



[Main page](#)

[News](#)

[Foreign Ministry Spokesperson's Remark](#)

[Address & Document](#)

[Main page](#) > [Operation](#) > [Drugs Control](#) > [Domestic Regulations](#)

## Criminal Law of the People's Republic of China

Adopted by the Second Session of the Fifth National People's Congress on July 1, 1979 and amended by the Fifth Session of the Eighth National People's Congress on March 14, 1997

### Part I General Provisions

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

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

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

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

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

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

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

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

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

**Article 7.** This law is applicable to PRC citizens who commit the crimes specified in this law outside the territory of the PRC; but those who commit the crimes, provided that this law stipulates a minimum sentence of less than a three-year fixed-term imprisonment for such crimes, may not be dealt with.

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

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

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

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

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

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

The effective judgments that were made according to the laws at that time before the implementation of this law will continue to be in force.

## Chapter II Crimes

### Section 1. Crimes and Criminal Responsibility

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

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

Criminal responsibility shall be borne for intentional crimes.

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

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

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

**Article 17.** A person who has reached the age of eighteen who commits a crime shall bear criminal responsibility.

A person who has reached the age of fourteen but not the age of eighteen who commits the crimes of intentionally killing another or intentionally injuring another, even causing serious injury or death, and the crimes of rape, robbery, drug trafficking, arson, explosion, and poisoning shall bear criminal responsibility.

A person who has reached the age of fourteen but not the age of eighteen who commits a crime shall be given a lesser punishment or a mitigated punishment.

When a person is not criminally punished because he has not reached the age of eighteen, the head of his family or guardian is to be ordered to subject him to discipline. When necessary, he may also be given shelter and rehabilitation by the government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Section 3. Joint Crimes**

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

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

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

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

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

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

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

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

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

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

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

## **Section 4. Crimes Committed by a Unit**

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

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

## **Chapter III Punishments**

### **Section 1. Types of Punishments**

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

**Article 33.** The types of principal punishments are:

- (1) control;
- (2) Criminal detention;
- (3) fixed-term imprisonment;
- (4) life imprisonment; and
- (5) The death penalty.

**Article 34.** The types of supplementary punishments are:

- (1) Fines;
- (2) Deprivation of political rights; and
- (3) Confiscation of property.

Supplementary punishments may also be applied independently.

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

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

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

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

## **Section 2. Control**

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

The judgment of control for a criminal element is executed by a public security organ.

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

- (1) abide by laws and administrative regulations, submit himself to supervision;
- (2) shall not exercise the rights to freedom of speech, of the press, of assembly, of association, of procession, and of demonstration without the approval of the organ executing the control;
- (3) report on his own activities pursuant to the rules of the organ executing the control;
- (4) abide by the rules of the organ executing the control for meeting visitors;
- (5) report and obtain approval from the organ executing the control for a change in residence or departure from the city or county.

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

**Article 40.** Upon the expiration of the term of the control, the organ executing the control shall announce the termination of control to the criminal element sentenced to control and to the masses concerned.

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

## **Section 3. Criminal Detention**

**Article 42.** The term of criminal detention is not less a month and not more than six months.

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

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

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

#### **Section 4. Fixed-Term Imprisonment And Life Imprisonment**

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

**Article 46.** A criminal element sentenced to fixed-term imprisonment or life imprisonment is to have his sentence executed in prison or in another organ executing the sentence; anyone with the ability to labor shall take part in labor, receive education, and undergo reform.

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

#### **Section 5. The Death Penalty**

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

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

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

**Article 50.** If a person sentenced to death with a suspension of execution does not intentionally commit a crime during the period of suspension, he is to be given a reduction of sentence to life imprisonment upon the expiration of the two-year period; if he demonstrates meritorious service, he is to be given a reduction of sentence to not less than fifteen years and not more than twenty years of fixed-term imprisonment upon the expiration of the two-year period; if there is verified evidence that he has intentionally committed a crime, the death penalty is to be executed upon the approval of the Supreme People's Court.

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

#### **Section 6. Fines**

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

**Article 53.** A fine is to be paid in a lump sum or in installments within the period specified in the judgment.

Upon the expiration of the period, one who has not paid is to be compelled to pay. Where the person sentenced is unable to pay the fine in full, the people's court may collect whenever he is found in possession of executable property.

If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption.

#### **Section 7. Deprivation of Political Rights**

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

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

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

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

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

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

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

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

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

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

### **Section 8. Confiscation of Property**

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

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

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

## **Chapter IV The Concrete Application Of Punishments**

### **Section 1. Sentencing**

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

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

**Article 63.** Where the circumstances of a criminal element are such as to give him a mitigated punishment under the stipulations of this law, he shall be sentenced to a punishment below the legally prescribed punishment.

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

**Article 64.** All articles of property illegally obtained by the criminal element shall be recovered or he shall be ordered to make restitution or pay compensation for them.

The legitimate property of the victims shall be promptly returned. Contraband and articles of the criminal's own property used for committing the crime shall be confiscated.

Articles of confiscated property and fines shall be handed over to the national treasury and shall not be diverted or otherwise disposed of.

### **Section 2. Recidivists**

**Article 65.** A criminal element who has been sentenced to a punishment of not less than fixed-term imprisonment and who, within five years after his punishment has been completely executed or he has received a pardon, commits another crime for which he should be sentenced to a punishment of not less than a fixed-term imprisonment is a recidivist and shall be given a heavier punishment. However, negligent commission of a crime is an exception.

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

**Article 66.** Criminal elements endangering state security who, at any time after their punishment has been completely executed or they have received a pardon, commit another crime endangering state security are all to be treated as recidivists.

### **Section 3. Voluntary Surrender and Meritorious Service**

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

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

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

Those who surrender themselves voluntarily and perform major meritorious service after committing a crime shall be given a mitigated punishment or exempted from punishment.

#### **Section 4. Combined Punishment For More Than One Crime**

**Article 69.** If a person commits more than one crime before judgment has been pronounced, except where he is sentenced to death or life imprisonment, the term of sentence that it is decided to be executed, in consideration of the circumstances, shall be less than the total term for all the crimes but more than the maximum term for any of the crimes; however, the term of control cannot exceed three years, the term of criminal detention cannot exceed one year, and fixed-term imprisonment cannot exceed 20 years.

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

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

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

#### **Section 5. Suspension of Sentence**

**Article 72.** A suspension of sentence may be pronounced for a criminal element who has been sentenced to criminal detention or to fixed-term imprisonment for not more than three years, according to the circumstances of his crime and his demonstration of repentance, and where applying a suspended sentence will not in fact result in further harm to society.

If a criminal element for whom a suspension of sentence has been pronounced has been sentenced to a supplementary punishment, the supplementary punishment must still be executed.

**Article 73.** The probation period for suspension of criminal detention is to be not less than the term originally decided and not more than one year, but it may not be less than two months. The probation period for suspension of fixed-term imprisonment is to be not less than the term originally decided and not more than five years, but it may not be less than one year.

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

**Article 74.** Suspension of sentence is not to be applied to recidivists.

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

- (1) observing the law and administrative statutes and accepting supervision;
- (2) reporting his activities in accordance with the stipulation of the observing organ;
- (3) following the observing organ's stipulation on meeting visitors;
- (4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.

**Article 76.** A criminal element for whom a suspension of sentence has been pronounced is to be observed by the public security organ during the probation period for suspension, with his unit or the basic level organization taking coordinated action. Upon the expiration of the probation period for suspension, public pronouncement that the punishment originally decided is not to be executed shall be made, provided there are no circumstances as stipulated in Article 77 of this law.

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

If, during the probation period for suspension, a criminal element for whom a suspension of sentence has been pronounced violates relevant provisions governing the supervision and control of suspension of sentence provided for in the law, administrative statutes, or regulations of public security departments of the State Council, the suspension is to be revoked and the punishments originally imposed shall be executed.

#### **Section 6. Reduction of Sentence**

**Article 78.** A criminal element who is sentenced to control, criminal detention, fixed-term imprisonment or life imprisonment may have his sentence reduced if, during the period his punishment is being executed, he earnestly observes prison regulations, accepts reform through

education, truly repents, or performs meritorious service.

The sentence shall be reduced if any of the following meritorious services are performed:

- (1) preventing someone from engaging in major criminal activities;
- (2) informing on major criminal activities in or outside the prison that can be verified;
- (3) making inventions or major technological renovations;
- (4) risking his life to save others in day-to-day production activities and life;
- (5) performing outstanding service in combating natural disaster or preventing major accidents;
- (6) making other major contributions to the state or society.

For those sentenced to control, criminal detention, or fixed-term imprisonment, the term of the punishment actually to be executed may not, after reductions of sentence, 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.** To receive reductions of sentence for criminal elements, the organ executing the sentence shall submit letters of sentence reduction proposal to the people's court at or above the intermediate level. The people's court shall form a collegial panel to examine the proposals and to issue sentence reduction orders for those who demonstrate true repentance and performed meritorious service.

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

### Section 7. Parole

**Article 81.** A criminal element sentenced to fixed-term imprisonment of which not less than half has been executed, or a criminal element sentenced to life imprisonment of which not less than 10 years has actually been executed, may be granted parole if he earnestly observes prison regulations, undergoes reform through education, demonstrates true repentance, and will not cause further harm to society after being paroled. If special circumstances exist, with the approval of the Supreme People's Court, the above restrictions relating to the term executed need not be imposed.

Criminal elements who are recidivists or who are sentenced to fixed-term imprisonment of more than 10 years or to life imprisonment for murder, bombing, robbery, rape, kidnap, or other violent crimes shall not be granted parole.

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

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

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

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

- (1) observing the law and administrative statutes and accepting supervision;
- (2) reporting his activities in accordance with the stipulation of the supervising organ;
- (3) observing the supervising organ's stipulation on meeting visitors;
- (4) reporting and applying to the observing organ for approval before leaving or moving from the city or county of residence.

**Article 85.** During the probation period for parole, a criminal element who is granted parole is to be supervised by the public security organs, and upon completion of the parole, if there are no circumstances as stipulated in Article 86 of this law, the punishment to which he was originally sentenced is to be considered as having been completely executed, and a public pronouncement to the effect shall be made accordingly.

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

If, during the probation period for parole, a criminal element violates relevant provisions governing the supervision and control of suspension of sentence provided for in the law, administrative statutes, or regulations of public security departments of the State Council but the violation does not constitute a new crime, the parole shall be revoked in accordance with the legal procedures and the parolee shall be returned to prison to complete the unfinished prison term.

### Section 8. Limitation

**Article 87.** Crimes are not to be prosecuted where the following periods have elapsed:



- (1) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of less than five years, where five years have elapsed;
- (2) in cases where the maximum legally-prescribed punishment is fixed-term imprisonment of not less than five years and less than ten years, where ten years have elapsed.
- (3) in cases where the maximum fixed-term imprisonment is not less than ten years, where fifteen years have elapsed.
- (4) in cases where the maximum legally-prescribed punishment is life-imprisonment or death, where twenty Years have elapsed. If it is considered that a crime must be prosecuted after twenty years, the matter must be submitted to the Supreme People's Procuratorate for approval.

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

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

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

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

## Chapter V Other Provisions

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

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

- (1) property owned by the state;
- (2) property owned collectively by the laboring masses;
- (3) public donations to be used for aiding the poor and other public services, or property of special funds.

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

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

- (1) citizens' lawful income, savings, houses and other means of livelihood;
- (2) means of production that are under individual or family ownership according to law;
- (3) lawful property of independent businesses and private enterprises;
- (4) shares, stocks, securities and other property that are under individual ownership according to law.

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

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

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

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

- (1) injuries resulting in loss of the use of a person's limbs or disfigurement;
- (2) injuries resulting in loss of the use of a person's hearing, sight, or functions of any other organ; or
- (3) other injuries that cause grave harm to a person's physical health.

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

regulations formulated by the State Council; as well as decisions and decrees the State Council promulgated.

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

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

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

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

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

## **Part II Special Provisions**

### **Chapter I Crimes of Endangering National Security**

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

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

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

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

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

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

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

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

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

**Article 107.** When institutions, organizations, or individuals inside or outside the country provide financial support for organizations or individuals in the country to commit the crimes stipulated in Articles 102, 103, 104, and 105, their direct persons in charge are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; and if the case is serious, they shall be sentenced to not less than five years of fixed-term imprisonment.

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

**Article 109.** If a state organ personnel, during the time of performing his public functions, leave his post without authorization and defects from the country; or if the defection takes place when he is already outside the country, thereby endangering the PRC's national security, he is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when the circumstances are serious, he is to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment.

When a state personnel handling state secrets commits the crime in the preceding paragraph, he is to be heavily punished according to the

stipulations in the preceding paragraph.

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

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

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

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

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

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

## Chapter II Crimes of Endangering Public Security

**Article 114.** Whoever endangers public security by setting fires, breaching dikes, causing explosions, administering poison; or employing other dangerous means to sabotage factories, mines, oilfields, seaports, rivers, water sources, warehouses, dwellings, forests, farms, threshing grounds, ranches, important pipelines, public buildings, and other public and private property is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment in cases where serious consequences have not been caused.

**Article 115.** Whoever sets fire, breaches dikes, causes explosions, and spreads poison; employs other dangerous means that lead to serious injuries or death; or causes public or private property major losses is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death.

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

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

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

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

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

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

**Article 120.** Whoever organizes, leads, and actively participates in a terrorist organization is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment; other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control.

Whoever commits the crime in the preceding paragraph and also commits murder, explosion, or kidnapping is to be punished according to the regulations for punishing multiple crimes.

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

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

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

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

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

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

Whoever illegally trades or transports nuclear materials is to be punished according to stipulations in the preceding paragraph.

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

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

- (1) for the purpose of illegal sale, manufacture or allocation guns whose numbers exceed quotas or whose varieties do not meet the regulations;
- (2) for the purpose of illegal sale, manufacture guns without a number, or with an overlapped number, or with a fake number;
- (3) illegally sell guns or sell guns manufactured for export inside the territory .

**Article 127.** Whoever steals, seizes guns, ammunition, and explosive articles is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment; when the circumstances are serious, to not less than ten years of fixed-term imprisonment, life imprisonment, or death penalty.

Whoever steals guns, ammunition, explosive articles, or steals, seizes guns, ammunition, explosive articles from the state's organs, military and police personnel, people's militia is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment, or death penalty.

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

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

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

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

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

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

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

**Article 132.** Any railway staff and workers who violate the rules and regulations thereby giving rise to accidents affecting the safety of railway operation are to be sentenced to not less than three years of fixed-term imprisonment or criminal detention; when the consequences

are particularly serious, to not less than three years and not more than seven years of fixed-term imprisonment.

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

**Article 134.** The staff and workers of factories, mines, forestry centers, construction enterprises or other enterprises and institutions who do not submit to management and violate the rules and regulations or force workers to work in a risky way in violation of the rules, thereby giving rise to major accidents involving injury or death and causing other serious consequences, are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are particularly odious, to not less than three years and not more than seven years of fixed-term imprisonment.

**Article 135.** Any factories, mines, forestry centers, construction enterprises or other enterprises and institutions that have labor safety facilities failing to conform with the state's regulations and do not take measures to prevent hidden dangers after a request was made by relevant departments or the units' staff and workers, thereby giving rise to major accidents involving injury or death or other serious consequences, personnel who are directly responsible are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are particularly odious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

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

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

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

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

### **Chapter III Crimes of Undermining the Order of Socialist Market Economy**

#### **Section 1. Crimes of Manufacturing and Selling Fake and Shoddy Goods**

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

**Article 141.** Whoever produces or sells fake medicines which are sufficiently able to seriously endanger human health is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing serious harm to human health, is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing death or particular harm to human health, is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment, or death penalty and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

The fake medicines referred to in this article mean those fake medicines as well as those medicines and non- medicines that fall into such a category as to be dealt with as fake medicines in accordance with the regulations of the "Law of the PRC Governing the Management of Pharmaceutical Products."

