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

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## THE CRIMINAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA\*

Adopted by the Second Meeting of the Fifth Session of the National People's  
Congress, July 1, 1979.\*\*

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\*\* This law went into effect on January 1, 1980 (trans.).

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**PART I: GENERAL PROVISIONS****CHAPTER I: GUIDING IDEOLOGY, TASKS AND SCOPE OF APPLICATION**

**Article 1** The Criminal Law of the People's Republic of China, taking Marxism-Leninism-Mao Zedong Thought as its guide and the Constitution as its basis and adhering to the policy of combining punishment with leniency, is formulated in the light of actual circumstances and by bringing together the concrete experiences of all of our country's ethnic groups in carrying out, under the leadership of the proletariat and on the basis of the worker-peasant alliance, the people's democratic dictatorships—that is, the dictatorship of the proletariat—and in conducting socialist revolution and socialist construction.

**Article 2** The tasks of the Criminal Law of the People's Republic of China are to use criminal punishments to struggle against all counterrevolutionary and other criminal conduct in order to defend the system of the dictatorship of the proletariat, to protect socialist property owned by the whole people and property collectively owned by the laboring masses, to protect citizens' lawful privately-owned property, to protect citizens' rights of the person, democratic rights, and other rights, to maintain social order, order in production, order in work, order in education and research, and order in the lives of the masses of people, and to safeguard the smooth progress of the socialist revolution and the work of socialist construction.

**Article 3** This Law is applicable to all crimes committed within the territory of the People's Republic of China except as specially provided by law.

This Law is also applicable to all crimes committed aboard a ship or airplane of the People's Republic of China.

When either the act or consequence of a crime takes place within the territory of the People's Republic of China, a crime shall be deemed to have been committed within the territory of the People's Republic of China.

**Article 4** This Law is applicable to the following crimes committed by citizens of the People's Republic of China outside the territory of the People's Republic of China:

1. Crimes of counterrevolution;
2. Crimes of counterfeiting national currency (Article 122) and counterfeiting valuable securities (Article 123);
3. Crimes of corruption (Article 155), accepting bribes (Article 185) and disclosing state secrets (Article 186);
4. Crimes of posing as state personnel to cheat and deceive (Article 166) and forging official documents, certificates, and seals (Article 167).

**Article 5** This Law is also applicable to citizens of the People's Republic of China who commit crimes outside the territory of the People's Republic of China other than the crimes specified in the preceding article, provided that this Law prescribes a minimum sentence of not less than a three-year fixed term of imprisonment for that crime; but an exception shall be made if the crime is not punishable according to the law of the place where it was committed.

**Article 6** This Law may be applicable to foreigners who, outside the territory of the People's Republic of China, commit crimes against the state of the People's Republic of China or against citizens of the People's Republic of China, provided that this Law prescribes a minimum sentence of not less than a three-year fixed term of imprisonment for the crime; but an exception shall be made if the crime is not punishable according to the law of the place where it was committed.

**Article 7** Any person who commits a crime outside the territory of the People's Republic of China and according to this Law should bear criminal responsibility can still be dealt with according to this Law even if he has been tried in a foreign state; however, a person who has already received criminal punishment in a foreign state may be exempted from punishment or given a mitigated punishment.

**Article 8** The problem of the criminal responsibility of foreigners who enjoy diplomatic privileges and immunity shall be resolved through diplomatic channels.

**Article 9** This Law shall become effective on January 1, 1980. If an act committed after the founding of the People's Republic of China and before the implementation of this Law was not deemed a crime under the laws, decrees and policies at that time, the laws, decrees

and policies at that time shall be applicable. If the laws, decrees and policies at that time did deem it a crime, and if under the provisions of Chapter IV, Section 8, of the General Provisions of this Law it should be prosecuted, criminal responsibility shall be investigated according to the laws, decrees and policies at that time. However, if this Law does not deem it a crime or imposes a lighter punishment, this Law shall be applicable.

## CHAPTER II: CRIMES

### Section 1: Crimes and Criminal Responsibility

**Article 10** All acts that endanger the sovereignty and territorial integrity of the state, endanger the system of the dictatorship of the proletariat, undermine the socialist revolution and socialist construction, undermine social order, violate property owned by the whole people or property collectively owned by the laboring masses, violate citizens' lawful 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; but if the circumstances are clearly minor and the harm is not great, an act shall not be deemed a crime.

**Article 11** 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 12** A negligent crime occurs when one should foresee that one's act may cause socially dangerous consequences but fails to do so because of carelessness or, having foreseen the consequences, frivolously believes 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 provides.

**Article 13** 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 deemed a crime.

**Article 14** A person who has already reached the age of sixteen when he commits a crime shall bear criminal responsibility.

A person who has reached the age of fourteen but not the age of sixteen when he commits the crimes of killing, serious injury, robbery, arson, or habitual theft, or other crime seriously undermining social order shall bear criminal responsibility.

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

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

**Article 15** A mentally ill person who causes dangerous consequences at a time when he is unable to recognize or unable to control his own conduct shall not bear criminal responsibility; but his family or guardian shall be ordered to subject him to strict surveillance and arrange for his medical treatment.

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

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

**Article 16** 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 17** Criminal responsibility shall not be borne for an act of legitimate defense that is undertaken to avert present unlawful infringement of the public interest or the rights of the person or other rights of the actor or of other people.

Criminal responsibility shall be borne where legitimate defense 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.

**Article 18** Criminal responsibility shall not be borne for an act of urgent prevention that cannot but be undertaken in order to avert the occurrence of present danger to the public interest or the rights of the person or other rights of the actor or of other people.

Criminal responsibility shall be borne where urgent 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 averting danger to oneself shall 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 19** 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 an exemption from punishment.

**Article 20** 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 21** 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 the commission of a crime shall be exempted from punishment or receive a mitigated punishment.

Section 3: Joint Crimes

**Article 22** A joint crime is an intentional crime committed by two or more persons jointly.

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

**Article 23** 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 principal offender shall be given a heavier punishment unless otherwise provided in the Special Provisions of this Law.

