

Criminal Law of the People's Republic of China (2020 Amendment)

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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 carrying a maximum sentence of less than three-year imprisonment as stipulated in this law may be exempt from prosecution.

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

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

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 c

riminal 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 I V, 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 da

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

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

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

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

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

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

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) probation;
- (2) limited incarceration;
- (3) fixed-term imprisonment;
- (4) life imprisonment; and
- (5) 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 or 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.

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

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

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

Section 2 . Probation

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

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

Criminals sentenced to probation shall be subject to community correction.

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

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

- (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 probation;
- (3) report on his own activities pursuant to the rules of the organ executing the probation;
- (4) abide by the rules of the organ executing the probation for meeting visitors;
- (5) report and obtain approval from the organ executing the probation for a change in residence or departure from the city or county.

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

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

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

Section 3 . Limited incarceration

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

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

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

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

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

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

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

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 shall be paid in a lump sum or in installments within the period specified in the judgment. The person who fails to pay the fine in full upon the expiration of the period shall be compelled to pay. If the person sentenced is unable to pay the fine in full, the people's court may collec

t whenever the person is found in possession of executable property.

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

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

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

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

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

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

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

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

Section 8 . Confiscation of Property

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

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 punish

ment within the legally prescribed limits of punishment.

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

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

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

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 crime

s 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.

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

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

Section 4 . Combined Punishment For More Than One Crime

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

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

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

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

- (1) The circumstances of the crime are minor;
- (2) He shows repentance;
- (3) He is not likely to commit any offense again; and
- (4) Announcing the probation will not have any major adverse impact on the community where he lives.

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

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

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

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

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

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 punishment imposed for the former and latter crimes is to be decided according to the stipulations of Article 69 of this law.

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

Section 6 . Reduction of Sentence

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

- (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.

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

- (1) less than 1/2 of the original term of criminal penalty, if probation, limited incarceration or fixed-term imprisonment is imposed;
- (2) less than 13 years, if life imprisonment is imposed; or
- (3) less than 25 years if the death penalty with a reprieve imposed on a convict is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law.

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

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

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

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 year s.

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 ci ty or county of residence.

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

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 a criminal who is granted parole is discovered to have committed, before the judgment is pronou nced, other crimes for which no punishment is imposed, the parole shall be revoked and a combine d punishment for several crimes shall be given according to the provisions of Article 70 of this Law. Where a convict released on parole violates any provision of laws, administrative regulations or the relevant department of the State Council on parole supervision and management during parole, if i t does not constitute a new crime, his parole shall be revoked under statutory procedures, and he s hall be taken into custody to serve his remaining term of sentence.

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 non state-owned corporations, enterprises, institutions, and social organizations; as well as other working personnel engaged in public service according to the law, are to be treated as state personnel.

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.

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

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, limited incarceration, probation, or deprivation of political rights.

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

Article 104 . Whoever organizes, plots, or carries out armed rebellion, or armed riots, the ringleaders, or those 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, limited incarceration, probation, 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, limited incarceration, probation, 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

e years of fixed-term imprisonment, limited incarceration, probation, or deprivation of political rights; the ringleaders and those whose crimes are grave are to be sentenced to not less than five years of fixed-term imprisonment.

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

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

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

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

(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, limited incarceration, probation, or deprivation of political rights.

Article 112 . Whoever supplies arms and ammunition or other military materials to an enemy during war time is to be 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 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 commits arson, breaches dikes, causes explosions, spreads pathogen of infectious diseases, poisonous or radioactive substances or other substances, or uses other dangerous means to endanger public security, but causes no serious consequences, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years.

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

sonment 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 limited incarceration, 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, light houses 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 limited incarceration if circumstances are relatively minor.

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

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

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

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

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

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

(1) Preparing lethal weapons, hazardous articles or other tools for conducting terrorist activities.

(2) Organizing training on terrorist activities or actively participating in training on terrorist activities.

(3) Contacting any overseas terrorist organization or person for the purpose of conducting terrorist activities.

(4) Making a plan or any other preparation for conducting terrorist activities.

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

Article 120 (III) : Whoever advocates terrorism or extremism or instigates terrorist activities by way of preparing or distributing any book, audio or video materials or any other article advocating terrorism or extremism or by instructing or issuing information shall be sentenced to imprisonment of not more than five years, limited incarceration, surveillance or deprivation of political rights in

addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years in addition to a fine or forfeiture of property.

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

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

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

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 limited incarceration in case no serious consequences have been caused; or not less than five years of fixed-term imprisonment if serious consequences have been caused.

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 limited incarceration 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-term imprisonment; or not less than 10 years of imprisonment, life imprisonment, or death if the consequences are serious.

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

If 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 or forcibly seizes any gun, ammunition or explosive, or steals or forcibly

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

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

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

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 limited incarceration.

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

Article 131 . Any aviation personnel who violate the rules and regulations thereby causing major air accidents and serious consequences are to be sentenced to not more than three years of fixed-te

rm imprisonment or limited incarceration; when causing the crash of an airplane or the death of personnel are to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment.

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

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

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

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

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

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

Article 133 (II): Whoever inflicts violence on the driver of a public vehicle being driven or grabs the operating devices to try to take control of the public vehicle, disrupting the normal driving of the pu

blic vehicle and endangering public security, shall be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine or be sentenced to a fine only.

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

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

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

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

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

(1) Shutting down or compromising any monitoring, alarm, protection, or lifesaving equipment or facility directly related to work safety or tampering with, concealing, or destroying the relevant data or information.

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

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

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

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

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

Article 137 . When construction, design, working, and engineering supervision 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 limited incarceration, in addition to fine; when the consequences are particularly serious, the sentence is to be not less than five years and not more than ten years of fixed-term imprisonment, in addition to fine.

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

ed-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 limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

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

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 limited incarceration and may in addition or exclusively be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 200,000 yuan and not more than 500,000 yuan, is to be sentenced to not less than two years and not more than seven years of fixed-term imprisonment and may in addition be sentenced to a fine of not less than 50 percent and not more than 200 percent of the sale amount; when the sale amount is not less than 500,000 yuan and not more than 2 million yuan, is to be sentenced to not less than seven years and may in addition be sentenced to a fine of not less than 50 percent and not more than 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 any counterfeit drug shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if any serious harm is thus caused to human health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the death of a person is thus caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death and a fine or forfeiture of property.

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

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

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

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

- (1) Producing or selling any drug product prohibited by the medical products administration of the State Council from use.
- (2) Producing or importing any drug product without obtaining the documents certifying the relevant approval of the drug product or knowingly selling such a drug product.
- (3) Applying for drug product registration by providing any false certificate, data, material, or sample or any other deceptive means.
- (4) Fabricating production or inspection records.

Whoever commits any conduct set forth in the preceding paragraph, which concurrently constitutes a crime provided for in Article 141 or 142 of this Law or any other crime, shall be convicted

ted and punished in accordance with the provisions on the heavier punishment.

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

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

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

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

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

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

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

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

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

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

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

Where an entity commits any crime as mentioned in the preceding two paragraphs, it shall be fine

d, and the person in-charge and other persons who are held to be directly responsible shall be punished in accordance with the provisions in the preceding two paragraphs.

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

(1) Whoever smuggles goods or articles to evade a relatively large amount of tax payable, or smuggles again after having been given administrative punishment twice for smuggling within a year, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(2) Whoever smuggles goods or articles to evade a huge amount of tax payable or with any other serious circumstance shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

(3) Whoever smuggles goods or articles to evade an especially huge amount of tax payable or with any other especially serious circumstance shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable or a forfeiture of property.

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 limited incarceration of less than three years; and, for cases of a serious nature, to imprisonment of over three years and less than 10 years; and -- for cases of an extraordinary serious nature -- to imprisonment of over 10 years.

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

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

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

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 for smuggling shall be given a heavier penalty according to paragraph 1, 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 limited incarceration of less than three years, with a fine or a separately imposed fine of over 1 percent but less than 5 percent of the falsely declared registered capital.

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 limited incarceration of less than three years.

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

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 limited incarceration of less than five years.

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

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

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

Article 161 . Where a company or an enterprise with information disclosure obligations in accordance with the law provides its shareholders and the public with a financial accounting report which is

false or conceals any material fact, or fails to disclose according to the applicable provisions any other important information that shall be disclosed in accordance with the law, causing any serious damage to the interests of shareholders or any other person or with any other serious circumstance, its directly liable executive in charge and other directly liable persons shall each be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, shall each be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

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

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

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

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

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

Article 162 (II): Where any company or enterprise transfers or disposes of its properties by means of concealing its properties or undertaking fabricated debts or by any other means or goes through

false bankruptcy so that the interests of the creditors or any other person are severely injured, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration, and/or shall be fined 20,000 yuan up to 200,000 yuan.

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

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

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

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

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

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

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

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 limited incarceration 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 limited incarceration 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 limited incarceration. If they cause especially serious damage to national interests, they shall be sentenced to not less than three years and not more than seven years in prison.

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

years but not more than seven years.

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

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

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 limited incarceration. 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.

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

- (1) Providing any fund, commodity, service or any other asset gratuitously to any other entity or individual;
- (2) Providing or accepting any fund, commodity, service or any other asset under obviously unfair terms;
- (3) Providing any fund, commodity, service or any other asset to any entity or individual who obviously does not have the ability of repayment;
- (4) Providing any guarantee to any entity or individual who obviously does not have the ability of repayment, or providing guarantee to any other entity or individual without justifiable reasons;
- (5) Waiving any credit or undertaking any debt without justifiable reasons;
- (6) Injuring the interests of the listed company by any other means. “(

Where the controlling shareholder or actual controller of a listed company instigates any of the directors, supervisors, or senior managers of the listed company to conduct any of the acts as describe

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

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

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

- (1) Being a ringleader of a currency-counterfeiting ring.
- (2) The amount of counterfeit currencies is especially large.
- (3) Any other especially serious circumstance.