**Article 142.** Whoever produces, sells inferior medicines, thereby causing severe harm to human health is to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent

and not more than 200 percent of the sale amount; when the consequences are particularly serious, the sentence is to be not less than ten years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

The inferior medicines referred to in this article mean those inferior pharmaceutical products that fall into the category of inferior medicines in accordance with the regulations of the "Law of the PRC Governing the Management of Pharmaceutical Products."

**Article 143.** Whoever produces, sells foods that do not conform with hygienic standards which sufficiently gives rise to food poisoning accidents or other severe food- originated diseases is to be sentenced to not more than three years of fixed-term imprisonment and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing serious harm to human health, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the circumstances are particularly serious, to be not less than seven years of fixed-term imprisonment or life imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

**Article 144.** Whoever produces, sells foods that are mixed with poisonous or harmful non-food materials or knowingly sells such things is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing serious food poisoning accidents or other serious food-originated diseases and giving rise to serious harm to human health, the sentence is to be not less than five years and not more than ten years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when causing death or particularly harm to human health, is to be punished in accordance with article 141 of the law.

**Article 145.** Whoever produces medical apparatus and instruments, and clinic-use sanitary materials which do not conform with the standards of the state and the trade aiming at protecting human health or knowingly sells such things, thereby giving rise to serious harm to human health is to be sentenced to not more than five years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the consequences are particularly serious, the sentence is to be not less than five years and not more than ten years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the circumstances are particularly odious, the sentence is to be not less than ten years of fixed-term imprisonment or life imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount or confiscation of property.

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

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

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

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

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

**Article 150.** Units violating provisions between Articles 140 and 148 of this Section shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished according to provisions under the respective articles.

## **Section 2. Smuggling Offenses**

**Article 151.** Smuggling arms, ammunitions, nuclear materials, or counterfeit currency notes shall be sentenced to imprisonment of over seven years, with a fine or forfeiture of property; for the less serious offenses to imprisonment of more than three years but less than seven years, and with fine.

Smuggling out of the country prohibited cultural relics, gold, silver, and other precious metals and rare animals and their products shall be sentenced to imprisonment of over five years with fine; for less serious offenses to imprisonment of less than five years with fine.

Smuggling out of the country prohibited rare plants and their products shall be sentenced to imprisonment of less than five years with fine; or a fine alone; for serious cases, to imprisonment of over five years with fine.

Offenses of an extraordinarily serious nature under Paragraphs 1 and 2 should be punished with life imprisonment or death, with forfeiture of property.

Units violating provisions under this article shall be fined, with personnel directly in charge and other directly responsible personnel being punished under the respective paragraphs of this article.

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

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished under provisions of the preceding paragraph.

**Article 153.** Smuggling goods and articles not mentioned in Articles 151, 152, and 347, as mentioned in Article 153, shall be respectively punished according to the following provisions, depending on seriousness of the offense:

(1) smuggling goods and articles carrying a tax of over 500,000 yuan shall be punished with imprisonment of over 10 years or life imprisonment, with a fine of over 100 percent but less than 500 percent of the evaded taxes, or forfeiture of property. Offenses of an extraordinary serious nature shall be punished according to provisions under Paragraph 4 of Article 151 of this law.

(2) smuggling goods and articles carrying a tax over 150,000 yuan but less than 500,000 yuan shall be punished with imprisonment of over three years but less than 10 years, with a fine of over 100 percent but less than 500 percent of the evaded taxes. Offenses of an extraordinarily serious nature shall be punished with imprisonment of over 10 years or life imprisonment, with a fine of over 100 percent but less than 500 percent of the evaded taxes, or forfeiture of property.

(3) smuggling goods and articles carrying a tax over 50,000 yuan and less than 150,000 yuan shall be punished with imprisonment or criminal detention of less than three years, with a fine of over 100 percent and less than 500 percent of the evaded taxes.

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

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

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

(1) without the approval of the Customs and before settling defaulted taxes, sale for profit in China of bonded goods approved for import for the purposes of processing, assembly, and compensated trade, including raw and processed materials, parts, finished products, and equipment; and

(2) without the approval of the Customs and before settling defaulted taxes, sale for profits in China of goods and articles with reduced import duties or tax exemption.

**Article 155.** The following acts shall be regarded as smuggling offenses and punished according to the relevant provisions under this Section:

(1) those who illegally and directly buy from smugglers goods whose import has been banned by the state, or buy directly from smugglers other smuggled goods and articles in relatively large quantities;

(2) those who transport, buy, or sell, in inland seas or territorial waters, goods whose import has been banned by the state; or transport, buy, or sell goods whose import has been restricted by the state, in relatively large quantity and without legal documentation; and

(3) those who ship solid wastes into the country without being detected by the Customs.

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

**Article 157.** Whoever provides armed escort to smugglers shall be seriously punished according to provisions under the first and fourth paragraphs of Article 151 of this law.

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

**Section 3. Offenses Against Company and Enterprise Management Order**

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

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

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

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

**Article 160.** Concealment of material facts or fabrication of major fraudulent contents in share-soliciting prospectuses, share-subscription applications, and bond solicitation by companies and enterprises for the purpose of issuing shares or company or enterprise bonds shall, in cases involving large amounts, with serious consequences, or of a serious nature, be punished with imprisonment or criminal detention of less than five years, with a fine or a separately imposed fine of over 1 percent and less than 5 percent of the illegally raised capital.

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

**Article 161.** Personnel directly in charge and other directly responsible personnel of a company that presents false financial accounts or financial accounts with concealment of material facts to its shareholders and members of the public, that seriously hurt their interests, shall be punished with imprisonment or criminal detention of less than three years, with a fine or a separately imposed fine of over 20,000 yuan and less than 200,000 yuan.

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

**Article 163.** Enterprise work personnel who make use of their job opportunity to demand property from others, or illegally receive others property in exchange for benefits, shall, in cases involving relatively large amounts, be punished with imprisonment or criminal detention for less than five years; for cases involving a large amount, with imprisonment of over five years, and may be subject to forfeiture of property.

Company and enterprise work personnel, who, in the course of economic contacts, receive personal kick-backs and commissions in various forms in violation of state rules, shall be punished according to provisions under the preceding paragraph.

Personnel performing public duties in state-owned companies and enterprises, and personnel assigned by state-owned companies and enterprises to non-state-owned companies and enterprises for performance of public duties found to be committing the acts mentioned in the two preceding paragraphs, shall be convicted and punished according to provisions under Articles 385 and 386 of this law.

**Article 164.** Offering property to company and enterprise work personnel for improper benefits shall in cases involving relatively large amounts be punished with imprisonment or criminal detention for less than three years, for cases involving a large amount, with imprisonment of over three years but less than 10 years, and with fine.

Units committing offenses under the preceding paragraph shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished according to provisions of the preceding paragraph.

A briber who confesses his bribery act before prosecution may receive a lighter sentence or a waiver for punishment.

**Article 165.** Directors and managers of state-owned companies or enterprises who, in order to gain illegal benefits, make use of their job opportunity to conduct for themselves or others business similar to that conducted by companies or enterprises to which they attach, shall, in cases involving a large amount, be punished with imprisonment or criminal detention for less than three years, with a fine or a separately imposed fine, for cases involving extraordinarily large amounts, with imprisonment of over three years but less than seven years, and with fine.

**Article 166.** Work personnel in state-owned companies, enterprises, or institutions, who use their job opportunity to commit the following acts that seriously hurt state interests, shall be punished with imprisonment or criminal detention of less than three years, with a fine or a separately imposed fine; for cases that cause extraordinary huge losses to state interests, with imprisonment of over three years and less than seven years, and with fine:

(1) offering profitable business conducted by their own units to their relatives and friends for operation;

(2) buying merchandise from units operated and managed by their relatives and friends at a price apparently higher than market price or selling merchandise to units operated and managed by their relatives and friends at a price apparently lower than market



price; or

(3) buying substandard merchandise from units operated and managed by their relatives and friends.

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

**Article 168.** People directly in charge of state-owned companies or enterprises who cause their companies or enterprises to go bankrupt or suffer serious losses through the practice of favoritism and thus cause great damage to national interests shall be sentenced to not more than three years in prison or criminal detention.

**Article 169.** People directly in charge of state-owned companies or enterprises or higher competent departments who cause great damage to national interests by practicing favoritism and converting state-owned assets into low-value stocks or selling them at a low price shall be sentenced to not more than three years in prison or criminal detention.

They shall be sentenced to not less than three years and not more than seven years in prison if they cause especially serious damage to national interests.

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

**Article 170.** Whoever counterfeits money shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan. In any of the following circumstances, he or she shall be sentenced to not less than 10 years in prison, life imprisonment, or death. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated:

- (1) Where the individual concerned is the ringleader of a money-counterfeiting ring;
- (2) Where the amount of money involved is especially large;
- (3) Other especially serious circumstances.

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

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

They shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan.

Whoever counterfeits money and sells or transports the counterfeit money shall be convicted and given stiff punishment in accordance with the provisions in Article 170 of this law.

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

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

**Article 174.** Whoever sets up a commercial bank or any other financial institution without the People's Bank of China's permission shall be sentenced to not more than three years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the circumstances are serious, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan.

Whoever forges, alters, or transfers the business licenses of commercial banks or other financial institutions shall be punished in accordance with the provisions in the preceding paragraph.

Where the crimes mentioned in the preceding two paragraphs are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the first paragraph.

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

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than three years in prison or criminal detention.

**Article 176.** Whoever takes deposits from people illegally or in disguised form and disrupts financial order shall be sentenced to not more than three years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 20,000 yuan and not more than 200,000 yuan. If the amount involved is large or if the circumstances are otherwise serious, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan.

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be punished in accordance with the provisions in the preceding paragraph.

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

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

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

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

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

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

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

If the crime mentioned in the preceding paragraph is committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than five years in prison or criminal detention.

**Article 180.** People who have inside information on securities trading, illegally obtain inside information on securities trading, or buy or sell securities or leak relevant information prior to the release of information that could have a major effect on the issuance and trading of the securities concerned or on the price of other securities shall be sentenced to not more than five years in prison or criminal detention, provided the circumstances are serious. They shall be fined, additionally or exclusively, a sum not less than 100 percent and not more than 500 percent as high as their illegal proceeds. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison. In addition, they shall be fined a sum not less than 100 percent and not more than 500 percent as

high as their illegal proceeds.

If the crimes mentioned in the preceding paragraph are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it or people who are directly responsible shall be sentenced to not more than five years in prison or criminal detention.

The scope of inside information shall be defined by relevant provisions in laws and administrative rules.

People with inside information shall be defined by relevant provisions in laws and administrative rules.

**Article 181.** Whoever disrupts securities trading markets and causes serious consequences by fabricating or disseminating false information that could have an effect on securities trading shall be sentenced to not more than five years in prison or criminal detention. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan.

Employees of securities exchanges, securities companies, securities associations, or securities management departments shall be sentenced to not more than five years in prison or criminal detention if they intentionally provide false information; forge, alter, or destroy trading records; or trick investors into buying or selling securities, giving rise to serious consequences. They shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the circumstances are especially adverse, they shall be sentenced to not less than five years and not more than 10 years in prison. In addition, they shall be fined not less than 20,000 yuan and not more than 200,000 yuan.

If the crimes mentioned in the preceding two paragraphs are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it and other people who are directly responsible shall be sentenced to not more than five years in prison or criminal detention.

**Article 182.** Whoever rigs securities trading prices and obtains illegitimate benefits or shifts the risk in any of the following ways shall be sentenced to not more than five years in prison or criminal detention, provided the circumstances are serious. He or she shall be fined, additionally or exclusively, a sum not less than 100 percent and not more than 500 percent as high as his or her illegal proceeds:

- (1) Taking advantage of one's financial strength, stock holdings, or information to jointly or continuously sell or buy securities and rig securities trading prices, either on one's own or by conspiring with other people;
- (2) Affecting securities trading prices or volume by conducting securities transactions with each other or by buying or selling each other's securities at a predetermined time and price and through a predetermined method in collaboration with other people;
- (3) Affecting securities trading prices or volume by taking oneself as the only party to a transaction and buying from or selling to oneself without transferring the right to own the securities;
- (4) Rigging securities trading prices by other means.

If the crimes mentioned in the preceding paragraph are committed by a unit, the unit in question shall be fined, and the individual directly in charge of it or other people directly responsible shall be sentenced to not more than five years in prison or criminal detention.

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

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

**Article 184.** Personnel of banks or other monetary institutions who ask others for money or goods, or illegally accept money or goods from others in activities of monetary business and seek benefits for others, or accept rebate or service charges for themselves under various pretexts in violation of state stipulations are to be sentenced and punished in accordance with the stipulations of Article 163 of this law.

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

**Article 185.** Personnel of banks or other monetary institutions who take advantage of their office to misappropriate funds of their respective institutions or customers are to be sentenced and punished in accordance with the stipulations of Article 272 of this law.

Personnel of state-owned monetary institutions and personnel delegated by state-owned monetary institutions to perform official duties in non-state-owned monetary institutions who commit an act mentioned in the preceding paragraph are to be sentenced and punished in accordance with the stipulations of Article 384 of this law.

**Article 186.** Personnel of banks or other monetary institutions who violate the stipulations of laws and administrative regulations to grant fiduciary loans to related people or to grant secured loans with conditions better than those for granting similar loans to other borrowers, thus causing relatively big losses, are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and to a fine of not less than 10,000 yuan and not more than 100,000 yuan; when the losses are serious, the sentence is to be not less than five years of fixed-term imprisonment, and a fine of not less than 20,000 yuan and not more than 200,000 yuan.

Personnel of banks or other monetary institutions who violate the stipulations of laws and administrative regulations to grant loans to people

other than the related people, thus causing serious losses, are to be sentenced to not more than five years of imprisonment or criminal detention, and a fine not less than 10,000 yuan and not more than 100,000 yuan; when the losses are especially serious, the sentence is to be not less than five years of fixed-term imprisonment, and a fine not less than 20,000 yuan and not more than 200,000 yuan.

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

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

**Article 187.** Personnel of banks or other monetary institutions who, with the purpose of making profits, absorb customers' funds without entering an item in their accounts, and illegally use such funds for calling or granting loans, thus causing serious losses, are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and to a fine not less than 20,000 yuan and not more than 200,000 yuan; when the losses are especially serious, the sentence is to be not less than five years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan.

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

**Article 188.** Personnel of banks or other monetary institutions who violate stipulations to issue for others letters of credit, or other letters of guarantee, bills, deposit receipts, and credit certificates, thus causing relatively serious losses, are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention; when the losses are very serious, the sentence is to be not less than five years of fixed-term imprisonment.

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

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

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

**Article 190.** State-owned companies, enterprises, or other state-owned institutions which violate state stipulations and deposit foreign exchange abroad without authorization, or illegally transfer foreign exchange abroad, and the circumstances are serious, are to be sentenced to a fine, and personnel in charge directly responsible for it, and other personnel directly responsible for it are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

**Article 191.** Whoever commit any of the acts below to cover up or withhold the source or nature of what one knows is obtained from narcotics crimes, organized crimes of the underworld, or crimes of smuggling, or gains obtained through such crimes, are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and are to be in addition or exclusively sentenced to a fine not less than 5 percent and not more than 20 percent of the amount of money laundered, and the gains obtained through committing the crimes mentioned above are to be confiscated; when the circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment and a fine not less than 5 percent and not more than 20 percent of the amount of money laundered:

- (1) providing funds accounts;
- (2) assisting to turn money and goods into cash or financial instruments;
- (3) assisting to transfer funds through transferring accounts, or other ways of settling accounts;
- (4) assisting to remit funds abroad; and
- (5) other ways to cover up and withhold what is illegally obtained through committing crimes, and the nature and sources of such gains.