**Article 24** 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 an exemption from punishment.

**Article 25** One who is coerced or induced to participate in a crime shall, according to the circumstances of his crime, be given a mitigated punishment in comparison with an accomplice, or be given an exemption from punishment.

**Article 26** One who instigates others to commit a crime shall be pun-

ished 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.

### CHAPTER III: PUNISHMENTS

#### Section 1: Types of Punishments

**Article 27** Punishments are divided into principal punishments and supplementary punishments.

**Article 28** The types of principal punishments are:

1. Control;
2. Criminal detention;
3. Fixed-term imprisonment;
4. Life imprisonment; and
5. Death penalty.

**Article 29** 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 30** Deportation may be applied in an independent or supplementary manner to a foreigner who commits a crime.

**Article 31** Where the victim has suffered economic loss as a result of a criminal act, the criminal element, in addition to receiving criminal sanction according to law, shall in accordance with the circumstances be sentenced to make compensation for the economic loss.

**Article 32** Where the circumstances of a person's crime are minor and do not require sentencing to punishment, an exemption from criminal sanctions may be granted him, but he may, according to the different circumstances of each case, be reprimanded or ordered to make a statement of repentance or formal apology, or make compensation for losses, or be subjected to administrative sanctions by the competent department.

#### Section 2: Control

**Article 33** The term of control is not less than three months and not more than two years.

Control shall be decided by judgment of a people's court and carried out by a public security organ.

**Article 34** A criminal element who is sentenced to control must abide



by the following rules during the term in which his control is being carried out:

1. Abide by laws and decrees, submit to the supervision of the masses and actively participate in collective productive labor or work;
2. Report regularly on his own activities to the organ carrying out the control;
3. Report and obtain approval from the organ carrying out the control for any change in residence or departure from the area.

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

**Article 35** Upon the expiration of the term of the control, the organ carrying out the control shall immediately announce the termination of control to the criminal element sentenced to control and to the masses concerned.

**Article 36** The term of control is counted as commencing on the date the judgment begins to be executed; the term shall be shortened by two days for each day spent in custody before the judgment begins to be executed.

### Section 3: Criminal Detention

**Article 37** The term of criminal detention is not less than fifteen days and not more than six months.

**Article 38** A criminal element sentenced to criminal detention shall have his sentence executed by the public security organ in the vicinity.

During the period in which criminal detention is being carried out, the criminal element 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 39** The term of criminal detention is counted as commencing on the date the judgment begins to be executed; the term shall be shortened by one day for each day spent in custody before the judgment.

### Section 4: Fixed-Term Imprisonment and Life Imprisonment

**Article 40** The term of fixed-term imprisonment is not less than six months and not more than fifteen years.

**Article 41** A criminal element sentenced to fixed-term imprisonment or life imprisonment shall have his sentence executed in prison or in another place for reform through labor; reform through labor shall be carried out on anyone with the ability to labor.

**Article 42** The term of fixed-term imprisonment is counted as com-

encing on the date the judgment begins to be executed; the term shall be shortened by one day for each day spent in custody before the judgment begins to be executed.

### Section 5: Death Penalty

**Article 43** The death penalty shall only be applied to criminal elements who commit the most heinous crimes. In the case of a criminal element who should be sentenced to the death penalty, if immediate execution of the death penalty is not essential, a two-year suspension of execution may be announced at the same time the sentence of the death penalty is imposed, and reform through labor shall be carried out and the results observed.

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

**Article 44** The death penalty shall not be applied to persons who have not reached the age of eighteen at the time of the crime or to women who are pregnant at the time of adjudication. Persons who have reached the age of sixteen but not the age of eighteen may be sentenced to the death penalty with a two-year suspension if the crime committed is particularly grave.

**Article 45** The death penalty shall be carried out by means of shooting.

**Article 46** A person sentenced to the death penalty with a suspension of execution, if he truly repents during the period of suspension, shall be given a reduction of sentence to life imprisonment upon the expiration of the two-year period; if he truly repents and demonstrates meritorious service, he shall be given a reduction of sentence to not less than fifteen years and not more than twenty years of fixed-term imprisonment upon the expiration of the two-year period; if there is verified evidence that he has resisted reform in a flagrant manner, the death penalty shall be executed upon the order or approval of the Supreme People's Court.

**Article 47** The term for suspending execution of the death penalty is

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\* The provisions of Article 43 have been modified by a decision adopted by the 19th session of the Standing Committee of the 5th National People's Congress on June 10, 1981, providing that, for 1981-1983, death sentences (even those not suspended) need only be approved by a high people's court and not by the Supreme People's Court, in cases of murder, robbery, rape, bombing, arson, poison, breaching of dikes, or sabotage of communications and power facilities. For the text of this decision, see Foreign Broadcast Information Service: Daily Report, People's Republic of China, June 11, 1981, at K4 (trans.).

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

#### Section 6: Fines

**Article 48** In imposing a fine, the amount of the fine shall be determined according to the circumstances of the crime.

**Article 49** A fine shall be paid in a lump sum or in installments within the period specified in the judgment. Upon the expiration of the period, one who has not paid shall be compelled to pay. If a person truly has difficulties in paying because he has suffered irresistible calamity, consideration may be given according to the circumstances to granting him a reduction or exemption.

#### Section 7: Deprivation of Political Rights

**Article 50** Deprivation of political rights is deprivation of the following rights:

1. The right to elect and the right to be elected;
2. The various rights provided for in Article 45 of the Constitution;
3. The right to hold a position in state organs; and
4. The right to hold a leading position in any enterprise, public institution or people's organization.

**Article 51** The term of deprivation of political rights is not less than one year and not more than five years, except as provided in Article 53 of this Law.

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

**Article 52** A counterrevolutionary element shall be sentenced to deprivation of political rights as a supplementary punishment; when necessary, a criminal element who seriously undermines social order may also be sentenced to deprivation of political rights as a supplementary punishment.

**Article 53** A criminal element who is sentenced to death or to life imprisonment shall be deprived of political rights for life.

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

**Article 54** The term of the supplementary punishment of deprivation of political rights is counted as commencing on the date that imprisonment or criminal detention ends or on the date that parole begins; the deprivation of political rights, of course, shall be effective during the period in which the principal punishment is being carried out.

