishment.

Article 63 In cases where the circumstances of a crime call for a mitigated punishment under the provisions of this Law, the criminal shall be sentenced to a punishment less than the prescribed punishment.

In cases where the circumstances of a crime do not warrant a mitigated punishment under the provisions of this Law, however, in the light of the special circumstances of the case, and upon verification and approval of the Supreme People's Court, the criminal may still be sentenced to a punishment less than the prescribed punishment.

Article 64 All money and property illegally obtained by a criminal shall be recovered, or compensation shall be or dered; the lawful property of the victim shall be returned without delay; and contrabands and possessions of the criminal that are used in the commission of the crime shall be confiscated. All the confiscated money and property and fines shall be turned over to the State treasury, and no one may misappropriate or privately dispose of them.

SECTION 2 RECIDIVISTS

Article 65 If a criminal commits another crime punishable by fixed-term imprisonment or heavier penalty within five years after serving his sentence of not less than fixed-term imprisonment or receiving a pardon, he is a recidivist and shall be given a heavier punishment. However, this shall not apply to cases of negligent crime.

For criminals who are paroled, the period stipulated in the preceding paragraph shall be counted from the date the parole expires.

Article 66 If a criminal of endangering national security commits the same crime again at any time after serving his sentence or receiving a pardon shall be dealt with as a recidivist.

SECTION 3 VOLUNTARY SURRENDER AND MERITORIOUS PERFORMANCE

Article 67 Voluntary surrender refers to the act of voluntarily delivering oneself up to justice and truthfully confessing one's crime after one has committed the crime. Any criminal who voluntarily surrenders may be given a lighter or mitigated punishment. The ones whose crimes are relatively minor may be exempted from punishment.

If a criminal suspect or a defendent under compulsory measures or a criminal serving a sentence truthfully confesses his other crimes that the judicial organ does not know, his act shall be regarded as voluntary surrender.

Article 68 Any criminal who performs such meritorious services as exposing an offence committed by another, which is verified through investigation, or producing important clues for solving other cases may be given a lighter or mitigated punishment. Any criminal who performs major meritorious services may be given a mitigated punishment or be exempted from punishment.

Any criminal who not only voluntarily surrenders after committing the crime but also performs major meritorious services shall be given a mitigated punishment or be exempted from punishment.

SECTION 4 COMBINED PUNISHMENT FOR SEVERAL CRIMES

Article 69 For a criminal who commits several crimes before a judgment is pronounced, unless he is sentenced to death or life imprisonment, his term of punishment shall be not more than the total of the terms for all the crimes but not less than the longest of the terms for the crimes, depending on the circumstances of the crimes. However, the term of public surveillance may not exceed the maximum of three years, the term of criminal detention may not exceed the maximum of one year, and fixed- term imprisonment may not exceed the maximum of 20 years.

If among the crimes there is any for which a supplementary punishment is imposed, the supplementary punishment shall still be executed.

Article 70 If, after a judgment has been pronounced but before the punishment has been completely executed, it is discovered that before the judgment is pronounced the criminal

Visited on 6/3/2013

committed another crime for which he is not sentenced, a judgment shall also be rendered for the newly discovered crime; the punishment to be executed shall be determined on the basis of the punishments imposed in the earlier and latest judgments and according to the provisions of Article 69 of this Law. Any portion of the term that has already been served shall count towards fulfilment of the term imposed by the latest judgment.

Article 71 If, after a judgment has been pronounced but before the punishment has been completely executed, the criminal again commits a crime, another judgment shall be rendered for the newly committed crime; the punishment to be executed shall be determined on the basis of the punishment that remains to be executed for the earlier crime and the punishment imposed for the new crime and according to the provisions of Article 69 of this Law.

SECTION 5 SUSPENSION OF SENTENCE

Article 72 A suspension of sentence may be granted to a criminal sentenced to criminal detention or to fixed-term imprisonment of not more than three years if, according to the circumstances of his crime and his demonstration of repentance, it is certain that suspension of the sentence will not result in further harm to society.

If a supplementary punishment is imposed on a criminal whose sentence is suspended, the supplementary punishment shall still be executed.

Article 73 The probation period for suspension of criminal detention shall be not less than the term originally decided but not more than one year, however, it may not be less than two months.

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

The probation period for suspension of sentence shall be counted from the date the judgment is made final.

Article 74 Suspension of sentence shall not be applied to recidivists.

Article 75 A criminal whose sentence is suspended shall observe the followings:

(1) to observe laws and administrative rules and regulations, and submit to supervision;

(2) to report on his own activities as required by the observing organ;

(3) to observe the regulations for receiving visitors stipulated by the observing organ; and

(4) to report to obtain approval from the observing organ for any departure from the city or county he lives in or for any change in residence.

Article 76 Any criminal whose sentence is suspended shall, during the probation period for suspension of sentence, be subjected to observation by a public security organ with the cooperation of the work unit to which he belongs or of a grass-roots organization, and in the absence of the circumstances prescribed in Article 77 of this Law, the punishment originally decided shall cease to be executed upon the expiration of the probation period for suspension of sentence, which shall be made known publicly.

Article 77 If, during the probation period for suspension of sentence, a criminal whose sentence is suspended commits a crime again or it is discovered that before the judgment is pronounced, he has committed another crime for which he is not sentenced, the suspension shall be revoked and another judgment rendered for the newly committed or discovered crime; the punishment to be executed shall be decided on the basis of the punishments for the old crime and the new crime and according to the provisions of Article 69 of this Law.

If, during the probation period for suspension of sentence, a criminal whose sentence is suspended violates laws, administrative rules and

regulations or regulations relating to supervision and control over suspension of sentence stipulated by the department of public security under the State Council and if the circumstances are serious, the suspension shall be revoked and the original punishment shall be executed.

SECTION 6 COMMUTATION OF PUNISHMENT

Visited on 6/3/2013

Article 78 The punishment of a criminal sentenced to public surveillance, criminal detention, fixed-term imprisonment or life imprisonment may be commuted if, while serving his sentence, he conscientiously observes prison regulations, accepts education and reform through labor and shows true repentance or performs meritorious services; the punishment shall be commuted if a criminal performs any of the following major meritorious services:

(1) preventing another person from conducting major criminal activities;

(2) informing against major criminal activities conducted inside or outside prison and verified through investigation;

(3) having inventions or important technical innovations to his credit;

(4) coming to the rescue of another in everyday life and production at the risk of losing his own life;

(5) performing remarkable services in fighting against natural disasters or curbing major accidents; or

(6) making other major contributions to the country and society.

After commutation, the term of punishment actually to be served by those sentenced to public surveillance, criminal detention or fixed-term imprisonment may not be less than half of the term originally decided; for those sentenced to life imprisonment, it may not be less than 10 years.

Article 79 If punishment to a criminal is to be commuted, the executing organ shall submit to a People's Court at or above the intermediate level a written proposal for commutation of punishment. The People's Court shall form a collegiate panel for examination and, if the criminal is found to have shown true repentance or performed meritorious services, issue an order of commutation. However, no punishment shall be commuted without going through legal procedure.

Article 80 A term of fixed-term imprisonment that is commuted from life imprisonment shall be counted from the date the order of commutation is issued.

SECTION 7 PAROLE

Article 81 A criminal sentenced to fixed-term imprisonment who has served more than half of the term of the original sentence or a criminal sentenced to life imprisonment who has served not less than 10 years of the term may be granted parole if he conscientiously observes prison regulations, accepts education and reform through labor, shows true repentance and will no longer cause harm to society. If special circumstances exist, upon verification and approval of the Supreme People's Court, the above restrictions relating to the term served may be disregarded.

No parole shall be granted to recidivists or criminals who are sentenced to more than 10 years of imprisonment or life imprisonment for crimes of violence such as homicide, explosion, robbery, rape and kidnap.

Article 82 Parole shall be granted to a criminal through the procedure prescribed in Article 79 of this Law. No parole shall be granted without going through legal procedure.

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

The probation period for parole shall be counted from the date the criminal is released on parole.

Article 84 Any criminal who is granted parole shall observe the following:

(1) observe laws and administrative rules and regulations, and submit to supervision;

(2) report on his own activities as required by the supervising organ;

(3) observe the regulations for receiving visitors stipulated by the supervising organ; and

Visited on 6/3/2013

(4) report to obtain approval from the supervising organ for any departure from the city or county he lives in or for any change in residence.

Article 85 Any criminal who is granted parole shall be subject to supervision by a public security organ during the probation period for parole. If he is not found in any of the circumstances prescribed in Article 86 of this Law, the punishment originally decided shall be considered executed upon the expiration of the probation period for parole, which shall be made known publicly.

Article 86 If a criminal who is granted parole commits another crime during the probation period for parole, the parole shall be revoked, and he shall be given a combined punishment for several crimes as provided in Article 71 of this Law.

If a criminal who is granted parole is discovered to have committed, before the judgment is pronounced, other crimes for which no punishment is imposed, the parole shall be revoked and a combined punishment for

several crimes shall be given according to the provisions of Article 70

of this Law.

If a criminal who is granted parole, during the probation period for parole, violates laws, administrative rules and regulations or other regulations relating to supervision and control over parole stipulated by the department of public security under the State Council but the violation does not constitute a new crime, the parole shall be revoked in accordance with legal procedure and he shall be put back into prison to serve the remaining part of criminal punishment.

SECTION 8 LIMITATION

Article 87 Crimes shall not be prosecuted if the following periods have elapsed:

(1) five years, when the maximum punishment prescribed is fixed-term imprisonment of less than five years;

(2) 10 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than five years but less than 10 years;

(3) 15 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than 10 years; and

(4) 20 years, when the maximum punishment prescribed is life imprisonment or death penalty. If after 20 years it is considered necessary to prosecute a crime, the matter shall be submitted to the Supreme People's Procuratorate for examination and approval.

Article 88 No limitation on the period for prosecution shall be imposed with respect to a criminal who escapes from investigation or trial after a People's Procuratorate, public security organ or national security organ files the case or a People's Court accepts the case.

No limitation on the period for prosecution shall be imposed with respect to a case which should have been but is not filed by a People's Court, People's Procuratorate or public security organ after the victim brings a charge within the period for prosecution.

Article 89 The limitation period for prosecution shall be counted from the date the crime is committed; if the criminal act is of a continual or continuous nature, it shall be counted from the date the criminal act is terminated.

If further crime is committed during a limitation period for prosecution, the limitation period for prosecution of the old crime shall be counted from the date the new crime is committed.

CHAPTER V OTHER PROVISIONS

Article 90 Where the provisions of this Law cannot be completely applied in national autonomous areas, the people's congresses of the autonomous regions or the provinces concerned may formulate adaptive or supplementary provisions on the basis of the political, economic and cultural characteristics of the local ethnic groups and the basic principles stipulated in this Law, and these provisions shall go into effect after they have been submitted to

Visited on 6/3/2013

and approved by the Standing Committee of the National People's Congress.

Article 91 "Public property" as mentioned in this Law refers to the following;

(1) property owned by the State;

(2) property owned collectively by working people; and

(3) public donations or special funds used for elimination of poverty or for other public welfare undertakings.

Private property that is being managed, used or transported by State organs, State-owned companies and enterprises, or enterprises owned by collectives, or people's organizations shall be treated as public property.

Article 92 "Citizens' privately owned property" as mentioned in this Law refers to the following;

(1) citizens' lawful earnings, savings, houses and other means of subsistence;

(2) any means of production that is under private or family ownership according to law;

(3) property lawfully owned by self-employed workers or private enterprises; and

(4) shares, stocks, bonds and other property that are under private ownership according to law.

Article 93 "State functionaries" as mentioned in this Law refers to persons who perform public service in State organs.

Persons who perform public service in State-owned companies or, enterprises, institutions or people's organizations, persons who are assigned by State organs, State-owned companies, enterprises or institutions to companies, enterprises or institutions that are not owned by the State or people's organizations to perform public service and the other persons who perform public service according to law shall all be regarded as State functionaries.

Article 94 "Judicial officers" as mentioned in this Law refers to persons who exercise the functions of investigation, prosecution, adjudication and supervision and control.

Article 95 "Serious injuries" as mentioned in this Law refers to any of the following:

(1) injuries resulting in a person's disability or disfigurement;

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

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

Article 96 "Violation of State regulations" as mentioned in this Law refers to violation of the laws enacted or decisions made by the National People's Congress or its Standing Committee and the administrative rules and regulations formulated, the administrative measures adopted and the decisions or orders promulgated by the State Council.

Article 97 "Ringleader" as mentioned in this Law refers to any criminal who plays the role of organizing, plotting or directing in a crime committed by a criminal group or a crowd.

Article 98 "To be handled only upon complaint" as mentioned in this Law means that a case shall only be handled if the victim brings a complaint. However, if the victim is unable to bring a complaint because of coercion or intimidation, a People's Procuratorate or a close relative of the victim may bring a complaint.

Article 99 "Not less than", "not more than" and "within" as used in this Law all include the given figure.

Article 100 Anyone who has been subjected to criminal punishment shall, before being recruited in the army or employed, report to the unit concerned about the fact; he may not conceal it.

Article 101 The General Provisions of this Law shall be applicable to other laws with provisions for criminal punishments, unless otherwise specifically provided for in those laws.

PART TWO SPECIFIC PROVISIONS

Visited on 6/3/2013

CHAPTER I CRIMES OF ENDANGERING NATIONAL SECURITY

Article 102 Whoever colludes with a foreign State to endanger the sovereignty, territorial integrity and 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 the crime prescribed in the preceding paragraph in collusion with any organ, organization or individual outside the territory of China shall be punished according to the provisions in the preceding paragraph.

Article 103 Among those who organize, plot or carry out the scheme of splitting the State or undermining unity of the country, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever incites others to split the State or undermine unity of the country shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; the ringleaders and the ones who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Article 104 Among those who organize, plot or carry out armed rebellion or armed riot, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever instigates, coerces, lures or bribes State functionaries or members of the armed forces, the people's police or the people's militia to commit armed rebellion or armed riot shall be given a heavier punishment according to the provisions in the preceding paragraph.

Article 105 Among those who organize, plot or carry out the scheme of subverting the State power or overthrowing the socialist system, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever incites others by spreading rumors or slanders or any other means to subvert the State power or overthrow the socialist system shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; and the ringleaders and the others who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

Article 106 Whoever commits the crime as prescribed in Article 103, 104 or 105 of this Chapter in collusion with any organ, organization or individual outside the territory of China shall be given a heavier punishment according to the provisions stipulated in these Articles respectively.

Article 107 Where an organ, organization or individual inside or outside of the territory of China provides funds to any organization or individual within the territory of China to commit the crime as prescribed in Article 102, 103, 104 or 105, the person who is directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 108 Whoever defects to the enemy and turns traitor shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious or if he leads members of the armed forces, the people's police or the people's militia to defect to the enemy and turn traitor, he shall be sentenced to fixed- term imprisonment of not less than 10 years or life imprisonment.

Visited on 6/3/2013

Article 109 Any State functionary who, while discharging his official duties at home or abroad, leaves his post without permission and defects to another country, which endangers the security of the People's Republic of China, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Any State functionary who has State secrets commits the crime as prescribed in the preceding paragraph shall be given a heavier punishment according to the provisions in the preceding paragraph.

Article 110 Whoever endangers national security by committing any of the following acts of espionage shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three 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) directing the enemy to any bombing or shelling target.