Article 171 . Whoever sells or buys a substantial amount of counterfeit money or transports it with the full knowledge that it is counterfeit shall be sentenced to not more than three years in prison or limited incarceration. In addition, he or she shall be fined not less than 20,000 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 limited incarceration.

They shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,0

00 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 limited incarceration. He or she shall be fined, additionally or exclusively, not less than 10,000 yuan and not more than 100,000 yuan. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than 10 years in prison. In addition, he or she shall be fined not less than 20,000 yuan and not more than 200,000 yuan. If the amount is especially large, he or she shall be sentenced to not less than 10 years in prison. In addition, he or she shall be fined not less than 50,000 yuan and not more than 500,000 yuan or have his or her property confiscated.

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

Article 174 . Whoever establishes, without the approval of the competent authorities of the state, a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and/or shall be imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and/or shall be imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Whoever forges, alters or transfers the permit for operation or other documents of approval of a commercial bank, securities exchange, futures exchange, futures brokering company, insurance company or other financial institutions, he shall be punished according to the preceding paragraph. Where a unit commits the crimes as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the offence shall be punished according to the first paragraph of this article.

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 t

han three years in prison or limited incarceration, if the amount of illegal proceeds is substantial. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds. If the amount involved is large, he or she shall be sentenced to not less than three years and not more than seven years in prison. In addition, he or she shall be fined a sum not less than 100 percent and not more than 500 percent as high as the amount of illegal proceeds.

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 limited incarceration.

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

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

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

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

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

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

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

If the crimes mentioned in the preceding paragraph are committed by 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 (I) Under any of the following circumstances, anyone who disrupts the management of credit cards shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or deprivation of political rights, and shall be concurrently or separately fined 10,000 yuan up to 100,000 yuan; if the sum involved is huge or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of 3 up to 10 years and shall be concurrently fined 20,000 yuan up to 200,000 yuan:

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

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

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

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

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

If the crimes mentioned in the preceding two paragraphs are committed by 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 limited incarceration if the consequences are serious or if the circumstances are otherwise serious. He or she shall be fined, additionally or exclusively, a sum not less than 1 percent and not more than 5 percent of the illegally raised funds.

If the crime mentioned in the preceding paragraph is committed by 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 limited incarceration.

Article 180 . Whoever has inside information on securities or futures transactions or illegally obtains inside information on securities or futures transactions, and prior to the release of the information that involves the issuance of securities or securities or futures transactions or other information that has a material effect on the transaction price of securities or futures, buys or sells the said securities, engages in the futures transaction related to the inside information, leaks the said information,

or explicitly or implicitly advises others to engage in the aforesaid transaction activities shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and/or be fined 1 to 5 times the illegal gains; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined 1 to 5 times the illegal gains.

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

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

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

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

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

Where a unit commits the crime as mentioned in the preceding two paragraphs, it shall be imposed a fine, and the persons who are directly in charge or who are directly responsible for the crime shall

be sentenced to fix-term imprisonment of not more than five years or limited incarceration.

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

- (1) Alone or by conspiracy, purchasing or selling securities jointly or continuously by concentrating advantages in funds or holdings of shares or positions or using advantages in information.
- (2) Colluding with any other person to trade in securities or futures mutually at the time and price and in the manner as agreed upon in advance.
- (3) Trading in securities between accounts under the person's actual control or by acting as the counterparty, purchasing from himself or herself or selling to himself or herself futures agreements.
- (4) Placing and canceling buy or sell orders for securities or futures frequently or in large numbers, not for the purpose of consummation of trades.
- (5) Inducing investors to trade in securities or futures by using false or uncertain material information.
- (6) Providing the public with any evaluation, forecast, or investment advice on securities, securities issuers, or subject matters of futures transactions, while trading in the securities or relevant futures in the opposite direction.
- (7) Otherwise manipulating the securities or futures market.

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

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

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

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

Where any public fund management institution such as a social security fund management institution or housing accumulation fund management institution, or any insurance company, insurance asset management company, or securities investment fund management company violates any of th

e state provisions in its use of funds, the persons-in-charge who are held to be directly responsible and other directly liable persons shall be penalized according to the preceding paragraph.

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

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

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

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

more.

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 the [Negotiable Instruments Law](#) , thus causing serious losses, are to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration; when the losses are especially serious, the sentence is to be not less than five years of fixed-term imprisonment.

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

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

(1) Providing any account for the aforesaid funds.

- (2) Converting property into cash, negotiable instruments, or denominated securities.
- (3) Transferring funds by bank transfer or in any other manner of payment and settlement.
- (4) Transferring assets across the border.
- (5) Otherwise covering up or concealing the origin and nature of any proceeds of crime and gains accrued by such proceeds.

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

Section 5 . Crimes of Financial Fraud

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

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

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

- (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 limited incarceration, and to a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous, or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment and a fine of not less than 50,000 yuan and 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 credits is to be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and a fine of not less than 20,000 yuan and not more than 200,000 yuan; when the amount is enormous or other circumstances are serious, the sentence is to be not less than five years and not more than 10 years of fixed-term imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan; when the amount is especially enormous or other circumstances are especially serious, the sentence is to be not less than 10 years of fixed-term imprisonment or life imprisonment, and a fine of not less than 50,000 yuan and not more than 500,000 yuan or confiscation of property:

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

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

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

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

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

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

involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving extraordinarily large amounts, or of a serious nature, with imprisonment of over 10 years, with a fine of over 20,000 yuan but less than 200,000 yuan, or with forfeiture of property:

- (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 limited incarceration of less than five years; for cases involving large amounts, or of a serious nature, with imprisonment of over five years but less than 10 years; for cases involving extraordinarily large amounts, with imprisonment of over five years but less than 10 years; or, in cases involving an extraordinary large amount, or of a serious nature, with imprisonment of over 10 years.

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 . (Deleted)

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

Section 6 . Offenses Against Tax Collection and Management

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

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

Where either of the acts described in the preceding two paragraphs is committed many times without punishment, the amount shall be calculated on an accumulated basis.

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

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

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

Article 204 . Using false export reports or other fraudulent means to defraud state export tax refund

ds involving a relatively large amount shall be punished with imprisonment or limited incarceration of less than five years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving large amounts or of a serious nature, with imprisonment of over five years but less than 10 years, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund; for cases involving extraordinarily large amounts, or of a especially serious nature with imprisonment of over 10 years or life imprisonment, with a fine of over 100 percent but less than 500 percent of the defrauded tax refund, or with forfeiture of property.

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

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

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 of limited incarceration of less than three years; for cases involving relatively large amounts of taxes, or with a serious nature, with imprisonment of over three years but less than ten years; for cases involving large amounts of taxes, or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

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

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

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

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

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 limited incarceration, or restriction for less than three years; for cases involving relatively large quantities or of a serious nature, with imprisonment of over three years but less than 10 years; for cases involving large quantities or of a especially serious nature, with imprisonment of over 10 years or life imprisonment.

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

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

h imprisonment or limited incarceration and restriction for less than three years, with a fine of over 20,000 yuan but less than 200,000 yuan; for cases involving large quantities, with imprisonment of over three years but less than seven years, with a fine of over 50,000 yuan but less than 500,000 yuan; for cases involving extraordinarily large quantities, with imprisonment of over seven years, with a fine of over 50,000 yuan but less than 500,000 yuan, or with forfeiture of property.

Forging or manufacturing without authority or selling other invoices manufactured without authority, which have not been mentioned in the preceding paragraph, shall be punished with imprisonment or limited incarceration of, or restriction for less than two years, with a fine of over 10,000 yuan but less than 50,000 yuan; for cases of a serious nature, with imprisonment of over two years and less than seven years, with a fine of over 50,000 yuan and less than 500,000 yuan.

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

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

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

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

Article 210 (I): Whoever knowingly holds counterfeit invoices shall be sentenced to imprisonment of not more than 2 years, limited incarceration or probation and a fine if the quantity is relatively large; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the quantity is huge.

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

Article 211 . 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 . Whoever, without the permission of the owner of a registered trademark, uses a trademark identical with the registered trademark on the same kind of goods or services shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 214 . Whoever knowingly sells goods on which a false registered trademark is used shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

Article 215 . Whoever forges or produces without permission the labels of another person's registered trademark or sells the labels of a registered trademark that are forged or produced without permission shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than ten years and a fine.

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

Article 217 . Whoever falls under any of the following circumstances to, for profits, infringe upon any copyright or any right related to copyright shall, if the amount of illegal income is relatively large or there is any other serious circumstance, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not less than three years nor more than ten years and a fine:

- (1) Reproducing and distributing or communicating to the public through an information network any written work, musical work, work of fine arts, audiovisual work, computer software, or other work set out by a law or administrative regulation without the permission of its copyright owner.
- (2) Publishing any book of which another person has the exclusive right of publication.
- (3) Reproducing and distributing or communicating to the public through an information network any audio or video recording without the permission of its producer.
- (4) Reproducing and distributing any audio or video recording of, or communicating to the public through an information network, any performance without the permission of its performer.
- (5) Producing or selling any work of fine arts on which the signature of author is fake.
- (6) Intentionally evading or disrupting the technical measures taken by a copyright owner or the holder of a right related to the copyright to protect the copyright or right related to the copyright in a work or audio or video recording, among others, without the permission of the copyright owner or right holder.

Article 218 . Whoever, for profits, knowingly sells any infringing reproductions set forth in Article 217 of this Law shall, if the amount of illegal income is huge or there is any other especially serious circumstance, be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only.