#### Section 8: Confiscation of Property

**Article 55** Confiscation of property is the confiscation of part or all of the property personally owned by the criminal element.

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

**Article 56** Where it is necessary to use the confiscated property to repay legitimate debts incurred by the criminal element before the property was sealed under court order, the people's court shall so order at the request of the creditors.

### CHAPTER IV: THE CONCRETE APPLICATION OF PUNISHMENTS

#### Section 1: Sentencing

**Article 57** When deciding the punishment of criminal elements, 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 provisions of this Law.

**Article 58** In circumstances where a criminal element is to be given a heavier punishment or a lesser punishment under the provisions of this Law, he shall be sentenced to punishment within the legally prescribed limits of punishment.

**Article 59** In circumstances where a criminal element is to be given a mitigated punishment under the provisions of this Law, he shall be sentenced to punishment below the legally prescribed punishment.

Although the circumstances of a criminal element do not warrant giving him a mitigated punishment under the provisions of this Law, if, according to the concrete situation of the case, to sentence him to the minimum legally prescribed punishment is still to impose too heavy a punishment, upon decision of the adjudication committee of the people's court he too may be sentenced to punishment below the legally prescribed punishment.

**Article 60** All property illegally obtained by the criminal element shall be recovered or the criminal shall be ordered to make restitution or pay compensation for it. Contraband and personal property used for committing the crime shall be confiscated.

## Section 2: Recidivism

**Article 61** A criminal element who has been sentenced to a punishment of fixed-term imprisonment or more and who within three years after completing his punishment or receiving a pardon commits another crime for which he should be sentenced to a punishment of fixed-term imprisonment or more is a recidivist and shall be given a heavier punishment. However, negligent commission of a crime is an exception.

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

**Article 62** If, after completing his punishment or receiving a pardon, a counterrevolutionary element at any time commits another crime of counterrevolution, he shall be punished as a recidivist.

## Section 3: Voluntary Surrender

**Article 63** Those who voluntarily surrender after committing a crime may be given a lesser punishment. Those among them whose crimes are relatively minor may be given a mitigated punishment or an exemption from punishment; if their crimes are relatively serious, they may also be given a mitigated punishment or an exemption from punishment if they demonstrate meritorious service.

## Section 4: Combined Punishment For More Than One Crime

**Article 64** If a person commits more than one crime before judgment is pronounced, except where he is sentenced to death or life imprisonment, the sentence that it is decided to execute, in consideration of the circumstances, shall be less than the total term for all the crimes but more than the maximum term for any of the crimes; however, control may not exceed three years, criminal detention may not exceed one year and fixed-term imprisonment may not exceed twenty years.

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

**Article 65** If after judgment has been pronounced but before punishment has been completed it is discovered that, before judgment was pronounced, the sentenced criminal element had committed another crime for which he has not been sentenced, a judgment shall be rendered for the newly-discovered crime, and the punishment imposed for the two, former and latter, judgments shall be determined according to the provisions of Article 64 of this Law. The

term that has already been served shall be counted in the term determined by the new judgment.

**Article 66** If after judgment has been pronounced but before punishment has been completed, the sentenced criminal element again commits a crime, a judgment shall be rendered regarding the newly-committed crime, and the punishment that has not been served for the former crime and the punishment imposed for the latter crime shall be determined according to the provisions of Article 64 of this Law.

### Section 5: Suspension of Sentence

**Article 67** A suspension of sentence may be pronounced for a criminal element who has been sentenced to criminal detention or to fixed-term imprisonment for not more than three years, according to the circumstances of his crime and his demonstration of repentance, and where it is considered that applying a suspended sentence will not in fact result in further harm to society.

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

**Article 68** The probation period for suspension of criminal detention shall be not less than the term originally decided and not more than one year, but it can not be less than one month.

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

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

**Article 69** Suspension of sentence shall not be applied to counterrevolutionary criminals or recidivists.

**Article 70** A criminal element for whom a suspension of sentence has been pronounced shall be turned over by the public security organ to his unit or to a basic level organization for observation during the probation period for suspension, and, if he commits no further crime, upon the expiration of the probation period for suspension, the punishment originally decided shall not be carried out; if he commits any further crime, the suspension shall be revoked, and the punishments imposed for the former and latter crimes shall be determined according to the provisions of Article 64 of this Law.

### Section 6: Reduction of Sentence

**Article 71** A criminal element who is sentenced to control, criminal

detention, fixed-term imprisonment or life imprisonment may have his sentence reduced if, during the period his punishment is being carried out, he truly repents or demonstrates meritorious service. However, for those sentenced to control, criminal detention or fixed-term imprisonment, the term of the punishment actually to be carried out may not, after one or more reductions of sentence, be less than half of the term originally decided; for those sentenced to life imprisonment, it may not be less than ten years.

**Article 72** 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.

### Section 7: Parole

**Article 73** A criminal element sentenced to fixed-term imprisonment of which not less than half has been served, or a criminal element sentenced to life imprisonment of which not less than ten years has actually been served, may be granted parole if he demonstrates true repentance and will not cause further harm to society. If special circumstances exist, the above restrictions relating to the term already served need not be imposed.

**Article 74** The probation period for parole in the case of fixed-term imprisonment shall be the term that has not been completed; the probation period for parole in the case of life imprisonment shall be ten years.

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

**Article 75** During the probation period for parole, a criminal element who is granted parole shall be supervised by the public security organs, and, if he commits no further crime, the punishment to which he was originally sentenced shall be considered as having been completed; if he commits any further crimes, his parole shall be revoked and the punishment that was not carried out for the former crime and the punishment imposed for the latter crime shall be determined according to the provisions of Article 64 of this Law.

### Section 8: Limitation

**Article 76** Crimes shall not 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 Procuracy for approval.

**Article 77** No limitation on the period for prosecution shall be imposed in cases where, after the people's courts, people's procuracies or public security organs have taken coercive measures, the criminal element escapes from investigation or adjudication.

**Article 78** The period for prosecution shall be counted as commencing on the date of the crime; if the criminal act is of a continuous or continuing nature, it shall be 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 shall be counted as commencing on the date of the latter crime.