Institutions which commit a crime mentioned in the preceding paragraph are to be sentenced to a fine, and personnel in charge directly responsible for the crime and other personnel directly responsible for the crime are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

## **Section 5. Crimes of Financial Fraud**

**Article 192.** Whoever for the purpose of illegal possession illegally raises funds by fraudulent means, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and to a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years

and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine not less than 50,000 yuan and not more than 500,000 yuan or confiscation of property.

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

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

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

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

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

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

- (1) using forged or altered letters of credit or bills and documents attached;
- (2) using voided letters of credit;
- (3) obtaining letters of credit by fraud; and
- (4) carrying out fraudulent activities with letters of credit in other ways.

**Article 196.** Whoever uses one of the following ways to carry out fraudulent activities with a credit card, if the amount is quite big, is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; if the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; if the amount is especially big, or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine not less than 50,000 and not more than 500,000 yuan, or confiscation of property:

- (1) using a forged credit card;
- (2) using a voided credit card;
- (3) uttering other people's credit card; and

## (4) overdrawing with evil intention.

The so-called overdrawing with evil intention mentioned in the preceding paragraph means that the card holder, for the purpose of illegal possession, overdraws exceeding the limit of overdrawn account or the time limit, and refuses to return the money after the card-issuing bank demands for the return.

Whoever steals a credit card and uses it is to be sentenced and punished in accordance with the stipulations of Article 264 of this law.

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

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

- (1) policy holder intentionally fabricates insurance object to deceive insurance money;
- (2) policy holder, the insured, or the beneficiary fabricates false causes to insurance incident or inflate the extent of loss to deceive insurance money;
- (3) policy holder, the insured, or the beneficiary fabricate non-existing insurance incident to deceive insurance money;
- (4) policy holder, the insured, or the beneficiary intentionally create an insurance incident with property loss to deceive insurance money; or
- (5) policy holder or the beneficiary intentionally causes the death, injury, or sickness of the insured to deceive insurance money.

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

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

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

**Article 199.** Offenders of Articles 192, 194, and 195 of this section that cause extraordinarily heavy losses to the interests of the state and the people shall be sentenced to life imprisonment or death, with forfeiture of property.

**Article 200.** Units committing offenses under Articles 192, 194, and 195 of this section shall be punished with a fine, with personnel directly in charge and other directly responsible personnel being punished with imprisonment or criminal detention of less than five years; for cases involving large amounts, or of a serious nature, with imprisonment over five years and less than 10 years; for cases of extraordinary large amount, or of a serious nature, with imprisonment of over 10 years or life imprisonment.

## Section 6. Offenses Against Tax Collection and Management

**Article 201.** Tax payers found guilty of forging, altering, concealing, or indiscriminately destroying accounts books, entry proofs, or making unsubstantiated expenditures, or failing to enter or enter lower income items, or failing to submit tax returns after being notified by the tax authorities, or submitting a false return, or failing to pay taxes or pay less, or evading taxes exceeding 10 percent but less than 30 percent of payable taxes, or evading taxes again after two administrative sanctions for tax evasion, shall be punished with imprisonment or criminal detention of less than three years, with a fine of over 100 percent but less than 500 percent of the evaded tax amount; for cases with evaded tax amount exceeding 30 percent of payable taxes, or exceeding 100,000 yuan, with imprisonment of over three years but less than seven years, with a fine of over 100 percent but less than 500 percent of the evaded tax amount.

Withholding agents using the preceding means to refuse payment and full payment of withheld or collected taxes, which are over 10 percent of payable taxes or over 10,000 yuan, shall be punished in accordance with the preceding paragraph.

Multiple commissions of the acts mentioned in the two preceding paragraphs without detection shall be calculated on an accumulated basis.

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

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

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

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

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

Committing acts mentioned in the preceding paragraph to defraud state taxes shall, if the amount involved is extraordinarily large, and of a especially serious nature that causes particularly heavy losses to the state, be punished with life imprisonment or death, and with forfeiture of property.

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

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

**Article 206.** Forging or selling forged exclusive value-added tax invoices shall be punished with imprisonment or criminal detention or restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving relatively large quantities, or of a serious nature, with imprisonment of over three years and less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantities or of a especially serious nature, with imprisonment of over ten years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Committing forgery and the sale of forged exclusive value-added invoices in extraordinarily large quantities or of a especially serious nature that severely disrupt economic order shall be punished with life imprisonment or death, with forfeiture of property.

Units committing offenses under this article shall be punished with a fine, with personnel directly in charge or other directly responsible personnel being punished with imprisonment or criminal detention, or restriction for less than three years; for cases involving relatively large quantities or of a serious nature, with imprisonment of over three years but less than 10 years; for cases involving large quantities or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

**Article 207.** Committing illegal sale of exclusive value-added tax invoices shall be punished with imprisonment or criminal detention, or restriction for less than three years, with a fine over 20,000 yuan but less than 200,000 yuan.; for cases involving relatively large quantities, with imprisonment over three years but less than 10 years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving large quantity with imprisonment of over 10 years or life imprisonment, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

**Article 208.** Illegal purchase of exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be punished with imprisonment or criminal detention of less than five years, with a fine or a separately imposed fine of over 20,000 yuan and less than 200,000 yuan.

Falsely issuing or reselling illegally purchased exclusive value-added tax invoices or forged exclusive value-added tax invoices shall be convicted and punished respectively under Articles 205, 206, and 207 of this law.

**Article 209.** Forging or manufacturing without authority or selling or manufacturing without authority other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished with imprisonment or criminal detention and restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving large quantities, with imprisonment of over three years but less than seven years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving extraordinarily large quantities, with imprisonment of over seven years, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Forging or manufacturing without authority or selling other invoices manufactured without authority, which have not been mentioned in the preceding paragraph, shall be punished with imprisonment or criminal detention of, or restriction for less than two years, with a fine of over

10,000 yuan but less than 50,000 yuan; for cases of a serious nature, with imprisonment of over two years and less than seven years, with a fine of over 50,000 yuan and less than 500,000 yuan.

Illegal sale of other invoices usable for defrauding export tax refunds or offsetting taxes shall be punished according to the first paragraph.

Illegal sale of other invoices not mentioned in the third paragraph shall be punished according to the second paragraph.

**Article 210.** Theft of exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes, shall be convicted and punished according to Article 264 of this law.

Obtaining by fraudulent means exclusive value-added tax invoices or other invoices usable in defrauding export tax refunds or offsetting taxes shall be convicted and punished according to Article 266 of this law.

**Article 211.** Units committing offenses under Articles 201, 203, 204, 207, 208, and 209 of this section shall be punished with fines, with personnel directly in charge and other directly responsible personnel being punished according to these articles, respectively.

**Article 212** Fines and forfeitures of property imposed against offenders convicted under Articles 201 through 205 of this section should not be enforced until the tax authorities have recovered the taxes in question and the export tax refunds so defrauded.

### **Section 7. Infringement of Intellectual Property Rights**

**Article 213.** Using an identical trademark on the same merchandise without permission of its registered owner shall, if the case is of a serious nature, be punished with imprisonment or criminal detention of less than three years, with a fine, or a separately imposed fine; for cases of a more serious nature, with imprisonment of over three years and less than seven years, and with fine.

**Article 214.** Knowingly selling merchandise under a faked trademark with a relatively large sales volume shall be punished with imprisonment or criminal detention of less than three years, with a fine or a separately imposed fine; in cases involving a large sales volume, with imprisonment of more than three years but less than seven years, and with fine.

**Article 215.** Forging or manufacturing without authority or selling or manufacturing without authority other's registered trademarks or identifications shall, for cases of a serious nature, be punished with imprisonment or criminal detention, or restriction for less than three years, with a fine or a separately imposed fine; for cases of a especially serious nature, with imprisonment of over three years and less than seven years, and with fine.

**Article 216.** Whoever counterfeits other people's patents, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

**Article 217.** Whoever, for the purpose of reaping profits, has committed one of the following acts of copyright infringement and gains a fairly large amount of illicit income, or when there are other serious circumstances, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine; when the amount of the illicit income is huge or when there are other particularly serious circumstances, he is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine:

- (1) copy and distribute written, musical, movie, televised, and video works; computer software; and other works without the permission of their copyrighters;
- (2) publish books whose copyrights are exclusively owned by others;
- (3) duplicate and distribute audiovisual works without the permission of their producers;
- (4) produce and sell artistic works bearing fake signatures of others.

**Article 218.** Whoever, for the purpose of reaping profits, knowingly sells the duplicate works described in Article 217 of this Law, and gains a huge amount of illicit income, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

**Article 219.** Whoever engages in one of the following activities which encroaches upon commercial secrets and brings significant losses to persons having the rights to the commercial secrets is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine; or is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine, if he causes particularly serious consequences:

- (1) acquire a rightful owner's commercial secrets via theft, lure by promise of gain, threat, or other improper means;
- (2) disclose, use, or allow others to use a rightful owner's commercial secrets which are acquired through the aforementioned means;
- (3) disclose, use, or allow others to use, in violation of the agreement with the rightful owner or the rightful owner's request of keeping the commercial secrets, the commercial secrets he is holding.

Whoever acquires, uses, or discloses other people's commercial secrets, when he knows or should know that these commercial secrets are acquired through the aforementioned means, is regarded as an encroachment upon commercial secrets.

The commercial secrets referred to in this article are technical information and operation information that are unknown to the public, can



bring economic profits to their rightful owners, are functional, and are kept as secrets by their rightful owners.

The rightful owners referred to in this Article are owners of the commercial secrets and users who have the permission of the owners.

**Article 220.** When a unit commits the crimes stated in Article 213 through Article 219, it is to be sentenced to a fine; its directly responsible person in charge and other personnel of direct responsibility should be punished in accordance with the stipulations respectively stated in these Articles of this section.

### Section 8. Crimes of Disrupting Market Order

**Article 221.** Whoever fabricates and spreads falsified information to impair other people's commercial reputation and commodity reputation, and causes significant losses to others or if there are other serious circumstances, is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

**Article 222.** Where, in violation of the state regulations, an advertisement owner, advertising agency, or advertisement carrier gives false publicity by taking the advantage of advertising a commodity or service, and when the circumstances are serious, he shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

**Article 223.** Where bidders submit tenders in collusion and harm the interests of persons inviting tenders or other bidders, and when the circumstances are serious, they shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine.

Where bidders and persons inviting tenders harm the legitimate interests of the state, collectives, and the public by colluding in the bidding, they are to be punished in accordance with the stipulations stated in the preceding paragraph.

**Article 224.** Whoever, for the purpose of illegal possession, uses one of the following means during signing or executing a contract to obtain property and goods of the opposite party by fraud, and when the amount of money is relatively large, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine; or be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine, if the amount of money is huge or there are other serious circumstances; or be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and a fine or confiscation of property, if the amount of money is particularly huge or there are other particularly serious circumstances:

- (1) sign a contract in the name of a made-up unit or under somebody else's name;
- (2) use forged, altered, or invalid negotiable instruments or other false certificates of property rights as guaranties;
- (3) fulfill small-amount contracts or partially fulfill the contract, instead of actually fulfilling the contract, to inveigle the opposite party into continuing to sign and fulfill the contract;
- (4) go into hiding after receiving goods, payment, advance payment, or property as guaranty from the opposite party;
- (5) defraud the opposite party's property through other means.

**Article 225.** Whoever, in violation of the state stipulations, has one of the following illegal business acts, which disrupts the market order and when the circumstances are serious, is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of his illegal income and, where the circumstances are particularly serious, be sentenced to not less than five years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of his illegal income or the confiscation of his property:

- (1) engage in the monopoly business or monopolized commodities stipulated in laws and administrative regulations, or other commodities whose purchase and sale are controlled, without permission;
- (2) purchase and sell import-export licenses, certificates of origin, and operation permits or approved documents stipulated by other laws and administrative regulations;
- (3) conduct other illegal business activities that seriously disrupt the market order.

**Article 226.** Whoever, by violence or coercion, forces others to purchase or sell commodities or provide or accept services is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, and may in addition or exclusively be sentenced to a fine, if the circumstances are serious.

**Article 227.** Whoever forges or profiteers from forged train and ship tickets, stamps, or other valuable coupons, which involve a relatively large amount of money, is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention or control, and may in addition or exclusively be sentenced to a fine not less than 100 percent and not more than 500 percent of the amount of the coupons; or, if a huge amount is involved, to not less than two years and not more than seven years of fixed-term imprisonment and a fine not less than 100 percent and not more than 500 percent of the amount of the coupons.

Whoever profiteers from train and ship tickets, when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control, and may in addition or exclusively be sentenced to a fine of not less than 100 percent and not more than 500 percent of the amount of the coupons.

**Article 228.** Whoever, for the purpose of seeking personal gain, violates the laws and regulations on land management by illegally

transferring and profiteering from land use rights and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or may in addition or exclusively be sentenced to a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights or, when the circumstances are particularly serious, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights.

**Article 229.** Where a person of intermediary organizations, who is in charge of asset assessment and examination, certificate examination, accounting, auditing, legal services, and other duties, intentionally provides false certificates, and when the circumstances are serious, he is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and a fine.

Where a person stated in the preceding paragraph extorts money and goods from others or illegally accepts money and goods from others to commit the aforementioned crime, and when the circumstances are serious, he is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and a fine.

Where a person stated in the first paragraph of this article is seriously irresponsible and causes serious consequences by issuing certificates greatly inconsistent with the facts, he is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

**Article 230.** Whoever violates the rules of the law on import-export commodity inspection by avoiding commodity inspection and, without authorization, selling and using imported goods or exporting exported goods without having them gone through inspection by commodity inspection authorities as required, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

**Article 231.** Where a unit commits the crimes stated in Article 221 through Article 230 of this section, it should be sentenced to a fine and its directly responsible person in charge and other directly responsible personnel be punished according to the stipulations in these articles.

#### **Chapter IV Crimes of Infringing Upon the Rights of the Person and the Democratic Rights of Citizens**

**Article 232.** Whoever intentionally kills another is to be sentenced to death, life imprisonment or not less than 10 years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment.

**Article 233.** Whoever negligently causes the death of another is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when the circumstances are relatively minor, he is to be sentenced to not more than three years of fixed-term imprisonment. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

**Article 234.** Whoever intentionally injures the person of another is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control.

Whoever commits the crime in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; if he causes a person's death or causes a person's serious deformity by badly injuring him with particularly ruthless means, he is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death. Where this Law has other stipulations, matters are to be handled in accordance with such stipulations.

**Article 235.** Whoever negligently injures another and causes him serious injury is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention. Where this law has other stipulations, matters are to be handled in accordance with such stipulations.

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

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

Whoever rapes a woman or has sexual relations with a girl involving one of the following circumstances is to be sentenced to not less than 10 years of fixed-term imprisonment, life imprisonment, or death:

- (1) rape a woman or have sexual relations with a girl and when the circumstances are odious;
- (2) rape several women or have sexual relations with several girls;
- (3) rape a woman in a public place and in the public;
- (4) rape a woman in turn with another or more persons;
- (5) cause the victim serious injury, death, or other serious consequences.

**Article 237.** Whoever, by violence, coercion or other means, forces, molests, or humiliates a woman is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Whoever assembles a crowd to commit the crimes described in the preceding paragraph, or commits such crimes in the public is to be

sentenced to not less than five years of fixed-term imprisonment.

Whoever molests a child is to be given a heavier punishment according to the stipulations in the two preceding paragraphs.

**Article 238.** Whoever unlawfully detains another or deprives him of his freedom of the person by any other means is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights. In circumstances where beating or humiliation are involved, a heavier punishment is to be given.