Article 219 . Whoever commits any of the following conduct to infringe upon a trade secret shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more ten years and a fine:

- (1) Obtaining a right holder's trade secret by theft, bribery, fraud, coercion, electronic intrusion, or any other illicit means.
- (2) Disclosing, using, or allowing any other person to use a trade secret obtained from a right holder by any means as mentioned in the preceding paragraph.
- (3) Disclosing, using, or allowing any other person to use a trade secret known by him or her in violation of confidentiality obligations or the right holder's requirements for keeping the trade secret confidential.

Whoever knows any conduct set forth in the preceding paragraph but still acquires, discloses, uses, or allows any other person to use the trade secret shall be punished for infringing upon the trade secret.

For the purposes of this article, 'right holder' means the owner of a trade secret and any person pe

mitted by the owner to use the trade secret.

Article 219 (I): Whoever steals, pries into, buys, or illegally provides any trade secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not more than five years and a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than five years and a fine.

Article 220 . Where an entity commits a crime provided for in Article 213 through Article 219A of this Section, the entity shall be sentenced to a fine, and its directly liable executive in charge and other directly liable persons shall be punished in accordance with the provisions of the aforesaid articles of this Section respectively.

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, limited incarceration, 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, limited incarceration, 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, limited incarceration, and may in addition or exclusively be sentenced to a fine.

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

Article 224 . Whoever, for the purpose of illegal possession, uses one of the following means during

g signing or executing a contract to obtain property and goods of the opposite party by fraud, and when the amount of money is relatively large, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, and may in addition or exclusively be sentenced to a fine; or be sentenced to not less than three years and not more than 10 years of fixed-term imprisonment and a fine, if the amount of money is huge or there are other serious circumstances; or be sentenced to more than 10 years of fixed-term imprisonment or life imprisonment and a fine or confiscation of property, if the amount of money is particularly huge or there are other particularly serious circumstances:

- (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 224 (I): Whoever organizes or leads the pyramid selling activities to cheat the participants of property and disturb the economic and social order, in which, in the name of marketing commodities, providing services or any other business operation, the participants are required to obtain the qualification for participation by paying fees, purchasing commodities or services or any other means, the participants are classified into different levels according to a certain order, the calculation of remunerations or kickbacks to participants is directly or indirectly dependent on the number of persons recruited, and the participants are induced to continue or coerced into continuing recruiting others to participate, shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than five years, and be fined.

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

e 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) illegally operating the business of securities, futures or insurance, or illegally engaging in fund payment and settlement business, without the approval of the relevant competent departments of the state;
- (4) conduct other illegal business activities that seriously disrupt the market order.

Article 226 . Whoever commits any of the following acts by violence or threat shall be sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine if the circumstances are especially serious:

- (1) Forcing any other person to purchase or sell commodities;
- (2) Forcing any other person to provide or accept services;
- (3) Forcing any other person to participate in or withdraw from a bidding or audition;
- (4) Forcing any other person to transfer or acquire stocks or bonds of a corporation or enterprise or any other asset; or
- (5) Forcing any other person to participate in or withdraw from a certain business operation.

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

Article 228 . Whoever, for the purpose of seeking personal gain, violates the laws and regulations on land management by illegally transferring and profiteering from land use rights and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or may in addition or exclusively be sentenced to a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights or, when the circumstances are particularly serious, is to be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and a fine of not less than five percent and not more than 20 percent of the money gained from illegally transferring or profiteering from land use rights.

Article 229 . Where any employee of an intermediary organization assuming asset appraisal, capital verification, validation, accounting, auditing, legal service, sponsorship, security evaluation, environmental impact assessment, environmental monitoring, or any other duty intentionally provides any supporting document that is false, the employee shall be sentenced to imprisonment of not more than five years or limited incarceration and a fine if the circumstances are serious; or under any of the following circumstances, the employee shall be sentenced to imprisonment of not less than five years nor more than ten years and a fine:

(1) Providing any false supporting document on asset appraisal, accounting, auditing, legal service, or sponsorship, among others, in relation to an offering of securities, with especially serious circumstances.

(2) Providing any false supporting document on asset appraisal, accounting, or auditing, among others, in relation to a major asset transaction, with especially serious circumstances.

(3) Providing any false supporting document on safety evaluation or environmental impact assessment, among others, for any major engineering works or project involving public security, which has caused an especially significant loss to the public property and the interests of the state and the people.

Whoever, while committing any conduct set forth in the preceding paragraph, solicits or illegally accepts any money or property from any other person, which constitutes a crime, shall be convicted and punished in accordance with the provisions on the heavier punishment.

An employee as mentioned in paragraph 1 of this article who, in gross disregard of his or her duty, produces any supporting document materially inconsistent with the facts, which has serious consequences, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

Article 230 . Whoever violates the rules of the [law on import-export commodity inspection](#) by avoiding commodity inspection and, without authorization, selling and using imported goods or exporting exported goods without having them gone through inspection by commodity inspection authorities as required, and when the circumstances are serious, is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration, and may in addition or exclusively 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, limited incarceration, or probation. 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 234 (I): Whoever organizes others to sell human organs shall be sentenced to imprisonment

t of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years and a fine or forfeiture of property.

Whoever removes any other person's organ without such other person's consent, removes any organ of a person under the age of 18 or forces or deceives any other person into donating any organ shall be convicted and punished according to the provisions of Articles 234 and 232 of this Law.

Whoever removes a dead person's organ against the person's will before his death or removes a dead person's organ against the will of the person's near relatives in violation of the provisions of the state provided that there is no consent from the person before his death shall be convicted and punished according to the provision of Article 302 of this Law.

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

Article 236 . Whoever rapes a woman by violence, coercion, or any other means shall be sentenced to imprisonment of not less than three years nor more than ten years.

Whoever has sex with a female child under the age of 14 shall be deemed to have committed rape, and be given a heavier punishment.

Whoever rapes a woman or has sex with a female child shall be sentenced to imprisonment of not less than ten years, life imprisonment, or death under any of the following circumstances:

- (1) Raping a woman or having sex with a female child, with execrable circumstances.
- (2) Raping several women or having sex with several female children.
- (3) Raping a woman or having sex with a female child in public at a public place.
- (4) Gang-raping by two or more persons.
- (5) Having sex with a female child under the age of 10 or causing any injury to a female child.
- (6) Causing any serious injury to or the death of the victim or having any other serious consequence.

Article 236 (I): Where a person performing any guardianship, adoption, nursing, education, medical care, or other special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

Where a person performing any guardianship, adoption, nursing, education, medical care, or other

special duty to a female minor who has attained the age of 14 but under the age of 16 has sexual relations with the female minor, the person shall be sentenced to imprisonment of not more than three years; or if the circumstances are execrable, shall be sentenced to imprisonment of not less than three years nor more than ten years.

Article 237 . Whoever, by violence, coercion or other means, forces or molests any other person or humiliates a woman shall be sentenced to imprisonment of not more than five years or limited incarceration.

Whoever assembles a crowd to commit, or commits in a public place, the crime as provided for in the preceding paragraph, or has any other execrable circumstance shall be sentenced to imprisonment of not more than five years.

Whoever molests a child shall be sentenced to imprisonment of not more than five years; or under any of the following circumstances, shall be sentenced to imprisonment of not less than five years:

- (1) Molesting several children or molesting a child on several occasions.
- (2) Gang-molesting a child or molesting a child in public at a public place, with execrable circumstances.
- (3) Causing any injury to a child or having any other serious consequence.
- (4) Molesting by execrable means or there is any other execrable circumstance.

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

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 . Whoever abducts any other person for extortion or abducts any other person as a hostage shall be sentenced to fixed-term imprisonment not less than ten years or life imprisonment, and be fined or be sentenced to confiscation of property; or if the circumstances are less serious, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years, and be fined.

Whoever commits the crime as provided for in the preceding paragraph and kills the abducted person, or intentionally injures the abducted person, causing serious injury or death of the abducted person shall be sentenced to life imprisonment or the death penalty and forfeiture of property.

Whoever steals an infant for extortion shall be punished under the preceding two paragraphs.

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 limited incarceration or surveillance.

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

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.

Whoever buys an abducted woman or child without maltreating the abducted child or obstructing the rescue of the woman or child may be given a lighter penalty; and may be given a lighter or mitigated penalty if he or she does not obstruct the abducted woman's return to the place where she comes from in her own will.

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 limited incarceration. 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 limited incarceration or surveillance. Those causing serious consequences are to be sentenced to three to 10 years in prison.

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

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

Article 244 . Whoever forces any other person to work by violence, threat or restriction of personal freedom shall be sentenced to imprisonment of not more than 3 years or limited incarceration and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine.

Whoever knowingly recruits or transports a workforce for any other person to commit the act as mentioned in the preceding paragraph or otherwise assists in forcing any other person to work shall

be punished according to the provision of the preceding paragraph.

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

Article 244(I): Where an employer, in violation of the laws and regulations on labor administration, hires minors under the age of 16 to conduct extremely intensive physical labor, work at high altitude or work under the well or work under an explosive, flammable, radioactive or poisonous environment, if the circumstance is serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall also be fined; if the circumstance is especially serious, the persons who are held to be directly responsible shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall also be fined.

In case any employer that commits any act mentioned in the preceding Paragraph and causes an accident still commits any other crime, it shall be punished in accordance with the provisions on combined punishment for two and more crimes.

Article 245. Those illegally physically searching others or illegally searching others' residences, or those illegally intruding into others' residences, are to be sentenced to three years or fewer in prison, or put under limited incarceration. 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 limited incarceration 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. Where the victim files a complaint with the people's court on the commission of the conduct as provided for in paragraph 1 through the information network, but it is indeed difficult to provide evidence, the people's court may require the public security authority to provide assistance.