Article 111 Whoever steals, spies into, buys or unlawfully supplies State secrets or intelligence for an organ, organization or individual outside the territory of China shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

Article 112 Whoever aids the enemy during wartime by providing him with weapons and equipment or military materials shall be sentenced to fixed- term imprisonment of not less than 10 years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 113 Whoever commits any of the crimes of endangering national security as mentioned above in this Chapter, with the exception of those provided for in Paragraph 2 of Article 103 and in Articles 105, 107 and 109, if the crime causes particularly grave harm to the State and the people or if the circumstances are especially serious, may be sentenced to death.

Whoever commits any of the crimes mentioned in this Chapter may concurrently be sentenced to confiscation of property.

CHAPTER II CRIMES OF ENDANGERING PUBLIC SECURITY

Article 114 Whoever commits arson, breaches a dike, causes explosion, spreads poison or uses other dangerous means to sabotage any factory, mine, oilfield, harbour, river, water source, warehouse, house, forest, farm, threshing ground, pasture, key pipeline, public building or any other public or private property, thereby endangering public security but causing no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 115 Whoever commits arson, breaches a dike, causes explosion, spreads poison or inflicts serious injury or death on people or causes heavy losses of public or private property by other dangerous means, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever negligently commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 116 Whoever sabotages a train, motor vehicle, tram, ship or aircraft to such a dangerous extent as to overturn or destroy it, but with no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Visited on 6/3/2013

Article 117 Whoever sabotages a railroad, bridge, tunnel, highway, airport, waterway, lighthouse or sign or conducts any other sabotaging activities to such a dangerous extent as to overturn or destroy it, but with no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 118 Whoever sabotages any electric power or gas facility or any other inflammable or explosive equipment, thereby endangering public security, but causing no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 119 Whoever sabotages any means of transport, transportation facility, electric power facility, gas facility, or inflammable or explosive equipment, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever negligently commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 120 Whoever forms, leads or actively participates in a terrorist organization shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Whoever, in addition to the crime mentioned in the preceding paragraph, commits other crimes of homicide, explosion or kidnap shall be punished in accordance with the provisions on combined punishment for several crimes.

Article 121 Whoever hijacks any aircraft by means of violence, coercion or by any other means shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; any hijacker who causes serious injury to or death of any other person or serious damage to the aircraft shall be sentenced to death.

Article 122 Whoever hijacks a ship or motor vehicle by means of violence, coercion or by any other means shall be sentenced to fixed- term imprisonment of not less than five years but not more than 10 years; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 123 Whoever uses violence against any person on board an aircraft and thereby endangers air safety, if there are no serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 124 Whoever sabotages any broadcasting, television or public telecommunications facility, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than seven years.

Whoever negligently commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

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

Whoever illegally trades in or transports nuclear materials shall be

punished according to the provisions of the preceding paragraph.

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly

Visited on 6/3/2013

responsible for the crime shall be punished in accordance with the provisions of the first paragraph.

Article 126 If, in violation of the regulations governing control of guns, any enterprise that is designated or determined pursuant to law for manufacturing or selling guns commits any of the following acts, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the act shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment:

(1) to manufacture or sell guns in excess of the quotas or at variance with the variety prescribed, for purposes of illegal sale;

(2) to manufacture guns without numbers or with duplicate or false numbers, for purposes of illegal sale; or

(3) to sell guns illegally, or sell guns in China that are manufactured for export.

Article 127 Whoever steals or forcibly seizes any guns, ammunition or explosives shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever robs any guns, ammunition or explosives or steals or forcibly seizes any guns, ammunition or explosives from State organs, members of the armed forces, the police or the people's 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 governing control of guns, illegally possesses or conceals any guns or ammunition shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Whoever is lawfully equipped with a gun for the discharge of official duties illegally leases or loans his gun shall be punished according to the provisions of the preceding paragraph.

If persons who are lawfully provided with guns illegally lease or loan such guns, thereby causing serious consequences, they shall be punished according to the provisions of the first paragraph.

Where a unit commits the crime mentioned in the second or third paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions of the first paragraph.

Article 129 If persons who are lawfully equipped with guns for the discharge of official duties lose their guns and fail to report about the matter immediately, thereby causing serious consequences, they shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 130 Whoever illegally enters a public place or gets on a public transportation vehicle with any gun, ammunition, controlled cutting tool or explosive, inflammable, radioactive, poisonous or corrosive materials and thereby endangers public security, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 131 Any member of the crew on board an air craft who operates in violation of rules or regulations and thereby causes a grave air accident, if there are serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if an air crash or death of another is caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 132 Any railway worker who operates in violation of rules or regulations and thereby causes a railway operational accident, if there are serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if there are

Visited on 6/3/2013

especially serious consequences, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 133 Whoever violates regulations governing traffic and transportation and thereby causes a serious accident, resulting in serious injuries or deaths or heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Whoever runs away from the spot after he has caused a traffic accident or is involved in other especially flagrant circumstances shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if his escape results in the death of another person, he shall be sentenced to fixed- term imprisonment of not less than seven years.

Article 134 If any employee of a factory, mine, tree farm, construction enterprise or any other enterprise or institution disobeys management or violates rules and regulations or, if anyone forces employees to work under hazardous conditions in violation of rules, thereby causing an accident involving heavy casualties or causing other serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 135 Where the facilities for operational safety of a factory, mine, three farm, construction enterprise or any other enterprise or institution do not meet State requirements and no measures are taken to remove the hidden danger of accident after the warning given by the departments concerned or employees of the unit, so that an accident involving heavy casualties occurs or other serious consequences ensue, the person who is directly responsible for the accident shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 136 Whoever violates the regulations on the control of explosive, inflammable, radioactive, poisonous or corrosive materials and thereby causes a serious accident during the production, storage, transportation or use of those materials, if there are serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 137 Where any building, designing, construction or engineering supervision unit, in violation of State regulations, lowers the quality standard of a project and thereby causes a serious accident, the person who is directly responsible for the accident shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Article 138 If a person who is directly responsible knowingly fails to adopt measures against dangers in school buildings or in educational or teaching facilities or to make a timely report about the matter, so that an accident involving heavy casualties occurs, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 139 If a person who is directly responsible violates the regulations on fire prevention and control and refuses to take measures to set it right after being told by the organ for supervision over fire prevention and control to do so, if serious consequences ensue, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

CHAPTER III CRIMES OF DISRUPTING THE ORDER OF THE SOCIALIST MARKET ECONOMY

SECTION 1 CRIMES OF PRODUCING AND MARKETING FAKE OR SUBSTANDARD COMMODITIES

Article 140 Any producer or seller who mixes impurities into or adulterates the products, or passes a fake product off as a genuine one, a defective product as a high-quality one, or a

Visited on 6/3/2013

substandard product as a standard one, if the amount of earnings from sales is more than 50,000 yuan but less than 200,000 yuan, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also, or shall only, be fined not less than half but not more than two times the amount of earnings from sales; if the amount of earnings from sales is more than 200,000 yuan but less than 500,000 yuan, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the amount of earnings from sales is more than 500,000 yuan but less than 2,000,000 yuan, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the amount of earnings from sales is more than 2,000,000 yuan, he shall be sentenced to fixed-term imprisonment of 15 years or life imprisonment, and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

Article 141 Whoever produces or sells fake medicines that are harmful enough to seriously endanger human health shall be sentenced to fixed- term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than half but not more than two times the amount of earnings from sales; if human health is seriously harmed, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if death is caused to another person or especially serious harm is done to human health, he shall be sentenced to fixed- term imprisonment of not less than 10 years, life imprisonment or death, and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

Fake medicines as mentioned in this Article refer to medicines or any non-medical substances that fall under the category of or are regarded as fake medicines under the Pharmaceutical Administration Law of the People's Republic of China.

Article 142 Whoever produces or sells medicines of inferior quality and thereby causes serious harm to human health shall be sentenced to fixed- term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

Medicines of inferior quality as mentioned in this Article refer to medicines that fall under the category of medicines of inferior quality under the Pharmaceutical Administration Law of the People's Republic of China.

Article 143 Whoever produces or sells food that is not up to hygiene standards, thus causing an accident of serious food poisoning or resulting in any serious disease caused by food-borne bacteria, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than half but not more than two times the amount of earnings from sales; if serious harm is done to human health, he shall be sentenced to fixed- term imprisonment of not less than three years but not more than seven years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment, and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

Article 144 Whoever mixes the foods that he produces or sells with toxic or harmful non-food raw materials or knowingly sells such foods shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than half but not more than two times the amount of earnings from sales; if an accident of serious food poisoning or any serious disease caused by food-borne bacteria has resulted, thus seriously harming human health, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if death is caused to another person or especially serious harm is done to human health, he shall be punished according to the provisions in Article 141 of this Law.

visited on 6/3/2013

Article 145 Whoever produces medical apparatus and instruments or medical hygiene materials that are not up to the national or trade standards for safeguarding human health or sells such things while clearly knowing the fact, thereby causing serious harm to human health, shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

Article 146 Whoever produces electrical appliances, pressure containers, inflammable or explosive products or any other products that are not up to the national or trade standards for safeguarding personal or property safety or knowingly sells such products, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined not less than half but not more than two times the amount of earnings from sales.

Article 147 Whoever produces fake pesticides, fake animal pharmaceuticals or fake chemical fertilizers or sells pesticides, animal pharmaceuticals, chemical fertilizers or seeds while clearly knowing that they are fake or no longer effective, or any producer or seller who passes substandard pesticides, animal phamarceuticals, chemical fertilizers or seeds off as up-to-standard ones, thus causing relatively heavy losses to production, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than half but not more than two times the amount of earnings from sales; if heavy losses are caused to production, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if especially heavy losses are caused to production, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

Article 148 Whoever produces cosmetics that are not up to hygiene standards or knowingly sells such cosmetics, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than half but not more than two times the amount of earnings from sales.

Article 149 Whoever produces or sells products listed in Articles 141 through 148 of this Section, if the case does not constitute the crime as mentioned in these Articles respectively but more than 50,000 yuan is earned from sales, shall be convicted and punished in accordance with the provisions of Article 140 of this Section.

Whoever produces or sells products listed in Articles 141 through 148 of this Section, if the case constitutes the crime as mentioned in these Articles respectively and also the crime mentioned in Article 140 of this Section, shall be convicted and punished in accordance with the provisions for a heavier punishment.

Article 150 Where a unit commits the crime as mentioned in Articles 141 through 148 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

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 seven years and shall also be fined or sentenced to confiscation of property; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever smuggles cultural relics, gold, silver or other precious metals, the export of which is

Visited on 6/3/2013

forbidden by the State, or precious and rare species of wildlife as well as the products thereof, the import and export of which are forbidden by the State, shall be sentenced to fixed- term imprisonment of not less than five years and shall also be fined; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined.

Whoever smuggles precious and rare species of plants and the products thereof, the import and export of which is forbidden by the State, shall be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Whoever commits the crime as mentioned in the first or the second paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death and also to confiscation of property.

Where a unit commits the crime as mentioned in this Article, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the paragraphs in this Article respectively.

Article 152 Whoever, for the purpose of making profits or dissemination, smuggles pornographic movies, videotapes, magnetic tapes, pictures, books or periodicals or other pornographic materials shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance, and shall also be fined.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the preceding paragraph.

Article 153 Whoever smuggles goods or articles not specified in Articles 151, 152 and 347 of this Law shall, in the light of the seriousness of the circumstances, be punished in accordance with the following provisions respectively:

(1) If he smuggles goods or articles and evades or dodges payable duties to the amount of more than 500,000 yuan, he shall be sentenced to fixed- term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than one time but not more than five times the amount of payable duties evaded or dodged or be sentenced to confiscation of property; if the circumstances are especially serious, he shall be punished according to the provisions in the fourth paragraph of Article 151 of this Law.

(2) If he smuggles goods or articles and evades or dodges payable duties to the amount of more than 150,000 yuan but less than 500,000 yuan, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than one time but not more than five times the amont of payable duties evaded or dodged; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than one time but not more than five times the amount of payable duties evaded or dodged or be sentenced to confiscation of property.

(3) If he smuggles goods or articles and evades or dodges payable duties to the amount of more than 50,000 yuan but less than 150,000 yuan, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than one time but not more than five times the amount of payable duties evaded or dodged.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever smuggles goods or articles many times, and goes unpunished shall be punished on the

Visited on 6/3/2013

basis of the cumulative amount of the payable duties he invades or dodges in smuggling goods or articles.

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

(1) without permission of the Customs and without having paid the overdue payable duties, selling for profits within the territory of the People's Republic of China authorized imported bonded goods such as materials supplied by foreign clients for processing, parts supplied by them for assembly, or raw or processed materials, parts, finished products or equipment for compensation trade; or

(2) without permission of the Customs and without having paid the overdue payable duties, selling for profits within the territory of the People's Republic of China imported goods and articles specially designated for reduction of or exemption from duties.

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

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

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

(3) transporting solid waste from outside China into the territory of China through evading supervision and control by the Customs.

Article 156 Whoever conspires with criminals of smuggling and provides them with loans, funds, account numbers, invoices or certificates or with such conveniences as transportation, storage and mailing shall be deemed an accomplice in the crime of smuggling and punished as such.

Article 157 Whoever shields smuggling with arms shall be given a heavier punishment in accordance with the provisions in the first or fourth paragraph of Article 151 of this Law.

Whoever, by means of violence or threat, resists the seizure of smuggled goods shall be punished for the crime of smuggling and the crime of preventing State functionaries from performing their duties according to law, as stipulated in Article 277 of this Law, and in accordance with the provisions regarding the combined punishment for several crimes.

SECTION 3 CRIMES OF DISRUPTING THE ORDER OF ADMINISTRATION OF COMPANIES AND ENTERPRISES

Article 158 Whoever, when applying for company registration, obtains the registration by deceiving the competent company registration authority through falsely declaring the capital to be registered with falsified certificates or by other deceptive means shall, if the amount of the falsely registered capital is huge, and the consequences are serious or if there are other serious circumstances, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than one percent but not more than five percent of the capital falsely declared for registration.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 159 Any sponsor or shareholder of a company who, in violation of the provisions of the Company Law, makes a false capital contribution by failing to pay the promised cash or tangible assets or to transfer property rights, or surreptitiously withdraws the contributed capital after the incorporation of the company shall, if the amount involved is huge, and the consequences are serious, or if there are other serious circumstances, be sentenced to fixed-term

Visited on 6/3/2013

imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than two percent but not more than 10 percent of the false capital contribution or of the amount of the capital contribution surreptitiously withdrawn.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 160 Whoever issues shares or company or enterprise bonds by concealing important facts or falsifying major information in the prospectus on share offer, subscription forms or measures for offer of company or enterprise bonds shall, if the amount involved is huge, and the consequences are serious, or if there are other serious circumstances, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one percent but not more than five percent of the funds illegally raised.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 161 Where a company submits to shareholders and the general public false financial and accounting reports, or reports concealing important facts, thus causing serious harm to the interests of shareholders or others, the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan.

Article 162 Where, in the process of its liquidation, a company or enterprise conceals its assets, records false information in its balance sheet or inventory of assets, or distributes the company or enterprise assets prior to full payment of its debts, thus causing serious harm to the interests of the creditors or others, the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan.

Article 163 Where an employee of a company or enterprise who, taking advantage of his position, demands money or property from another person or illegally accepts another person's money or property in return for the benefits he seeks for such person, if the amount involved is relatively large, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount is huge, he shall be sentenced to fixed-term imprisonment of not less than five years and may also be sentenced to confiscation of property.