Whoever commits one of the crimes in the preceding paragraph and causes a person's serious injury is to be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment; when he causes a person's death, he is to be sentenced to not less than 10 years of fixed-term imprisonment; when he causes a person disability or death by violent means, he is to be punished in accordance with the stipulations in Article 234 and Article 232 of this law.

Whoever unlawfully detains or takes somebody into custody for the purpose of demanding the payment of a debt is to be given a punishment in accordance with the stipulations stated in the two preceding paragraphs.

Where an employee of a state organ abuses his authority to commit any of the three aforementioned crimes, he is to receive a heavier punishment in accordance with the stipulations stated in the three preceding paragraphs.

**Article 239.** Those kidnapping others with the purpose of blackmailing or kidnapping others as hostages are to be sentenced to 10 years or more in prison or to be given life sentences, in addition to fines or confiscation of their property. Kidnappers causing the death of their hostages or killing their hostages are to be sentenced to death and their property confiscated.

Those stealing or robbing infants or babies for the purpose of blackmailing are to be punished according to stipulations in the above paragraph.

**Article 240.** Those abducting and trafficking women or children are to be sentenced to 5 to 10 years in prison plus fine. Those falling into one or more of the following cases are to be sentenced to 10 years or more in prison or to be given life sentences, in addition to fines or confiscation of property. Those committing especially serious crimes are to be sentenced to death in addition to confiscation of property.

- (1) Primary elements of rings engaging in abducting and trafficking women or children;
- (2) those abducting and trafficking more than three women and/or children;
- (3) those raping abducted women;
- (4) those seducing, tricking, or forcing abducted women into prostitution, or those selling abducted women to others who in turn force them into prostitution;
- (5) those kidnapping women or children using force, coercion, or narcotics, for the purpose of selling them;
- (6) those stealing or robbing infants or babies for the purpose of selling them;
- (7) those causing abducted women or children, or their family members, to serious injuries or death, or causing other grave consequences;
- (8) those selling abducted women or children to outside the country.

Abducting and trafficking women or children refers to abducting, kidnapping, buying, selling, transporting, or transshipping women or children.

**Article 241.** Those buying abducted women or children are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance.

Those buying abducted women and forcing them to have sex with them are to be convicted and punished according to stipulations of article 236.

Those buying abducted women or children and illegally depriving them of or restricting their physical freedom, or injuring or insulting them, are to be convicted and punished according to relevant stipulations of this law.

Those buying abducted women or children and committing crimes stipulated in paragraphs two and three of this article are to be punished for committing more than one crime.

Those buying and selling abducted women or children are to be convicted and punished according to article 240 of this law.

Those buying abducted women or children but not obstructing bought women from returning to their original residence in accordance with their wishes, or not abusing bought children and not obstructing efforts to rescue them, may not be investigated for their criminal liability.

**Article 242.** Those using force or coercion to obstruct workers of state organs from rescuing bought women or children are to be convicted and punished according to article 277 of this law.

Primary elements who lead other people to obstruct workers of state organs from rescuing bought women or children are to be sentenced to five years or fewer in prison or put under criminal detention. Other elements who use force or coercion are to be punished according to

paragraph one of this article.

**Article 243.** Those fabricating stories to frame others or in an attempt to subject others to criminal investigation, if the case is serious, are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance. Those causing serious consequences are to be sentenced to three to 10 years in prison.

Workers of state organs committing crimes stipulated in the above paragraph are to be severely punished.

Stipulations in the above two paragraphs do not apply to those who do not deliberately frame others but accuse others by mistake, or who report others' crimes not conforming to the facts.

**Article 244.** Persons of employing units who are directly responsible for forcing workers to labor by restricting their physical freedom in violation of labor management laws and regulations are to be sentenced to three years or fewer in prison or put under criminal detention, in addition to fine, or are to be fined.

**Article 245.** Those illegally physically searching others or illegally searching others' residences, or those illegally intruding into others' residences, are to be sentenced to three years or fewer in prison, or put under criminal detention.

Judicial workers committing crimes stipulated in the above paragraph by abusing their authority are to be severely punished.

**Article 246.** Those openly insulting others using force or other methods or those fabricating stories to slander others, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention or surveillance, or deprived of their political rights.

Those committing crimes mentioned above are to be investigated only if they are sued, with the exception of cases that seriously undermine social order or the state's interests.

**Article 247.** Judicial workers who extort a confession from criminal suspects or defendants by torture, or who use force to extract testimony from witnesses, are to be sentenced to three years or fewer in prison or put under criminal detention. Those causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.

**Article 248.** Supervisory and management personnel of prisons, detention centers, and other guard houses who beat or physically abuse their inmates, if the case is serious, are to be sentenced to three years or fewer in prison or put under criminal detention. If the case is especially serious, they are to be sentenced to three to 10 years in prison.

Those causing injuries to injuries, physical disablement, or death, are to be convicted and severely punished according to article 234 and 232 of this law.

Supervisory and management personnel who order inmates to beat or physically abuse other inmates are to be punished according to stipulations in the above paragraph.

**Article 249.** Those provoking ethnic hatred or discrimination, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention or surveillance, or deprived of their political rights. If the case is especially serious, they are to be sentenced to three to 10 years in prison.

**Article 250.** Persons directly responsible for publishing materials that discriminate or insult minority nationalities, if the case is serious and results in grave consequences, are to be sentenced to three years or fewer in prison, or put under criminal detention or surveillance.

**Article 251.** Workers of state organs who illegally deprive citizens' right to religious beliefs or who encroach on minority nationalities' customs or habits, if the case is serious, are to be sentenced to two years or fewer in prison or put under criminal detention.

**Article 252.** Those infringing upon the citizens right of communication freedom by hiding, destroying, or illegally opening others' letters, if the case is serious, are to be sentenced to one year or less in prison or put under criminal detention.

**Article 253.** Postal workers who open, hide, or destroy mail or telegrams without authorization are to be sentenced to two years or less in prison or put under criminal detention.

Those committing crimes stipulated in the above paragraph and stealing money or other articles are to be convicted and severely punished according to article 264 of this law.

**Article 254.** Workers of state organs who abuse their authority by retaliating against or framing accusers, petitioners, criticizers, or informants, in the name of conducting official business, are to be sentenced to two years or less in prison or put under criminal detention. If the case is serious, they are to be sentenced to two to seven years in prison.

**Article 255.** Leaders of companies, enterprises, institutions, offices, or other organizations who persecute and retaliate against accountants or statisticians who perform their duty according to law and boycott acts that violate the accounting and statistics law, if the case is serious, are to be sentenced to three years or fewer in prison or put under criminal detention.

**Article 256.** In electing deputies to the people's congresses at all levels or leaders of state organs, those who undermine the elections or obstruct voters and deputies from freely exercising their right to vote or be elected by using force, coercion, deception, bribe; by falsifying election documents; by making a false report on the numbers of ballots; or by using other means, if the case is serious, are to be sentenced to three years or fewer in prison, put under criminal detention, or deprived of their political rights.

**Article 257.** Those using force to interfere in others' freedom of marriage are to be sentenced to two years or fewer in prison or put under

criminal detention.

Those committing crimes stipulated in the above paragraph and causing others to die are to be sentenced to two to seven years in prison.

Those committing crimes stipulated in the first paragraph of this article are to be investigated only if they are sued.

**Article 258.** Those who have a spouse and get married again, or who marry someone whom they know has a spouse, are to be sentenced to two years or fewer in prison or put under criminal detention.

**Article 259.** Those who live together with or marry someone whom they know is the spouse of an active duty service member are to be sentenced to three years or fewer in prison or put under criminal detention.

Those who use their authority or subordinate relationship to seduce the wives of active duty servicemen for illicit sexual relations by resorting to coercion are to be convicted and punished according to article 236 of this law.

**Article 260.** Those mistreating their family members, if the case is serious, are to be sentenced to two years or less in prison, or put under criminal detention or surveillance.

Those committing crimes stipulated in the above paragraph and causing the victims to severe injuries or death are to be sentenced to two to seven years in prison.

Those committing crime stipulated in the first paragraph of this article are to be investigated only if they are sued.

**Article 261.** Those who have the obligation but refuse to support those who are aged, young, sick, or do not have the ability to live independently, if the case is serious, are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance.

**Article 262.** Those abducting minors under 14 years of age from their family or guardians are to be sentenced to five years or less in prison or put under criminal detention.

## Chapter V The Crime of Encroaching on Property

**Article 263.** Those robbing public or private property using force, coercion, or other methods are to be sentenced to three to 10 years in prison in addition to fine. Those falling in one or more of the following cases are to be sentenced to 10 years or more in prison, given life sentences, or sentenced to death, in addition to fines or confiscation of property:

- (1) those intruding into others' houses to rob;
- (2) those committing robbery on public transportation vehicles;
- (3) those robbing banks or other financial institutions;
- (4) those committing several robberies or robbing large amounts of money or other properties;
- (5) those causing serious injuries to or death while robbing;
- (6) those committing robbery posing as servicemen or policemen;
- (7) those committing robbery using guns;
- (8) those robbing materials for military use, or materials for fighting disasters or relieving disaster victims.

**Article 264.** Those who steal relatively large amounts of public or private property and money or have committed several thefts are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to fines; or are to be fined. Those stealing large amounts of property and money or involving in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those stealing extraordinarily large amounts of property and money or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. Those falling in one or more of the following cases are to be given life sentence or sentenced to death, in addition to confiscation of property:

- (1) Those stealing extraordinarily large amounts of money and property from financial institutions;
- (2) those committing serious thefts of precious cultural relics.

**Article 265.** Those stealing others' communication lines or reproducing others' telecommunication codes for the purpose of making profits, or those using telecommunication equipment or facilities knowing that they are stolen or reproduced are to be convicted and punished according to article 264 of this law.

**Article 266.** Those defrauding relatively large amounts of public or private money and property are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to fines; or are to be fined. Those defrauding large amounts of money and property or having involvement in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those defrauding extraordinarily large amounts of money and property or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. If cases are governed by other stipulations of this law, those stipulations shall apply.

**Article 267.** Whoever seizes public and private property, and the amount involved is quite large, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; and may also be sentenced to a fine, additionally or exclusively. When the amount involved is huge and the other circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment in addition to a fine. When the amount involved is particularly huge and the other circumstances are particularly serious, the sentence is to be not less than 10 years of fixed-term imprisonment, or life imprisonment, in addition to a fine or confiscation of property.

Whoever commits the crime with a lethal weapon is to be convicted and punished according to the regulations in Article 263 of this law.

**Article 268.** In cases where a crowd is assembled to seize public or private property, and the amount involved is quite large and the other circumstances are serious, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control, in addition to a fine; and the sentence is to be not less than three years and not more than 10 years, in addition to a fine, when the amount involved is huge and the other circumstances are particularly serious.

**Article 269.** Whoever commits the crimes of theft, fraud, or forcible seizure, and uses violence, or threats to use violence, at the scene in order to conceal booty, resist arrest or destroy criminal evidence, is to be convicted and punished in accordance with Article 263 of this Law.

**Article 270.** Whoever illegally takes over another person's property in the latter's custody, and the amount involved is relatively large, and refuses to return it, is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention, or a fine; when the amount involved is huge and the other circumstances are serious, the sentence is to be not less than two years but not more than five years of fixed-term imprisonment, in addition to a fine.

Whoever illegally takes over someone's property which the latter forgets to pick up, or the property someone had buried, and the amount involved is relatively large, and refuses to return it, is to be punished according to the preceding paragraph.

The crimes in this article will not be prosecuted unless a complaint is filed.

**Article 271.** In cases where a person of a company, enterprise, or any unit, takes over the unit's property by taking advantage of his office, and the amount involved is quite large, he is to be sentenced to not more than five years of fixed-term imprisonment, or criminal detention; when the amount involved is huge, the sentence is to be not less than five years, and may be in addition to confiscation of property.

When personnel engage in public service in state-owned corporations, enterprises, or other state-owned units; or when personnel of these corporations, enterprises and units assigned to engage in public service in nonstate-owned corporations, enterprises, or other units themselves as stated in the preceding paragraph, they are to be convicted and punished according to regulations in Articles 382 and 383 of this law.

**Article 272.** When personnel of companies, enterprises, and other units, who take advantage of their offices to misappropriate their units' funds for their own use or for lending to others, and the amounts involved are relatively large and have not been returned for a period of over three months; or, when the period is shorter than three months but the amounts involved are quite large and the money is used for unlawful profit-making activities, they are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; those who misappropriate huge amounts of their units' funds, or those whose misappropriations are large and who refuse to return them are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment.

Personnel engaged in public service in state-owned corporations, enterprises and other state-owned units, and personnel state-owned corporations, enterprises and other state-owned units assigned to engage in public service at nonstate-owned corporations, enterprises and other units as stated in the preceding paragraph are to be convicted and punished according to the regulations in Article 384 of this Law.

**Article 273.** Those directly responsible for misappropriating state funds and materials allocated for disaster relief, emergencies, flood control, allowances for disabled servicemen and the families of revolutionary martyrs and servicemen, aid-the-poor programs, resettlement, and social relief, when the circumstances are serious and have caused major damage to the interests of the state and the people, are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

**Article 274.** Whoever extorts public or private property by blackmail, and the amount involved is quite large, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; when the amount involved is huge and the other circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment.

**Article 275.** Whoever intentionally destroys public or private property and the amount involved is quite large and the other circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or a sentence of a fine; when the amount involved is huge and the other circumstances are particularly serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

**Article 276.** Whoever destroys machinery or equipment, cruelly injures or slaughters draft animals, or uses other means to sabotage production or operation, with the purpose of giving vent to spite, seeking revenge, or for other personal motives, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; when the circumstance is serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

## Chapter VI Crimes of Disrupting the Order of Social Administration

### Section 1. Crimes of Disrupting Public Order

**Article 277.** Whoever uses violence or threat to obstruct state personnel from discharging their duties is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; or a sentence of a fine.

Whoever uses violence or threats to obstruct National People's Congress deputies, or local people's congress deputies, from discharging their lawful deputy duties is to be punished according to the preceding paragraph.

Whoever, in the event of a natural disaster or an emergency, uses violence or threats to obstruct Red Cross personnel from discharging their lawful responsibilities is to be punished according to the first paragraph.

Whoever intentionally obstructs the state's security or public security organs from carrying out their security assignments, and has caused serious consequences even though no violence or threat is used is to be punished according to the first paragraph.

**Article 278.** Whoever instigates the masses to use violence to resist the enforcement of state laws and administrative regulations is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when serious consequences have been caused, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

**Article 279.** Whoever poses as state organ personnel to cheat and bluff is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment.

Whoever poses as a people's police to cheat and bluff is to be heavily punished in accordance with the preceding paragraph.

**Article 280.** Whoever forges, alters, trades, steals, forcibly seizes or destroys officials documents, certificates, or seals of state organs is to be sentenced to not more than three years of fixed-term imprisonment; when the circumstances are serious, the sentence is to be no less than three years but not more than 10 years of fixed-term imprisonment.

Whoever forges seals of corporations, enterprises, institutions, or people's organizations is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights .

Whoever forges or alters citizens' identification cards is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when the circumstances are serious, the sentence is to be no less than three years but not more than seven years of fixed-term imprisonment.

**Article 281.** Whoever illegally produces, purchases or sells standard police uniforms, license plates of motor vehicles, or other special signs, police tools, and the consequences are serious, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; and may also be sentenced to a fine, additionally or exclusively.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and other who are directly responsible are to be punished according to the regulations in the preceding paragraph.

**Article 282.** Whoever illegally acquires state secrets by stealing, secretly gathering, and purchasing is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

Whoever possesses documents, information, or other articles which are top secret or classified information of the state, and refuses to state their origins or use, is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control.

**Article 283.** Whoever illegal produces and sells monitoring, photographing or other special espionage equipment is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control.