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 few

er in prison or put under limited incarceration. Those causing injuries to others, physical disablement, or death, are to be convicted and severely punished according to articles 234 and 232 of this law.

Article 248 . Supervisory and management personnel of prisons, detention centers, and other guard houses who beat or physically abuse their inmates, if the case is serious, are to be sentenced to three years or fewer in prison or put under limited incarceration. If the case is especially serious, they are to be sentenced to three to 10 years in prison. Those causing injuries to injuries, physical disablement, or death, are to be convicted and severely punished according to article 234 and 232 of this law.

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 limited incarceration or surveillance, or deprived of their political rights. If the case is especially serious, they are to be sentenced to three to 10 years in prison.

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

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

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

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

Those committing crimes stipulated in the above paragraph and stealing money or other articles ar

e to be convicted and severely punished according to article 264 of this law.

Article 253 (I): Whoever sells or provides any citizen's personal information in violation of the relevant provisions of the state shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

Whoever sells or provides to any other person any citizen's personal information obtained in the course of performing functions or providing services in violation of any relevant provisions of the state shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever illegally obtains any citizen's personal information by stealing or other methods shall be punished in accordance with the provisions of paragraph 1.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

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

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 law and statistics law , if the case is serious, are to be sentenced to three years or fewer in prison or put under limited incarceration.

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

Article 257 . Those using force to interfere in others' freedom of marriage are to be sentenced to t

wo years or fewer in prison or put under limited incarceration.

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 limited incarceration.

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

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 limited incarceration 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.

The crime as provided for in paragraph 1 shall not be handled unless an accusation is filed, except when the victim is unable to file an accusation or fails to file an accusation due to coercion or intimidation.

Article 260 (I): Whoever who has the duty to ward or nurse a juvenile, an elder person, a sick person, or a disabled person maltreats the person under his or her guardianship or nursing with execrable circumstances shall be sentenced to imprisonment of not more than three years or limited incarceration.

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

Whoever commits any other crime while committing a crime as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

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

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

Article 262 (I):Where anyone organizes any disabled person or any minor below the age of 14 by force or coercion to beg, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration, and shall be fined. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years not more than seven years, and shall be fined.

Article 262 (II):Whoever organizes minors to commit theft, fraud, snatch, extortion or any other activity in violation of the public security administration shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

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 . Whoever steals a relatively large amount of public or private property, commits thefts many times, commits a burglary or carries a lethal weapon to steal or pick pockets shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property.

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 limited incarceration or surveillance, in addition to fines; or are to be fined. Those defrauding large amounts of money and property or having involvement in other serious cases are to be sentenced to three to 10 years in prison, in addition to fines. Those defrauding extraordinarily large amounts of money and property or involving in especially serious cases are to be sentenced to 10 years or more in prison or given life sentences, in addition to fines or confiscation of property. If cases are governed by other stipulations of this law, those stipulations shall apply.

Article 267 . Whoever seizes public or private property, or commits robbery for two times or more shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

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, limited incarceration or probation, in addition to a fine; and the sentence is to be not less than three years and not more than 10 years, in addition to a fine, when the amount involved is huge and the other circumstances are particularly serious.

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 any other person's property in the latter's custody, and the amount involved is relatively large, and refuses to return it, is to be sentenced to not more than two years of fixed-term imprisonment, limited incarceration, or a fine; when the amount involved is huge and the other circumstances are serious, the sentence is to be not less than two years but not more than five years of fixed-term imprisonment, in addition to a fine.

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 . Any employee of a company, an enterprise, or any other entity who, by taking advantage of his or her position, unlawfully takes possession of any money or property of the entity shall, if the amount involved is relatively large, be sentenced to imprisonment of not more than three years or limited incarceration and a fine; if the amount involved is huge, be sentenced to imprisonment of not less than three years nor more than ten years and a fine; or if the amount involved is especially huge, be sentenced to imprisonment of not less than ten years or life imprisonment and a fine.

When personnel engage in public service in state-owned corporations, enterprises, or other state-owned 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 . Any employee of a company, an enterprise, or any other entity who, by taking advantage of his or her position, misappropriates the funds of the entity for personal use or for lending to others shall, if the amount involved is relatively large and the funds are not returned after three months, if the funds are returned within three months but the amount involved is relatively large and the funds are used for any for-profit activity, or if the funds are used for any illegal activity, be sentenced to imprisonment of not more than three years or limited incarceration; if the amount of misappropriated funds of the entity is huge, be sentenced to imprisonment of not less than three years nor more than seven years; or if the amount involved is especially huge, be sentenced to imprisonment of not less than seven years.

Where a person who is engaged in public service in a state-owned company or enterprise or any other state-owned entity or a person who is assigned by a state-owned company or enterprise or any other state-owned entity to a company, an enterprise, or any other entity that is not owned by the state to engage in public service commits any conduct set forth in the preceding paragraph, the person shall be convicted and punished in accordance with the provisions of Article 384 of this Law.

A person who commits the conduct set forth in paragraph 1 of this article but returns the misappropriated funds before being prosecuted by the state may be given a lighter or mitigated punishment, or if the crime is relatively minor, may be given a mitigated or be exempt from punishment.

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

Article 274 . Whoever extorts a relatively large amount of public or private property or extorts public or private property many times shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 year and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years and

a fine.

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

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

Article 276 (I): Whoever evades payment of a relatively large amount of labor remunerations by transferring property or escaping and hiding or refuses to pay a relatively large amount of labor remunerations though capable, and still refuses to pay even after being ordered by the relevant government department to pay, shall be sentenced to imprisonment of not more than 3 years or limited incarceration and/or a fine; and if there are serious consequences, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

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

Whoever commits an act as mentioned in the preceding two paragraphs without serious consequences but pays labor remunerations before a public prosecution is instituted and assumes the corresponding compensatory liability according to law may be given a mitigated penalty or exempted from penalty.

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 du

ties is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or probation; 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.

Whoever assaults by violence a police officer who is performing his or her duties in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation; or if the assault is committed by means such as using a gun or controlled knife or driving a motor vehicle to hit the police officer, seriously endangering the personal safety of the police officer, shall be sentenced to imprisonment of not less than three years nor more than seven years.

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

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

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 in, steals, forcibly seizes or destroys any official document, certificate or seal of a state authority shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not

more than ten years in addition to a fine.

Whoever forges a seal of any company, enterprise, public institution or people's organization shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine.

Whoever forges, alters or trades in any citizen's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in accordance with the law shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Article 280 (I): Whoever uses any forged, altered or uses without authority any other person's identification card, passport, social security card, driver's license or any other certificate that may be used to prove identity in the activities that require the provision of identity certificate according to the provisions of the state shall, if the circumstances are serious, be sentenced to limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

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

Article 280 (II): Whoever, by stealing and using or by falsely using the identity of any other person, obtains the qualification for admission to higher education or the qualification as a public servant or receives the employment placement benefit as an imposter shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine.

Whoever arranges for or instigates any other person to commit the conduct set forth in the preceding paragraph shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

Any employee of the state who commits any conduct set forth in the preceding two paragraphs, which concurrently constitutes any other crime, shall be punished in accordance with the provisions on joinder of punishment for plural crimes.

Article 281 . Whoever illegally produces, purchases or sells standard police uniforms, license plates of motor vehicles, or other special signs, police tools, and the consequences are serious, is to be sentenced to not more than three years of fixed-term imprisonment, limited incarceration, or proba

tion; 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, limited incarceration, probation, or deprivation of political rights; when the circumstances are serious, the sentence is to be not less than three years but not more than seven years of fixed-term imprisonment.

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

Article 283 . Whoever illegally produces or sells special espionage devices or eavesdropping or secret photographing devices shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are serious.

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

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

Article 284 (I): Whoever organizes cheating in a national examination prescribed by law shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

Whoever provides any cheating device or any other assistance for anyone else to commit the crime as mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

Whoever illegally sells or provides test questions or answers as prescribed in paragraph 1 for the p

urpose of cheating in the test shall be punished in accordance with the provisions of paragraph 1. Whoever takes on behalf of anyone else or enables anyone else to take on behalf of him- or herself an examination prescribed in paragraph 1 shall be sentenced to limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

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

Whoever, in violation of the state provisions, intrudes into a computer information system other than that prescribed in the preceding paragraph or uses other technical means to obtain the data stored, processed or transmitted in the said computer information system or exercise illegal control over the said computer information system shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Whoever provides special programs or tools specially used for intruding into or illegally controlling computer information systems, or whoever knows that any other person is committing the criminal act of intruding into or illegally controlling a computer information system and still provides programs or tools for such a person shall, if the circumstances are serious, be punished under the preceding paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of the applicable paragraph.

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

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

Whoever deliberately creates and propagates computer virus and other programs which sabotage t

he normal operation of the computer system and cause grave consequences is to be punished according to the first paragraph.

Where an entity commits any crime as provided for in the preceding three paragraphs, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 286 (I): Any network service provider that fails to perform the information network security management obligation as prescribed in any law or administrative regulation and refuses to make corrections after being ordered by the regulatory authority to take correction measures shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only under any of the following circumstances.

- (1) Causing the spread of a large amount of illegal information.
- (2) Causing the leakage of users' information, with serious consequences.
- (3) Causing the loss of criminal case evidence, with serious circumstances.
- (4) Any other serious circumstance.