#### CHAPTER V: OTHER PROVISIONS

**Article 79** A crime that is not expressly provided for in the Special Provisions of this Law may be determined and punished by reference to the most closely analogous article of the Special Provisions of this Law, but the matter must be submitted to the Supreme People's Court for approval.

**Article 80** In situations where the autonomous places inhabited by ethnic groups cannot completely apply the provisions of this Law, the organs of state power 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 provisions of this Law, and submit them to the Standing Committee of the National People's Congress for approval and implementation.

**Article 81** "Public property" as used in this Law refers to:

1. Property owned by the whole people;
2. Property owned collectively by the laboring masses.

Private property that is being managed, used or transported by the state, people's communes, cooperatives, joint ventures and people's organizations shall be deemed public property.

**Article 82** "Citizens' lawful privately-owned property" as used in the Law refers to:



1. Citizens' lawful income, savings, houses or other means of livelihood;
2. Means of production such as reserved plots of land, reserved livestock and reserved trees that have reverted to individual or family ownership or use according to law.

**Article 83** "State personnel" as used in this Law refers to all personnel of state organs, enterprises, and public institutions and all other personnel engaged in official duties according to law.

**Article 84** "Judicial personnel" as used in the Law refers to personnel engaged in the functions of investigating, prosecuting, adjudicating and confining offenders.

**Article 85** "Serious injury" as used in this Law refers to any one of the following injuries:

1. Injuries resulting in loss of the use of limbs or in disfigurement;
2. Injuries resulting in loss of hearing, sight or function of any other organ; and
3. Other injuries that cause grave harm to physical health.

**Article 86** "Ringleader" as used in this Law refers to a criminal element who plays a role in organizing, planning or directing a criminal group or a crowd assembled to commit a crime.

**Article 87** "To be handled only upon complaint" as used in this Law refers to handling a case only when the victim brings a complaint. If the victim is unable to bring a complaint because of coercion or intimidation, a people's procuracy and close relatives of the victim may also bring the complaint.

**Article 88** "Not less than," "not more than" and "within" as used in the Law all include the given figure.

**Article 89** The General Provisions of this Law are applicable to other laws and decrees with provisions for punishments, unless other laws have special provisions.

## PART II: SPECIAL PROVISIONS

### CHAPTER I: CRIMES OF COUNTERREVOLUTION

**Article 90** All acts endangering the People's Republic of China committed with the goal of overthrowing the political power of the dictatorship of the proletariat and the socialist system are crimes of counterrevolution.

**Article 91** Whoever colludes with foreign countries in plotting to harm the sovereignty, territorial integrity and security of the motherland shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

**Article 92** Whoever plots to subvert the government or dismember the

state shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

**Article 93** Whoever instigates, lures or buys over state personnel, armed forces, people's police, or people's militia to defect to the enemy and turn traitor or to rise in rebellion shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

**Article 94** Whoever defects to the enemy and turns traitor shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment; when the circumstances are serious or it is a case of leading the masses to defect to the enemy and turn traitor, the sentence shall be not less than ten years of fixed-term imprisonment or life imprisonment.

Whoever leads the armed forces, people's police or people's militia to defect to the enemy and turn traitor shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment.

**Article 95** Ringleaders in armed mass rebellion or others involved whose crimes are monstrous shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; other active participants shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 96** Ringleaders in assembling a crowd to break into a jail to free prisoners or in organizing a jailbreak or others involved whose crimes are monstrous shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; other active participants shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 97** Whoever commits any of the following acts of espionage or aiding an enemy shall be sentenced to not less than ten years of fixed-term imprisonment or life imprisonment; when the circumstances are relatively minor, the sentence shall be not less than three years and not more than ten years of fixed-term imprisonment:

1. Stealing, secretly gathering or providing intelligence for an enemy;
2. Supplying arms and ammunition or other military materials to an enemy;
3. Taking part in a secret agent or espionage organization or accepting a mission assigned by an enemy.

**Article 98** Whoever organizes or leads a counterrevolutionary group shall be sentenced to not less than five years of fixed-term imprisonment; others who actively participate in a counterrevolutionary

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

**Article 99** Whoever organizes or uses feudal superstition or superstitious acts and secret societies to conduct counterrevolutionary activities shall be sentenced to not less than five years of fixed-term imprisonment; when the circumstances are relatively minor, the sentence shall be not more than five years of fixed-term imprisonment, criminal detention, control or deprivation of political rights.

**Article 100** Whoever with a counterrevolutionary purpose commits any of the following acts of sabotage shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; when the circumstances are relatively minor, he shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment:

1. Causing explosions, setting fires, breaching dikes, using technological or other means to sabotage military equipment, production facilities, transportation or communications equipment, construction projects, danger-prevention facilities or other public construction or public property;
2. Robbing state records, military materials, industrial or mining enterprises, banks, shops, warehouses or other public property;
3. Hijacking ships, airplanes, trains, streetcars, or motor vehicles;
4. Pointing out bombing or shelling targets to the enemy;
5. Manufacturing, seizing, or stealing guns or ammunition.

**Article 101** Whoever with a counterrevolutionary purpose spreads poisons, disseminates germs or by other means kills or injures people shall be sentenced to life imprisonment or not less than ten years of fixed-term imprisonment; when the circumstances are relatively minor, the sentence shall be not less than three years and not more than ten years of fixed-term imprisonment.

**Article 102** Whoever with a counterrevolutionary purpose commits any of the following acts shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control or deprivation of political rights; ringleaders or others whose crimes are monstrous shall be sentenced to not less than five years of fixed-term imprisonment:

1. Inciting the masses to resist or to sabotage the implementation of China's laws or decrees;
2. Through counterrevolutionary slogans, leaflets or other means, propagandizing for and inciting the overthrow of the political power of the dictatorship of the proletariat and the socialist system.

**Article 103** Whoever commits any of the crimes of counterrevolution mentioned above in this Chapter, except those in Articles 98, 99, and 102, may be sentenced to death when the harm to the country and the people is especially serious and the circumstances especially evil.