Any employee of a company or enterprise who, violating State regulations in economic activities, accepts rebates or service charges of various discriptions and takes them into his own possession shall be punished in accordance with the provisions in the preceding paragraph.

Any employee of a State-owned company or enterprise who, being engaged in public service or who is assigned by a State-owned company or enterprises to engage in public service in a company or enterprise that is not owned by the State, commits any of the acts mentioned in the preceding two paragraphs shall be convicted and punished according to the provisions in Articles 385 and 386 of this Law.

Article 164 Whoever, for the purpose of seeking illegitimate benefits, gives money or property to any employee of a company or enterprise, if the amount involved is relatively large, shall be sentenced to fixed- term imprisonment of not more than three years or criminal detention; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

Any briber who confesses the bribery voluntarily prior to prosecution may be given a mitigated

Visited on 6/3/2013

punishment or be exempted from punishment.

Article 165 Any director or manager of a State-owned company or enterprise who, taking advantage of his office, operates for himself or for another the same business as that of the company or enterprise in which he holds the office and obtains illegal interests, if the amount involved is huge, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount is especially huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 166 Any employee of a State-owned company, enterprise or institution who, taking advantage of his office, commits any of the following acts and thus causes heavy losses to the interests of the State shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined:

(1) turning management of the profitable business of his unit over to his relatives or friends;

(2) purchasing commodities from the unit managed by his relatives or friends at a price obviously higher than the market price, or selling commodities to such unit at a price obviously lower than the market price; or

(3) purchasing from the unit managed by his relatives or friends commodities that are not up to standards.

Article 167 If a person who is directly in charge of a State-owned company, enterprise or institution, when signing or fulfilling a contract, is defrauded due to serious neglect of responsibility and thus causes heavy losses to the interests of the State, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 168 If a person who is directly in charge of a State-owned company or enterprise, practises irregularities for selfish ends and causes bankruptcy or heavy losses to the said company or enterprise, thus resulting in heavy losses of the interests of the State, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 169 If a person who is directly in charge of a State-owned company or enterprise or the competent department at a higher level practises irregularities for selfish ends by converting State-owned assets to shares at a low price or selling them at a low price and thus causes heavy losses to the interests of the State, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

SECTION 4 CRIMES OF DISRUPTING THE ORDER OF FINANCIAL ADMINISTRATION

Article 170 Whoever counterfeits currencies shall be sentenced to fixed- term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan. Whoever is found to be in any of the following situations shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

(1) being a ringleader of a gang engaged in counterfeiting currencies;

(2) having counterfeited currencies in especially huge, amounts; or

(3) being involved in other especially serious circumstances.

Article 171 Whoever sells or buys counterfeit currencies or knowingly transports such currencies shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also

Visited on 6/3/2013

be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Any employee of a bank or of any other banking institution who buys counterfeit currencies or, taking advantage of his position, exchanges such currencies for genuine ones shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan or be sentenced to confiscation of property; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan.

Whoever counterfeits currencies and also sells or transports counterfeit currencies shall be convicted and given a heavier punishment according to the provisions in Article 170 of this Law.

Article 172 Whoever knowingly holds or uses counter-feit currencies shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Article 173 Whoever alters currencies shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

Article 174 Whoever establishes a commercial bank or any other banking institution without the approval of the People's Bank of China shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

Whoever forges, alters or transfers the permit for operation of a commercial bank or any other banking institution shall be punished in accordance with the provisions of the preceding paragraph.

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the first paragraph.

Article 175 Whoever, for the purpose of making profits through transferring loans, fraudulently obtains credit funds from a banking institution and transfers the funds to another at usury shall, if the amount of illegal gains is relatively large, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than one time but not more than five times the illegal gains; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than one time but not more than five times the illegal gains.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Visited on 6/3/2013

Article 176 Whoever illegally takes in deposits from the general public or does so in disguised form, thus disrupting the financial order, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

Article 177 Whoever commits any of the following acts of forging or altering financial bills shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fixed- term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

(1) forging or altering bills of exchange, promissory notes or cheques;

(2) forging or altering settlement certificates of a bank such as certificates of entrustment with the receipt of payment, certificates of remittance and deposit receipts;

(3) forging or altering letters of credit or their attached bills and documents; or

(4) forging credit cards.

Where a unit commits any of the crimes mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

Article 178 Whoever forges or alters treasury certificates or any other negotiable securities issued by the State shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Whoever forges or alters stocks or corporate or enterprise bonds shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

Any unit that commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding two paragraphs respectively.

Article 179 Whoever issues stocks or corporate or enterprise bonds without approval of the competent departments of the State shall, if the amount involved is huge, and the consequences are serious, or if there are other serious circumstances, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one percent but not more five percent of the funds illegally raised.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the

Visited on 6/3/2013

crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 180 Any insider who possesses inside information about any stock exchange transactions or anyone who illegally obtains such information, prior to the publication of the information that concerns stock issuing or exchange or that has a vital bearing on the stock price, buys or sells the very stock or divulges the very information shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one time but not more than five times the illegal gains; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than one time but not more than five times the illegal gains.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

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

The range of insiders shall be determined in accordance with the provisions of laws or administrative rules and regulations.

Article 181 Whoever fabricates and spreads false information to adversely affect stock exchange and disrupt the stock exchange market shall, if the consequences are serious, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan.

Any employee of a stock exchange or securities company or any member of a securities association or department for securities administration who deliberately provides false information or forges, alters or destroys transaction records in order to cajole investors into buying or selling securities and thus serious consequences have resulted, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 182 Whoever commits any of the following acts by rigging stock prices in order to obtain illegitimate profits or transfer risks shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one time but not more than five times the illegal gains:

(1) rigging stock prices by working alone or plotting with another in concluding transactions jointly or continuously through a mustering superiority in the holding of funds or shares or in the use of information;

(2) affecting stock prices or the volume of stock transactions by colluding with another and carrying out stock exchange between themselves upon a time, at a price and in a manner previously agreed, or buying or selling between themselves the securities they do not hold;

(3) affecting stock prices or the volume of stock transactions by taking himself as the counterpart of transaction and trading in stocks with himself without transferring ownership of the stock; or

(4) rigging stock prices by any other means.

Where a unit commits any of the crimes mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or

Visited on 6/3/2013

criminal detention.

Article 183 Any employee of an insurance company who, taking advantage of his position, deliberately fabricates the occurrence of an insured accident and falsely settles a fictitious claim, thereby swindling the insured amount of money out of the company and taking it into his own possession, shall be convicted and punished according to the provisions in Article 271 of this Law.

If an employee of a State-owned insurance company or any person who is assigned by a State-owned insurance company to an insurance company that is not owned by the State to engage in public service commits the act prescribed in the preceding paragraph, he shall be convicted and punished according to the provisions in Articles 382 and 383 of this Law.

Article 184 Any employee of a bank or of any other banking institution who in financial activities demands money or property from another person or illegally accepts money or property from another person in return for the benefits secured for such person or, in violation of State regulations, accepts rebates or service charges of various descriptions and takes them into his own possession shall be convicted and punished according to the provisions in Article 163 of this Law.

Any employee of a State-owned banking institution or any person assigned by a State-owned banking institution to a banking institution that is not owned by the State to engage in public service who commits the act mentioned in the preceding paragraph shall be convicted and punished according to the provisions in Articles 385 and 386 of this Law.

Article 185 Any employee of a bank or of any other banking institution who, taking advantage of his position, misappropriates money belonging to the bank or any client shall be convicted and punished according to the provisions in Article 272 of this Law.

If any employee of a State-owned banking institution or any person who is assigned by a State-owned banking institution to a banking institution that is not owned by the State to engage in public service commits the act mentioned in the preceding paragraph, he shall be convicted and punished according to the provisions in Article 384 of this Law.

Article 186 Any employee of a bank or of any other banking institution who, against laws or administrative rules and regulations, grants fiduciary loans or guaranteed loans to his connections on conditions that are more preferential than those for granting the same type of loans to other borrowers, thus causing relatively heavy losses, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 10,000 yuan but not more than 100,000 yuan; if heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

Any employee of a bank or of any other banking institution who, against laws or administrative rules and regulations, grants loans to persons other than his connections, thus causing heavy losses, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 10,000 yuan but not more than 100,000 yuan; if especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding two paragraphs respectively.

The range of connections shall be determined in accordance with the provisions in the Law of the People's Republic of China on Commercial Banks and the relevant regulations on banking.

Article 187 Any employee of a bank or of any other banking institution who, for the purpose of making profits, illegally lends the funds he absorbed from the clients instead of entering them into the account book, or uses the funds as loans, thus causing heavy losses, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years

Visited on 6/3/2013

and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

Article 188 Any employee of a bank or of any other banking institution who, against regulations, issues letters of credit or other letters of guaranty, negotiable instruments, deposit certificates or certificates of financial standing, thus causing relatively heavy losses, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

Article 189 Any employee of a bank or of any other banking institution who, in dealing with negotiable instruments, accepts, pays or guarantees a negotiable instrument which is at variance with the provisions in the Law on Negotiable Instruments, thus causing heavy losses, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

Article 190 Any State-owned company, enterprise or any other State-owned unit that, against State regulations, deposits foreign exchange outside China or illegally transfers foreign exchange inside China out to any other countries shall, if the circumstances are serious, be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 191 Whoever, while clearly knowing that the funds are proceeds illegally obtained from drug-related crimes or from crimes committed by mafias or smugglers and gains derived therefrom, commits any of the following acts in order to cover up or conceal the source or nature of the funds shall, in addition to being confiscated of the said proceeds and gains, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than five percent but not more than 20 percent of the amount of money laundried; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five but not more than 10 years and shall also be fined not less than five percent but not more than 20 percent of the amount of money laundried:

(1) providing fund accounts;

(2) helping exchange property into cash or any financial negotiable instruments;

(3) helping transfer capital through transferring accounts or any other form of settlement;

(4) helping remit funds to any other country; or

(5) covering up or concealing by any other means the nature or source of the illegally obtained proceeds and the gains derived therfrom.

Where a unit commits any of the crimes mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

SECTION 5 CRIMES OF FINANCIAL FRAUD

Article 192 Whoever, for the purpose of illegal possession, unlawfully raises funds by means of fraud shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious

Visited on 6/3/2013

circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Article 193 Whoever commits any of the following acts to defraud a bank or any other financial institution of loans for the purpose of illegal possession shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

(1) inventing false reasons for obtaining funds, projects, etc. from abroad;

(2) using a false economic contract;

(3) using a false supporting document;

(4) using a false property right certificate as guaranty or repeatedly using the same mortgaged property as guaranty in excess of its value; or

(5) defrauding loans by any other means.

Article 194 Whoever commits fraud by means of financial bills in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

(1) knowingly using forged or altered bills of exchange, promissory notes or cheques;

(2) knowingly using invalidated bills of exchange, promissory notes or cheques;

(3) illegally using another's bills of exchange, promissory notes or cheques;

(4) signing and issuing a rubber cheque or a cheque, on which the seal is not in conformity with the reserved specimen seal, in order to defraud money or property; or

(5) signing or issuing bills of exchange or promissory notes without funds as a guaranty, in the capacity of a drawer, falsely specifying the particulars thereon at the time of issue, in order to defraud money or property.

Whoever uses forged or altered settlement certificates of a bank such as certificates of entrustment with the receipt of payment, certificates of remittance and deposit receipts shall be punished in accordance with the provisions in the preceding paragraph.

Article 195 Whoever commits fraud by means of a letter of credit in any of the following ways shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

Visited on 6/3/2013

(1) using a forged or altered letter of credit or any of its attached bills or documents;

(2) using an invalidated letter of credit;

(3) fraudulently obtaining a letter of credit; or

(4) in any other ways.

Article 196 Whoever commits fraud by means of a credit card in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

(1) using a forged credit card;

(2) using an invalidated credit card;

(3) illegally using another's credit card; or

(4) overdrawing with ill intentions.

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

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 treasury certificates or any other securities issued by the State shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Article 198 Any of the following persons who commit insurance fraud in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 10,000 yuan but not more than 100,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan or be sentenced to confiscation of property:

(1) an applicant defrauds insurance money by deliberately falsifying the subject matter of the insurance;

(2) an applicant, an insured or a beneficiary defrauds insurance money by cooking up the cause of an insured accident or overstates the extent of loss;

(3) an applicant, an insured or a beneficiary defrauds insurance money by inventing stories of an insured accident that does not occur;

Visited on 6/3/2013

(4) an applicant or an insured defrauds insurance money by deliberately causing the occurrence of an insured accident that leads to property damage; or

(5) an applicant or a beneficiary defrauds insurance money by deliberately causing the death, disability or illness of the insured.

Whoever commits the act listed in sub-paragraph (4) or (5) of the preceding paragraph, which also constitutes another crime, shall be punished in accordance with the provisions on combined punishment for several crimes.

Where a unit commits the crime mentioned in the first paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount involved is huge, or if there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the amount involved is especially huge, or if there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years.

Any expert witness, witness or property assessor of an insured accident who deliberately provides false supporting documents, thus creating the conditions for another to practise defraudation, shall be deemed an accomplice in insurance fraud and punished as such.

Article 199 Whoever commits the crime mentioned in Article 192, 194 or 195 of this Section shall, if the amount involved is especially huge, and especially heavy losses are caused to the interests of the State and the people, be sentenced to life imprisonment or death and also to confiscation of property.

Article 200 Where a unit commits the crime mentioned in Article 192, 194 or 195 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount involved is huge, or if there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the amount involved is especially huge, or if there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

SECTION 6 CRIMES OF JEOPARDIZING ADMINISTRATION OF TAX COLLECTION

Article 201 Any taxpayer who fails to pay or underpays the amount of taxes payable by means of forging, altering, concealing or destroying without authorization account books or vouchers for the accounts, or overstating expenses or omitting or understating incomes in account books, or refusing to file his tax returns after the tax authorities have notified him to do so or filing false tax returns shall, if the amount of tax evaded accounts for over 10 percent but under 30 percent of the total of taxes payable and over 10,000 yuan but under 100,000 yuan, or if he commits tax evasion again after having been twice subjected to administrative sanctions by the tax authorities for tax evasion, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than one time but not more than five times the amount of tax evaded; if the amount of tax evaded accounts for over 30 percent of the total of taxes payable or is over 100,000 yuan, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than one time but not more than five times the amount of tax evaded.

Where a withholding agent who, by using the means mentioned in the preceding paragraph, fails to pay or under-pays the taxes which he has withheld or collected shall, if the amount accounts for over 10 percent of the total of taxes payable or is over 10,000 yuan, be punished in accordance with the provisions in the preceding paragraph.

Whoever repeatedly commits the acts mentioned in the preceding two paragraphs and goes unpunished shall be punished on the basis of the cumulative total.

Article 202 Whoever refuses to pay taxes by means of violence or threat shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than one time but not more than five times the amount he refuses to pay; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than one time but not

Visited on 6/3/2013

more than five times the amount he refuses to pay.

Article 203 Any taxpayer who does not pay the taxes due and adopts the means of transferring or concealing his property so that the tax authorities cannot pursue the amount of taxes in arrears shall, if the amount involved is over 10,000 yuan but under 100,000 yuan, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than one time but not more than five times the amount of taxes in arrears; if the amount involved is over 100,000 yuan, he shall be sentenced to fixed- term imprisonment of not less than three years but not more than seven years and shall also be fined not less than one time but not more than five times the amount of taxes in arrears.