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

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

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

Article 287 (I): Whoever commits any of the following conducts by using the information network shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

- (1) Establishing a website or a communication group mainly for committing fraud, teaching on how to commit a crime, producing or selling any prohibited or controlled article, or committing any other illegal or criminal activity.
- (2) Issuing any information on the production or sale of drugs, guns, obscene articles, or any other prohibited or controlled article or any other illegal or criminal conduct.

(3) Issuing any information for committing fraud or any other illegal or criminal activity.

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

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

Article 287 (II): Whoever, while obviously aware that any other person is committing a crime by using an information network, provides Internet access, server custody, network storage, communication transmission or any other technical support, or provides advertising, payment settlement or any other assistance for the crime shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine or be sentenced to a fine only.

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

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

Article 288 . Whoever, in violation of the provisions of the state, installs or uses any radio station (transmitter) without approval, or occupies frequencies without approval to disrupt the radio communication order shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

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 . Where a crowd is assembled to disrupt the public order and serious circumstances are caused so that the process of work, production, business, teaching, scientific research or medical services is disrupted, and if any serious loss is caused, the ringleaders shall be sentenced to imprisonment of not less than three years but not more than seven years; and other active participants shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights.

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

Two paragraphs are added as paragraphs 3 and 4: "Whoever disrupts the work order of any state authority for two times or more and refuses to make corrections after being given an administrative penalty shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if there are serious consequences.

Whoever organizes or provides financial support to any other person to illegally assemble for two times or more to disrupt the public order and serious circumstances are caused shall be punished in accordance with the provisions of the preceding paragraph.

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

Article 291 (I): Whoever spreads mendacious pathogens of infectious diseases, explosives, poisonous or radioactive substances or other substances, or fabricates terrorist information on threats of explosion, biochemical threats or radioactive threats, or, while clearly knowing that the terrorist information is fabricated, intentionally disseminate such information, thus seriously disrupting public order, shall be sentenced to fixed-term imprisonment of no more than five years, limited incarceration or public surveillance; if he causes serious consequences, he shall be sentenced to fixed-term im

prisonment of no less than five years.

Whoever makes up any false information on the situation of any risk, epidemic disease, disaster or emergency and spreads such information on the information network or any other media, or knowingly spreads the aforesaid false information on the information network or any other media, which seriously disrupts the public order, shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance; and if serious consequences have resulted, shall be sentenced to imprisonment of not less than three years but not more than seven years.

Article 291 (II): Whoever throws any object from height such as a building shall, if the circumstances are serious, be sentenced to imprisonment of not more than one year, limited incarceration, or probation and a fine, or be sentenced to a fine only.

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

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

- (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 disrupts the social order by committing any of the following provocative and disturbing acts shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation:

- (1) Assaulting any other person at will, with execrable circumstances;
- (2) Chasing, intercepting, reviling or intimidating any other person, with execrable circumstances;
- (3) Taking or demanding forcibly or vandalizing or occupying at will public or private property, with

serious circumstances; or

(4) Making trouble in a public place, which causes a serious disorder of the public place.

Whoever assembles other people to commit the acts as mentioned in the preceding paragraph many times, which seriously disrupt the social order, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and may be fined in addition.

Article 293 (I): Whoever, falling under any of the following circumstances, demands the repayment of any illegal debt incurred from usury, among others, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine, or be sentenced to a fine only:

(1) Using violence or coercion.

(2) Restricting any other person's personal freedom or intruding into any other person's residence.

(3) Intimidating, stalking, or harassing any other person.

Article 294 . Whoever organizes or leads an organization of a gangland nature shall be sentenced to imprisonment of not less than 7 years and a forfeiture of property; whoever actively participates in an organization of a gangland nature shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and may be sentenced to a fine or forfeiture of property in addition; whoever otherwise gets involved in an organization of a gangland nature shall be sentenced to imprisonment of not more than 3 years, limited incarceration, probation or deprivation of political rights and may be fined in addition.

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

Any state functionary who harbors an organization of a gangland nature or connives at such an organization's illegal or criminal activities shall be sentenced to imprisonment of not more than 5 years; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.

Whoever also commits any other crime while committing a crime as mentioned in the preceding three paragraphs shall be punished according to the provisions on the joinder of penalties for plural crimes.

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

(1) A relatively stable criminal organization is formed with a relatively large number of members, and there are specific organizers or leaders and basically fixed core members.

(2) Economic interests are gained by organized illegal or criminal activities or other means, and it h

as certain financial strength to support its activities.

(3) By violence, threat or other means, it commits organized illegal or criminal activities many times to do evil, bully and cruelly injure or kill people.

(4) It dominates a certain area by committing illegal or criminal activities or taking advantage of the harboring or connivance by the state functionaries, forming an illegal control or significant influence in a certain area or sector, which seriously disrupts the economic and social order.

Article 295 . Whoever teaches methods for committing a crime shall be sentenced to imprisonment of not more than 5 years, limited incarceration or probation; if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 10 years or life imprisonment.

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

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

Article 299 . Whoever desecrates the national flag or the national emblem of the People's Republic of China on a public occasion by intentionally burning, mutilating, scrawling on, defiling, or trampling on it or otherwise shall be sentenced to imprisonment of not more than three years, limited incarceration, supervision without incarceration, or deprivation of political rights.

Whoever intentionally tampers with the lyrics or music of the national anthem of the People's Republic of China, plays or sings the national anthem in a manner of distortion or denigration, or otherwise desecrates the national anthem on a public occasion shall be punished under the preceding paragraph if the circumstances are serious.

Article 299 (I): Whoever, by insult, defamation or other means, infringes upon the reputation or honor of a hero or a martyr, causing any damage to social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, probation, or deprivation of political rights.

Article 300 . Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to sabotage the implementation of any law or administrative regulation of the state shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years or life imprisonment in addition to a fine or forfeiture of property; or if the circumstances are minor, be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or deprivation of political rights in addition to a fine or be sentenced to a fine only.

Whoever organizes or utilizes any superstitious sect, secret society, or cult organization or uses superstition to cheat any other person, which leads to the person's serious injury or death shall be punished in accordance with the provisions of the preceding paragraph.

Whoever also commits the crime of raping a woman or swindling any person of his or her property while committing a crime as mentioned in paragraph 1 shall be punished according to the provisions on the joinder of penalties for plural crimes.

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

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

Article 302 . Whoever steals, insults, or intentionally destroys a corpse, skeleton or cremains shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance.

Article 303 . Whoever, for profits, gathers people to gamble or gambles professionally shall be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine. Whoever runs a gambling house shall be sentenced to imprisonment of not more than five years, limited incarceration, or probation and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years nor more than ten years and a fine.

Whoever arranges for a citizen of the People's Republic of China to participate in gambling outside the country (or borders) shall, if the amount involved is huge or there is any other serious circumstance, be punished in accordance with the provision of the preceding paragraph.

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

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 limited incarceration; when the circumstances are severe, to not less than three years and not more than seven years of fixed-term imprisonment.

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

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 limited incarceration; when the circumstances are severe, to not less than thr

ee 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 limited incarceration if the circumstances are severe.

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

Article 307 (I): Whoever files a civil lawsuit based on any fabricated facts, which disrupts the judicial order or seriously infringes upon any other person's lawful rights and interests shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only; or if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine.

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

Whoever commits any other crime while committing a crime of illegally occupying any other person's property or evading his or her lawful debts as mentioned in paragraph 1 shall be convicted and punished according to the provisions on the crime with the heavier penalty.

Any judicial staff member who commits a crime as mentioned in the preceding three paragraphs with any other person by taking advantage of his or her power shall be given a heavier penalty; and if he or she commits any other crime at the same time, shall be convicted and punished according to the provisions on the crime with the heavier penalty.

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

Article 308 (I): Any judicial staff member, defender, litigation representative, or any litigation participant who discloses any information that shall not be disclosed in a case not tried in public in accordance with the law, thus causing public information dissemination or any other serious consequence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance in addition to a fine or be sentenced to a fine only.

Whoever commits any conduct as mentioned in the preceding paragraph to divulge any state secre

t shall be convicted and punished in accordance with the provisions of Article 398 of this Law.

Whoever publicly discloses or reports any case information prescribed in paragraph 1 shall be punished in accordance with the provisions of paragraph 1 if the circumstances are serious.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be punished according to the provisions of paragraph 1.

Article 309 . Whoever falls under any of the following circumstances so that the order of the courtroom is disrupted shall be sentenced to imprisonment of not more than three years, limited incarceration, surveillance or a fine.

- (1) Assembling a crowd to clamor in a courtroom or attacking a courtroom.
- (2) Assaulting any judicial staff member or litigation participant.
- (3) Insulting, defaming or threatening any judicial staff member or litigation participant despite of court prohibition, which seriously disrupts the order of the courtroom.
- (4) Destroying any of the facilities of the courtroom, grabbing or destroying any litigation documents, evidence or otherwise disrupts the order of the courtroom with serious circumstances.

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

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, being obviously aware of any other person's commission of a crime of espionage, terrorism or extremism, refuses to provide relevant information or evidence when a judicial authority investigates or collects relevant evidence shall be sentenced to imprisonment of not more than three years, limited incarceration or surveillance if the circumstances are serious.

Article 312 . Where anyone who obviously knows that the income or the proceeds are generated herefrom is obtained from the commission of any crime harbors, transfer, purchases or sells them as an agent or disguises or conceals them by any other means, he shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration, or probation, and/or shall be fine

d. If the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be fined.

Where any entity commits the crime as described in the preceding paragraph, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the preceding paragraph.

Article 313 . Whoever refuses to execute a judgment or ruling rendered by a people's court while he or she is able to do so shall be sentenced to imprisonment of not more than three years or limited incarceration or a fine if the circumstances are serious; or be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine if the circumstances are especially serious.