**Article 104** Whoever commits any of the crimes in this Chapter may also be sentenced to confiscation of property.

## CHAPTER II: CRIMES OF ENDANGERING PUBLIC SECURITY

**Article 105** Whoever endangers public security by setting fires, breaching dikes, causing explosions, or using other dangerous means to sabotage factories, mines, oilfields, harbors, rivers, water sources, warehouses, dwellings, forests, farms, valleys and fields, pastures, important pipelines, public buildings or other public or private property, in cases where serious consequences have not resulted, shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 106** Whoever sets fires, breaches dikes, causes explosions, spreads poisons, or uses other dangerous means that lead to serious injuries or death or cause public or private property to suffer major losses shall be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment or death.

Whoever commits the crimes specified in the preceding paragraph negligently shall be sentenced to not more than seven years of fixed-term imprisonment or to criminal detention.

**Article 107** Whoever sabotages trains, motor vehicles, streetcars, ships and airplanes in a manner sufficient to threaten such trains, motor vehicles, streetcars, ships and airplanes with overturning or destruction, in cases where serious consequences have not resulted, shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 108** Whoever sabotages railroads, bridges, tunnels, highways, airports, waterways, lighthouses or signs, or conducts other destructive activities in a manner sufficient to threaten the overturning or destruction of trains, motor vehicles, streetcars, ships, and airplanes, in cases where serious consequences have not resulted, shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 109** Whoever sabotages electric power, gas or other combustible or explosive facilities, endangering public security, in cases where serious consequences have not resulted, shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 110** Whoever sabotages transportation equipment or transportation facilities, electric power and gas facilities, or combustible or explosive facilities, causing serious consequences, shall be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment or death.

Whoever commits the crime specified in the preceding paragraph negligently shall be sentenced to not more than seven years of fixed-term imprisonment or to criminal detention.

**Article 111** Whoever sabotages broadcasting stations, telegraph, telephone or other communications facilities, harming public security, shall be sentenced to not more than seven years of fixed-term imprisonment or to criminal detention; in cases where serious consequences result, the sentence shall be not less than seven years of fixed-term imprisonment.

Whoever commits the crime specified in the preceding paragraph negligently shall be sentenced to not more than seven years of fixed-term imprisonment or to criminal detention.

**Article 112** Whoever illegally manufactures, trades in or transports firearms or ammunition, or steals or seizes the firearms or ammunition of state organs, military or police personnel or people's militia, shall be sentenced to not more than seven years of fixed-term imprisonment; when the circumstances are serious the sentence shall be not less than seven years of fixed-term imprisonment or life imprisonment.

**Article 113** Communications or transportation personnel who violate the system of regulations and thereby cause major accidents leading to serious injury or death or inflicting major losses on public or private property shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention; when the circumstances are especially evil, the sentence shall be not less than three years and not more than seven years of fixed-term imprisonment.

Persons who are not communications or transportation personnel and who commit the crime specified in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

**Article 114** The staff and workers of factories, mines, forestry centers, construction enterprises or other enterprises and public institutions who do not submit to management and violate the system of regulations or force workers to work in a risky way in violation of the regulations, thereby causing major accidents involving injury or death and creating serious consequences shall be sentenced to not more than three years of fixed-term imprisonment or to criminal

detention; when the circumstances are especially flagrant, the sentence shall be not less than three years and not more than seven years of fixed-term imprisonment.

**Article 115** Whoever violates the regulations on control of articles of an explosive, combustible, radioactive, poisonous, or corrosive nature, causing a major accident in the course of production, storage, transportation, or use, in cases where serious consequences result, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention; when the consequences are especially serious, the sentence shall be not less than three years and not more than seven years of fixed-term imprisonment.

### CHAPTER III: CRIMES OF UNDERMINING THE SOCIALIST ECONOMIC ORDER

**Article 116** Whoever violates the customs laws and regulations engaging in smuggling, if the circumstances are serious, in addition to having the smuggled articles confiscated and a fine possibly imposed in accordance with the customs laws and regulations, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention, and may also be sentenced to confiscation of property.

**Article 117** Whoever violates financial, foreign exchange, gold and silver, or industrial and commercial management laws and regulations, engaging in speculation, if the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention and may be sentenced additionally or exclusively to a fine or to confiscation of property.

**Article 118** Whoever makes a regular occupation of smuggling or speculation or who smuggles or speculates in huge amounts, or who is ringleader of a group that smuggles or speculates, shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment, and may be sentenced additionally to confiscation of property.

**Article 119** State personnel who take advantage of their office to commit the crime of smuggling or speculation shall be given a heavier punishment.

**Article 120** Whoever, for the purpose of reaping profits, counterfeits or resells for speculation planned supply coupons shall, if the circumstances are serious, be sentenced to not more than three years of fixed-term imprisonment or to criminal detention, and may be sentenced additionally or exclusively to a fine or to confiscation of property.

If one is a ringleader in committing the crime specified in the

preceding paragraph or if the circumstances are especially serious, the sentence shall be not less than three years and not more than seven years of fixed-term imprisonment, and the offender may be sentenced additionally to confiscation of property.

**Article 121** The persons directly responsible for violating tax laws and regulations, evading taxes or resisting taxes, if the circumstances are serious, in addition to making up the tax due and paying any fine possibly imposed in accordance with the tax laws and regulations, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

**Article 122** Whoever counterfeits national currency or traffics in counterfeited national currency shall be sentenced to not less than three years and not more than seven years of fixed-term imprisonment and may be sentenced additionally to a fine or to confiscation of property.

If one is a ringleader in committing the crime specified in the preceding paragraph or if the circumstances are especially serious, the sentence shall be not less than seven years of fixed-term imprisonment or life imprisonment, and the offender may be sentenced additionally to confiscation of property.

**Article 123** Whoever counterfeits checks or share certificates or other valuable securities shall be sentenced to not more than seven years of fixed-term imprisonment and may be sentenced additionally to a fine.

**Article 124** Whoever, for the purpose of reaping profits, counterfeits tickets for vehicles or ships, postage stamps, tax stamps, or invoices shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention or a fine; when the circumstances are serious, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment, and a fine may be imposed in addition.