**Article 284.** Whoever illegally uses special monitoring or photographing equipment and causes grave consequences is to be sentenced to not more than two years of fixed-term imprisonment, criminal detention, or control.

**Article 285.** Whoever violates state regulations and intrudes into computer systems with information concerning state affairs, construction of defense facilities, and sophisticated science and technology is be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

**Article 286.** Whoever violates states regulations and deletes, alters, adds, and interferes in computer information systems, causing abnormal operations of the systems and grave consequences, is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than five years of fixed-term imprisonment.

Whoever violates state regulations and deletes, alters, or adds the data or application programs installed in or processed and transmitted by the computer systems, and causes grave consequences, is to be punished according to the preceding paragraph.

Whoever deliberately creates and propagates computer virus and other programs which sabotage the normal operation of the computer system and cause grave consequences is to be punished according to the first paragraph.

**Article 287.** Whoever uses a computer for financial fraud, theft, corruption, misappropriation of public funds, stealing state secrets, or other crimes is to be convicted and punished according to relevant regulations of this law.

**Article 288.** Whoever violates state regulations and installs or uses radio stations (transmitters), occupies frequencies without authorization, and refuses to stop using them after being ordered to do so, thus interfering in normal radio communications and causing serious consequences is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; and may also be sentenced to a fine, additionally or exclusively.

When a unit commits the crimes stated in the preceding paragraph, the unit is to be fined, and its persons in charge and others who are directly responsible are to be punished according to the preceding paragraph.

**Article 289.** Whoever causes a person's injury, disability or death as result of assembling a crowd for "beating, smashing and looting" is to be convicted and punished according to regulations in Articles 234 and 232 of this law. In cases where public or private property is destroyed or forcibly taken and carried away, ringleaders, in addition to the ordering of restitution of compensation, are to be convicted and punished according to Article 263 of this law.

**Article 290.** In cases where crowds are assembled to disturb public order with serious consequences; where the process of work, production, business, teaching, and scientific research are disrupted; and where serious losses have been caused, the ringleaders are to be sentenced to not less than three years but not more than seven years of fixed-term imprisonment; other active participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Assembling crowds to attack state organs, thus disrupting their operations and causing serious losses, the ringleaders are to be sentenced to not less than five years but not more than 10 years of fixed-term imprisonment; and other active participants are to be sentenced to not less than five years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

**Article 291.** In cases where a crowd is assembled to disturb order at stations, wharves, civil aviation stations, market places, public parks, theaters, exhibitions, sports grounds or other public places, or a crowd is assembled to block traffic or undermine traffic order, or resist or obstruct state security administration personnel who are carrying out their functions according to law, when the circumstances are serious, ringleaders are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or control.

**Article 292.** In cases where a crowd is assembled to have brawls, ringleaders and other active participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control. When the cases are one of the following, ringleaders and other active participants are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment:

- (1) crowds are assembled on many occasions to have brawls;
- (2) the size of crowds assembled to have brawls is large, and bad social effects have been caused;
- (3) crowds are assembled for brawls in public places or main thoroughfares, and serious social disorders have been caused; or
- (4) crowds are assembled for brawls with tools.

Whoever assembles a crowd to have brawls, thus causing a person serious injuries or death, is to be convicted and punished according to Articles 234 and 232 of this Law.

**Article 293.** Whoever undermines public order with anyone of the following provocative and disturbing behaviors is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or control:

- (1) willfully attacking another person and the circumstances are bad;
- (2) chasing, intercepting, or cursing another person, and the circumstances are bad;
- (3) forcibly taking away, demanding, or willfully damaging or seizing public or private property; and the circumstances are serious;
- (4) creating a disturbance in a public place, causing serious disorder.

**Article 294.** Whoever organizes, leads, or actively participates in an organization with characteristics of a criminal syndicate, which carries out lawless and criminal activities in an organized manner through violence, threat, or other means, with the aim of playing the tyrant in a locality, committing all sorts of crimes, bullying and harming the masses, and doing what has seriously undermined economic and social order is to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment. Other participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control, or deprivation of political rights.

Personnel of overseas criminal syndicates who come to the PRC to recruit members are to be sentenced to not less than three years but not more than 10 years of fixed-term imprisonment.

Whoever commits other crimes in addition to those in the preceding two paragraphs is to be punished according to regulations for punishing multiple crimes.

State organ personnel who harbor an organization with characteristics of a criminal syndicate, or who connives at the organization's lawless and criminal activities is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than 10 years of fixed-term imprisonment.

**Article 295.** Whoever teaches crime-committing methods is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or control; when the consequences are serious, to not less than five years of fixed-term imprisonment; when the



consequences are particularly serious, to life imprisonment or death penalty.

**Article 296.** Whoever holds an assembly, parade, demonstration without application in accordance with the law or without authorization after application, or does not carry it out in accordance with the beginning time and ending time, place, and road as permitted by authorities concerned, and refuses to obey an order to dismiss, thereby seriously sabotaging social order, those personnel who are in charge and those who are directly responsible are to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control or deprived of political rights.

**Article 297.** Whoever violates laws and regulations by bringing with them weapons, controlled knives and tools or explosive articles to participate in an assembly, parade, demonstration is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprived of political rights.

**Article 298.** Whoever disturbs, collides, or sabotages with other methods the legally-held assembly, parade, demonstration, thereby giving rise to chaotic public order is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control or deprived of political rights.

**Article 299.** Whoever purposely insults the national flag, national emblem of the PRC in a public place with such methods as burning, destroying, scribbling, soiling, and trampling is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprived of political rights.

**Article 300.** Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or sabotages the implementation of the state's laws and executive regulations by utilizing superstition is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; when circumstances are particularly serious, to not less than seven years of fixed-term imprisonment.

Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or cheats others by utilizing superstition, thereby giving rise to the death of people is to be punished in accordance with the previous paragraph.

Whoever organizes and utilizes superstitious sects, secret societies, and evil religious organizations or has illicit sexual relations with women, defraud money and property by utilizing superstition is to be convicted and punished in accordance with the regulations of articles 236, 266 of the law.

**Article 301.** Whoever takes a lead in assembling a crowd to engage in promiscuous activities or repeatedly participates in such activities is to be sentenced to not more than five years of fixed-term imprisonment, criminal detention, or control.

Whoever seduces minors to participate in mass promiscuous activities is to be severely punished in accordance with the previous paragraph.

**Article 302.** Whoever steals, insults corpses is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control.

**Article 303.** Whoever, for the purpose of reaping profits, assembles a crowd to engage in gambling, opens a gambling house, or makes an occupation of gambling is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control, in addition to fine.

**Article 304.** Postal service personnel who are severely irresponsible, purposely delay sending mails thereby giving rise to great loss of public properties, interests of the state and people are to be sentenced to not more than two years of fixed-term imprisonment or criminal detention.

## **Section 2. Crimes of Disrupting Justice**

**Article 305.** During the course of criminal procedures, any witness, expert witness, recorder, translator who purposely makes false testimony, makes expert evaluation, records, translates with an intention to frame others or conceal criminal evidence in the circumstances which have an important bearing on a case is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

**Article 306.** During the course of criminal procedure, any defender, law agent destroys, falsifies evidence, assist parties concerned in destroying, falsifying evidence, threatening, luring witnesses to contravene facts, change their testimony or make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

If witnesses, testimonies, or other evidences provided, shown, used by a defender, law agent are not true but are not falsified purposely, they do not fall into the category of falsifying evidences.

**Article 307.** Whoever stops with violence, threat, bribe, and other methods a witness to testify or instigates others to make false testimony is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years but not more than seven years of fixed-term imprisonment.

Whoever assists the parties concerned in destroying or falsifying evidences is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention if the circumstances are severe.

Any judicial personnel committing the crimes as stated in the previous two paragraphs is to be severely punished.

**Article 308.** Whoever resorts to persecution and retaliation against a witness is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

**Article 309.** Whoever gathers a crowd to make disturbances, charges a court, or beats judicial personnel, severely disturbs the order of a court is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or to be fined.

**Article 310.** Whoever provides a person who he clearly knows to be a convict with a hiding place, financial and material support, assists him to escape, hides, or protects him by falsifying evidence is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control; when the circumstances are severe, to not less than three years but not more than ten years of fixed-term imprisonment.

Whoever commits a crime as stated in the previous paragraph and conspires in advance is to be punished as committing a joint crime.

**Article 311.** Whoever refuses to provide information, when the state's public security organs look into relevant situations and collect relevant evidence from him, about other people who he clearly knows have conducted criminal espionage activities is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control if the circumstances are severe.

**Article 312.** Whoever conceals, transfers, purchases, or acts as an agent to sell something he clearly knows as booty which have been gained through committing a crime is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control and may in addition or exclusively be sentenced to a fine.

**Article 313.** Whoever refuses to carry out a decision or order made by a people's court while he is able to carry it out is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or be fined if the circumstances are severe.

**Article 314.** Whoever hides, transfers, sells off, purposely destroys property which is already sealed, seized, or frozen is to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or be fined if the circumstances are severe.

**Article 315.** Criminals who, in accordance with the law, are already under detention and perform one of the following acts which sabotage supervision order are to be sentenced to not more than three years of fixed-term imprisonment if the circumstances are severe:

- (1) beat supervising personnel;
- (2) organize other people under detention to sabotage supervision order;
- (3) assemble a crowd to make trouble, thereby disturbing normal supervision order;
- (4) beat, carry out corporal punishment on or instigate other people to beat, carry out corporal punishment on other people under detention.

**Article 316.** Criminals, defendants, criminal suspects who are already under detention in accordance with the law and who escape are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Whoever seizes by force criminals, defendants, criminal suspects who are sent under escort is to be sentenced to not more than seven years of fixed-term imprisonment; when the circumstances are severe, to not less than seven years of fixed-term imprisonment.

**Article 317.** Whoever takes a lead in organizing an attempt to escape from a prison or whoever takes an active part in the attempt is to be sentenced to not less than five years of fixed-term imprisonment; others who participate in the attempt to not more than five years of fixed-term imprisonment or criminal detention.

Whoever takes a lead in staging a riot to escape from a prison or in assembling a crowd to open a prison with tools or whoever takes an active part in the attempt is to be sentenced to not less than ten years of fixed-term imprisonment or life imprisonment; when the circumstances are particularly severe, to death penalty; others who participate in the attempt to not less than three years and not more than ten years of fixed-term imprisonment.

### **Section 3. Crimes of Disrupting Administration of the Border**

**Article 318.** Whoever organizes people to secretly cross the national boundary (border) shall be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and a fine; or not less than seven years of fixed-term imprisonment or to life imprisonment, and may in addition be sentenced to a fine or confiscation of property for any of the following situations:

- (1) ringleader who organizes people to secretly cross the national boundary (border);
- (2) repeatedly organizing people to secretly cross the national boundary (border) or organizing a large number of people to secretly cross the national boundary (border);
- (3) causing serious injuries and deaths to the people being organized;
- (4) depriving or restricting personal freedom of the people being organized;
- (5) resisting investigation by violent or threatening methods;
- (6) obtaining huge amounts of illegal income;

(7) other exceptionally serious circumstances.

Whoever commits the crimes mentioned in the preceding paragraph, killing, harming, raping, and kidnapping and selling the people being organized, or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

**Article 319.** Whoever defrauds people, in the name of labor export and economic and trade exchanges or for other reasons, of their exit documents such as passports and visas through fraud and deception for use in organizing people in the secret crossing of the national boundary (border) shall be sentenced to not more than three years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crimes mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

**Article 320.** Whoever provides fake and altered exit and entry documents such as passports and visas, or sells exit and entry documents such as passports and visas, shall be sentenced to not more than five years of fixed-term imprisonment, and may in addition be sentenced to a fine; and when the circumstances are serious, not less than five years of fixed-term imprisonment, and may in addition be sentenced to a fine.

**Article 321.** Whoever transports people secretly across the national boundary (border) shall be sentenced to not more than five years of fixed-term imprisonment and criminal detention or control, and may in addition be sentenced to a fine; or not less than five years and not more than 10 years of fixed-term imprisonment and a fine for any of the following situations:

- (1) repeatedly involving in transporting activities or transporting a large number of people;
- (2) using transportation means such as ships and vehicles that do not meet essential safety conditions and that are sufficient to cause serious consequences;
- (3) obtaining huge amount of illegal income;
- (4) other exceptionally serious circumstances.

Whoever, in the course of transporting people secretly across the national boundary (border), causes heavy injuries and deaths to the people being transported or resists investigation by violent and threatening methods shall be sentenced to not less than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever commits the crimes mentioned in the two preceding paragraphs by killing, harming, raping, and kidnapping and selling the people being transported; or the crimes of killing and harming investigating personnel shall be punished in accordance with the stipulations concerning combined punishment for more than one crime.

**Article 322.** Whoever violates the laws and regulations controlling secret crossing of the national boundary (border), and when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment and criminal detention or control.

**Article 323.** Whoever intentionally sabotages boundary tablets, boundary markers or survey indicators of a permanent nature along the borders of the country shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

#### **Section 4. Crimes of Disrupting Administration of Cultural Relics**

**Article 324.** Whoever intentionally destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine; or when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Whoever intentionally destroys state-protected places of historical interest or scenic beauty, and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

Whoever, through negligence, destroys precious cultural relics under state protection or designated cultural relics of state institutions for protecting major cultural relics and provincial-level cultural relics protection departments shall be sentenced to not more than three years in fixed-term imprisonment or criminal detention.

**Article 325.** Whoever violates laws and regulations on cultural relics protection by secretly selling or giving to foreigners his or her collection of precious cultural relics, the export of which is banned by the state shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

**Article 326.** Whoever, for the purpose of reaping profits, resells cultural relics, the transaction of which is banned by the state and when

the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition be sentenced to a fine, or when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Institutions which commit the crime mentioned in the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible for the crime and other personnel with direct responsibility shall be punished in accordance with the stipulations of the preceding paragraph.

**Article 327.** States-owned museums, libraries, and other units that violate the laws and regulations on protection of cultural relics, selling or giving without permission cultural relic objects under state protection to non-state-owned units or individuals are to be sentenced to a fine and persons in direct charge of the units and other persons directly involved in the case for responsibility are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

**Article 328.** Whoever robs ancient cultural ruins and ancient tomb burial objects that have historical, artistic, and scientific value are to be sentenced to not less than three years and not more than ten years of fixed-term imprisonment and are to be sentenced to a fine; when the circumstances are relatively light in nature, the sentence is to be not more than three years of fixed-term imprisonment, criminal detention or surveillance and the offender is also to be sentenced to a fine; whoever has one of the following cases is to be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment or death penalty and are in addition to be sentenced to a fine or confiscation of property.

- (1) Robbing ancient cultural ruins and ancient tomb burial objects slated as selected national cultural relic protection units and province-level cultural relic protection units;
- (2) ringleaders of the gangs engaged in robbing ancient cultural ruins and ancient tomb burial objects;
- (3) whoever has robbed ancient cultural ruins and ancient tomb burial objects many times; and
- (4) whoever robs ancient cultural ruins and ancient tomb burial objects and whoever steals precious cultural relics or causes great damage on precious cultural relics.

Whoever robs ancient human fossils and ancient vertebrate fossils that have scientific value is to be punished according to the provisions of the preceding article.

**Article 329.** Whoever seizes and steals state-owned records is to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

Whoever violates the provisions of the Archives Law, selling and transferring state-owned records without authorization and when the circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

Whoever commits the preceding two acts and at the same time, they form the other crimes specified in this law is to be convicted and punished according to the provisions that provide relatively severe punishment.