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

Article 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, limited incarceration, or be fined if the circumstances are severe.

Article 315 . Criminals who are already under legal custody and perform one of the following acts which sabotage supervision order are to be sentenced to not more than three years of fixed-term imprisonment if the circumstances are severe:

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

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

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

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

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

Section 3 . Crimes of Disrupting Administration of the Border

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

- (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 sen

tenced 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 limited incarceration or probation, and may in addition be sentenced to a fine; or not less than five years and not more than 10 years of fixed-term imprisonment and a fine 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 secretly crosses China's frontier (border) in violation of the provisions on frontier (border) administration shall be sentenced to imprisonment of not more than one year, limited incarceration or surveillance in addition to a fine if the circumstances are serious; and whoever secretly crosses China's frontier (border) for the purpose of joining a terrorist organization, rece

iving training on terrorist activities or conducting terrorist activities shall be sentenced to imprisonment of not less than one year but not more than three years in addition to a fine.

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

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 limited incarceration, and may in addition or exclusively be sentenced to a fine; or when the circumstances are serious, not less than three years and not more than 10 years of fixed-term imprisonment, and may in addition be sentenced to a fine.

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

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

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

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 limited incarceration, and may in addition be sentenced

nced 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 limited incarceration.

Article 328 . Whoever robs any site of ancient culture or ancient tomb of a historical, artistic or scientific value shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; if the circumstances are minor, be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property:

- (1) Robbing any site of ancient culture or ancient tomb which has been determined as a key cultural relic under the protection of the state or a cultural relic under the protection of a province;
- (2) Being a ringleader of a group of robbers of sites of ancient culture and ancient tombs;
- (3) Having robbed sites of ancient culture and ancient tombs many times; or
- (4) Robbing a site of ancient culture or ancient tomb of valuable cultural relics or causing severe damage to valuable 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 limited incarceration.

Whoever violates the provisions of the [Archives Law](#) , selling and transferring state-owned records without authorization and when the circumstances are serious is to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration.

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 se

vere punishment.

Section 5 . Crimes of Endangering Public Health

Article 330 . Whoever, in violation of the provisions of the [Law on the Prevention and Treatment of Infectious Diseases](#), falls under any of the following circumstances, causing the spread, or posing a grave danger of the spread, of a Category A infectious disease or an infectious disease against which the measures for the prevention and treatment of Category A infectious diseases shall be taken as determined in accordance with the law shall be sentenced to imprisonment of not more than three years or limited incarceration; or if the consequences are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years:

- (1) The failure of the drinking water supplied by a water supplier to meet the hygienic standards of the state.
- (2) Refusing to disinfect sewage, wastes, places, and articles contaminated by pathogens of an infectious disease according to the hygienic requirements of the disease prevention and control institution.
- (3) Permitting or conniving at the engagement of any patient, pathogen carrier, or suspected patient of an infectious disease in any work that tends to cause the spread of the infectious disease as prohibited by the health administrative department of the State Council.
- (4) Selling or transporting any articles that are or may be contaminated by the pathogens of an infectious disease in an epidemic area without disinfection of them.
- (5) Refusing to execute the prevention and control measures required by the people's government at or above the county level or the disease prevention and control institution in accordance with the [Law on the Prevention and Treatment of Infectious Diseases](#).

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' bacter

ial spawns and viruses and resulting in serious consequences are to be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; when the consequences are particularly serious, the sentence is to be not less than three years and not more than seven years of fixed-term imprisonment.

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

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 limited incarceration and a fine. Whoever causes serious harm to human health shall be sentenced to not less than five years and not more than 10 years of fixed-term imprisonment and a fine; and for whoever causes exceptionally serious consequences, a sentence of not less than 10 years of fixed-term imprisonment or life imprisonment, and may in addition be sentenced to a fine or confiscation of property.

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 limited incarceration.

Article 334 (I): Whoever, in violation of the relevant provisions issued by the state, illegally collects the human genetic resources of China or illegally transports, mails, or carries the human genetic materials of China out of China, endangering public health or social and public interests, shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years, limited incarceration, or probation and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

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

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

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

Article 336 (I): Whoever implants any genetically edited or cloned human embryo into the body of a human being or animal or implants any genetically edited or cloned animal embryo into the body of a human being shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; or if the circumstances are especially serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine.

Article 337 . Whoever, in violation of the relevant state provisions on animal and plant epidemic prevention and quarantine, causes a serious animal or plant epidemic or the risk of a serious animal or plant epidemic shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and/or be fined.

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, in violation of the provisions issued by the state, discharges, dumps, or disposes of any radioactive waste, waste containing pathogens of an infectious disease, poisonous substance, or other hazardous substance, causing serious environmental pollution, shall be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only; if the circumstances are serious, be sentenced to imprisonment of not less than three years nor more than seven years and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than seven years and a fine:

(1) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to a drinking water source protection area, the core protective area of a nature reserve, or any other key protective area determined in accordance with the law, with especially serious circumstances.

(2) Discharging, dumping, or disposing of any radioactive waste, waste containing pathogens of an infectious disease, or poisonous substance to any water area of important rivers and lakes determined by the state, with especially serious circumstances.

(3) Causing the loss of basic functions of, or any permanent damage to, large amounts of permanent basic farmland.

(4) Causing any serious injury or serious illness to many people or causing any serious disability or the death of a person.

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

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 l

imited incarceration, and in addition be sentenced to a fine. Those whose acts cause serious environmental pollution and major damages to public or private properties or seriously endanger people's health are to be punished by sentence of not less than five years and not more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine. Those whose acts have especially serious consequences are to be sentenced to more than 10 years of fixed-term imprisonment, and in addition be sentenced to a fine.

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

Whoever, under the pretext of using as raw materials, imports solid, liquid or gaseous waste that cannot be used as raw materials shall be convicted and punished in accordance with the Paragraphs 2 and 3 of Article 152 of this Law.

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

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

Those who violate hunting law and regulations and use tools and methods which are forbidden to be used in 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 limited incarceration or probation, and in addition be sentenced to a fine.

Whoever, in violation of the legislation on the administration of wild animal protection, illegally hunts, purchases, transports, or sells terrestrial wild animals that grow and reproduce naturally in the

wild other than those set forth in paragraph 1 for the purpose of eating shall, if the circumstances are serious, be punished in accordance with the provision of the preceding paragraph.

Article 342 . Whoever, in violation of the regulations on land administration, unlawfully occupies cultivated land, forestland or other land used for agriculture, and change the use of the occupied land , if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration and shall also, or shall only be fined.

Article 342 (I): Whoever, in violation of the legislation on the administration of nature reserves, conducts any activity of reclamation or development or constructs any building in a national park or national nature reserve shall, if the consequences are serious or there is any other execrable circumstance, be sentenced to imprisonment of not more than five years or limited incarceration and a fine or be sentenced to a fine only.

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

Article 343 . Whoever, in violation of the [Mineral Resources Law](#) , engages in mining without a mining permit, enters a mining area under state planning, a mining area of great value to the national economy or a mining area of any other person to engage in mining without approval, or engages in mining of a special mineral which is subject to protective excavation according to the state provisions without approval shall be sentenced to imprisonment of not more than 3 years, limited incarceration or probation and/or a fine if the circumstances are serious; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

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

Article 344 . Whoever, in violation of the provisions of the state, illegally fells or destroys precious trees or other plants subject to key protection of the state, or illegally purchases, transports, processes or sells precious trees or other plants subject to key protection of the state or the products pro

cessed therefrom, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance, and shall also be fined; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 344 (I): Whoever, in violation of the provisions issued by the state, illegally introduces, releases, or discards any invasive alien species shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine or be sentenced to a fine only.

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

Whoever, in violation of the provisions of the [Forestry Law](#) , arbitrarily fells trees or other woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever illegally purchases or transports trees or woods, which he knows are felled stealthily or arbitrarily, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than three years, limited incarceration or public surveillance and shall also, or shall only, be fined; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever stealthily or arbitrarily fells trees or woods in any nature reserve at the national level shall be given a heavier punishment.

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, limited incarceration or probation, and, in addition, be sentenced to a fine. In more serious cases, those law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to a fine.

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 limited incarceration or probation and, in addition, be sentenced to paying a fine. In serious cases, the law offenders are to be sentenced to more than three years but less than seven years of fixed-term imprisonment and, in addition, be sentenced to paying a fine.

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

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 . Whoever, in violation of the provisions of the state, illegally produces, trades in, transports or carries into or out of China acetic anhydride, ethyl ether, chloroform, or other raw materials or auxiliary materials for manufacturing drugs shall be sentenced to imprisonment of not more than three years, limited incarceration or probation in addition to a fine if the circumstances are relatively serious; if the circumstances are serious, be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if the circumstances are especially serious, be sentenced to imprisonment of not less than seven years in addition to a fine or forfeiture of property.

Whoever, being obviously aware that someone else is manufacturing drugs, produces, trades in or transports the articles as provided for in the preceding paragraph for the said person shall be punished as an accomplice to the crime of drug manufacturing.

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 limited incarceration or probation, 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 limited incarceration or probation, 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 limited incarceration or probation, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine.

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 limited incarceration or probation, 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 limited incarceration, in addition to fine. If the case is serious, they are to be sentenced to three to seven years in prison in addition to paying a fine. Those providing addictive narcotics or drugs for mental sickness that are under the state's control to criminal elements engaging in smuggling or trafficking drugs or, with the purpose of making profits, to those taking or injecting drugs, are to be convicted and punished according to article 347 of this law.