**Article 125** Whoever, in order to give vent to spite or gain revenge or for other personal motives, destroys machinery and equipment or slaughters draft animals or uses other means to sabotage collective production shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention; when the circumstances are serious, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment.

**Article 126** The persons directly responsible for misappropriating state relief funds and materials for natural disasters, emergencies, flood prevention and control, and care for disabled servicemen and the families of revolutionary martyrs and servicemen, when the circumstances are serious, causing the interests of the state and the masses

of people to suffer major damage, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention; when the circumstances are especially serious, the sentence shall be not less than three years and not more than seven years of fixed-term imprisonment.

**Article 127** The persons directly responsible for violating the laws and regulations on trademark control, where an industrial or commercial enterprise falsely passes off trademarks already registered by another enterprise, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or a fine.

**Article 128** Whoever violates the laws and regulations on forestry protection, illegally chopping down trees or denuding forests or other woods, when the circumstances of the case are serious, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention and may be sentenced additionally or exclusively to a fine.

**Article 129** Whoever violates the laws and regulations on the protection of aquatic resources, catching aquatic products in an area where fishing is prohibited or during a period when fishing is prohibited, or using prohibited implements or methods to catch aquatic products, when the circumstances are serious, shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention or a fine.

**Article 130** Whoever violates the hunting laws and regulations, hunting in an area where hunting is prohibited or during a period when hunting is prohibited, or using prohibited implements or methods for hunting, destroying rare birds, beasts, or other wild animal resources, when the circumstances are serious, shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention or a fine.

#### CHAPTER IV: CRIMES OF INFRINGING UPON THE RIGHTS OF THE PERSON AND THE DEMOCRATIC RIGHTS OF CITIZENS

**Article 131** The rights of the person, the democratic rights and the other rights of citizens shall be protected and shall not be unlawfully infringed by any person or organ. When the circumstances of unlawful infringement are serious, the persons directly responsible shall be given criminal sanctions.

**Article 132** Whoever intentionally kills another shall be sentenced to death, life imprisonment or not less than ten years of fixed-term imprisonment; when the circumstances are relatively minor, he



shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 133** Whoever negligently kills another shall be sentenced to not more than five years of fixed-term imprisonment; when the circumstances are especially evil, the sentence shall be not less than five years of fixed-term imprisonment. Cases otherwise provided for in this Law shall be handled in accordance with the pertinent provision.

**Article 134** Whoever intentionally injures the person of another shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

Whoever commits the crime specified in the preceding paragraph and causes serious injury shall be sentenced to not less than three years and not more than seven years of fixed-term imprisonment; if he causes death, he shall be sentenced to not less than seven years of fixed-term imprisonment. Cases otherwise provided for in this Law shall be handled in accordance with the pertinent provision.

**Article 135** Whoever negligently injures another and causes serious injury shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention; when the circumstances are especially evil, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment. Cases otherwise provided for in this Law shall be handled in accordance with the pertinent provision.

**Article 136** The use of torture to coerce a statement is strictly prohibited. State personnel who inflict torture on an offender to coerce a statement shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention. Whoever causes injury and disability through corporal punishment shall be given a heavier punishment under the crime of serious injury.

**Article 137** Assembling a crowd for "beating, smashing, and looting" is strictly prohibited. Whoever causes injury and disability or death through "beating, smashing, and looting" shall be punished under the crime of serious injury or the crime of intentional killing. In cases where public or private property is destroyed or forcibly taken and carried away, in addition to the ordering of restitution or compensation, ringleaders shall be sentenced under the crime of robbery.

Whoever commits the crime specified in the preceding paragraph may be sentenced exclusively to deprivation of political rights.

**Article 138** Using any method or means to falsely accuse and frame

cadres or the masses is strictly prohibited. Anyone who trumps up facts to falsely accuse and frame another person (including a criminal) shall be given a criminal sanction in accordance with the nature, circumstances, consequences, and sentencing standards of the crime of which he falsely accuses and frames someone. State personnel who commit the crime of falsely accusing and framing shall be given a heavier punishment.

When there is no intentional false accusation and framing but it is a case of a mistaken complaint or an accusation at variance with the facts, the provisions of the preceding paragraph do not apply.

**Article 139** Whoever by violence, coercion or other means rapes a woman shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

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

Whoever commits a crime specified in the preceding two paragraphs, when the circumstances are especially serious or cause injury or death, shall be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment, or death.

When two or more persons jointly commit rape in succession, they shall be given a heavier punishment.

**Article 140** Whoever forces women into prostitution shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

**Article 141** Whoever abducts and sells people shall be sentenced to not more than five years of fixed-term imprisonment; when the circumstances are serious, the sentence shall be not less than five years of fixed-term imprisonment.

**Article 142** Whoever violates election regulations and by violence, threat, deception, bribery or other unlawful means sabotages elections or obstructs the electorate in its free exercise of the right to elect and to be elected shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

**Article 143** The unlawful detention of another person, or the use of other means unlawfully to deprive another of his freedom of the person, is strictly prohibited. A violator shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or deprivation of political rights. In circumstances where beating or humiliation is involved, a heavier punishment shall be given.

Whoever commits the crime specified in the preceding paragraph and causes serious injury shall be sentenced to not less than three

years and not more than ten years of fixed-term imprisonment; when he causes death, he shall be sentenced to not less than seven years of fixed-term imprisonment.

**Article 144** Whoever unlawfully subjects another person to control, unlawfully searches the person or residence of another or unlawfully intrudes into the residence of another person shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

**Article 145** Whoever, by violence or other means including the use of "big character posters" and "small character posters," publicly insults another person or trumps up facts to defame another person, when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or deprivation of political rights.

The crime specified in the preceding paragraph is to be handled only upon complaint. However, cases of serious harm to the social order and to the interests of the state are an exception.

**Article 146** State personnel who abuse their powers by using public office for private gain, if they engage in retaliation or frameups against complainants, petitioners or critics, shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention; when the circumstances are serious, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment.