## **Section 5. Crimes of Endangering Public Health**

**Article 330.** Whoever violates the provisions of the Law on Prevention and Cure of Contagious Diseases and has one of the following cases, causing the spread of A-category contagious diseases or causing a serious danger of the spread of contagious diseases is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

- (1) The drinking water supplied by water supply units is not up to the hygienic standards set by the state;
- (2) refusing to give sterilization treatment to sewage, pollutants, and excrement and urine contaminated by pathogens of contagious diseases according to the hygienic requirements set by the sanitation and epidemic control organs;
- (3) allowing or conniving at contagious disease sufferers, contagious disease pathogen carriers, and suspected contagious disease sufferers to take up jobs susceptible to spreading contagious diseases that are prohibited to be taken by such persons by the provisions of the public health administrative departments of the State Council; and
- (4) refusing to implement the prevention and control measures set by the sanitation and epidemic control organs in accordance with the Law on Prevention and Cure of Contagious Diseases.

Any unit that commits the preceding crimes is to be sentenced to a fine and the person in direct charge of the unit and other persons directly involved in the case for responsibility are to be punished according to the provisions of the preceding article.

The scope of A-category contagious diseases is determined in accordance with the "The Law of the People's Republic of China on Prevention and Cure of Contagious Diseases" and the relevant provisions of the State Council.

**Article 331.** Personnel engaged in the testing, storage, carriage, and transporting of contagious diseases' bacterial spawns and viruses violate the relevant provisions of the public health administrative departments of the State Council, causing the spread of contagious diseases' bacterial spawns and viruses and resulting in serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

**Article 332.** Whoever violates national border health and quarantine regulations, causing the spread of quarantined contagious diseases or a serious danger of spreading them, is to be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

A unit which violates the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

**Article 333.** Whoever sells blood illegally by involving others shall be sentenced to not more than five years of fixed-term imprisonment and a fine. Whoever, by violent and threatening methods, forces others to sell blood shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine.

Whoever causes harm to others through the act mentioned in the preceding paragraph shall be convicted and fined in accordance to stipulations of Article 234 of this law.

**Article 334.** Whoever illegally collects and supplies or produces and supplies blood products that do not meet state- stipulated standards, and enough to endanger human health, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention and a fine. Whoever causes serious harm to human health shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine; and for whoever causes exceptionally serious consequences, a sentence of not less than 10 years of fixed-term imprisonment or life imprisonment, and may in addition be sentenced to a fine or confiscation of property.

Departments that have approval from principal state departments to collect and supply blood or produce and supply blood products but do not conduct inspection and tests in accordance with stipulations or violate other operations specifications, causing harm to human health, the unit concerned shall be fined, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

**Article 335.** Medical personnel who fail seriously to carry out their responsibility, causing the death of patients or serious harm to the health of patients shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention.

**Article 336.** Whoever illegally engages in medical practice without obtaining the qualification for medical practice, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment, and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

Whoever conducts unauthorized birth control reversal surgery, fake birth control surgery, and pregnancy termination surgery, or takes out birth control devices from the womb, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or control, and may in addition or exclusively be sentenced to a fine. Whoever causes serious harm to the health of patients shall be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine. Whoever causes the death of patients shall be sentenced to not less than 10 years of fixed-term imprisonment and a fine.

**Article 337.** Whoever violates the stipulations of the Quarantine Law on the Entry and Exit of Animals and Plants, causing major proliferation of animal and plant diseases, shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine.

Units that commit the crime of the preceding paragraph shall be sentenced to a fine, and principal personnel directly responsible to the unit and other personnel with direct responsibility shall be penalized in accordance with the stipulations of the preceding paragraph.

## **Section 6. Crimes of Undermining Protection of Environmental Resources**

**Article 338.** Whoever releases, dumps, or disposes of radioactive wastes, wastes containing pathogen of contagious diseases, and toxic materials or other dangerous wastes into land, water, and the atmosphere in violation of state stipulations, causing major environment pollution accidents, heavy losses to public and private property, or grave consequences of personal deaths and injuries shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine; and in exceptionally serious consequences, not less than three years and not more than seven years of fixed-term imprisonment, and a fine.

**Article 339.** Those who dump, store or process solid waste from abroad in the country in violation of state regulations are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and in addition be sentenced to a fine. Those whose acts cause serious environmental pollution and major damages to public or private properties or seriously endanger people's health are to be punished by sentence of not less than five years and not more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine. Those whose acts have especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine.

Those who import solid waste as raw material without the approval of concerned administrative department of the State Council and cause serious environmental pollution, major damages to public or private properties and or seriously endanger people's health are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and in addition be sentenced to a fine.

Those whose acts are especially serious are to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine.

Those who import solid waste in the name of raw material which cannot be used as material are to be punished in accordance with the provisions of Article 155 of this Law.

**Article 340.** Those who violate laws and regulations to protect aquatic products and catch aquatic products in forbidden areas or forbidden periods or use tools and methods in violation of regulations in a serious nature are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention or control, and may in addition be sentenced to a fine.

**Article 341.** Those who illegally hunt and kill rare and endangered wild animals which are under the state key production plan or illegally purchase, transport or sell those rare and endangered wild animals and their manufactured products are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and may in addition be sentenced to a fine. In serious cases, those law offenders are to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine and confiscation of their properties.

Those who violate hunting law and regulations and use tools and methods which are forbidden to be used in no- hunting zones or periods and thus damage the source of wild animals and if the situation is serious are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention or control, and in addition be sentenced to a fine.

**Article 342.** Those who illegally occupy farmland for other uses in violation of land administrative law and regulations in a relatively large area and cause damage to large tracts of farmland are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and in addition be sentenced to a fine or may be sentenced to a simple fine.

**Article 343.** Those who violate the stipulations of the Mineral Resources Law and start to engage in mining operation without first obtaining a mining permit, those who wantonly enter state mining areas which are important to the national economy or mining areas of other people, those who wantonly excavate special minerals protected by the state and those who continue mining operations and cause damage to mineral resources after receiving a notice to stop such operation are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention or control, and in addition be sentenced to a fine or may be sentenced to a simple fine. Those whose operations have caused serious damages to natural resources are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment, and in addition be sentenced to a fine.

Those who violate the stipulations of Mineral Resources Law and use destructive mining methods to tap mineral resources and have caused serious damages to mineral resources are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and in addition be sentenced to a fine.

**Article 344.** Those who violate the stipulations of the Forestry Law and engage in illegal logging and damage valuable trees are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention or control, and in addition be sentenced to a fine. In serious cases, those law offenders are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

**Article 345.** Those who have engaged in illegal logging of forest or other trees in relatively large quantity are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control, and in addition be sentenced to a fine. They may be punished by a simple fine. If the quantity is quite large, those law offenders are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine. If the quantity is especially large, those law offenders are to be sentenced to more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine. Those who violate the stipulations of the Forestry Law and engage in wanton logging of forest or other trees in relatively large quantity are to be sentenced to less than three years fixed- term imprisonment, or criminal detention or control and, in addition, be sentenced to a fine. They may also be punished by a simple fine. If the quantity is especially large, the law offenders are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Those who, in order to make a profit, illegally purchase timber from illegal or wanton logging in a serious manner are to be sentenced to less than three years of fixed-term imprisonment or criminal detention or control and, in addition, be sentenced to a fine. They may also be punished by a simple fine. In especially serious cases, those law offenders are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Those who engage in illegal and wanton logging of forests or other trees inside state natural protection zones are to be punished in a severe manner.

**Article 346.** If a unit commits the crimes stipulated in Article 338 to 345, the unit will be sentenced to a fine, while the leading person with direct responsibility and other personnel directly responsible for such violations are to be punished in accordance with the stipulations of related articles.

## **Section 7. Crimes of Smuggling, Trafficking, Transporting and Manufacturing Drugs**

**Article 347.** Those who commit the crimes of smuggling, trafficking, transporting and manufacturing drugs, regardless of the quantity of drugs, shall be investigated for their criminal responsibility and punished according to the Criminal Law.

Those who smuggle, traffic, transport or manufacture drugs with one of the following conditions are to be punished by 15 years of fixed-term imprisonment, life imprisonment or death sentence, and, in addition, confiscation of their properties:

- (1) Smuggling, trafficking, transporting or manufacturing opium with a quantity of more than 1,000 grams [ke 0344], heroin or methylaniline [jia ji ben bing an 3946 1015 0058 0014 5143] with a quantity of more than 50 grams or other narcotics with a large quantify;
- (2) The principal leaders of criminal groups engaged in smuggling, trafficking, transporting and manufacturing drugs;

- (3) Those who use arms to cover up smuggling, trafficking, transporting and manufacturing drugs;
- (4) Those who use violence to resist inspection, detention or arrest in serious situation; and
- (5) Those who take part in organized international drug trafficking activities.

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 1,000 grams but more than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 50 grams but more than 10 grams, and those who deal with other drugs in large quantity are to be sentenced to more than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Those who smuggle, traffic, transport or manufacture opium with a quantity less than 200 grams, those who smuggle, traffic, transport or manufacture heroin or methylaniline with a quantity less than 10 grams, or those who deal with a small quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment, detention or control, and, in addition, be sentenced to a fine. In more serious cases, those law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

Units which commit the crimes as stated in (2), (3) and (4) above are to be penalized with a fine. Their leading personnel directly responsible for those acts and other directly responsible personnel are to be punished in accordance with the above sections of this article.

Those who utilize or urge youngsters to engage in smuggling, trafficking, transporting or manufacturing drugs or selling drugs to youngsters are to be punished in a heavier manner.

As to those who commit crimes repeatedly, the quantities of drugs involved in smuggling, trafficking, transporting and manufacturing will be combined in the judgment for sentencing.

**Article 348.** Those who illegally hold more than 1,000 grams of opium or more than 50 grams of heroin or methylaniline or large quantities of other drugs are to be sentenced to more than seven years of fixed-term imprisonment or life imprisonment and, in addition, be sentenced to a fine. Those who illegally hold more than 200 grams but less than 1,000 grams of opium or hold more than 10 grams of heroin but less than 50 grams of methylaniline or hold a large quantity of other drugs are to be sentenced to less than three years of fixed-term imprisonment or detention or control and, in addition, be sentenced to paying a fine. In serious cases, the law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to paying a fine.

**Article 349.** Those who provide cover for criminals who have engaged in smuggling, trafficking, transporting and manufacturing drugs and those who hide, move or conceal drugs and properties of criminals are to be sentenced to less than three years of fixed-term imprisonment, detaining or control. In serious cases, they are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Anti-drug smuggling personnel or other workers of state organs who shield or harbor criminal elements who smuggle, sell, transport, or make drugs, are to be severely punished according to stipulations of the above paragraph.

Those who conspire with others in advance to commit crimes stipulated in the above two paragraphs of this article are to be handled as accomplices of smuggling, trafficking, transporting, or making drugs.

**Article 350.** Those violating the state's regulations to illegally transport or hand carry into or out of the country acetic oxide, ethyl ether, chloroform, or other raw materials or elixirs for making drugs; and those violating the state's regulations to illegally sell or buy the aforementioned materials within the country, are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. Those involved in large amounts of drugs are to be sentenced to three to 10 years in prison, in addition to paying a fine.

Those providing aforementioned materials to those whom they know are making drugs are to be handled as accomplices to the making of drugs.

Units committing crimes stipulated in the above two paragraphs are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above two paragraphs.

**Article 351.** Illegal growing of opium poppy, marijuana, or other kinds of plants from which drugs are extracted is to be forcibly eliminated. Those falling in one or more of the following cases are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to fine:

- (1) Those growing more than 500 but fewer than 3,000 opium poppy plants, or those growing relatively large numbers of other kinds of plants from which drugs are extracted;
- (2) those who grow again after their cases have been settled by a public security organ;
- (3) those refusing and resisting elimination of their crops.

Those illegally growing more than 3,000 opium poppy plants or large numbers of other kinds of plants from which drugs are extracted are to be sentenced to five years or more in prison, in addition to paying a fine or having their property confiscated.

Those illegally growing opium poppy plants or other kinds of plants from which drugs are extracted but voluntarily wiping them out before reaping them may be exempted from punishment.

**Article 352.** Those illegally selling, buying, transporting, hand carrying, or those who are illegally in possession of non-sterilized seeds or saplings of opium poppy or other kinds of plants from which drugs are extracted, if the amounts are relatively large, are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine; or are to be fined.

**Article 353.** Those who lure, instigate, or trick others into taking or injecting drugs are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine.

Those forcing others to take or inject drugs are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those luring, instigating, tricking, or forcing minors into taking or injecting drugs are to be severely punished.

**Article 354.** Those harboring others who take or inject drugs are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine.

**Article 355.** Personnel who produce, transport, manage, or use according to law narcotics or drugs for mental sickness under the state's control and who, in violation to the state's regulations, provide those who take or inject drugs with addictive narcotics or drugs for mental sickness that are under the state's control are to be sentenced to three years or fewer in prison or put under criminal detention, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine. Those providing addictive narcotics or drugs for mental sickness that are under the state's control to criminal elements engaging in smuggling or trafficking drugs or, with the purpose of making profits, to those taking or injecting drugs, are to be convicted and punished according to article 347 of this law.

Units committing crime stipulated in the above paragraph are to be fined, and their persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of the above paragraph.

**Article 356.** Those who have been convicted of smuggling, trafficking, transporting, or making drugs, or who are illegally in possession of drugs, and who again commit the crime stipulated in this section, are to be severely punished.

**Article 357.** Drugs as mentioned in this law refer to opium, heroin, ice, morphine, marijuana, cocaine, and other addictive narcotics and drugs for mental sickness that are under the state's control.

The amounts of drugs are to be calculated according to the verified amounts of drugs smuggled, sold, transported, or made, or the amounts illegally in possession, and are not to be calculated in terms of the pureness of the drugs.

## **Section 8. The Crime of Organizing, Forcing, Seducing, Harboring, or Introducing Prostitution**

**Article 358.** Those organizing others for or forcing others into prostitution are to be sentenced to five to 10 years in prison in addition to having to pay a fine. Those falling in one or more of the following cases are to be sentenced to 10 years or more in prison or given a life sentence, in addition to a fine or confiscation of property:

- (1) Those committing serious crimes of organizing others for prostitution;
- (2) those forcing young girls under the age of 14 into prostitution;
- (3) those forcing more than one person into prostitution and those repeatedly forcing others into prostitution;
- (4) those forcing others who were raped by them into prostitution;
- (5) those causing severe injuries, death, or other serious consequences to those who are forced into prostitution.

Those committing one or more of the above crimes, if the case is especially serious, are to be given a life sentence or sentenced to death, in addition to confiscation of property.

Those helping others organize people for prostitution are to be sentenced to five years or fewer in prison in addition to a fine. If the case is serious, they are to be sentenced to five to 10 years in prison in addition to being fined.

**Article 359.** Those harboring prostitution or seducing or introducing others into prostitution are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. If the case is serious, they are to be sentenced to five years or more in prison in addition to a fine.

Those seducing young girls under 14 years of age into prostitution are to be sentenced to five years or more in prison in addition to a fine.

**Article 360.** Those engaging in prostitution or visiting a whorehouse knowing that they are suffering from syphilis, clap, or other serious venereal diseases are to be sentenced to five years or fewer in prison or put under criminal detention or surveillance, in addition to having to pay a fine.

Those who visit young girl prostitutes under 14 years of age are to be sentenced to five years or more in prison an addition to paying a fine.

**Article 361.** Personnel of hotels, restaurants, entertainment industry, taxi companies, and other units who take advantage of their units' position to organize, force, seduce, harbor, or introduce others to prostitution are to be convicted and punished according to articles 358 and 359 of this law.

Main persons in charge of the aforementioned units who commit crimes stipulated in the above paragraph are to be severely punished.



**Article 362.** Personnel of hotels, restaurants, entertainment industry, taxi companies, or other units who inform law offenders and criminals while public security personnel are checking prostitution and whorehouse visiting activities, if the case is serious, are to be convicted and punished according to article 310 of this law.