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 355 (I): Whoever induces or instigates an athlete to commit, or deceives an athlete into committing, any anti-doping rule violation in a major national or international sports competition or knowing an athlete's participation in such a competition, provides the athlete with any prohibited substance shall, if the circumstances are serious, be sentenced to imprisonment of not more than three years or limited incarceration and a fine.

Whoever arranges for or forces an athlete's commission of any anti-doping rule violation in a major national or international sports competition shall be given a heavier punishment in accordance with the provision of the preceding paragraph.

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

Article 357 . Drugs as mentioned in this law refer to opium, heroin, ice, morphine, marijuana, cocaine, and other addictive narcotics and drugs for mental sickness that are under the state's control. The amounts of drugs are to be calculated according to the verified amounts of drugs smuggled, sold, transported, or made, or the amounts illegally in possession, and are not to be calculated in terms of the pureness of the drugs.

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

Article 358 . Whoever organizes or forces anyone else into prostitution shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property if the circumstances are serious.

Whoever organizes or forces any juvenile into prostitution shall be given a heavier penalty in accordance with the provisions of the preceding paragraph.

Whoever commits the crime in the preceding two paragraphs and also commits murder, injuring, rape, kidnapping or any other crime shall be punished according to the provisions on the joinder of penalties for plural crimes.

Whoever recruits or transports persons for an organizer of prostitution or otherwise assists in organizing prostitution shall be sentenced to imprisonment of not more than five years in addition to a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine.

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

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 limited incarceration or probation, in addition to having to pay 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 unit

s 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 limited incarceration or probation, in addition to paying a fine. If the case is serious, they are to be sentenced to three to 10 years in prison in addition to having to pay a fine. If the case is especially serious, they are to be sentenced to 10 years or more in prison or given life sentence, in addition to a fine or confiscation of property.

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

Article 364 . Those disseminating obscene books, magazines, films, audio and video recordings, pictures, or other kinds of obscene materials, if the case is serious, are to be sentenced to two years or fewer in prison or put under limited incarceration or probation.

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

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 limited incarceration or probation 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 limited incarceration.

Article 369 . Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration or probation; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of 3 up to 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or the death penalty.

Any one who commits a crime as described in the preceding two paragraphs and causes serious consequences due to negligence shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration; if the consequences are extremely serious, he shall be sentenced to fixed-term imprisonment of 3 up to 7 years.

He who commits a crime as mentioned in the preceding two paragraphs during wartime shall be given a heavier punishment.

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

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

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, limited incarceration or probation 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, limited incarceration, probation 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, limited incarceration, probation or deprivation of political rights. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

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 y

ears of fixed-term imprisonment, limited incarceration or probation 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 limited incarceration 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, limited incarceration, probation or deprivation of political rights. If the situation is serious, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment. Whoever illegally produces, buys, or sells uniforms of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined.

Whoever forges, steals, buys, sells, or illegally provides or uses license plates of vehicles or other special signs of the armed forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, limited incarceration or probation, and/or be fined; or if the circumstances are extremely serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

Where any entity commits the crime in paragraph 2 or 3, it shall be fined, and the direct liable person in charge and other directly liable persons shall be punished under the applicable paragraph.

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

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, limited incarceration or probation. In serious cases, those law offenders are to be sentenced to more than three years but less than 10 years of fixed-term imprisonment.

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

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 limited incarceration. 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 expropriation or requisition in times of war are to be sentenced to more than three years of fixed-term imprisonment or limited incarceration if the situation is serious.

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 . Whoever commits the crime of corruption shall be punished in light of the graveness of the crime according to the following provisions:

(1) If the amount involved in the corruption is relatively large or there is any other relatively serious

s circumstance, the convict shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

(2) If the amount involved in the corruption is huge or there is any other serious circumstance, the convict shall be sentenced to imprisonment of not less than three years but not more than ten years in addition to a fine or forfeiture of property.

(3) If the amount involved in the corruption is especially huge or there is any other especially serious circumstance, the convict shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property; or if the amount involved is especially huge and especially material losses have been caused to the interests of the state or the public, the convict shall be sentenced to life imprisonment or the death penalty and a forfeiture of property.

Whoever has committed repeatedly crimes of corruption without being punished shall be punished based on the accumulative amount involved in the crimes of corruption.

Whoever commits a crime as mentioned in paragraph 1, and before a public prosecution is filed, truthfully confesses his or her crime, shows sincere repentance and actively returns the illegally obtained money to avoid or reduce the occurrence of losses, if there is any circumstance as set forth in item (1), may be given a lighter or mitigated penalty or be exempt from penalty; or if there is any circumstance as set forth in item (2) or (3), may be given a lighter penalty.

Where a convict who commits a crime as mentioned in paragraph 1 and falls under any circumstance as set forth in item (3) is sentenced to death with a reprieve, the people's court may, in light of the circumstances of the crime committed, decide to commute the sentence to life imprisonment upon expiration of the two-year period, sentence the convict to life imprisonment, and shall not offer commutation or parole.

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

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 limited incarceration.

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 388 (I):Where any close relative of a state functionary or any other person who has a close relationship with the said state functionary seeks any improper benefit for a requester for such a benefit through the official act of the said state functionary or through the official act of any other state functionary by using the advantages generated from the authority or position of the said state functionary, and asks or accepts property from the requester for such a benefit, and the amount is relatively large or there is any other relatively serious circumstance, he shall be sentenced to fixed-term imprisonment not more than three years or limited incarceration, and be fined; if the amount is huge or there is any other serious circumstance, shall be sentenced to fixed-term imprisonment

not less than three years but not more than seven years, and be fined; or if the amount is extremely huge or there is any other extremely serious circumstance, shall be sentenced to fixed-term imprisonment not less than seven years, and be fined or be sentenced to confiscation of property.

Where any state functionary who has left his position, any close relative of him or any other person who has a close relationship with him commits the act as prescribed in the preceding paragraph by using the advantages generated from the former authority or position of the said state functionary, he shall be convicted and punished under the preceding paragraph.

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

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 shall be sentenced to imprisonment of not more than five years or limited incarceration in addition to a fine; whoever seeks any illicit benefit by means of offering bribes and the circumstances are serious or causes any serious loss to the national interest shall be sentenced to imprisonment of not less than five years but not more than ten years in addition to a fine; or if the circumstances are especially serious, or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than ten years or life imprisonment in addition to a fine or forfeiture of property.

The briber who actively confesses to his or her crime before being prosecuted may be given a lighter or mitigated penalty. Whoever commits a relatively minor crime and plays a crucial role in resolving an important case or has any major meritorious performance may be given a lighter penalty or be exempt from penalty.

Article 390 (I): Whoever, for the purpose of seeking illicit benefits, offers bribe to any close relative of an employee of a state functionary or any other person who has a close relationship with the said employee of the state authority, or any dismissed employee of a state authority or any of his or her close relatives or any other person who has a close relationship with the said employee shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine

e; if there is any serious circumstance or any serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than three years but not more than seven years in addition to a fine; or if there is any other especially serious circumstance or any especially serious loss has been caused to the national interest, shall be sentenced to imprisonment of not less than seven years but not more than ten years in addition to a fine.

Where an entity commits any crime as provided for in the preceding paragraph, the entity shall be sentenced to a fine, and its directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

Article 391 . Whoever offers property to any state authority, state-owned company, enterprise, public institution or people's organization for the purpose of seeking illicit benefits or offers commission or handling charges in any name in violation of the provisions of the state in economic exchanges shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine.

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 any employee of a state authority shall be sentenced to imprisonment of not more than three years or limited incarceration in addition to a fine if the circumstances are serious.

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

Article 393 . Where any entity offers bribes for the purpose of seeking illicit benefits or offers commission or handling charges to any employee of a state authority in violation of the provisions of the state shall, if the circumstances are serious, be sentenced to a fine, and the directly responsible person in charge and other directly liable persons shall be sentenced to imprisonment of not more than five years or limited incarceration in addition to a fine. Whoever owns the illegal income obtained from bribery shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.

Article 394 . State functionaries who accept gifts in the course of carrying out official duties at hom

e 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 . Where the property or expenditure of any state functionary obviously exceeds his legitimate income, and the difference is huge, he shall be ordered to explain the sources. If he fails to do so, the difference shall be determined as illegal income, and he shall be sentenced to fixed-term imprisonment not more than five years or limited incarceration; or if the difference is extremely huge, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years. The difference of the property shall be recovered.

State functionaries who have savings deposits in foreign countries must declare their deposits according to state provisions. Those who hide their deposits of this nature by not declaring them are to be sentenced to not more than two years of fixed-term imprisonment or to limited incarceration; when the circumstances are not serious, they shall be given administrative punishment by the 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 limited incarceration, and may in addition or exclusively be sentenced to a fine; and when huge amounts are involved, not less than three years and not more than seven years of fixed-term imprisonment, and may in addition be sentenced to a fine.

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

Chapter IX Crimes of Dereliction of Duty

Article 397 . State personnel who abuse their power or neglect their duties, causing great losses to public property and the state's and people's interests, shall be sentenced to not more than three years of fixed-term imprisonment or limited incarceration; and when the circumstances are exceptionally serious, not less than three years and not more than seven years of fixed-term imprisonment.

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

State personnel who practice favoritism and commit irregularities and the crimes mentioned in the preceding paragraph shall be sentenced to not more than five years of fixed-term imprisonment or limited incarceration, and when the circumstances are exceptionally serious, not less than five years and not more than 10 years of fixed-term imprisonment. Where there are separate stipulations under this law, these stipulations shall be followed.