**Article 147** State personnel who unlawfully deprive citizens of their legitimate freedom of religious belief and infringe upon the customs and habits of minority ethnic groups shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention.

**Article 148** During investigation or adjudication, a witness, expert witness, transcriber or interpreter who, with respect to circumstances bearing an important relation to the case, intentionally gives false testimony or makes a false expert evaluation, transcript or translation, with the intention of framing another person or concealing criminal evidence, shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention; when the circumstances are serious, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment.

**Article 149** Whoever conceals, destroys or discards or unlawfully opens the letters of another person, infringing upon a citizen's right to freedom of correspondence, when the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment or to criminal detention.

## CHAPTER V: CRIMES OF PROPERTY VIOLATION

**Article 150** Whoever, by violence, coercion, or other methods, robs public or private property shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment.

Whoever commits the crime specified in the preceding paragraph, when the circumstances are serious or serious injury or death is caused, shall be sentenced to not less than ten years of fixed-term imprisonment, life imprisonment or death, and may be sentenced additionally to confiscation of property.

**Article 151** Whoever steals, swindles or forcibly seizes public or private property of a relatively large amount shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention or control.

**Article 152** Whoever habitually steals or habitually swindles or steals, swindles or forcibly seizes public or private property of a huge amount shall be sentenced to not less than five years and not more than ten years of fixed-term imprisonment; when the circumstances are especially serious, the sentence shall be not less than ten years of fixed-term imprisonment or life imprisonment, and confiscation of property may be imposed in addition.

**Article 153** Whoever commits the crimes of theft, fraud or forcible seizure, and, at the scene, uses violence or threats by the appearance of violence in order to conceal stolen goods, resist arrest or destroy criminal evidence, shall be punished in accordance with Article 150 of this Law on the crime of robbery.

**Article 154** A person who extorts public or private property by blackmail shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention; when the circumstances are serious, the sentence shall be not less than three years and not more than seven years of fixed-term imprisonment.

**Article 155** State personnel who take advantage of their office to engage in corruption involving public property shall be sentenced to not more than five years of fixed-term imprisonment or to criminal detention; if the amount involved is huge and the circumstances are serious, the sentence shall be not less than five years of fixed-term imprisonment; if the circumstances are especially serious, the sentence shall be life imprisonment or death.

A person who commits the crime specified in the preceding paragraph shall be sentenced additionally to confiscation of property or shall be ordered to make restitution or pay compensation.

If personnel entrusted by state organs, enterprises, public institutions or people's organizations to engage in public service commit

the crime specified in the first paragraph, they shall be punished in accordance with the two preceding paragraphs.

**Article 156** Whoever intentionally destroys public or private property, when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or a fine.

#### CHAPTER VI: CRIMES OF DISRUPTING THE ADMINISTRATIVE ORDER OF SOCIETY

**Article 157** Whoever, by violent or threatening methods, obstructs state personnel from carrying out their functions according to law, or refuses to carry out judgments or orders of people's courts that already have become legally effective, shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, a fine or deprivation of political rights.

**Article 158** It is prohibited for any person to use any means to disturb the social order. When the circumstances of disturbance of the social order are serious, so that work, production, business and education, or scientific research cannot be conducted and the state and society suffer grave losses, ringleaders shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control or deprivation of political rights.

**Article 159** In cases of assembling a crowd to disturb order at stations, wharves, civil aviation stations, market places, public parks, theaters, exhibitions, sports grounds or other public places, or assembling a crowd to block traffic or undermine traffic order, or resist or obstruct state security administration personnel who are carrying out their functions according to law, ringleaders shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention, control or deprivation of political rights.

**Article 160** Whoever assembles a crowd to beat people, stir up fights and cause trouble, humiliate women or engage in other hooligan activities, undermining public order, when the circumstances are flagrant, shall be sentenced to not more than seven years of fixed-term imprisonment, criminal detention, or control.

Ringleaders or hooligan groups shall be sentenced to not less than seven years of fixed-term imprisonment.

**Article 161** If a criminal element who has been arrested or is in custody according to law escapes, in addition to receiving a sentence for his original criminal act or serving the term to which he was originally sentenced, he shall receive an increased sentence of not more than five years of fixed-term imprisonment or criminal detention.

Whoever commits the crime specified in the preceding paragraph by violent or threatening methods shall be sentenced to not less than two years and not more than seven years of fixed-term imprisonment.

**Article 162** Whoever harbors counterrevolutionary elements or falsifies documents to protect them shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control; when the circumstances are serious, the sentence shall be not less than three years and not more than ten years of fixed-term imprisonment.

Whoever harbors other criminal elements or falsifies documents to protect them shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention or control; when the circumstances are serious, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment.

Persons who commit a crime specified in the two preceding paragraphs by conspiring in advance shall be deemed to have committed a joint crime.

**Article 163** Whoever violates gun control regulations, privately storing guns or ammunition and refusing to hand them over, shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention.

**Article 164** Whoever, for the purpose of reaping profits, manufactures or sells bogus medicines and harms the people's health shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention or control and may be sentenced additionally or exclusively to a fine; when serious consequences result, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment, and the offender may be sentenced additionally to a fine.

**Article 165** Sorcerers or witches who use superstition to engage in rumor-mongering or swindling activities shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention or control; when the circumstances are serious, the sentence shall be not less than two years and not more than seven years of fixed-term imprisonment.

**Article 166** Whoever poses as state personnel to cheat and deceive shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights; when the circumstances are serious, the sentence shall be not less than three years and not more than ten years of fixed-term imprisonment.

**Article 167** Whoever forges, alters or steals, forcibly seizes or destroys

official documents, certificates or seals of state organs, enterprises, public institutions or people's organizations shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, control or deprivation of political rights; when the circumstances are serious, the sentence shall be not less than three years and not more than ten years of fixed-term imprisonment.

**Article 168** Whoever, for the purpose of reaping profits, assembles a crowd to engage in gambling or makes an occupation of gambling shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control and may be sentenced additionally to a fine.