Article 204 Whoever, by filing false export declaration or by any other deceptive means, obtains from the State a tax refund for exports shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than one time but not more than five times the amount defrauded; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than one time but not more than five times the amount defrauded; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed- term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than one time but not more than five times the amount defrauded or be sentenced to confiscation of property.

Any taxpayer who, after having paid the taxes, adopts the deceptive means mentioned in the preceding paragraph to obtain a tax refund shall be convicted and punished according to the provisions in Article 201 of this Law, and for the defrauded part that exceeds what he has paid, he shall be punished according to the provisions in the preceding paragraph.

Article 205 Whoever falsely makes out special invoices for value-added tax or any other invoices to defraud a tax refund for exports or to offset tax money shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount of money involved is relatively large or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount of money involved is huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Whoever commits the act mentioned in the preceding paragraph to defraud tax money of the State shall, if the amount involved is especially huge, and the circumstances are especially serious, thus causing especially heavy losses to the interests of the State, shall be sentenced to life imprisonment or death and also to confiscation of property.

Where a unit commits the crime mentioned in this Article, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed- term imprisonment of not more than three years or criminal detention; if the amount involved is relatively large or if there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the amount involved is huge, or if there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Falsely making out special invoices for value-added tax or any other invoices to defraud a tax refund for exports or to offset tax money refers to any act of falsely making out the said invoices for another, for oneself, or asking another to do so for oneself, or recommending another to do so.

Article 206 Whoever forges or sells forged special invoices for value- added tax shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the number involved is relatively large or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the number involved is huge, or if there are other especially serious circumstances, he shall be sentenced to

Visited on 6/3/2013

fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Whoever forges or sells forged special invoices for value-added tax shall, if the number involved is especially huge, and the circumstances are especially serious so that economic order is seriously disrupted, be sentenced to life imprisonment or death and also to confiscation of property.

Where a unit commits the crime mentioned in this Article, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed- term imprisonment of not more than three years, criminal detention or public surveillance; if the number involved is relatively large or if there are other serious circumstances, they shall be sentenced to fixed- term imprisonment of not less than three years but not more than 10 years; if the number involved is huge, or if 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 special invoices for value-added tax shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the number involved is relatively large, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the number involved is huge, he shall be sentenced to fixed- term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Article 208 Whoever unlawfully purchases special invoices for value- added tax or purchases forged special invoices for value-added tax shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan.

Whoever, in addition to unlawfully purchasing special invoices for value-added tax or purchasing forged special invoices for value-added tax, falsely makes out such invoices or sells them shall be convicted and punished according to the provisions of Article 205, 206 or 207 of this Law respectively.

Article 209 Whoever forges or makes without authorization any other invoices, which can be used to defraud a tax refund for exports or to offset tax money, or sells such invoices shall be sentenced to fixed- term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the number involved is large, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the number involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Whoever forges or makes without authorization invoices other than the ones specified in the preceding paragraph or sells such invoices shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance and shall also, or shall only, be fined not less than 10,000 yuan but not more than 50,000 yuan; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

Whoever illegally sells any other invoices which can be used to defraud a tax refund for exports or to offset tax money shall be punished according to the provisions in the first paragraph.

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

Article 210 Whoever steals special invoices for value-added tax or any other invoices which can be used to defraud a tax refund for exports or to offset tax money shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

Visited on 6/3/2013

Whoever fraudulently obtains special invoices for value-added tax or other invoices which can be used to defraud a tax refund for exports or to offset tax money shall be convicted and punished in accordance with the provisions in Article 266 of this Law.

Article 211 Where a unit commits the crime mentioned in Article 201, 203, 204, 207, 208 or 209 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

Article 212 Whoever commits the crime mentioned in Article 201, 202, 203, 204 or 205 and is fined or sentenced to confiscation of property shall be so punished after the tax authorities have recovered the taxes evaded and the defrauded tax refund for exports.

SECTION 7 CRIMES OF INFRINGING ON INTELLECTUAL PROPERTY RIGHTS

Article 213 Whoever, without permission from the owner of a registered trademark, uses a trademark which is identical with the registered trademark on the same kind of commodities shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 214 Whoever knowingly sells commodities bearing counterfeit registered trademarks shall, if the amount of sales is relatively large, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount of sales is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 215 Whoever forges or without authorization of another makes representations of the person's registered trademarks or sells such representations shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed- term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 216 Whoever counterfeits the patent of another shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Article 217 Whoever, for the purpose of making profits, commits any of the following acts of infringement on copyright shall, if the amount of illegal gains is relatively large, or if there are other serious circumstances, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount of illegal gains is huge or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined:

(1) reproducing and distributing a written work, musical work, motion picture, television programme or other visual works, computer software or other works without permission of the copyright owner;

(2) publishing a book of which the exclusive right of publication is enjoyed by another person;

(3) reproducing and distributing an audio or video recording produced by another person without permission of the producer; or

(4) producing or selling a work of fine art with forged signature of another painter.

Article 218 Whoever, for the purpose of making profits, knowingly sells works reproduced by infringing on the copyright of the owners as mentioned in Article 217 of this Law shall, if the amount of illegal gains is huge, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Article 219 Whoever commits any of the following acts of infringing on business secrets and thus causes heavy losses to the obligee shall be sentenced to fixed-term imprisonment of not

Visited on 6/3/2013

more than three years or criminal detention and shall also, or shall only, be fined; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined:

(1) obtaining an obligee's business secrets by stealing, luring, coercion or any other illegitimate means;

(2) disclosing, using or allowing another to use the business secrets obtained from the obligee by the means mentioned in the preceding paragraph; or

(3) in violation of the agreement on or against the obligee's demand for keeping business secrets, disclosing, using or allowing another person to use the business secrets he has.

Whoever obtains, uses or discloses another's business secrets, which he clearly knows or ought to know falls under the categories of the acts listed in the preceding paragraph, shall be deemed an offender who infringes on business secrets.

"Business secrets" as mentioned in this Article refers to technology information or business information which is unknown to the public, can bring about economic benefits to the obligee, is of practical use and with regard to which the obligee has adopted secret-keeping measures.

"Obligee" as mentioned in this Article refers to the owner of business secrets and the person who is permitted by the owner to use the business secrets.

Article 220 Where a unit commits any of the crimes mentioned in the Articles from 213 through 219 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

SECTION 8 CRIMES OF DISRUPTING MARKET ORDER

Article 221 Whoever fabricates stories and spreads them to damage another person's business credit or commodity reputation, if heavy losses are caused to the person, or if there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also, or shall only, be fined.

Article 222 Any advertiser, advertisement agent or advertisement publisher who, in violation of State regulations, takes advantage of advertisement to make false publicity of commodities or services, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also, or shall only, be fined.

Article 223 Bidders who act in collusion with each other in offering bidding prices and thus jeopardize the interests of bid-inviters or of other bidders, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

If a bidder and bid-inviter act in collusion with each other in bidding and thus jeopardize the lawful interests of the State, the collective or citizens, they shall be punished according to the provisions of the preceding paragraph.

Article 224 Whoever, during the course of signing or fulfilling a contract, commits any of the following acts to defraud money or property of the other party for the purpose of illegal possession, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the amount involved is especially huge or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation property:

(1) signing a contract in the name of a fictitious unit or in the name of another person;

(2) offering as guaranty forged, altered or invalidated negotiable instruments or any other false property right certificates;

(3) while having no ability to fulfil a contract, conjoling the other party into continuing to sign and

Visited on 6/3/2013

fulfil a contract by way of fulfilling a contract that involves a small amount of money or fulfilling part of the contract;

(4) going into hiding after receiving the other party's goods, payment for goods, cash paid in advance or property for guaranty; or

(5) any other acts.

Article 225 Whoever, in violation of State regulations, commits any of the following illegal acts in business operation and thus disrupts market order, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one time but not more than five times the amount of illegal gains; if the circumstances are especially serious, he shall be sentenced to fixed- term imprisonment of not less than five years and shall also be fined not less than one time but not more than five times the amount of illegal gains or be sentenced to confiscation of property:

(1) without permission, dealing in goods that are designated by laws or administrative rules and regulations as goods to be dealt in or sold in a monopoly way or other goods that are restricted in trading;

(2) buying or selling import or export licenses, import or export certificates of origin or other business licenses or approval papers required by laws or administrative rules and regulations; or

(3) other illegal operations that seriously disrupt market order.

Article 226 Whoever buys or sells commodities by violence or intimidation, or compels another person to provide or receive a service, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Article 227 Whoever counterfeits or scalps any counterfeit train or ship tickets, stamps or any other negotiable tickets, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance and shall also, or shall only, be fined not less than one time but not more than five times the value of the tickets; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined not less than one time but not more than five times the value of the tickets.

Whoever scalps train or ship tickets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance, and shall also, or shall only, be fined not less than one time but not more than five times the value of the tickets.

Article 228 Whoever, in violation of the rules and regulations on land administration, illegally transfers or scalps land-use right to make profits, if the circumstances are serious, shall be sentenced to fixed- term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than five percent but not more than 20 percent of the money gained therefrom; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than five percent but not more than 20 percent of the money gained therefrom.

Article 229 If a member of a intermediary organization, whose duty is to make capital assessment, verification or validation, to do accounting or auditing, or to provide legal service, etc, deliberately provides false testifying papers, if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined.

Any member mentioned in the preceding paragraph who commits the crime prescribed in the preceding paragraph demands money or property from another or illegally accepts money or property from another shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Any member mentioned in the first paragraph who, grossly neglecting his duty, produces testifying papers that are highly inconsistent with the facts, thus causing serious consequences,

Visited on 6/3/2013

shall be sentenced to fixed- term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Article 230 Whoever, in violation of the provisions in the Law on Import and Export Commodity Inspection, evades commodity inspection and markets or uses import commodities that are subject to inspection by the commodity inspection authorities but are not declared for such inspection, or exports commodities that are subject to inspection by the commodity inspection authorities but are not proved up to standard through declaration for such inspection, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Article 231 Where a unit commits the crime mentioned in the Articles from 221 through 230 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

CHAPTER IV CRIMES OF INFRINGING UPON CITIZENS' RIGHT OF THE PERSON 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, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 233 Whoever negligently causes death to another person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than three years, except as otherwise specifically provided in this Law.

Article 234 Whoever intentionally inflicts injury upon another person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Whoever commits the crime mentioned in the preceding paragraph, thus causing severe injury to another person, shall be sentenced to fixed- term imprisonment of not less than three years but not more than 10 years; if he causes death to the person or, by resorting to especially cruel means, causes severe injury to the person, reducing the person to utter disability, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death, except as otherwise specifically provided in this Law.

Article 235 Whoever negligently injures another person and causes severe injury to the person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, except as otherwise specifically provided in this Law.

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

Whoever has sexual intercourse with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment.

Whoever rapes a woman or has sexual intercourse with a girl under the age of 14 shall, in any of the following circumstances, be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death:

(1) the circumstances being flagrant;

(2) raping a number of women or girls under the age of 14;

(3) raping a woman before the public in a public place;

(4) raping a woman with one or more persons in succession; or

(5) causing serious injury or death to the victim or any other serious consequences.

Article 237 Whoever acts indecently against or insults a woman by violence, coercion or any other forcible means shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Visited on 6/3/2013

Whoever gathers a number of people to commit the crime mentioned in the preceding paragraph or commits the crime before the public in a public place shall be sentenced to fixed-term imprisonment of not less than five years.

Whoever acts indecently against a child shall be given a heavier punishment in accordance with the provisions of the preceding two paragraphs.

Article 238 Whoever unlawfully detains another person or unlawfully deprives the personal freedom of another person by any other means shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights. If he resorts to battery or humiliation, he shall be given a heavier punishment.

Whoever commits the crime mentioned in the preceding paragraph and causes serious injury to the victim shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if he causes death to the victim, he shall be sentenced to fixed-term imprisonment of not less than 10 years. If he causes injury, disability or death to the victim by violence, he shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law.

Whoever unlawfully detains or confines another person in order to get payment of a debt shall be punished in accordance with the provisions of the preceding two paragraphs.

Where a functionary of a State organ commits any of the crimes mentioned in the preceding three paragraphs by taking advantage of his functions and powers, he shall be given a heavier punishment in accordance with the provisions in the preceding three paragraphs correspondingly.

Article 239 Whoever kidnaps another person for the purpose of extorting money or property or kidnaps another person as a hostage shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and also to a fine or confiscation of property; if he causes death to the kidnapped person or kills the kidnapped person, he shall be sentenced to death and also to confiscation of property.

Whoever steals a baby or an infant for the purpose of extorting money or property shall be punished in accordance with the provisions of the preceding paragraph.

Article 240 Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property:

(1) being a ringleader of a gang engaged in abducting and trafficking in women and children;

(2) abducting and trafficking in three or more women and/or children;

(3) raping the woman who is abducted and trafficked in;

(4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution;

(5) kidnapping a woman or child by means of violence, coercion or

anaesthesia for the purpose of selling the victim;

(6) stealing a baby or an infant for the purpose of selling the victim;

(7) causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or

(8) selling a woman or a child out of the territory of China.

By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.

visited on 6/3/2013

Article 241 Whoever buys an abducted woman or child shall be sentenced to fixed-term imprisonment of not more than three years, criminal

detention or public surveillance.

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

Whoever buys an abducted woman or child and illegally deprives the victim of his or her personal freedom or restricts his or her personal freedom, or commits any criminal acts such as harming and humiliating the victim, shall be convicted and punished in accordance with the relevant provisions of this Law.

Whoever buys an abducted woman or child and commits the criminal act as specified in the second or third paragraph of this Article shall be punished in accordance with the provisions on combined punishment for several crimes.

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

Whoever buys an abducted woman or child but does not obstruct the woman from returning to her original place of residence as she wishes or does not maltreat the child nor obstruct his or her rescue may be exempted from being investigated for criminal responsibility.

Article 242 Whoever, through violence or threat, obstructs functionaries of a State organ from rescuing a sold woman or child shall be convicted and punished in accordance with the provisions of Article 277 of this Law.

The major culprit who gathers people to prevent functionaries of a State organ from rescuing a sold woman or child shall be sentenced to fixed- term imprisonment of not more than five years or criminal detention; the other participants who resort to violence or threat shall be punished in accordance with the provisions of the preceding paragraph.

Article 243 Whoever invents stories to implicate another person with the intention of having him investigated for criminal responsibility, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Any functionary of a State organ who commits the crime mentioned in the preceding paragraph shall be given a heavier punishment.

The provisions of the preceding two paragraphs shall not be applicable to cases of unintentional false charge, mistaken complaint or unfounded accusation.

Article 244 Where an employer, in violation of the laws and regulations on labour administration, compels its employees to work by restricting their personal freedom, if the circumstances are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Article 245 Whoever unlawfully subjects another person to a body search or a search of his residence or unlawfully intrudes into another person's residence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Any judicial officer who abuses his power and commits the crime mentioned in the preceding paragraph shall be given a heavier punishment.

Article 246 Whoever, by violence or other methods, publicly humiliates another person or invent stories to defame him, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

The crime mentioned in the preceding paragraph shall be handled only upon complaint, except where serious harm is done to public order or to the interests of the State.

visited on 6/3/2013

Article 247 Any judicial officer who extorts 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 three years or criminal detention. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of Article 234 or 232 of this Law.

Article 248 Any policeman or other officer of an institution of confinement like a prison, a detention house or a custody house who beats a prisoner or maltreats him by subjecting him to corporal punishment, if the circumstances are serious shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of Article 234 or 232 of this Law.