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 limited incarceration; 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 . Any judicial officer who, by bending the law for selfish ends or twisting the law to serve his friends and relatives, subjects any person he knows to be innocent to investigation for criminal responsibility, intentionally protects any person he knows to be guilty from investigation for criminal responsibility, intentionally runs counter to the facts and law to render judgments that abuse the law in criminal proceedings shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Whoever, in civil or administrative proceedings, intentionally runs counter to the facts and law to render judgments that abuse the law, if the circumstance is serious, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if the circumstance is especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Whoever, in the enforcement of any judgment or ruling, seriously neglects his duty or abuses his authority and fails to adopt judicial protective measures or perform statutory enforcement duties, or illegally adopts judicial protective measures or mandatory enforcement measures, if any heavy loss thus occurs to the interests of the parties involved or others, shall be sentenced to fixed-term imprisonment of not more than five years or limited incarceration; if any especially heavy loss thus occurs

urs to the interests of the parties involved or others, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

Any judicial officer, who takes any bribe and commits any act mentioned in the preceding three paragraphs, which also constitutes a crime as provided for in Article 385 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.

Article 399 (I): Where anyone who undertakes the duties of arbitration according to law intentionally goes against the facts or law and makes any wrongful ruling in the process of arbitration, he shall be sentenced to fixed-term imprisonment of not more than three years or limited incarceration. If the circumstances are extremely serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 400 . Judicial work personnel who release without authority crime suspects, accused persons, or criminals from custody shall be punished with imprisonment or limited incarceration of less than five years; or -- for cases of a serious nature -- with imprisonment of over five years and less than 10 years; or -- for cases of an extraordinary serious nature -- with imprisonment of over 10 years. Judicial work personnel who, because of serious irresponsibility, cause the escape of crime suspects, accused persons, or criminals from custody resulting in severe consequences, shall be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary serious consequences -- with imprisonment of over three years and less than 10 years

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

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

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

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 limited incarceration of less than five years; or -- in cases causing extraordinarily 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 limited incarceration of less than five years; or -- in cases causing extraordinary serious losses to state interests -- with imprisonment of over five years.

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

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

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 limited incarceration 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 408 (I): Where any staff member of a state authority assuming the food and drug safety supervision and administration duties falls under any of the following circumstances, abusing powers or neglecting duties, if the consequences are serious or there is any other serious circumstance, the staff member shall be sentenced to imprisonment of not more than five years or limited incarceration; or if the consequences are especially serious or there is any other especially serious circumstance, the staffmember shall be sentenced to imprisonment of not less than five years nor more than ten years:

- (1) Reporting by concealing or falsifying a food safety accident or drug safety incident.
- (2)Failing to investigate and dispose of any discovered serious violation of law related to food and drug safety according to the applicable provisions.
- (3) Granting a license to an application which fails to meet the conditions in the process of approval and assessment of drug products and special foods.
- (4) Failing to transfer a case that shall be transferred to the judicial authority for criminal liability in accordance with the law.
- (5) Any other conduct of abusing powers or neglecting duties.

Where the crime as provided for in the preceding paragraph is committed by the state functionary by making falsehood for personal gains, a heavier penalty shall be imposed on him.

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

Article 410 . State organ work personnel, who practice favoritism and malpractice, violate land management rules, and abuse powers in illegally approving land acquisition and occupation, or illegally leasing out land use rights at a price lower than market value, shall -- in cases of a serious nature

-- be punished with imprisonment or limited incarceration of less than three years; or -- for cases causing extraordinary heavy losses to state or collective interests -- with imprisonment of over three years and less than seven years.

Article 411 . Customs work personnel who practice favoritism and malpractice in conniving smuggling, shall, -- for cases of a serious nature-- be punished with imprisonment or limited incarceration of less than five years; or -- for cases of an extraordinary serious nature -- be punished with imprisonment of over five years.

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

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

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

Work personnel mentioned in the preceding paragraph, who, because of serious irresponsibility, fail to carry out quarantine on goods requiring quarantine, or delay quarantine and issuance of certificates, or wrongly issue certificates resulting in serious losses to state interests, shall be punished with imprisonment or limited incarceration of less than three years.

Article 414 . State organ work personnel charged with the responsibility of establishing liabilities of criminal acts relating to the sale of fake and shoddy merchandise, who practice favoritism and malpractice and fail to perform their duties under the law, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than five years.

Article 415 . State organ work personnel charged with the responsibility of handling passports, visa

s, and other exit/entry documents, who knowingly grant exit/entry documents to personnel attempting to cross state (border) lines illegally; or state organ work personnel of frontier defense or customs, who knowingly let go personnel who try to cross state (border) lines illegally, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than seven years.

Article 416 . State organ personnel charged with the responsibility of rescuing abducted or kidnapped women and children, who fail to act at the request of the abducted or kidnapped women or children or members of their family or at information received from members of the public, resulting in serious consequences, shall be punished with imprisonment or limited incarceration of less than five years.

State organ work personnel with rescue responsibility, who take advantage of their duties to obstruct rescue operations, shall be punished with imprisonment of over two years and less than seven years; or -- for less serious cases -- with imprisonment or limited incarceration of less than two years

Article 417 . State organ personnel charged with the responsibility of investigating and banning criminal activities, who send secret information or tip off criminal elements, or provide facility to help them evade punishment, shall be punished with imprisonment or limited incarceration of less than three years; or -- in cases of a serious nature -- with imprisonment of over three years and less than 10 years.

Article 418 . State organ work personnel who practice favoritism and malpractice in recruiting government functionaries or students, shall -- in cases of a serious nature -- be punished with imprisonment or limited incarceration of less than three years.

Article 419 . State personnel who cause damage to or loss of precious cultural relics through serious irresponsibility shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

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 per

sonnel.

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 limited incarceration. In the event of especially serious consequences, they shall be sentenced to not less than three years and not more than seven years in prison.

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 . Whoever obstructs any commander or person on duty from performing his or her duty

es through violence or intimidation shall be sentenced to imprisonment of not more than five years or limited incarceration; be sentenced to imprisonment of not less than five years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious. Whoever commits the crime during wartime shall be given a heavier penalty.

Article 427 . Those who cause serious consequences by abusing their powers and directing their subordinates to engage in activities in violation of their duties shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

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 limited incarceration. 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. Whoever steals, pries into, buys, or illegally provides any military secret for any overseas institution, organization, or individual shall be sentenced to imprisonment of not less than five years nor more than ten years; or if the circumstances are serious, shall be sentenced to imprisonment

of not less than ten years, life imprisonment, or death.

Article 432 . Those who leak military secrets by design or by accident in violation of laws and regulations on protecting state secrets shall be sentenced to not more than five years in prison or limited incarceration if the circumstances are serious. If the circumstances are especially serious, they shall be sentenced to not less than five years and not more than 10 years in prison.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison or life imprisonment.

Article 433 . Whoever fabricates rumors to mislead people and shake the confidence of the army in wartime shall be sentenced to imprisonment of not more than three years; be sentenced to imprisonment of not less than three years but not more than ten years if the circumstances are serious; or be sentenced to imprisonment of not less than ten years or life imprisonment if the circumstances are especially serious.

Article 434 . Those who inflict injuries on themselves to eschew military duties in wartime shall be sentenced to not more than three years in prison. If the circumstances are serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 435 . Those who desert their troops in violation of military service laws and regulations shall be sentenced to not more than three years in prison or limited incarceration if the circumstances are serious.

Those who commit the crime mentioned in the preceding paragraph in wartime shall be sentenced to not less than three years and not more than seven years in prison.

Article 436 . Those who violate regulations on the use of weaponry in circumstances that are so serious as to constitute accidents through negligence that result in serious injuries or deaths or that cause other serious consequences shall be sentenced to not more than three years in prison or limited incarceration. If the consequences are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 437 . Those who cause serious consequences by changing the prescribed ways of using we

apony in violation of weaponry management regulations shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than seven years in prison.

Article 438 . Those who steal or snatch weaponry or war materiel shall be sentenced to not more than five years in prison or limited incarceration. If the circumstances are serious, they shall be sentenced to not less than five years and not more than 10 years in prison. If the circumstances are especially serious, they shall be sentenced to not less than 10 years in prison, life imprisonment, or death.

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 limited incarceration. In the event of abandoning important weaponry or large quantities of weaponry, or other serious circumstances, they shall be sentenced to not less than five years in prison.

Article 441 . In the event of failure to promptly report loss of weaponry, or other serious circumstances, those involved shall be sentenced to not more than three years in prison or limited incarceration.

Article 442 . In the event of selling or transferring military real estate without permission in violation of relevant provisions, and if the circumstances are serious, the people directly responsible shall be sentenced to not more than three years in prison or limited incarceration. If the circumstances are especially serious, they shall be sentenced to not less than three years and not more than 10 years in prison.

Article 443 . Those who abuse their powers and maltreat their subordinates in vicious circumstances

es that result in serious injuries or give rise to other serious consequences shall be sentenced to not more than five years in prison or limited incarceration. If deaths result, they shall be sentenced to not less than five years in prison.

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 limited incarceration. If the case results in serious disability, death, or other grave consequences of the injured or sick servicemen, those responsible are to be sentenced to five to 10 years in prison.

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 shall apply to military officers, civilian cadres, and soldiers in active service and cadets with a military status of the Chinese People's Liberation Army, police officers, civilian

cadres, and soldiers in active service and cadets with a military status of the Chinese People's Armed Police, as well as civilian staff and reservists and other persons performing military tasks.

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 martial 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.

①The enforcement date of the criminal law, previous amendments to the criminal law, and decisions related to the amendment of the criminal law are determined according to the enforcement dates stipulated by each law.

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 Strictly Prohibiting Prostitution and Whorehouse Visiting;
4. Decision on Punishing Criminal Elements Committing Abduction and Selling or Kidnapping of Women or Children;
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

[g Invoices Exclusively for Value-Added Taxes .](#)

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