### **Section 9. The Crime of Producing, Selling, or Disseminating Obscene Materials**

**Article 363.** Those producing, reproducing, publishing, selling, or disseminating obscene materials with the purpose of making profits are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine. If the case is especially serious, they are to be sentenced to 10 years or more in prison or given life sentence, in addition to a fine or confiscation of property.

Those providing others with international standard book numbers [ISBN] for publishing obscene books or magazines are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to having to pay a fine; or are to be fined. Those providing others with ISBNs knowing that they are going to use them for publishing obscene books or magazines are to be punished according to the above stipulations.

**Article 364.** Those disseminating obscene books, magazines, films, audio or video products, pictures, or other kinds of obscene materials, if the case is serious, are to be sentenced to two years or fewer in prison or put under criminal detention or surveillance.

Those organizing the broadcasting or showing of obscene motion pictures, video films, or other kinds of audio or video products are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to having to pay a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to paying a fine.

Those producing or reproducing and organizing the broadcasting or showing of obscene motion pictures, video tapes, or other kinds of audio or video products are to be severely punished according to stipulations in paragraph two of this article.

Those broadcasting or showing obscene materials to minors under 18 years of age are to be severely punished.

**Article 365.** Those organizing an obscene performance are to be sentenced to three years or fewer in prison or put under criminal detention or surveillance, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine.

**Article 366.** Units committing crimes stipulated in articles 363, 354, or 365 of this section are to be fined, and their main persons directly in charge and other personnel directly responsible for the case are to be punished according to stipulations of respective articles.

**Article 367.** Obscene materials mentioned in this law refer to erotic books, magazines, motion pictures, video tapes, audio tapes, pictures, and other obscene materials that graphically describe sexual intercourse or explicitly publicize pornography.

Scientific products about physiological or medical knowledge are not obscene materials.

Literary and artistic works of artistic value that contain erotic contents are not regarded as obscene materials.

### **Chapter VII Crimes of Endangering the Interests of National Defense**

**Article 368.** Those who use methods of violence or threat to obstruct military personnel from carrying out their duties in accordance with the law are to be sentenced to not more than three years of fixed-term imprisonment, or criminal detention or control and may, in addition, be sentenced to a fine.

Those who intentionally obstruct military actions of the armed forces and cause serious consequences are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention.

**Article 369.** Those who sabotage weapons and equipment, military facilities or military communications are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention or control. Those who sabotage important weapons and equipment, military facilities or military communications are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment. Those whose crimes are especially serious are to be sentenced to more than 10 years of fixed-term imprisonment, life imprisonment or death. During war times, the punishment will be more severe.

**Article 370.** Those who knowingly supply unqualified weapons and equipment and other military facilities to armed units are to be sentenced to not more than five years fixed-term imprisonment or criminal detention. In serious cases, those law offenders are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. In especially serious cases, those law offenders are to be sentenced to more than 10 years of fixed-term imprisonment, life imprisonment or death.

Those who commit the above-mentioned crimes and cause serious consequences due to negligence are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention. Those who commit above-mentioned crimes and cause especially serious consequences due to negligence are to be sentenced to more than three years but less than seven years of fixed-term imprisonment.

If a unit commits crimes noted in section one of this article, the unit will be sentenced to a fine. Leading personnel of the unit having direct responsibility and other personnel directly responsible for the crimes are to be punished in accordance with section one of this article.

**Article 371.** The principal leaders of those who assemble a crowd to charge military forbidden zones and seriously disrupt order in military forbidden zones are to be sentenced to more than five years but less than 10 years of fixed-term imprisonment. Other active participants are

to be sentenced to not more than five years of fixed-term imprisonment, criminal detention or control or deprivation of political rights.

The principal leaders of those who assemble a crowd to seriously disrupt order in military administrative zones, hamper operation in the military administrative zones and cause serious losses are to be sentenced to more than three years but less than seven years of fixed-term imprisonment.

Other active participants are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights.

**Article 372.** Those who pose as military personnel and engage in cheating and bluffing are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

**Article 373.** Those who instigate military personnel to escape from the unit to which they belong or knowingly employ those escaped military personnel are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control if the situation is serious.

**Article 374.** Those who play favoritism and commit irregularities in conscription work or receive and deliver unqualified enlisted men are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention if the situation is serious. Those law offenders are to be sentenced to more than three years but less than seven years fixed-term imprisonment if the consequences are especially serious.

**Article 375.** Those who forge, alter, buy or sell, steal or rob documents, certificates and seals of armed units are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights. If the situation is serious, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

Those who illegally produce, buy or sell uniform, vehicle licenses and other military signs of armed forces are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control if the situation is serious, and, in addition, be sentenced to a fine.

Units which commit the crime of paragraph two of this article are to be sentenced to a fine. The principal leading persons responsible for the crime and other directly responsible personnel are to be punished in accordance with paragraph two of this article.

**Article 376.** Reserve service personnel who refuse or evade conscription or military training in times of war are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention if the situation is serious.

Citizens who refuse or evade conscription in times of war are to be sentenced to not more than two years of fixed-term imprisonment if the situation is serious.

**Article 377.** Those who intentionally provide false enemy information and thus cause serious consequences are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment. Those whose acts cause especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

**Article 378.** Those who create rumors and undermine the morale of the armed forces are to be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

**Article 379.** Those who knowingly provide shelter, properties and things for escaped military personnel in times of war are to be sentenced to not more than three years of fixed-term imprisonment or criminal detention if the situation is serious.

**Article 380.** Units which refuse or intentionally delay military orders for supplies in times of war are to be sentenced to a fine. The principal leading responsible personnel and other persons directly responsible for the crimes are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention. In serious cases, those law offenders are to be sentenced to more than five years of fixed-term imprisonment.

**Article 381.** Those who refuse military requisition in times of war are to be sentenced to more than three years of fixed-term imprisonment or criminal detention if the situation is serious.

## Chapter VIII Graft and Bribery

**Article 382.** State personnel who take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties constitute the crime of graft.

Those who are entrusted by state organs, state companies, state enterprises, state undertakings and mass organizations to administer and operate state properties but take advantage of their office to misappropriate, steal, swindle or use other illegal means to acquire state properties also constitute the crime of graft.

Those who collaborate with those personnel as listed in the aforementioned two paragraphs and join the crime are considered as committing a joint crime.

**Article 383.** Those who commit the crime of graft are to be punished according to the following stipulations depending on the seriousness of their cases:

(1) Individuals who have engaged in graft with an amount of more than 100,000 yuan are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and may, in addition, have their properties confiscated. In especially serious cases, those offenders are to be sentenced to death and, in addition, have their properties confiscated.

(2) Individuals who have engaged in graft with an amount of more than 50,000 yuan but less than 100,000 yuan are to be sentenced to more than 5 years of fixed-term imprisonment and may, in addition, have their properties confiscated. In especially serious cases, those offenders are to be sentenced to life imprisonment and, in addition, have their properties confiscated.

(3) Individuals who have engaged in graft with an amount of more than 5,000 yuan but less than 50,000 yuan are to be sentenced to more than one year but less than seven years of fixed-term imprisonment. In serious cases, those offenders are to be sentenced to more than seven years but less than 10 years of fixed-term imprisonment. Individuals who have engaged in graft with a amount of more than 1,000 yuan but less than 10,000 yuan may receive a reduced punishment or be exempted from punishment if they express repentance after having committed crimes and actively returning the illegally obtained money. However, they will receive administrative action to be decided by the unit to which they belong or the higher administrative organ.

(4) Individuals who have engaged in graft with an amount of less than 5,000 yuan, with the situation being serious, are to be sentenced to less than two years of fixed-term imprisonment or criminal detention. In lighter cases, they will be given administrative action to be decided by the unit to which they belong or the higher administrative organ.

Toward those who have committed repeated crimes of graft, all amounts of graft of unhandled cases are to be added in meting out punishment.

**Article 384.** State personnel who take advantage of their office and misappropriate public funds for personal use or illegal activities or misappropriate large amounts of public funds without returning the money within three months are guilty of the crime of embezzlement and are to be sentenced to not more than five years of fixed-term imprisonment or criminal detention. In serious cases, those offenders are to be sentenced to more than five years of fixed-term imprisonment. Those who misappropriate a large amount of public funds without returning the money are to be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment.

Those who misappropriate funds for relief of natural disasters, flood prevention, preferential treatment to military dependents, helping the poor and aid supplies for personal use are to be punished in a severe manner.

**Article 385.** State personnel who take advantage of their office to demand money and things from other people or if they illegally accept money and things from other people and give favors to the latter are guilty of the crime of bribery.

State personnel in their economic operation accept various kinds of kickback and handling fees for their personal use in violation of state provisions also guilty of the crime of bribery and are to be punished accordingly.

**Article 386.** Whoever commits the crime of accepting bribes is to be punished on the basis of Article 383 of this law according to the amount of bribes and the circumstances.

A heavier punishment shall be given to whoever demands a bribe.

**Article 387.** State organs, state-owned companies, enterprises, institutions, and people's organizations which exact or illegally accept articles of property from other people and try to obtain gain for other people shall be sentenced to a fine if the circumstances are serious; moreover, their personnel who are directly in charge and other personnel who are directly held responsible for the crime are to be sentenced to not more than five years of fixed-term imprisonment or to criminal detention.

In economic activities, should the units listed in the preceding paragraph secretly accept, outside the account, kickback or service charges of various types, they are to be punished as having accepted a bribe on the basis of the provisions in the preceding paragraph.

**Article 388.** State functionaries who help trustors to seek illegitimate gain, exact or accept articles of property from trustors by taking advantage of the facilities created by their authority of office or position, or through the action related to the post of other state functionaries, shall be dealt with according to the crime of accepting bribes.

**Article 389.** An act of giving state functionaries articles of property in order to seek illegitimate gain shall be considered a crime of offering bribes.

In economic activities, whoever gives articles of property to state functionaries in violation of state provisions, when the amount is fairly large, or gives a kickback or service charges of various types to state functionaries in violation of state provisions is to be dealt with as committing the crime of offering bribes.

Whoever gives articles of property to state functionaries due to extortion but receives no illegitimate gain shall not be considered as committing the crime of offering bribes.

**Article 390.** Whoever commits the crime of offering bribes is to be sentenced to not more than five years of fixed-term imprisonment or to criminal detention; whoever offers bribes to seek illegitimate gain, when the circumstances are serious, or causes great damage to state interests, is to be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment, or to not less than 10 years of fixed-term imprisonment or life imprisonment when the circumstances are extremely serious, and may in addition be sentenced to confiscation of property.

Before prosecution, offenders in offering bribes who take the initiative to admit their crime may receive a lighter punishment or be exempted from punishment.

**Article 391.** To seek illegitimate gain, whoever gives articles of property to state organs, state-owned companies, enterprises, institutions, and people's organizations, or in economic activities gives kickbacks or service charges in violation of state provisions, is to be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

Whichever unit commits the crime mentioned in the preceding paragraph is to be sentenced to a fine, and the responsible persons who are directly in charge of the unit or other personnel who are held directly responsible for the crime shall be punished on the basis of the preceding paragraph.

**Article 392.** Whoever introduces bribery to state functionaries, when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

Before prosecution, if the person introducing bribery to state functionaries takes the initiative to admit his/her crime, he or she may receive a lighter punishment or be exempted from punishment.

**Article 393.** To seek illegitimate gain, any unit which offers bribes or gives kickback or service charges to state functionaries in violation of state provisions, when the circumstances are serious, is to be sentenced to a fine, and the personnel directly in charge of the unit or other personnel who are directly held responsible for the crime are to be sentenced to not more than five years of fixed-term imprisonment or to criminal detention. In case the income obtained illegally through bribery is received by an individual, the individual shall be punished according to the crime stipulated in Article 389 and Article 390 of this law.

**Article 394.** State functionaries who accept gifts in the course of carrying out official duties at home or in intercourse with foreign countries but who fail to turn over the gifts to the state in accordance with state provisions, when the amount is fairly large, shall be punished in accordance with the crimes stated in Article 382 and Article 383 of this law.

**Article 395.** When the property or expenses of state functionaries clearly exceed their legitimate income, when the difference is huge, they shall be ordered to explain the sources of their property. When state functionaries fail to explain the legitimacy of their property, that part of property shall be considered an illegal income, and they themselves shall be sentenced to not more than five years of fixed-term imprisonment or to criminal detention, and the difference must be handed over to the state.

State functionaries who have savings deposits in foreign countries must declare their deposits according to state provisions. Those who hide their deposits of this nature by not declaring them are to be sentenced to not more than two years of fixed-term imprisonment or to criminal detention; when the circumstances are not serious, they shall be given administrative punishment by the unit to which they belong or by a competent organ of a higher level according to the circumstance.

**Article 396.** State organs, state-owned companies, enterprises, business units, and mass organizations which violate state regulations by privately distributing state assets to groups of individuals in the name of the units, where the amounts involved are fairly large, the principal personnel directly responsible and other personnel with direct responsibility shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and may in addition or exclusively be sentenced to a fine; and when huge amounts are involved, not less than three years and not more than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

Judicial organizations and administrative and law enforcement organizations which violate state stipulations by privately distributing to groups of individuals fines and confiscated goods that should be turned over to the higher authorities, shall be punished in accordance with the stipulations of the preceding paragraph.

## Chapter IX Crimes of Dereliction of Duty

**Article 397.** State personnel who abuse their power or neglect their duties, causing great losses to public property and the state's and people's interests, shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

State personnel who practice favoritism and commit irregularities and the crimes mentioned in the preceding paragraph shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment.

Where there are separate stipulations under this law, these stipulations shall be followed.

**Article 398.** State personnel who violate the stipulations of the Law of Protection of State Secrets and intentionally or negligently reveal state secrets, and when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment.

Non-state personnel who commit the crime mentioned in the preceding paragraph shall be punished in consideration of the circumstances and in accordance with the stipulations of the preceding paragraph.

**Article 399.** Judicial personnel who act with partiality and defeat the ends of justice and bend the law for the benefit of relatives or friends, subjecting to prosecution persons they clearly know to be innocent or intentionally protecting from prosecution persons they clearly know to be guilty, or, intentionally go against facts and laws in criminal trials to render judgments that misuse the law, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and when the circumstances are serious, not less than five years and not more than 10 years of fixed-term imprisonment; and in exceptionally serious circumstances, not less than 10 years of fixed-term

imprisonment.

Whoever intentionally goes against facts and laws in civil and administrative trials to render judgments that misuse the law, and when the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment; and in exceptionally serious circumstances, not less than five years and not more than 10 years of fixed-term imprisonment.

Judicial personnel who take bribes and bend the law and commit the crimes mentioned in the two preceding paragraphs, and meanwhile constituting the crimes mentioned in Article 385 of this law, shall be convicted and punished in accordance with the stipulations for a heavier penalty.

**Article 400.** Judicial work personnel who release without authority crime suspects, accused persons, or criminals from custody shall be punished with imprisonment or criminal detention of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years; or -- for cases of an extraordinary serious nature -- with imprisonment of over 10 years.

Judicial work personnel who, because of serious irresponsibility, cause the escape of crime suspects, accused persons, or criminals from custody resulting in severe consequences, shall be punished with imprisonment or criminal detention of less than three years; or -- for cases causing extraordinary serious consequences -- with imprisonment of over three years and less than 10 years.

**Article 401.** Judicial work personnel who, because of favoritism and malpractice, offer commutation, parole, or out-of-prison enforcement for offenses that fail to meet requirements of such commutation, parole, or out-of-prison enforcement, shall be punished with imprisonment or criminal detention of less than three years; or -- for cases of a serious nature -- with imprisonment of over three years and less than seven years.