Any policeman or other officer who instigates a person held in custody to beat or maltreat another person held in custody by subjecting him to corporal punishment, the policeman or officer shall be punished in accordance with the provisions of the preceding paragraph.

Article 249 Whoever incites national enmity or discrimination, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 250 Where a publication carries an article designed to discriminate or humiliate an ethnic group, if the circumstances are flagrant and the consequences are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 251 Any functionary of a State organ who unlawfully deprives a citizen of his or her freedom of religious belief or infringes upon the customs and habits of an ethnic group, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Article 252 Whoever conceals, destroys or unlawfully opens another person's letter, thereby infringing upon the citizen's right to freedom of correspondence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than one year or criminal detention.

Article 253 Any postal worker who opens without authorization or conceals or destroys mail or telegrams shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

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

Article 254 Any functionary of a State organ who, abusing his power or using his public office for private ends, retaliates against or frames up complainants, petitioners, critics or persons who report against him shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

Article 255 Any leading member of a company, enterprise, institution, State organ or people's organization who retaliates against the accountants or statisticians who perform their functions and duties according to law and resist any acts violating the Accounting Law or the Statistics Law, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 256 Whoever, in election of the deputies to the people's congresses and the leading members of State organs at various levels, disrupts election or obstructs the electorate and deputies from freely exercising their right to vote and to stand for election by such means as violence, threat, deception, bribery, falsification of electoral documents or false report of ballots, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more

Visited on 6/3/2013

than three years, criminal detention or deprivation of political rights.

Article 257 Whoever uses violence to interfere with another person's freedom of marriage shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Whoever commits the crime mentioned in the preceding paragraph and causes death to the victim shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

The crime mentioned in the first paragraph of this Article shall be handled only upon complaint.

Article 258 Whoever has a spouse and commits bigamy or knowingly marries a person who has a spouse shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Article 259 Whoever knowingly cohabits with or marries a person who is the spouse of an active serviceman shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Whoever, by taking advantage of his functions and powers or the subordinate relationship, have sexual intercourse with the wife of an active serviceman by means of coercion shall be convicted and punished in accordance with the provisions of Article 236 of this Law.

Article 260 Whoever maltreats a member of his family, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

Whoever commits the crime mentioned in the preceding paragraph and causes serious injury or death to the victim shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

The crime mentioned in the first paragraph of this Article shall be handled only upon complaint.

Article 261 Whoever refuses to fulfill his duty to support an aged person, minor, sick person or any other person who cannot live independently, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

Article 262 Whoever abducts a minor under the age of 14, thereby separating the child from his family or guardian, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

CHAPTER V CRIMES OF PROPERTY VIOLATION

Article 263 Whoever robs public or private property by violence, coercion or other methods shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death and shall also be fined or sentenced to confiscation of property:

(1) intruding into another person's residence to rob;

(2) robbing on board the means of public transportation;

(3) robbing a bank or any other banking institution;

(4) committing robbery repeatedly or robbing a huge, sum of money;

(5) causing serious injury or death to another person in the course of robbery;

(6) impersonating a serviceman or policeman in robbing;

(7) robbing with a gun; or

(8) robbing military materials or the materials for emergency rescue, disaster relief or social relief.

visited on 6/3/2013

Article 264 Whoever steals a relatively large amount of public or private property or commits theft repeatedly shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the amount is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the amount is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property; whoever falls under any of the following categories shall be sentenced to life imprisonment or death, and shall also be sentenced to confiscation of property:

(1) stealing a banking institution and the amount involved is especially huge; or

(2) stealing precious cultural relics and the circumstances are serious.

Article 265 Whoever, for the purpose of making profits, stealthily connects his telecommunications line with that of another person, duplicates another person's telecommunications code or number or uses the telecommunication equipment or device while clearly knowing that it is stealthily connected with another person's or duplicated shall be convicted and punished in accordance with the provisions of Article 264 of this Law.

Article 266 Whoever swindles public or private money or property, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the amount is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the amount is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property, except as otherwise specifically provided in this Law.

Article 267 Whoever forcibly seizes public or private money or property, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the amount is huge, or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the amount is especially huge, or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property.

Whoever commits the crime with lethal weapons shall be convicted and punished in accordance with the provisions of Article 263 of this Law.

Article 268 Where people are gathered to forcibly seize public or private money or property, if the amount is relatively large or if there are other serious circumstances, the ringleaders and active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the amount is huge, or there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Article 269 Whoever commits the crime of theft, fraud or forcible seizure of money or property and uses violence on the spot or threatens to use violence in order to conceal the booty, resist arrest or destroy the criminal evidence shall be convicted and punished in accordance with the provisions of Article 263 of this Law.

Article 270 Whoever unlawfully takes possession of another person's money or property under his custody and refuses to return it, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than two years, or criminal detention or be fined; if the amount is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than five years and shall also be fined.

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

The crime mentioned in this Article shall be handled only upon complaint.

Visited on 6/3/2013

Article 271 Any employee of a company, enterprise or any other unit who, taking advantage of his position, unlawfully takes possession of the money or property of his own unit, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount is huge, he shall be sentenced to fixed-term imprisonment of not less than five years and may also be sentenced to confiscation of property.

If an employee who is engaged in public service in a State-owned company, enterprise or any other State-owned unit or if a person who is assigned by a State-owned company, enterprise or any other State-owned unit to a company, enterprise or any other unit that is not owned by the State to engage in public service commits the act mentioned in the preceding paragraph, he shall be convicted and punished in accordance with the provisions of Article 382 or 383 of this Law.

Article 272 Any employee of a company, enterprise or any other unit who, taking advantage of his position, misappropriates the funds of his own unit for personal use or for loaning them to another person, if the amount is relatively large and the funds are not repaid at the expiration of three months, or if the funds are repaid before the expiration of three months but the amount involved is relatively large and the funds are used for profit-making activities or for illegal activities, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the amount involved is huge, or if it is relatively large but is not returned, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

If an employee who is engaged in public service in a State-owned company, enterprise or any other State-owned unit or any person who is assigned by a State-owned company, enterprise, or any other State-owned unit to a company, enterprise or any other unit that is not owned by the State to engage in public service commits any act mentioned in the preceding paragraph, he shall be convicted and punished in accordance with the provisions of Article 384 of this Law.

Article 273 In cases of misappropriation of funds or materials that are allocated for disaster relief, emergency rescue, flood prevention and control, support to disabled servicemen and families of revolutionary martyrs and servicemen, aid to the poor, migration and social relief, if the circumstances are serious and major harm is caused to the interests of the State and the people, the person who is directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 274 Whoever extorts public or private money or property by blackmail, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the amount is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 275 Whoever intentionally destroys or damages public or private money or property, if the amount involved is relatively large or if there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years, or criminal detention or be fined; if the amount involved is huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 276 Anyone who, for purposes of giving vent to spite or retaliating or out of other personal motives, destroys or damages machines or equipment, cruelly injures or slaughters farm animals or sabotages production and business operation by other means, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

CHAPTER VI CRIMES OF OBSTRUCTING THE ADMINISTRATION OF PUBLIC ORDER

SECTION 1 CRIMES OF DISTURBING PUBLIC ORDER

Article 277 Whoever by means of violence or threat, obstructs a functionary of a State organ from carrying out his functions according to law shall be sentenced to fixed-term imprisonment

Visited on 6/3/2013

of not more than three years, criminal detention, or public surveillance or be fined.

Whoever by means of violence or threat, obstructs a deputy to the National People's Congress or a deputy to a local people's congress at any level from carrying out his functions as a deputy according to law shall be punished in accordance with the provisions of the preceding paragraph.

Whoever during natural calamities or emergencies obstructs, by means of violence or threat, the workers of the Red Cross Society from performing their functions and duties according to law shall be punished in accordance with the provisions of the first paragraph.

Whoever intentionally obstructs officers of a State security organ or a public security organ from maintaining State security in accordance with law and causes serious consequences, though without resort to violence or threat, shall be punished in accordance with the provisions of the first paragraph.

Article 278 Whoever incites people to resist by violence the implementation of the laws and administrative rules and regulations of the State shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 279 Whoever impersonates a functionary of a State organ to go about and deceive people shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever impersonates a people's policeman to go about and deceive people shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

Article 280 Whoever forges, alters, buys, sells or steals, forcibly seizes or destroys the official documents, certificates or seals of a State organ shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever forges the seals of a company, enterprise, institution or a people's organization shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Whoever forges or alters identity cards of citizens shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 281 Whoever illegally manufactures, buys or sells the people's police uniforms, number plates of police vehicles and other police insignia or police implements, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 282 Whoever unlawfully obtains State secrets by stealing, spying or buying shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Whoever unlawfully holds the documents, material or other objects classified as "strictly confidential" or "confidential" State secrets and refuses to explain their sources and purposes shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

visited on 6/3/2013

Article 283 Whoever unlawfully manufactures or sells any specialized espionage equipment or devices such as those for eavesdropping or secret photographing shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 284 Whoever unlawfully uses any special equipment or devices for eavesdropping or secret photographing, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

Article 285 Whoever, in violation of State regulations, invades the computer information system in the fields of State affairs, national defence construction or sophisticated science and technology shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 286 Whoever, in violation of State regulations, cancels, alters, increases or jams the functions of the computer information system, thereby making it impossible for the system to operate normally, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

Whoever, in violation of State regulations, cancels, alters or increases the data stored in or handled or transmitted by the computer information system or its application program, if the consequences are serious, shall be punished in accordance with the provisions of the preceding paragraph.

Whoever intentionally creates or spreads destructive programs such as the computer viruses, thus affecting the normal operation of the computer system, if the consequences are serious, shall be punished in accordance with the provisions of the first paragraph.

Article 287 Whoever uses computers to commit the crimes such as financial fraud, theft, embezzlement, misappropriation of public funds and theft of State secrets shall be convicted and punished in accordance with the relevant provisions of this Law.

Article 288 Whoever, in violation of State regulations, sets up or uses a radio station or occupies radio frequency without authorization and refuses to stop the use after being ordered to do so, thus disrupting the normal operation of radio communications and causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 289 Where people are gathered to commit "beating, smashing or looting", thus causing injury, disability or death to a person, the offenders shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law. If public or private money or property is destroyed, damaged, or forcibly taken, the offenders shall be ordered to return the money or property or make compensation and, in addition, the ringleaders shall be convicted and punished in accordance with the provisions of Article 263 of this Law.

Article 290 Where people are gathered to disturb public order to such a serious extent that work in general, production, business operation, teaching or scientific research cannot go on and heavy losses are caused, the ringleaders shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; the active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Where people are gathered to assault a State organ, making it impossible for the State organ to conduct its work and causing heavy losses, the ringleaders shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; the active participants shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

Article 291 Where people are gathered to disturb order at railway stations or bus terminals, wharves, civil airports, marketplaces, parks, theaters, cinemas, exhibition halls, sports grounds or other public places, or to block traffic or undermine traffic order, or resist or obstruct public

Visited on 6/3/2013

security administrators of the State from carrying out their duties according to law, if the circumstances are serious, the ringleaders shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

Article 292 Where people are gathered to engage in affrays, the ringleaders and the active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; the ringleaders and the active participants who fall under any of the following categories, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years:

(1) gathering people to engage in affrays repeatedly;

(2) the number of people gathered to engage in affrays is large and so is the scale, thus bringing about a bad effect on society;

(3) gathering people to engage in affrays in public places or on vital traffic lines and causing serious public disorder; or

(4) gathering people to engage in affrays with weapons.

Where people are gathered to engage in affrays, thus causing serious injury or death to a person, he shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law.

Article 293 Whoever commits any of the following acts of creating disturbances, thus disrupting public order, shall be sentenced to fixed- term imprisonment of not more than five years, criminal detention or public surveillance:

(1) beating another person at will and to a flagrant extent;

(2) chasing, intercepting or hurling insults to another person to a flagrant extent;

(3) forcibly taking or demanding, willfully damaging, destroying or occupying public or private money or property to a serious extent; or

(4) creating disturbances in a public place, thus causing serious disorder in such place.

Article 294 Whoever forms, leads or takes an active part in organizations in the nature of criminal syndicate to commit organized illegal or criminal acts through violence, threat or other means, such as lording it over the people in an area, perpetrating outrages, riding roughshod over or cruelly injuring or killing people, thus seriously disrupting economic order and people's daily activities, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; other participants shall be sentenced to fixed- term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Members of Mafia abroad who recruit members within the territory of the People's Republic of China shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever, in addition to the offenses mentioned in the preceding two paragraphs, commits any other offences shall be punished in accordance with the provisions on combined punishment for several crimes.

Any functionary of a State organ who harbors an organization in the nature of criminal syndicate or connives at such organization to conduct illegal or criminal acts shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 295 Whoever teaches another person how to commit a crime shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years; if the circumstances are especially serious, he shall be sentenced to life imprisonment or death.

Article 296 Where an assembly, a procession or a demonstration is held with no application

Visited on 6/3/2013

made in accordance with the provisions of law or no permission granted for the application or where it is held not in accordance with the time for start and stop, venue and routes permitted by the competent authorities, and the order of dismission is disobeyed and public order seriously disrupted, the persons who are in charge and the persons who are directly responsible for the assembly, procession or demonstration shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

Article 297 Whoever, in violation of the provisions of law, participates in an assembly, a procession or a demonstration with weapons, controlled cutting tools or explosives shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Article 298 Whoever disturbs, breaks into or disrupts by any other means an assembly, a procession or a demonstration held in compliance with law, thus causing public disorder, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

Article 299 Whoever desecrates the National Flag or the National Emblem of the People's Republic of China by intentionally burning, mutilating, scrawling on, defiling or trampling upon it in a public place shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Article 300 Whoever forms or uses superstitious sects or secret societies or weird religious organizations or uses superstition to undermine the implementation of the laws and administrative rules and regulations of the State shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are especially serious, he shall be sentenced to fixed- term imprisonment of not less than seven years.

Whoever forms or uses superstitious sects or secret societies or weird

religious organizations or uses superstition to cheat another person, and causes death to the person shall be punished in accordance with the provisions of the preceding paragraph.

Whoever forms or uses superstitious sects or secret societies or weird religious organizations or uses superstition to rape a woman or swindle money or property shall be convicted and punished in accordance with the provisions of Articles 236 and Article 266 of this Law respectively.

Article 301 Where people are gathered to engage in licentious activities, the ringleaders and the persons who repeatedly take part in such activities shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

Whoever entices a minor to join people in licentious activities shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

Article 302 Whoever steals or insults a corpse shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 303 Whoever, for the purpose of profit, gathers people to engage in gambling, runs a gambling house or makes gambling his profession shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined.

Article 304 Any postal worker who, grossly neglecting his duty, intentionally delays the delivery of mail, thus causing grave losses to public money or property or to the interests of the State or the people, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

SECTION 2 CRIMES OF IMPAIRING JUDICIAL ADMINISTRATION

Article 305 If, in criminal proceedings, a witness, expert witness,

recorder or interpreter intentionally gives false testimony or makes a false expert evaluation, record or translation concerning the circumstances that have an important bearing on a case, in order to frame another person or conceal criminal evidence, he shall be sentenced to fixed-term

Visited on 6/3/2013

imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 306 If, in criminal proceedings, a defender or agent ad litem destroys or forges evidence, helps any of the parties destroy or forge evidence, or coerces the witness or entices him into changing his testimony in defiance of the facts or give false testimony, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Where a witness's testimony or other evidence provided, shown or quoted by a defender or agent ad litem is inconsistent with the facts but is not forged intentionally, it shall not be regarded as forgery of evidence.

