Community Correction Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of standardizing community correction work, promoting the smooth integration of individuals subject to community correction into society, preventing and reducing

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crime, and safeguarding social harmony and stability.

Article 2 — Community correction applies to convicts who have been sentenced to public surveillance, given a suspended sentence, granted parole, or permitted to temporarily serve their sentence outside prison in accordance with the law. Community correction work shall adhere to the combination of supervision and management with education and assistance, and shall be specifically organized and implemented by community correction institutions in conjunction with relevant departments and social forces.

Article 3 — Community correction work shall adhere to the principles of combining specialized organs with social forces, combining strict management of individuals subject to community correction with the protection of their lawful rights and interests, and combining targeted correction and assistance with social adaptation.

Article 4 — Community correction institutions and relevant departments shall protect the lawful rights and interests of individuals subject to community correction in accordance with the law and respect and protect their human rights. Individuals subject to community correction shall enjoy personal rights, property rights, and other rights not deprived or restricted by law in accordance with the law.

Article 5 — The State shall encourage and support enterprises, public institutions, social organizations, public volunteers, and other social forces to participate in community correction work in accordance with the law.

Article 6 — People's governments at all levels shall incorporate community correction funds into the government budget. The State shall encourage donations and other forms of support for community correction work.

Chapter II — Organs, Functions and Duties

Article 7 — The judicial administrative department under the State Council shall be responsible for the national community correction work. The judicial administrative departments of the local people's governments at the county level and above shall be responsible for the community correction work within their respective administrative areas.

Article 8 — Community correction institutions established by the judicial administrative departments of the people's governments at the county level and above shall be responsible for the specific implementation of community correction work. Community correction institutions may, as needed, establish community correction workstations to undertake relevant community correction tasks.

Article 9 — Community correction institutions shall perform the following functions and duties in accordance with the law:

(1) Accepting individuals subject to community correction to carry out community correction work;

(2) Supervising, managing, and assessing individuals subject to community correction;

(3) Providing education and assistance to individuals subject to community correction;

(4) Proposing suggestions for the application of electronic positioning devices to individuals subject to community correction;

(5) Proposing recommendations for commendation, sentence reduction, or other changes in the execution of sentences for individuals subject to community correction;

(6) Removing individuals subject to community correction and handling the termination of community correction;

(7) Other functions and duties as prescribed by law.

Article 10 — People's courts, people's procuratorates, public security organs, and other relevant departments shall, in accordance with their respective functions and duties, cooperate in community

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correction work. Residents' committees and villagers' committees shall assist community correction institutions in carrying out community correction work.

Article 11 — Community correction institutions may organize social workers, volunteers, and other social forces to participate in community correction work. Community correction institutions may procure community correction social services from social organizations and other entities through government procurement of services and other means.

Article 12 — Community correction institutions shall be staffed with personnel with specialized legal knowledge and professional competence. Community correction personnel shall strictly abide by the Constitution, laws, and professional ethics, and shall perform their duties in a lawful, impartial, incorrupt, and standardized manner.

Article 13 — State organs, people's organizations, enterprises, public institutions, social organizations, and other organizations shall provide the necessary assistance and facilitation for community correction work.

Chapter III — Decision and Acceptance

Article 14 — Community correction decisions shall be made by people's courts and prison administration organs in accordance with the law. Community correction institutions shall accept individuals subject to community correction upon receipt of the legally effective community correction decision documents.

Article 15 — People's courts shall, when rendering judgments, rulings, or decisions on community correction, determine the place of community correction and notify the individuals subject to community correction. Community correction shall generally be carried out at the place of habitual residence of the individual subject to community correction.

Article 16 — The people's court, prison administration organ, or public security organ that makes the community correction decision shall, within five days of the judgment, ruling, or decision taking effect, serve the relevant legal documents on the community correction institution and serve copies on the people's procuratorate and the public security organ at the place of community correction.

Article 17 — An individual subject to community correction shall report to the community correction institution within the prescribed time limit as directed by the community correction decision document. Where an individual subject to community correction fails to report within the prescribed time limit without justifiable reasons, the community correction institution shall organize efforts to locate them, and the public security organ and other relevant departments shall provide assistance.

Article 18 — Community correction institutions shall, in accordance with the law, handle the registration and acceptance of individuals subject to community correction, inform them of the relevant provisions on the rights and obligations of individuals subject to community correction, and establish community correction files.

Chapter IV — Supervision and Management

Article 19 — Community correction institutions shall, based on the content of the judgment or ruling, the type of crime, the circumstances of the crime, the degree of danger to society, the individual's expressed remorse, performance during community correction, and other factors, implement differentiated management of individuals subject to community correction.