**Article 402.** Administrative law enforcement personnel who, because of favoritism and malpractice, fail to refer cases to judicial organs for establishing criminal liabilities under the law, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than three years; or -- where serious consequences have been caused -- with imprisonment of over three years and less than seven years.

**Article 403.** State organ work personnel under relevant competent state departments, who, because of favoritism, malpractice, and abuse of powers, approve or register the incorporation or registration of companies that fail to meet conditions required by law, or approve their applications for issuance of shares or bonds, or listing resulting in serious losses to public property and interests of the state and the people, shall be punished with imprisonment or criminal detention of less than five years.

Personnel directly in charge of a department of a higher level that forcibly order registration organs or their work personnel to commit acts of the preceding paragraph shall be punished according to provisions of the preceding paragraph.

**Article 404.** Work personnel of tax organs, who, because of favoritism and malpractice, fail to impose or impose less mandatory taxes resulting in serious losses of state revenues, shall be punished with imprisonment or criminal detention of less than five years; or -- in cases causing extraordinary serious losses -- with imprisonment of over five years.

**Article 405.** Work personnel of tax organs, who, in violation of provisions under the law and administrative rules, cause great losses to state interests in handling work relating to sale of invoices, tax offsetting, and export tax refund as a result of favoritism and malpractice, shall be punished with imprisonment or criminal detention of less than five years; or -- in cases causing extraordinary serious losses to state interests -- with imprisonment of over five years.

Other state organ work personnel, who, in violation of state stipulations, practice favoritism and malpractice in work relating to export tax refunds, including provision of customs declaration bills for export goods, and verification and cancellation of exchange earnings through export, resulting in serious losses to state interests, shall be punished according to the provisions of the preceding paragraph.

**Article 406.** Work personnel of state organs, who, because of serious irresponsibility, have been deceived in the course of entering or executing agreements, resulting in serious losses to state interests, shall be punished with imprisonment or criminal detention of less than three years; or -- for cases causing extraordinary serious losses to state interests -- with imprisonment of over three years and less than seven years.

**Article 407.** Work personnel of departments in charge of forest industry, who, in violation of provisions under the Forest Law, issue logging licenses in excess of approved annual quotas or indiscriminately issue logging licenses, shall -- in cases of a serious nature that cause severe damages to forests -- be punished with imprisonment or criminal detention of less than three years.

**Article 408.** Work personnel of state organs in charge of environmental protection and supervision, whose serious irresponsibility has resulted in serious consequences, including severe environmental pollution that causes serious damages to public and private property or human casualties, shall be punished with imprisonment or criminal detention of less than three years.

**Article 409.** Government work personnel of public health administrative departments engaging in the prevention and treatment of infectious diseases, whose serious irresponsibility has resulted in the communication and spread of infectious diseases, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than three years.

**Article 410.** State organ work personnel, who practice favoritism and malpractice, violate land management rules, and abuse powers in illegally approving land acquisition and occupation, or illegally leasing out land use rights at a price lower than market value, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than three years; or -- for cases causing extraordinary heavy losses to state or collective interests -- with imprisonment of over three years and less than seven years.

**Article 411.** Customs work personnel who practice favoritism and malpractice in conniving smuggling, shall, -- for cases of a serious

nature -- be punished with imprisonment or criminal detention of less than five years; or -- for cases of an extraordinary serious nature -- be punished with imprisonment of over five years.

**Article 412.** Work personnel with state commercial inspection departments or organizations, who practice favoritism and malpractice and forge inspection results, shall be punished with imprisonment or criminal detention of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to inspect goods requiring inspection, or delay inspection and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or criminal detention of less than three years.

**Article 413.** Quarantine personnel with animal and plant quarantine organs, who practice favoritism and malpractice in forging quarantine results, shall be punished with imprisonment or criminal detention of less than five years; or -- in cases with serious consequences -- with imprisonment of over five years and less than 10 years.

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to carry out quarantine on goods requiring quarantine, or delay quarantine and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or criminal detention of less than three years.

**Article 414.** State organ work personnel charged with the responsibility of establishing liabilities of criminal acts relating to the sale of fake and shoddy merchandise, who practice favoritism and malpractice and fail to perform their duties under the law, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than five years.

**Article 415.** State organ work personnel charged with the responsibility of handling passports, visas, and other exit/entry documents, who knowingly grant exit/entry documents to personnel attempting to cross state (border) lines illegally; or state organ work personnel of frontier defense or customs, who knowingly let go personnel who try to cross state (border) lines illegally, shall be punished with imprisonment or criminal detention of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than seven years.

**Article 416.** State organ personnel charged with the responsibility of rescuing abducted or kidnapped women and children, who fail to act at the request of the abducted or kidnapped women or children or members of their family or at information received from members of the public, resulting in serious consequences, shall be punished with imprisonment or criminal detention of less than five years.

State organ work personnel with rescue responsibility, who take advantage of their duties to obstruct rescue operations, shall be punished with imprisonment of over two years and less than seven years; or -- for less serious cases -- with imprisonment or criminal detention of less than two years.

**Article 417.** State organ personnel charged with the responsibility of investigating and banning criminal activities, who send secret information or tip off criminal elements, or provide facility to help them evade punishment, shall be punished with imprisonment or criminal detention of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than 10 years.

**Article 418.** State organ work personnel who practice favoritism and malpractice in recruiting government functionaries or students, shall -- in cases of a serious nature -- be punished with imprisonment or criminal detention of less than three years.

**Article 419.** State personnel who cause damage to or loss of precious cultural relics through serious irresponsibility shall be sentenced to not more than three years in prison or criminal detention if the circumstances are serious.

## **Chapter X Crimes of Violation of Duty by Military Personnel**

**Article 420.** Acts by military personnel of endangering national and military interests in violation of their duties which are punishable by law are considered crimes in violation of duty by military personnel.

**Article 421.** Those who endanger military operations in defiance of orders in wartime shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

**Article 422.** Those who endanger military operations by deliberately concealing military information, providing false military information, refusing to relay military orders, or relaying false military orders shall be sentenced to not less than three years and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

**Article 423.** Those who care for nothing but their own lives on the battleground and lay down their arms and surrender to the enemy of their own accord shall be sentenced to not less than three years and not more than 10 years in prison. If the circumstances are serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Those who work for the enemy after their surrender shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

**Article 424.** Those who flee from battle shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years in prison and not more than 10 years in prison. If they cause major losses in combat or battle, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

**Article 425.** Commanders and personnel on duty who cause serious consequences by leaving their posts without permission or by neglecting their duties shall be sentenced to not more than three years in prison or criminal detention. In the event of especially serious consequences, they shall be sentenced to not less than three years and not more than seven years in prison.

Those who commit the crimes mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years in prison.

**Article 426.** Those who obstruct commanders or personnel on duty from performing their duties through violence or intimidation shall be sentenced to not more than five years in prison or criminal detention. If the circumstances are serious, they shall be sentenced to not less than five years in prison. In the event of serious injuries or deaths, or other especially serious circumstances, they shall be sentenced to life imprisonment or death. If they commit these acts in wartime, they shall be given stiff punishment.

**Article 427.** Those who cause serious consequences by abusing their powers and directing their subordinates to engage in activities in violation of their duties shall be sentenced to not more than five years in prison or criminal detention. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

**Article 428.** Commanders who cause serious consequences by turning away from battle or acting passively in combat in defiance of orders shall be sentenced to not more than five years in prison. In the event of major losses in combat or battle, or other especially serious circumstances, they shall be sentenced to not less than five years in prison.

**Article 429.** The commanders of those who cause friendly forces to suffer major losses by not coming to their rescue on the battleground, although they know that they are in imminent danger, are asking for rescue, and can be rescued, shall be sentenced to not more than five years in prison.

**Article 430.** Those who endanger national and military interests by leaving their posts without permission, fleeing the country, or defecting while outside the country during the course of performing official duties shall be sentenced to not more than five years in prison or criminal detention.

If the circumstances are serious, they shall be sentenced to not less than five years in prison.

In the event of desertion by aircraft or on board vessels, or other especially serious circumstances, those involved shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

**Article 431.** Those who illegally obtain military secrets by stealing, spying, or buying such secrets shall be sentenced to not more than five years in prison. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison.

Those who steal, spy, or buy military secrets for overseas institutions, organizations, or personnel, and illegally provide such secrets to them shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

**Article 432.** Those who leak military secrets by design or by accident in violation of laws and regulations on protecting state secrets shall be sentenced to not more than five years in prison or criminal detention if the circumstances are serious. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

**Article 433.** Those who fabricate rumors to mislead people and shake the morale of troops in wartime shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years and not more than 10 years in prison.

Those who fabricate rumors to mislead people and shake the morale of troops in collusion with the enemy shall be sentenced to not less than 10 years in prison or life imprisonment. If the circumstances are especially serious, they may be sentenced to death.

**Article 434.** Those who inflict injuries on themselves to eschew military duties in wartime shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years and not more than seven years in prison.

**Article 435.** Those who desert their troops in violation of military service laws and regulations shall be sentenced to not more than three years in prison or criminal detention if the circumstances are serious.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than three years and not more than seven years in prison.

**Article 436.** Those who violate regulations on the use of weaponry in circumstances that are so serious as to constitute accidents through negligence that result in serious injuries or deaths or that cause other serious consequences shall be sentenced to not more than three years in prison or criminal detention. If the consequences are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

**Article 437.** Those who cause serious consequences by changing the prescribed ways of using weaponry in violation of weaponry management regulations shall be sentenced to not more than three years in prison or criminal detention. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

**Article 438.** Those who steal or snatch weaponry or war materiel shall be sentenced to not more than five years in prison or criminal detention. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

Those who steal or snatch firearms, ammunition, or explosives shall be punished in accordance with the provisions in Article 127 of this law.

**Article 439.** Those who illegally sell or transfer military weaponry shall be sentenced to not less than three years and not more than 10 years in prison. In the event of selling or transferring large quantities of weaponry, or other especially serious circumstances, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

**Article 440.** Those who abandon weaponry in defiance of orders shall be sentenced to not more than five years in prison or criminal detention. In the event of abandoning important weaponry or large quantities of weaponry, or other serious circumstances, they shall be sentenced to not less than five years in prison.

**Article 441.** In the event of failure to promptly report loss of weaponry, or other serious circumstances, those involved shall be sentenced to not more than three years in prison or criminal detention.

**Article 442.** In the event of selling or transferring military real estate without permission in violation of relevant provisions, and if the circumstances are serious, the people directly responsible shall be sentenced to not more than three years in prison or criminal detention. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than 10 years in prison.

**Article 443.** Those who abuse their powers and maltreat their subordinates in vicious circumstances that result in serious injuries or give rise to other serious consequences shall be sentenced to not more than five years in prison or criminal detention. If deaths result, they shall be sentenced to not less than five years in prison.

**Article 444.** Persons directly responsible for the intentional abandonment of injured or sick servicemen on battlefields, if the case is serious, are to be sentenced to five years or fewer in prison.

**Article 445.** Those working in medical aid or medical treatment positions during wartime who refuse to save or treat seriously injured or critically sick servicemen when conditions permit them to do so are to be sentenced to five years or fewer in prison or put under criminal detention. If the case results in serious disability, death, or other grave consequences of the injured or sick servicemen, those responsible are to be sentenced to five to 10 years in prison.

**Article 446.** Those cruelly injuring innocent residents or looting innocent residents' money or other property on military action areas are to be sentenced to five years or fewer in prison. If the case is serious, they are to be sentenced to five to 10 years in prison. If the case is extraordinarily serious, they are to be sentenced to 10 years or more in prison, given a life sentence, or sentenced to death.

**Article 447.** Those releasing prisoners of war without authorization are to be sentenced to five years or fewer in prison. Those releasing important prisoners of war or many prisoners of war, or those involved in other serious cases, are to be sentenced to five years or more in prison.

**Article 448.** Those mistreating prisoners of war, if the case is serious, are to be sentenced to three years or fewer in prison.

**Article 449.** During wartime, convicted servicemen who are sentenced to three years or fewer in prison, who pose no practical dangers, and whose sentence is suspended, are allowed to redeem themselves by good service. If they prove to have done meritorious service, their original sentence may be rescinded and they may not be considered to have committed a crime.

**Article 450.** This chapter applies to active duty military officers, civilian cadres, soldiers, and cadets with military status of the Chinese People's Liberation Army [PLA]; active duty military officers, civilian cadres, soldiers, and cadets with military status in the Chinese People's Armed Police; and personnel of the reserve force and other personnel carrying out military tasks.

**Article 451.** Wartime as mentioned in this chapter refers to the time after the state has declared the state of war, troops have been assigned with combat missions, or when the country is suddenly attacked by enemy.

The time during which troops carry out marshal law missions or handle emergency violence is considered wartime.

### Supplementary Articles

**Article 452.** This law will go into effect as of October 1, 1997.

Regulations, supplementary provisions, and decisions made by the National People's Congress Standing Committee that are listed in appendix one of this law have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect.

Supplementary provisions and decisions made by the National People's Congress Standing Committee that are listed in appendix two of this law are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.

### Appendix I

**The following regulations, supplementary provisions, and decisions, made by National People's Congress Standing Committee,**



**have either been included in this law or are no longer applicable; therefore they are to be nullified as of the date when this law goes into effect**

1. PRC Provisional Regulations on Punishing Military Personnel for Violation of Duty;
2. Decision on Severely Punishing Criminals Seriously Undermining the Economy;
3. Decision on Severely Punishing Criminal Elements Seriously Compromising Social Order;
4. Supplementary Provisions on Cracking Down on the Crime of Smuggling;
5. Supplementary Provisions on Cracking Down on the Crime of Corruption or Bribery;
6. Supplementary Provisions on Cracking Down on the Crime of Letting Out State Secrets;
7. Supplementary Provisions on Cracking Down on the Crime of Killing Rare and Endangered Wildlife That Are Selectively Under the State's Protection;
8. Decision on Cracking Down on the Crime of Insulting the PRC National Flag or Emblem;
9. Supplementary Provisions on Cracking Down on the Crime of Robbing Ancient Cultural Ruins or Ancient Tombs;
10. Decision on Punishing Criminal Elements Hijacking Aviation Vehicles;
11. Supplementary Provisions on Cracking Down on the Crime of Counterfeiting Registered Trade Marks;
12. Decision on Cracking Down on the Crime of Producing or Selling Counterfeit or Inferior Commodities;
13. Decision on Cracking Down on the Crime of Infringing on Copyright;
14. Decision on Cracking Down on the Crime of Violating the Company Law;
15. Decision on Handling Escaped Criminals Under Reform Through Labor or People Under Education Through Labor, or Those Who Commit Crimes Again.

## Appendix II

**The following supplementary provisions and decisions, made by the National People's Congress Standing Committee, are to be retained. Among them, provisions governing administrative punishment and measures continue to be effective; provisions governing criminal liability have been included in this law and therefore provisions in this law will apply as of the date when this law goes into effect.**

1. Decision on Prohibiting Drugs;
2. Decision on Punishing Criminal Elements Committing Smuggling, Producing, Selling, or Disseminating Obscene Materials;
3. Decision on Punishing Criminal Elements Committing Abduction and Selling or Kidnapping of Women or Children;
4. Decision on Strictly Prohibiting Prostitution and Whorehouse Visiting;
5. Supplementary Provisions on Cracking Down on the Crime of Evading Taxes or Refusing to Pay Taxes;
6. Supplementary Provisions on Severely Cracking Down on the Crime of Organizing People to Illegally Cross National Borders (Frontiers) or of Illegally Shipping People Across National Borders (Frontiers);
7. Decision on Cracking Down on the Crime of Undermining the Financial Order;
8. Decision on Cracking Down on the Crime of the Fraudulent Issuance of, Forging, or Illegally Selling Invoices Exclusively for Value-Added Taxes.

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