Article 307 Whoever, by violence, threat, bribery or any other means, obstructs a witness from giving testimony or instigates another person to give false testimony shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Whoever helps any of the parties destroy or forge evidence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Any judicial officer who commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.

Article 308 Whoever retaliates against a witness shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 309 Whoever gathers people to stir up trouble in a court or assault the court or beats a judicial officer, thus seriously disrupting the order of the court, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

Article 310 Whoever knowingly provides a hiding place, money or property to a criminal, or helps the criminal escape or gives false testimony to protect the criminal shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Conspirators to a crime mentioned in the preceding paragraph shall be regarded as joint offenders and punished as such.

Article 311 Whoever, while clearly knowing that another person has committed the crime of espionage, refuses to provide relevant particulars or relevant evidence when an officer from a State security organ asks him to do so, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 312 Whoever knowingly conceals, transfers, purchases or helps to sell illegally acquired goods shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined.

Article 313 Whoever has the ability to execute the judgment or order made by a People's Court but refuses to do so, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or be fined.

Article 314 Whoever conceals, transfers, sells or intentionally destroys or damages the property sealed up, distrained or frozen by judicial organs, if the circumstances are serious, shall be sentenced to fixed- term imprisonment of not more than three years, criminal detention or be fined.

Article 315 Any criminal who is held in custody according to law commits any of the following acts, thus undermining the order of prison administration, if the circumstances are serious, shall

Visited on 6/3/2013

be sentenced to fixed-term imprisonment of not more than three years:

(1) beating a prison policeman or any other officer;

(2) organizing another person held in custody to under-mine the order of prison administration;

(3) gathering persons held in custody to stir up trouble, thus disrupting the normal order of prison administration; or

(4) beating or subjecting another person held in custody to corporal punishment or instigating another person to do so.

Article 316 Any criminal, defendant or criminal suspect who escapes after being held in custody according to law shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Whoever rescues the criminal, defendant or criminal suspect under escort shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than seven years.

Article 317 Ringleaders who organize a jailbreak and the active participants shall be sentenced to fixed-term imprisonment of not less than five years; other participants shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Ringleaders who instigate a riot to escape from prison or gather people to raid a prison with weapons and the active participants shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are especially serious, they shall be sentenced to death; other participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

SECTION 3 CRIMES AGAINST CONTROL OF NATIONAL BORDER (FRONTIER)

Article 318 Whoever makes arrangements for another person to illegally cross the national border (frontier) shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment, and shall also be fined or be sentenced to confiscation of property:

(1) being a ringleader of a group that makes arrangements for other persons to illegally cross the national border (frontier);

(2) repeatedly making arrangements for other persons to illegally cross the national border (frontier), or making arrangements for a large number of persons to do so;

(3) causing serious injury or death to the persons for whom he makes arrangements to illegally cross the national border (frontier);

(4) depriving or restricting personal freedom of the persons for whom he makes arrangements to illegally cross the national border (frontier);

(5) resisting inspection by means of violence or threat;

(6) the sum of illegal earnings being huge; or

(7) other especially serious circumstances being involved.

Whoever, in addition to the crime mentioned in the preceding paragraph, kills, injures, rapes, or abducts and sells the persons for whom he makes arrangements to illegally cross the national border (frontier) or commits other criminal acts against them or kills, injures or commits other criminal acts against the inspectors shall be punished in accordance with the provisions on combined punishment for several crimes.

Article 319 Whoever, in the name of export of labour service, economic exchange, trade, etc., practises fraud to obtain the passport, visa or other exit certificates for the purpose of helping other persons to illegally cross the national border (frontier) shall be sentenced to fixed-term imprisonment of not more than three years and shall also be fined; if the circumstances are

Visited on 6/3/2013

serious, he shall be sentenced to fixed- term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 320 Whoever provides another person with a counterfeit or altered passport, visa or other exit and entry certificates or sells passports, visa or other exit and entry certificates shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed- term imprisonment of not less than five years and shall also be fined.

Article 321 Whoever transports another person to illegally cross the national border (frontier) shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined:

(1) repeatedly transporting persons to illegally cross the national border (frontier), or transporting a large number of persons;

(2) the vessels, vehicles or other means of transportation employed not meeting the necessary safety conditions to such an extent that it would cause serious consequences;

(3) the sum of illegal earnings being huge; or

(4) other especially serious circumstances being involved.

Whoever in transporting other persons to illegally cross the national border (frontier) causes serious injury or death to the persons being transported or resists inspection by means of violence or threat shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

Whoever, in addition to any of the crimes mentioned in the preceding two paragraphs, kills, injures, rapes, or abducts and sells the persons being transported or commits other criminal acts against them or kills, injures or commits other criminal acts against the inspectors shall be punished in accordance with the provisions on combined punishment for several crimes.

Article 322 Whoever, in violation of the laws or regulations on administration of the national border (frontier), illegally crosses the national border (frontier), if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention or public surveillance and shall also be fined.

Article 323 Whoever intentionally damages the boundary tablets, boundary markers or permanent survey indicators along the national border shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

SECTION 4 CRIMES AGAINST CONTROL OF CULTURAL RELICS

Article 324 Whoever intentionally damages or destroys valuable cultural relics under State protection or the major sites designated to be protected at the national or provincial level for their historical and cultural value shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the circumstances are serious, he shall be sentenced to fixed- term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Whoever intentionally damages or destroys places of historical and cultural interest under State protection, if the circumstances are

serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined.

Whoever negligently damages or destroys valuable cultural relics under State protection or the major sites designated to be protected at the national or provincial level for their historical and cultural value, if the consequences are serious, shall be sentenced to fixed-term imprisonment of

Visited on 6/3/2013

not more than three years or criminal detention.

Article 325 Whoever, in violation of the laws or regulations on protection of cultural relics, sells or presents as a gift to a foreigner without authorization any valuable cultural relic in his collection, the export of which is prohibited by the State, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and may also be fined.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 326 Whoever, for the purpose of profit, resells the cultural relics, the sale of which is prohibited by the State, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 327 Where a State-owned museum, library or other institution sells or presents as gifts without permission any cultural relics in its collection, which is under State protection, to any non-State-owned institution or individual, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 328 Whoever excavates and robs a site of ancient culture or ancient tomb of historical, artistic or scientific value shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years, or life imprisonment or death and shall also be fined or be sentenced to confiscation of property:

(1) excavating and robbing a site of ancient culture or ancient tomb which is designated as a major site to be protected at the national or provincial level for their historical and cultural value;

(2) being a ringleader of a gang engaged in excavating and robbing sites of ancient culture or ancient tombs;

(3) repeatedly excavating and robbing sites of ancient culture or ancient tombs; or

(4) excavating a site of ancient culture or ancient tomb and robbing valuable cultural relics therein, or causing serious damage to such relics.

Whoever excavates and robs fossils of paleoanthropoids or paleovertebrates of scientific value which is under State protection shall be punished in accordance with the provisions of the preceding paragraph.

Article 329 Whoever forcibly seizes or steals archives owned by the State shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

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

Whoever commits any of the acts mentioned in the preceding two paragraphs, which concurrently constitutes another crime provided in this Law, shall be convicted and punished in accordance with the provisions on heavier punishment for such crime.

SECTION 5 CRIMES OF IMPAIRING PUBLIC HEALTH

Article 330 Whoever, in violation of the provisions of the Law on Prevention and Treatment of Infectious Diseases, commits any of the following acts and thus causes the spread or a grave danger of the spread of an A Class infectious disease shall be sentenced to fixed-term

Visited on 6/3/2013

imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years:

(1) failure on the part of a water supply unit to supply drinking water in conformity with the hygienic standards set by the State;

(2) refusal to give disinfection treatment, according to the sanitary requirements raised by the heath and anti-epidemic agencies, to sewage, wastes or feces contaminated with the pathogen of infectious diseases;

(3) approving or conniving at the employment of patients of infectious diseases, pathogen carriers or suspected patients of infectious diseases at jobs, which they are prohibited from taking by the health administration department under the State Council because of the likelihood of causing the spread of infectious diseases; or

(4) refusal to execute the preventive and control measures proposed by the health and anti-epidemic agencies according to the Law on Prevention and Treatment of Infectious Diseases.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

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

Article 331 Any person engaged in the experimentation, storage, carrying or transportation of bacterial strains and virus strains of infectious diseases who, in violation of the relevant provisions of the health administration department under the State Council, causes the spread of the bacterial strains and virus strains of infectious diseases, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 332 Whoever, in violation of the provisions on frontier health and quarantine, causes the spread or a grave danger of the spread of a quarantinable infectious disease shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 333 Whoever illegally arranges for another person to sell blood shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; whoever compels another person to sell blood by violence or threat shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Whoever commits an act mentioned in the preceding paragraph, thus causing injury to another person, shall be convicted and punished in accordance with the provisions of Article 234 of this Law.

Article 334 Whoever unlawfully collects or supplies blood or makes or supplies blood products which do not meet the standards prescribed by the State to such an extent as to harm human health shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if serious harm has been caused to human health, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property.

Where a department that is approved by the competent department of the State for collecting or supplying blood or making or supplying blood products does not carry out testing as required or violates other operating procedure, thus harming another person's health, it shall be fined,

Visited on 6/3/2013

and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 335 Any medical worker who, grossly neglecting his duty, causes death or severe harm to the health of the person seeking medical service shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 336 Whoever, without obtaining the qualification for practising medicine, unlawfully practises medicine, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if severe harm is caused to the health of the person seeking medical service, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if death is caused, he shall be sentenced to fixed- term imprisonment of not less than 10 years and shall also be fined.

Whoever, without obtaining the qualification for practising medicine, undoes a contraception operation, or performs a false contraception operation or an operation for terminating gestation or for removing intrauterine devices, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if severe harm is caused to the health of the person seeking medical service, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if death is caused, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined.

Article 337 Whoever, in violation of the provisions of the Law on the Entry and Exit Animal and Plant Quarantine, evades animal and plant quarantine and thereby causes a serious animal or plant epidemic shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

SECTION 6 CRIMES OF IMPAIRING THE PROTECTION OF ENVIRONMENT AND RESOURCES

Article 338 Whoever, in violation of the regulations of the State, discharges, dumps or treats radioactive waste, waste containing pathogen of infectious diseases, toxic substances or other hazardous waste on the land or in the water bodies or the atmosphere, thus causing a major environmental pollution accident which leads to the serious consequences of heavy losses of public or private property or human casualties, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 339 Whoever, in violation of the regulations of the State, has solid waste from abroad dumped, piled up, or treated within the territory of China shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if a major environmental pollution accident is caused, which leads to heavy losses of public or private property or serious harm to human health, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined.

Whoever, without permission of the competent administration department under the State Council, imports solid waste as raw material, thus causing a major environmental pollution accident, which leads to heavy losses of public or private property or serious harm to human health, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Whoever, under the pretext of using it as raw material, imports solid waste that cannot be used as such shall be convicted and punished in accordance with the provisions of Article 155 of this

visited on 6/3/2013

Law.

Article 340 Whoever, in violation of the law or regulations on protection of aquatic resources, catches aquatic products in an area or during a season closed to fishing, or uses prohibited fishing gear or methods for the purpose, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance or be fined.

Article 341 Whoever illegally catches or kills precious and endangered species of wildlife under special State protection or illegally purchases, transports or sells such species of wildlife as well as the products thereof shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined or be sentenced to confiscation of property.

Whoever, in violation of the law or regulations on hunting, hunts wildlife in an area or during a season closed to hunting or uses prohibited hunting gear or methods for the purpose, thus damaging wildlife resources, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

Article 342 Whoever, in violation of the law or regulations on land administration, unlawfully occupies cultivated land and uses it for other purposes, if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined.

Article 343 Whoever, in violation of the provisions of the Mineral Resources Law, mines without a mining license, enters and mines in a mining area that is embraced in State plans or a mining area that is of great value to the national economy or another person's mining area, or mines specified minerals of which protective mining is prescribed by the State, if he refuses to stop mining after being ordered to do so, thus damaging the mineral resources, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if severe damage is caused to mineral resources, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever, in violation of the provisions of the Mineral Resources Law, mines mineral resources in a destructive way, thus causing severe damage to mineral resources, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined.

Article 344 Whoever, in violation of the provisions of the Forestry Law, illegally fells or destroys precious trees shall be sentenced to fixed- term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 345 Whoever stealthily fells trees, bamboo, etc. in forest or woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined;

Whoever, in violation of the provisions of the Forestry Law, arbitrarily fells trees, bamboo, etc. in forest or woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever, for the purpose of profit, illegally purchases in a forest area trees, bamboo, etc., which he knows are felled stealthily or arbitrarily, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public

Visited on 6/3/2013

surveillance and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed- term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever stealthily or arbitrarily fells trees, bamboo, etc. in forest or woods, of nature reserves at the national level shall be given a heavier punishment.

Article 346 Where a unit commits any of the crimes mentioned in the Articles from 338 through 345 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the Articles of this Section respectively.

SECTION 7 CRIMES OF SMUGGLING, TRAFFICKING IN, TRANSPORTING AND MANUFACTURING NARCOTIC DRUGS

Article 347 Whoever smuggles, traffics in, transports or manufactures narcotic drugs, regardless of the quantity involved, shall be investigated for criminal responsibility and given criminal punishment.

Whoever smuggles, traffics in, transports or manufactures narcotic drugs and falls under any of the following categories, shall be sentenced to fixed-term imprisonment of 15 years, life imprisonment or death and also to confiscation of property:

(1) persons who smuggle, traffic in, transport or manufacture opium of not less than 1,000 grams, heroin or methylaniline of not less than 50 grams or other narcotic drugs of large quantities;

(2) ringleaders of gangs engaged in smuggling, trafficking in, transporting or manufacturing narcotic drugs;

(3) persons who shield with arms the smuggling, trafficking in, transporting or manufacturing of narcotic drugs;

(4) persons who violently resist inspection, detention or arrest to a serious extent; or

(5) persons involved in organized international drug trafficking.

Whoever smuggles, traffics in, transports or manufactures opium of not less than 200 grams but less than 1,000 grams, or heroin or methylaniline of not less than 10 grams but less than 50 grams or any other narcotic drugs of relatively large quantities shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

Whoever smuggles, traffics in, transports or manufactures opium of less than 200 grams, or heroin or methylaniline of less than 10 grams or any other narcotic drugs of small quantities shall be sentenced to fixed- term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Where a unit commits any crime mentioned in the preceding three paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding three paragraphs respectively.

Whoever makes use of minors or aids and abets them to smuggle, traffic in, transport or manufacture narcotic drugs or sells narcotic drugs to minors shall be given a heavier punishment.

With respect to persons who have repeatedly smuggled, trafficked in, transported or manufactured narcotic drugs and have not been dealt with, the quantity of narcotic drugs thus involved shall be computed

cumulatively.

Article 348 Whoever illegally possesses opium of not less than 1,000 grams, or heroin or methylaniline of not less than 50 grams, or any other narcotic drugs of large quantities shall be

Visited on 6/3/2013

sentenced to fixed- term imprisonment of not less than seven years or life imprisonment and shall also be fined; whoever illegally possesses opium of not less than 200 grams but less than 1,000 grams, or heroin or methylaniline of not less than 10 grams but less than 50 grams or any other narcotic drugs of relatively large quantities shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 349 Whoever shields offenders engaged in smuggling, trafficking in, transporting or manufacturing of narcotic drugs or whoever harbors, transfers or covers up, for such offenders, narcotic drugs or their pecuniary and other gains from such criminal activities shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Anti-drug officers or functionaries of a State organ who shield or cover up offenders engaged in smuggling, trafficking in, transporting or manufacturing of narcotic drugs shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

Conspirators to the crimes mentioned in the preceding two paragraphs shall be regarded as joint offenders in the crime of smuggling, trafficking in, transporting or manufacturing of narcotic drugs and punished as such.