**Article 169** Whoever, for the purpose of reaping profits, lures women into prostitution or harbors them in prostitution, shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention or control; when the circumstances are serious, the sentence shall be not less than five years of fixed-term imprisonment and the offender may be sentenced additionally to a fine or confiscation of property.

**Article 170** Whoever, for the purpose of reaping profits, produces or sells pornographic books or pictures shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control and may be sentenced additionally to a fine.

**Article 171** Whoever manufactures, sells or transports opium, heroin, morphine or other narcotics shall be sentenced to not more than five years of fixed-term imprisonment or to criminal detention and may be sentenced additionally to a fine.

Whoever repeatedly or in large amounts manufactures, sells or transports the narcotics specified in the preceding paragraph shall be sentenced to not less than five years of fixed-term imprisonment and may be sentenced additionally to confiscation of property.

**Article 172** Whoever conceals or acts as distributor for stolen goods that he clearly knows were stolen goods obtained through crime shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention or control and may be sentenced additionally or exclusively to a fine.

**Article 173** Whoever violates the laws and regulations on protection of cultural relics, stealing for export precious cultural relics, shall be sentenced to not less than three years and not more than ten years of fixed-term imprisonment and may be sentenced additionally to a fine; where the circumstances are serious, the sentence shall be not less than ten years of fixed-term imprisonment or life imprisonment, and the offender may be sentenced additionally to confiscation of property.

**Article 174** Whoever intentionally sabotages precious cultural relics or places of historic interest or scenic beauty protected by the state shall be sentenced to not more than seven years of fixed-term imprisonment or to criminal detention.

**Article 175** Whoever intentionally destroys boundary tablets, boundary markers or survey indicators of a permanent nature along the boundary of the country shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

Where the goal is to commit treason, punishment shall be in accordance with that for crimes of counterrevolution.

**Article 176** Whoever violates the laws and regulations that control leaving and entering the country, secretly crossing (demarcation points or) the borders of the country, where the circumstances are serious, shall be sentenced to not more than one year of fixed-term imprisonment, criminal detention or control.

**Article 177** Whoever, for the purpose of reaping profits, organizes or transports other persons secretly to cross (demarcation points or) the borders of the country shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention or control and may be sentenced additionally to a fine.

**Article 178** Whoever violates boundary health and quarantine regulations, causing the spread of quarantined contagious diseases or causing a serious danger of the spread of quarantined contagious diseases, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention and may be sentenced additionally or exclusively to a fine.

#### CHAPTER VII: CRIMES OF DISRUPTING MARRIAGE AND THE FAMILY

**Article 179** Whoever uses violence to interfere in the freedom of marriage of others shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention.

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

The crime specified in the first paragraph is to be handled only upon complaint.

**Article 180** Whoever has a spouse and commits bigamy or whoever marries another person clearly knowing the other has a spouse shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention.

**Article 181** Whoever cohabitates with or marries someone, clearly knowing the person to be the spouse of a member of the armed



forces in active service, shall be sentenced to not more than three years of fixed-term imprisonment.

**Article 182** Whoever abuses a member of his family, when the circumstances are evil, shall be sentenced to not more than two years of fixed-term imprisonment, criminal detention or control.

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

The crime specified in the first paragraph is to be handled only upon complaint.

**Article 183** Whoever has a duty to support aged persons, children, sick persons or others lacking the ability to live independently, but refuses to provide such support, where the circumstances are evil, shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention or control.

**Article 184** Whoever abducts a boy or girl under the age of fourteen, cutting the child off from his home or guardian, shall be sentenced to not more than five years of fixed-term imprisonment or to criminal detention.

#### CHAPTER VIII: CRIMES OF DERELICTION OF DUTY

**Article 185** State personnel who take advantage of their office to accept bribes shall be sentenced to not more than five years of fixed-term imprisonment or to criminal detention. The funds or property received as bribes shall be confiscated, and public funds or property recovered.

Whoever commits the crime specified in the preceding paragraph and causes the interests of the state or the citizens to suffer serious losses shall be sentenced to not less than five years of fixed-term imprisonment.

Whoever gives or introduces a bribe to state personnel shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention.

**Article 186** State personnel who violate the laws and regulations of the state on protection of secrets, disclosing important state secrets, when the circumstances are serious, shall be sentenced to not more than seven years of fixed-term imprisonment, criminal detention or deprivation of political rights.

Where persons who are not state personnel commit the crime specified in the preceding paragraph, consideration shall be given

according to the circumstances to punishing them in accordance with the provisions of the preceding paragraph.

**Article 187** State personnel who, because of neglect of duty, cause public property or the interests of the state and the people to suffer major losses shall be sentenced to not more than five years of fixed-term imprisonment or to criminal detention.

**Article 188** Judicial personnel who engage in self-seeking misconduct, subjecting to prosecution persons they clearly know to be innocent or intentionally protecting from prosecution persons they clearly know to be guilty, or, intentionally turning black into white, rendering orders and judgments that intentionally misuse the law, shall be sentenced to not more than five years of fixed-term imprisonment, criminal detention or deprivation of political rights; when the circumstances are especially serious, the sentence shall be not less than five years of fixed-term imprisonment.

**Article 189** Judicial personnel who violate laws and regulations on prison management, subjecting imprisoned persons to corporal punishment and abuse, when the circumstances are serious, shall be sentenced to not more than three years of fixed-term imprisonment or to criminal detention; when the circumstances are especially serious, the sentence shall be not less than three years and not more than ten years of fixed-term imprisonment.

**Article 190** Judicial personnel who release criminals without permission shall be sentenced to not more than five years of fixed-term imprisonment or to criminal detention; when the circumstances are serious, the sentence shall be not less than five years and not more than ten years of fixed-term imprisonment.

**Article 191** Postal and telecommunications personnel who open or conceal, destroy or discard mail or telegrams without permission shall be sentenced to not more than two years of fixed-term imprisonment or to criminal detention.

Whoever steals property in the course of committing the crime specified in the preceding paragraph shall be given a heavier punishment under the provisions of Article 155 on the crime of corruption.

**Article 192** Where state personnel commit a crime specified in this Chapter, if the circumstances are minor, the competent department may apply administrative sanctions in accordance with the circumstances.