Article 350 Whoever, in violation of the regulations of the State, illegally transports or carries into or out of the territory of China acetic anhydride, ether, chloroform or any other raw material or elixir used in the manufacture of narcotic drugs or, in violation of the regulations of the State, illegally buys or sells the substances mentioned above shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the amount involved is large, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Whoever provides another person with the substances mentioned in the preceding paragraph, while clearly knowing that the person manufactures narcotic drugs, shall be regarded as a joint offender in the crime of manufacturing narcotic drugs and punished as such.

Where a unit commits any crime mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding two paragraphs.

Article 351 Whoever illegally cultivates mother plants of narcotic drugs, such as opium poppy and marijuana, shall be forced to uproot them. Whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined:

(1) cultivating opium poppy of not less than 500 plants but less than 3,000 plants or any mother plants of other narcotic drugs in relatively large quantities;

(2) cultivating any mother plants of narcotic drugs again after being dealth with by the public security organ; or

(3) resisting the uprooting of such mother plants.

Whoever illegally cultivates opium poppy of not less than 3,000 plants or any mother plants of other narcotic drugs in large quantities shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined or be sentenced to confiscation of property.

Persons who illegally cultivate opium poppy or any mother plants of other narcotic drugs but voluntarily uproot them before harvest may be exempted from punishment.

Article 352 Whoever illegally buys or sells, transports, carries or possesses a relatively large quantity of the seeds or seedlings of mother plants of narcotic drugs, such as opium poppy, which have not been inactivated, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined.

Article 353 Whoever lures, aids and abets, or cheats another person into drug ingestion or

Visited on 6/3/2013

injection shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever forces another person to ingest or inject narcotic drugs shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Whoever lures, aids and abets or cheats a minor into drug ingestion or injection or forces a minor to ingest or inject narcotic drugs shall be given a heavier punishment.

Article 354 Whoever provides shelter for another person to ingest or inject narcotic drugs shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined.

Article 355 Persons allowed by law to engage in manufacture, transportation, administration or utilization of State-controlled narcotic and psychotropic substances who, in violation of the regulations of the State, provide narcotic and psychotropic substances that can make people addicted to their use and are controlled under State regulations to persons who ingest or inject narcotic drugs shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined. If they provide offenders engaged in drug smuggling or trafficking with State-controlled narcotic and psychotropic substances that can make people addicted to their use and are controlled under State regulations, for the purpose of profit, provide narcotic and psychotropic substances to persons who ingest or inject narcotic drugs shall be convicted and punished in accordance with the provisions of Article 347 of this Law.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 356 Any person who was punished for the crime of smuggling, trafficking in, transporting, manufacturing or illegally possessing narcotic drugs commits again any of the crimes mentioned in this Section shall be given a heavier punishment.

Article 357 The term "narcotic drugs" as used in this Law means opium, heroin, methylaniline (ice), morphine, marijuana, cocaine and other narcotic and psychotropic substances that can make people addicted to their use and are controlled under State regulations.

The quantity of narcotic drugs smuggled, trafficked in, transported, manufactured or illegally possessed shall be calculated on the basis of the verified amount and shall not be converted according to its purity.

SECTION 8 CRIMES OF ORGANIZING, FORCING, LURING, SHELTERING OR PROCURING OTHER PERSONS TO ENGAGE IN PROSTITUTION

Article 358 Whoever arranges for or forces another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property:

(1) making arrangements for another person to engage in prostitution and the circumstances being serious;

(2) forcing a girl under the age of 14 to engage in prostitution;

(3) forcing a number of persons to engage in prostitution or repeatedly forcing another person to engage in prostitution;

(4) forcing the victim to engage in prostitution after raping her; or

(5) causing serious injury, death or other serious consequences to the person who is forced to engage in prostitution.

Visited on 6/3/2013

Whoever falls under any of the categories mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property.

Whoever assists in arranging for another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Article 359 Whoever lures other persons into or shelters prostitution or procures other persons to engage in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Whoever lures a girl under the age of 14 to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Article 360 Any person who knows clearly that he or she is suffering from serious venereal diseases such as syphilis and gonorrhea goes whoring or engages in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined.

Whoever whores with a girl under the age of 14 shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Article 361 Any employee of a unit in the trade of hotels, in the catering or entertainment services, or in the taxi services who, by taking advantage of his or her work unit, arranges for, forces or lures another person to engage in prostitution or provides shelter for prostitution or procures other persons to engage in prostitution, shall be convicted and punished in accordance with the provisions of Articles 358 and 359 of this Law.

If the chief leading member of any of the units listed above commits the crime mentioned in the preceding paragraph, he or she shall be given a heavier punishment.

Article 362 Where an employee of a unit in the trade of hotels, in the catering or entertainment services, or in the taxi services, informs law-breakers of a public security organ's plan to ferret out or deal with activities of prostitution or whoring, if the circumstances are serious, he shall be convicted and punished in accordance with the provisions of Article 310 of this Law.

SECTION 9 CRIMES OF PRODUCING, SELLING, DISSEMINATING PORNOGRAPHIC MATERIALS

Article 363 Whoever, for the purpose of profit, produces, duplicates, publishes, sells or disseminates pornographic materials shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or be sentenced to confiscation of property.

Whoever provides book numbers for another person to publish pornographic books or periodicals shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined; whoever knowingly provides books numbers to another person who will use them for publishing pornographic books or periodicals shall be punished in accordance with the provisions of the preceding paragraph.

Article 364 Whoever disseminates pornographic materials including books, periodicals, movies, video-audio tapes and pictures, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

Whoever arranges for shows of pornographic audio-video products including movies and video-tapes shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than

Visited on 6/3/2013

10 years and shall also be fined.

Whoever produces or duplicates pornographic audio-video products including movies and video-tapes and arranges for their show shall be given a heavier punishment in accordance with the provisions of the second paragraph of this Article.

Whoever disseminates pornographic materials to a minor under the age of 18 shall be given a heavier punishment.

Article 365 Whoever arranges for pornographic performances shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Article 366 Where a unit commits any of the crimes mentioned in Articles 363, 364 and 365 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the Articles respectively.

Article 367 For the purpose of this Law, pornographic materials refer to obscene books, periodicals, movies, video-and audio-tapes, pictures, etc. that explicitly portray sexual behavior or undisguisedly publicize pornographic materials.

Scientific works on human physiology or medical knowledge are not pornographic materials.

Literary and art works of artistic value which contain erotic contents shall not be regarded as pornographic materials.

CHAPTER VII CRIMES OF IMPAIRING THE INTERESTS OF NATIONAL DEFENCE

Article 368 Whoever by violence or threat obstructs a serviceman from performing his duties according to law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance or be fined.

Whoever intentionally obstructs military operations of armed forces, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 369 Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. He shall be given a heavier punishment during wartime.

Article 370 Whoever knowingly provides substandard weapons or equipment or military installations to the armed forces shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever commits the crime mentioned in the preceding paragraph through negligence, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Where a unit commits the crime mentioned in the first paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the first paragraph.

Article 371 Where people are gathered to assault a military restricted zone, thus severely disturbing the order of the zone, the ringleaders shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; other active participants shall be

Visited on 6/3/2013

sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

Where people are gathered to disturb the order of a military administrative zone, if the circumstances are so serious that work in the zone cannot be carried on and heavy losses are caused, the ringleaders shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; other active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

Article 372 Whoever impersonates a serviceman to go about and deceive people shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 373 Whoever incites a serviceman to desert from the unit or knowingly employs such a deserter, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

Article 374 Whoever engages in malpractice for selfish ends in enlistment, accepting or sending unqualified recruits, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 375 Whoever forges, alters, buys, sells or steals or forcibly seizes the official documents, certificates or seals of the armed forces shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever illegally manufactures, buys or sells uniforms or special symbols such as number plates of vehicles of the armed forces, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also, or shall only, be fined.

Where a unit commits the crime mentioned in the second paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the said paragraph.

Article 376 Any reservist who refuses or escapes enlistment or military training in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Any citizen who refuses or escapes military service in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Article 377 Whoever intentionally provides false information about the enemy to the armed forces during wartime, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 378 Whoever spreads rumors to create confusion among the troops and disturb their morale during wartime shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 379 Whoever during wartime knowingly provides shelter, money or property to a serviceman who has deserted from the unit, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 380 Where a unit, during wartime, refuses to accept orders for military supplies or intentionally delays the provision of such supplies, if the circumstances are serious, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five

Visited on 6/3/2013

years or criminal detention; if the consequences are serious, they shall be sentenced to fixed-term imprisonment of not less than five years.

Article 381 Whoever, during wartime, rejects requisition for military purposes, if the circumstances are serious, shall be sentenced to fixed- term imprisonment of not more than three years or criminal detention.

CHAPTER VIII CRIMES OF EMBEZZLEMENT AND BRIBERY

Article 382 Any State functionary who, by taking advantage of his office, appropriates, steals, swindles public money or property or by other means illegally take it into his own possession shall be guilty of embezzlement.

Any person authorized by State organs, State-owned companies, enterprises, institutions or people's organizations to administer and manage State-owned property who, by taking advantage of his office, appropriates, steals, swindles the said property or by other means illegally take it into his own possession shall be regarded as being guilty of embezzlement.

Whoever conspires with the person mentioned in the preceding two paragraphs to engage in embezzlement shall be regarded as joint offenders in the crime and punished as such.

Article 383 Persons who commit the crime of embezzlement shall be punished respectively in the light of the seriousness of the circumstances and in accordance with the following provisions:

(1) An individual who embezzles not less than 100,000 yuan shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and may also be sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property.

(2) An individual who embezzles not less than 50,000 yuan but less than 100,000 yuan shall be sentenced to fixed-term imprisonment of not less than five years and may also be sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to life imprisonment and confiscation of property.

(3) An individual who embezzles not less than 5,000 yuan but less than 50,000 yuan shall be sentenced to fixed-term imprisonment of not less than one year but not more than seven years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than seven years but not more than 10 years. If an individual who embezzles not less than 5,000 yuan and less than 10,000 yuan, shows true repentance after committing the crime, and gives up the embezzled money of his own accord, he may be given a mitigated punishment, or he may be exempted from criminal punishment but shall be subjected to administrative sanctions by his work unit or by the competent authorities at a higher level.

(4) An individual who embezzles less than 5,000 yuan, if the circumstances are relatively serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are relatively minor, he shall be given administrative sanctions at the discretion of his work unit or of the competent authorities at a higher level.

Whoever repeatedly commits the crime of embezzlement and goes unpunished shall be punished on the basis of the cumulative amount of money he has embezzled.

Article 384 Any State functionary who, by taking advantage of his position, misappropriates public funds for his own use or for conducting illegal activities, or misappropriates a relatively large amount of public funds for profit-making activities, or misappropriates a relatively large amount of public funds and fails to return it after the lapse of three months, shall be guilty of misappropriation of public funds and shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years. Whoever misappropriates a huge, amount of public funds and fails to return it shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Whoever misappropriates for his own use funds or materials allocated for disaster relief, emergency rescue, flood prevention and control, special care for disabled servicemen and the families of revolutionary martyrs and servicemen, aid to the poor, migration and social relief shall be given a heavier punishment.

Visited on 6/3/2013

Article 385 Any State functionary who, by taking advantage of his position, extorts money or property from another person, or illegally accepts another person's money or property in return for securing benefits for the person shall be guilty of acceptance of bribes.

Any State functionary who, in economic activities, violates State regulations by accepting rebates or service charges of various descriptions and taking them into his own possession shall be regarded as guilty of acceptance of bribes and punished for it.

Article 386 Whoever has committed the crime of acceptance of bribes shall, on the basis of the amount of money or property accepted and the seriousness of the circumstances, be punished in accordance with the provisions of Article 383 of this Law. Whoever extorts bribes from another person shall be given a heavier punishment.

Article 387 Where a State organ, State-owned company, enterprise, institution or people's organization extorts from another person or illegally accepts another person's money or property in return for securing benefits for the person, if the circumstances are serious, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Any of the units mentioned in the preceding paragraph that, in economic activities, secretly accepts off-the-book rebates or service charges of various descriptions shall be regarded as guilty of acceptance of bribes and punished in accordance with the provisions of the preceding paragraph.

Article 388 Any State functionary who, by taking advantage of his own functions and powers or position, secures illegitimate benefits for an entrusting person through another State functionary's performance of his duties and extorts from the entrusting person or accepts the entrusting person's money or property shall be regarded as guilty of acceptance of bribes and punished for it.

Article 389 Whoever, for the purpose of securing illegitimate benefits, gives money or property to a State functionary shall be guilty of offering bribes.

Whoever, in economic activities, violates State regulations by giving a relatively large amount of money or property to a State functionary or by giving him rebates or service charges of various descriptions shall be regarded as guilty of offering bribes and punished for it.

Any person who offers money or property to a State functionary through extortion but gains no illegitimate benefits shall not be regarded as offering bribes.

Article 390 Whoever commits the crime of offering bribes shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; whoever offers bribes to secure illegitimate benefits, if the circumstances are serious or if heavy losses are caused to the interests of the State, shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and may also be sentenced to confiscation of property.

Any briber who, before he is investigated for criminal responsibility, voluntarily confesses his act of offering bribes may be given a mitigated punishment or exempted from punishment.

Article 391 Whoever, for the purpose of securing illegitimate benefits, gives money or property to a State organ, State-owned company, enterprise, institution or people's organization or, in economic activities, violates State regulations by giving rebates or service charges of various descriptions shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

Article 392 Whoever introduces a bribe to a State functionary, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

visited on 6/3/2013

Any person who introduces a bribe but voluntarily confesses the act before he is investigated for criminal responsibility may be given a mitigated punishment or exempted from punishment.

Article 393 Where a unit offers bribes for the purpose of securing illegitimate benefits or, in violation of State regulations, gives rebates or service charges to a State functionary, if the circumstances are serious, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention. Any person who takes into his own possession the illegal gains derived from bribing shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.

Article 394 Any State functionary who, in his activities of domestic public service or in his contacts with foreigners, accepts gifts and does not hand them 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 of Articles 382 and 383 of this Law.

Article 395 Any State functionary whose property or expenditure obviously exceeds his lawful income, if the difference is enormous, may be ordered to explain the sources of his property. If he cannot prove that the sources are legitimate, the part that exceeds his lawful income shall be regarded as illegal gains, and he shall be sentenced to fixed- term imprisonment of not more than five years or criminal detention, and the part of property that exceeds his lawful income shall be recovered.

Any State functionary shall, in accordance with State regulations, declare to the State his bank savings outside the territory of China. Whoever has a relatively large amount of such savings and does not declare them to the State shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are relatively minor, he shall be given administrative sanctions at the discretion of his work unit or the competent authorities at a higher level.

Article 396 Where a State organ, State-owned company, enterprise, institution or people's organization, in violation of State regulations and in the name of the unit, divides up State-owned assets in secret among all the individuals of the unit, if the amount involved is relatively large, the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount involved is huge, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Any judicial organ or administrative law-enforcing organ that, in violation of State regulations and in the name of the organ, divides up in secret the fines or confiscated money or property, which should be turned over to the State, among all the individuals of the organ shall be punished in accordance with the provisions of the preceding paragraph.

CHAPTER IX CRIMES OF DERELICTION OF DUTY

Article 397 Any functionary of a State organ who abuses his power or neglects his duty, thus causing heavy losses to public money or property or the interests of the State and the people, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, except as otherwise specifically provided in this Law.

Any functionary of a State organ who engages in malpractice for personal gain and commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, except as otherwise specifically provided in this Law.

Article 398 Any functionary of a State organ who, in violation of the provisions of the Law on Guarding State Secrets, intentionally or negligently divulges State secrets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

visited on 6/3/2013

Any person who is not a functionary of a State organ commits the crime mentioned in the preceding paragraph shall, in the light of the circumstances, be punished in accordance with the provisions of the preceding paragraph.

Article 399 Any judicial officer who, bending the law for selfish ends or twisting the law for a favor, subjects to investigation for criminal responsibility a person he knows to be innocent or intentionally protects from investigation for criminal responsibility a person he knows to be guilty or, intentionally running counter to the facts and law, twists the law when rendering judgments or orders in criminal proceedings shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever, in civil or administrative proceedings, intentionally runs counter to the facts and law and twists the law when rendering judgments or orders, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Any judicial officer who takes a bribe and bends the law and commits any act mentioned in the preceding two paragraphs, which also constitutes a crime as provided for in Article 385 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.

Article 400 Any judicial officer who, without authorization, releases a criminal suspect, a defendant or a criminal held in custody shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Any judicial officer who, because of his gross neglect of duty, makes it possible for a criminal suspect, a defendant or a criminal held in custody to escape, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 401 Any judicial officer who, engaging in malpractices for personal gain, grants commutation of punishment, parole or temporary execution of the sentence outside prison to a criminal who does not meet the conditions for it shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 402 Any administrative law-enforcing officer who, engaging in malpractices for personal gain, does not transfer a person that should be transferred to a judicial organ according to law to be investigated for criminal responsibility, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 403 Any functionary of a relevant competent department of the State who, engaging in malpractices for personal gain and abusing his power, approves an application for the incorporation and registration of a company or an application for the issue and listing of shares or bonds submitted by a company that does not meet the conditions provided by law, thus causing heavy losses to public money or property and the interests of the State and the people, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Where a department at a higher level compels a registration office and its staff member to commit the acts mentioned in the preceding paragraph, the leading members of the department who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph.

visited on 6/3/2013

Article 404 Any tax official who, engaging in malpractices for personal gain, fails to collect or undercollects the tax payable, thus causing heavy losses to the revenue of the State, shall be sentenced to fixed- term imprisonment of not more than five years or criminal detention; if especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 405 Any tax official who, in violation of the provisions of law and administrative rules and regulations, engages in malpractices for personal gain in selling invoices, offsetting the tax payable and making tax refund for exports, thus causing heavy losses to the interests of the State, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed- term imprisonment of not less than five years.

Any functionaries of other State organs who, in violation of State regulations, engage in malpractices for personal gain in providing certificates for exports tax refund such as the declaration forms for exports and the verification and writing off documents for export proceeds, thus causing heavy losses to the interests of the State, shall be punished in accordance with the provisions of the preceding paragraph.

Article 406 Any functionary of a State organ who, in concluding or performing a contract, is defrauded as a result of his gross neglect of duty, thus causing heavy losses to the interests of the State, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 407 Any functionary of a competent forestry department who, in violation of the provisions of the Forestry Law, issues forest tree felling licenses in excess of the approved annual felling quotas or, in violation of the regulations, arbitrarily issues forest tree felling licenses, if to such an extent as to cause serious damage to the forest, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 408 Any functionary of a State organ who is responsible for environmental protection, supervision and control, through his gross neglect of duty, causes a serious environmental pollution accident, which results in heavy losses of public or private property or the grave consequences of injuries or deaths of persons, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 409 Any functionary of an administrative department for public health who is engaged in prevention and treatment of infectious diseases, through his gross neglect of duty, causes the spread or epidemic of an infectious disease, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 410 Any functionary of a State organ who, engaging in malpractices for personal gain, violating the law and regulations on land administration and abusing his power, illegally approves the requisition or occupation of land or illegally transfers at low prices the right to the use of State-owned land, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially heavy losses are caused to the interests of the State or the collective, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 411 Any Customs officer who, engaging in malpractices for personal gain, connives at smuggling, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 412 Any officer of the department in charge of commodity inspection at the national or local level who, engaging in malpractices for personal gain, falsifies inspection results, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

The officer as mentioned in the preceding paragraph who, through his gross neglect of duty, fails to inspect the commodities that should be inspected, delays the inspection or the issuance

Visited on 6/3/2013

of a certificate or issues a false certificate, thus causing heavy losses to the interests of the State, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 413 Any officer of an animal and plant quarantine organ who, engaging in malpractices for personal gain, forges a quarantine result, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Any officer as mentioned in the preceding paragraph who, through his gross neglect of duty, fails to conduct quarantine inspection of the items that should be inspected, delays the performance of quarantine inspection or the issuance of certificates, or issues false certificates, thus causing heavy losses to the interests of the State, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 414 Any functionary of a State organ who, being responsible for investigating the offences such as production and sale of fake or substandard commodities, engages in malpractices for personal gain and does not perform his duty of investigation as is required by law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 415 Any functionary of a State organ who is in charge of handling passports, visa or other exit or entry certificates, knowingly grants an exit or entry certificate to a person attempting to illegally cross the national (frontier) border or, a functionary of a State organ such as the frontier authorities or a Customs office knowingly allows a person illegally crossing the national (frontier) border to pass shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 416 Any functionary of a State organ who is charged with the functions and responsibilities to rescue a woman or child who is abducted, sold or kidnapped fails to do so on receiving a request for rescue by the victim or by his or her family members or on receiving a report thereon made by any other person, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Any functionary of a State organ charged with the said functions and responsibilities who, by taking advantage of his office, hinders the rescue effort shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Article 417 Any functionary of a State organ, charged with the functions and responsibilities to investigate and prohibit criminal activities, who divulges information or provides convenience to criminals so as to help them escape punishment shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 418 Any functionary of a State organ who engages in malpractices for personal gain in recruiting public servants or students, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 419 Any functionary of a State organ who, through his gross neglect of duty, causes damage to or losses of precious cultural relics, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

CHAPTER X CRIMES OF SERVICEMEN'S TRANSGRESSION OF DUTIES

Article 420 Any act committed by a serviceman in transgression of his duties, an act that endangers the military interests of the State and should therefore be subjected to criminal punishment in accordance with law, constitutes a crime of a serviceman's transgression of duties.

Article 421 Any serviceman who disobeys an order during wartime, thereby jeopardizing a military operation, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Visited on 6/3/2013

Article 422 Any serviceman who intentionally conceals or makes a false report about the military situation, refuses to convey a military order or conveys a false military order, thereby jeopardizing a military operation, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 423 Any serviceman who cares for nothing but saving his skin on the battlefield voluntarily lays down his arms and surrenders to the enemy shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Any serviceman who, after surrendering to the enemy, works for the enemy shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 424 Any serviceman who deserts from the battlefield shall be sentenced to fixed-term imprisonment of not more than three years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 425 Any person in command or on duty who leaves his post without permission or neglects his duties, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Whoever in wartime commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than five years.

Article 426 Whoever, by violence or threat, obstructs a commander or a person on duty from performing his duties shall be sentenced to fixed- term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years; if serious injury or death is caused to a person or if there are other especially serious circumstances involved, he shall be sentenced to life imprisonment or death. The punishment for such a crime committed during wartime shall be heavier than in peacetime.

Article 427 Any officer who abuses his power and instigates his subordinates to act in transgression of their duties, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Article 428 Any commander who disobeys an order, or flinches before a battle or is inactive in a military operation, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years; if heavy losses are caused to a battle or campaign or if there are other especially serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 429 Any commander on a battlefield who is in a position to rescue the neighbourly forces he knows are in a critical situation but does not do so upon request, thus causing heavy losses to the latter, shall be sentenced to fixed-term imprisonment of not more than five years.

Article 430 Any serviceman who, in performing his duties, leaves his post without permission or defects from China or does so when being outside of the country, thus jeopardizing the military interests of the State, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

Any serviceman who, piloting an aircraft or a vessel, defects, or if there are other especially serious circumstances involved, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 431 Whoever, by means of stealing, spying or buying, illegally obtains military secrets

Visited on 6/3/2013

shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever steals, spies into or buys military secrets for or illegally offers such secrets to the agencies, organizations or individuals outside the territory of China shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 432 Whoever, in violation of the law and regulations on protection of State secrets, intentionally or negligently divulges military secrets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Whoever during wartime commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 433 Whoever during wartime fabricates rumors to mislead others and shake the morale of troops shall be sentenced to fixed-term imprisonment of not more than three years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Whoever colludes with the enemy to fabricate rumors so as to mislead others and shake the morale of troops shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; if the circumstances are especially serious, he may be sentenced to death.

Article 434 Whoever during wartime injures himself in order to evade his military obligation shall be sentenced to fixed-term imprisonment of not more than three years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 435 Whoever, in violation of the military service law, deserts from the armed forces, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Whoever during wartime commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 436 Whoever violates the regulations on the use of weapons and equipment, if the circumstances are serious and an accident leading to serious injury or death of another person occurs due to his neglect of duty, or if there are other serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 437 Whoever in violation of the regulations on control of weapons and equipment, alters without authorization the use of weapons and equipment allocated, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 438 Whoever steals or forcibly seizes weapons, equipment or military supplies shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever steals or forcibly seizes firearms, ammunition or explosives shall be punished in accordance with the provisions of Article 127 of this Law.

Article 439 Whoever illegally sells or transfers weapons or equipment of the armed forces shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10

Visited on 6/3/2013

years; if a large amount of weapons or equipment is sold or transferred or if there are other especially serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 440 Whoever, in violation of an order, abandons weapons or equipment shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if he abandons important or a large amount of weapons or equipment or if there are other serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 441 Whoever loses weapons or equipment and fails to report the matter immediately, or if there are other serious circumstances involved, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 442 Where the real estate of the armed forces is sold or transferred in violation of the regulations, if the circumstances are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 443 Any person who abuses his power and maltreats a subordinate, if the circumstances are so flagrant that the victim is seriously injured or if there are other serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if he causes death of the victim, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 444 Where a wounded or sick serviceman is deliberately abandoned on a battlefield, if the circumstances are flagrant, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five years.

Article 445 Whoever, being charged with the duty of saving and treating servicemen during wartime, refuses to do so to a serviceman who, through critically sick or wounded, can be saved or treated, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if he causes serious disability or death of the sick or wounded serviceman or if there are other serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Article 446 Any serviceman who, during wartime, cruelly injures innocent residents in an area of military operation or plunders their money or property shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Article 447 Whoever sets free a prisoner of war without authorization shall be sentenced to fixed-term imprisonment of not more than five years; if he, without authorization, sets free an important prisoner of war or a number of prisoners of war or if there are other serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 448 Whoever maltreats a prisoner of war, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than three years.

Article 449 If during wartime a serviceman is sentenced to fixed-term imprisonment of not more than three years for a crime he commits and is granted suspension of sentence because he presents no real danger, he may be allowed to atone for his crime by performing meritorious deeds. If he truly performs meritorious deeds, the original sentence may be rescinded and he shall not be regarded as a criminal.

Article 450 This Chapter shall apply to officers, civilian staff, soldiers in active service and cadets with military status of the Chinese People's Liberation Army, police officers, civilian staff and soldiers in active service and cadets with military status of the Chinese People's Armed Police, and reservists and other persons performing military tasks.

Article 451 The word "wartime" as used in this Law means the time when the State declares the state of war, the armed forces receive tasks of operations or when the enemy launches a

visited on 6/3/2013

surprise attack.

The time when the armed forces execute martial-law tasks or cope with emergencies of violence shall be regarded as wartime.

CHAPTER XI SUPPLEMENTARY PROVISIONS

Article 452 This Law shall go into effect as of October 1, 1997.

The regulations, supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress, as listed in Appendix I of this Law, which have been incorporated into this Law or are no longer applicable, shall be invalidated as of the date this Law

goes into effect.

The supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress, as listed in Appendix II of this Law, shall be retained. Among them the provisions on administrative penalty and administrative measures shall remain in force; however, since the provisions on criminal responsibility have been incorporated into this Law, the relevant provisions of this Law shall prevail as of the date this Law goes into effect.

Appendix I

The following regulations, supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress which have been incorporated into this Law or are no longer applicable shall be invalidated as of the date this Law goes into effect:

1. Interim Regulations of the People's Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties

2. Decision Regarding the Severe Punishment of Criminals Who Seriously Sabotage the Economy

3. Decision Regarding the Severe Punishment of Criminals Who Seriously Endanger Public Security

4. Supplementary Provisions Concerning the Punishment of the Crimes of Smuggling

5. Supplementary Provisions Concerning the Punishment of the Crimes of Embezzlement and Bribery

6. Supplementary Provisions Concerning the Punishment of the Crimes of Divulging State Secrets

7. Supplementary Provisions Concerning the Punishment of the Crimes of Catching or Killing Precious and Endangered Species of Wildlife Under Special State Protection

8. Decision Regarding the Punishment of the Crimes of Desecrating the National Flag and the National Emblem of the People's Republic of China

9. Supplementary Provisions Regarding the Punishment of the Crime of Excavating and Robbing Sites of Ancient Culture or Ancient Tombs

10. Decision Regarding the Punishment of the Criminals Engaged in Aircraft Hijacking

11. Supplementary Provisions Regarding Punishing Crimes of Counterfeiting Registered Trademarks

12. Decision on Punishment of the Crimes of Production and Sale of Fake or Substandard Commodities

13. Decision Regarding the Punishment of the Crimes of Infringement of Copyright

14. Decision Concerning Punishment of Crimes Against the Company Law

15. Decision Regarding the Handling of Criminals Undergoing Reform Through Labor and

Visited on 6/3/2013

Persons Undergoing Rehabilitation Through Labor Who Escape or Commit New Crimes

Appendix II

The following supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress shall be retained. Among them the provisions on administrative penalty and administrative measures shall remain in force; since the provisions on criminal responsibility have been incorporated into this Law, the relevant provisions of this Law shall prevail as of the date this Law goes into effect:

1. Decision on the Prohibition Against Narcotic Drugs

2. Decision on the Punishment of Criminals Who Smuggle, Produce, Sell or Disseminate Pornographic materials

3. Decision on the Strict Prohibition Against Prostitution and Whoring

4. Decision Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children

5. Supplementary Provisions Regarding the Imposition of Punishment in Respect of Offences of Tax Evasion and Refusal to Pay Tax

6. Supplementary Provisions on the Severe Punishment of the Crimes of Organizing or Transporting Other Person(s) To illegally cross the National Border (Frontier)

7. Decision on Punishment of Crimes of Disrupting Financial Order

8. Decision on Punishing Crimes of Falsely Making Out, Forging or Illegally Selling Special Invoices for Value-added Tax

(The English translations are for reference only.)

Source: http://en.chinacourt.org/search/index2.php?location=0700000000

Back To Top

Previous Page

Site Map | Contact Us

The page was last modified on May 27, 2011

© 2002-2005 Congressional-Executive Commission on China - All Rights Reserved.