Article 20 — Individuals subject to community correction shall abide by laws and administrative regulations, comply with community correction supervision and management requirements, and observe reporting, visitation, departure from place of residence, change of residence, and other relevant regulations.

Article 21 — Where an individual subject to community correction leaves the city or county where the community correction is being carried out, or relocates residence, they shall report to the community

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correction institution for approval. The community correction institution shall, within five days, notify the people's procuratorate and the public security organ at the place of community correction of any approved change in the execution location of community correction.

Article 22 — Community correction institutions shall assess the performance of individuals subject to community correction. Assessment results shall serve as the basis for differentiated management of individuals subject to community correction.

Article 23 — Where an individual subject to community correction violates laws, administrative regulations, or community correction supervision and management provisions, the community correction institution may impose a warning, admonishment, or other sanctions depending on the circumstances. Where the circumstances are serious, the community correction institution may recommend to the people's court or the organ that made the community correction decision that the community correction be revoked or that recommendations for punishment be made.

Article 24 — Community correction institutions may employ information technology means such as electronic positioning for supervision and management of individuals subject to community correction. The application of electronic positioning devices shall be subject to strict approval procedures and shall be used only when necessary after considering the degree of danger to society.

Chapter V — Education and Assistance

Article 25 — Community correction institutions shall carry out education on the rule of law, moral education, and other forms of education for individuals subject to community correction, to enhance their legal awareness, sense of morality, and sense of social responsibility. Education activities may be carried out by community correction personnel or through the organization of social forces.

Article 26 — Community correction institutions may, based on the individual circumstances of persons subject to community correction and in light of the need to assist them in integrating into society, provide psychological counseling, psychological crisis intervention, and other mental health services.

Article 27 — Community correction institutions shall coordinate with relevant departments and units to provide employment assistance, vocational skills training, social security, and other assistance to persons subject to community correction who have difficulties in employment, education, and daily life.

Article 28 — Community correction institutions may organize persons subject to community correction to participate in public welfare activities to repair damaged social relationships and foster a sense of social responsibility.

Article 29 — Residents' committees, villagers' committees, schools, guardians, family members of individuals subject to community correction, and their employing units or schools shall assist community correction institutions in carrying out education and assistance work.

Chapter VI — Removal and Termination

Article 30 — Upon the expiration of the community correction period, the community correction institution shall issue a certificate of removal from community correction to the individual subject to community correction and notify the decision-making organ, the people's procuratorate, and the public security organ at the place of community correction.

Article 31 — Where an individual subject to community correction dies, is granted amnesty, is taken into custody for the execution of their sentence, or community correction is revoked by a ruling, community correction shall be terminated. The community correction institution shall handle the termination of community correction in accordance with the law.

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Article 32 — Where an individual subject to community correction under a suspended sentence or parole commits a violation of laws, administrative regulations, or relevant community correction supervision and management provisions, and the circumstances are serious, the community correction institution shall recommend to the people's court that the suspended sentence or parole be revoked.

Article 33 — Where the community correction institution recommends the revocation of community correction, the people's court shall make a ruling within one month of receiving the recommendation. Where the people's court makes a ruling to revoke community correction, the public security organ shall execute the ruling in a timely manner.

Chapter VII — Protection of Minors

Article 34 — Community correction for juvenile offenders shall be conducted separately from that for adults. Community correction institutions shall designate specialized personnel to be responsible for the community correction of juveniles and shall adopt targeted correction measures appropriate to the age, psychological characteristics, physical and mental development needs, and actual circumstances of juveniles.

Article 35 — The identity information of juveniles subject to community correction shall be kept confidential in accordance with the law. Community correction files for juveniles shall be kept confidential and shall be managed strictly in accordance with relevant State regulations.

Article 36 — Where a juvenile subject to community correction has not completed compulsory education, the community correction institution shall coordinate with the education department to create conditions for the juvenile to complete compulsory education. The guardians of juveniles subject to community correction shall fulfill their guardianship responsibilities and assume their obligations.

Chapter VIII — Legal Liability

Article 37 — Where community correction personnel commit any of the following acts, disciplinary action shall be taken in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law:

(1) Using their position to accept or solicit property from individuals subject to community correction or their close relatives;

(2) Failing to perform or improperly performing their statutory duties;

(3) Disclosing personal information of juveniles subject to community correction;

(4) Other acts of negligence, abuse of power, or malpractice for personal gain.

Article 38 — Where a people's procuratorate discovers, in the course of performing its legal supervision duties, that a community correction institution or relevant department has failed to perform or has improperly performed its community correction duties, it shall make a procuratorial recommendation and require correction within a prescribed time limit. The unit receiving the recommendation shall report the handling result to the people's procuratorate in a timely manner.

Article 39 — Where any unit or individual impedes community correction work by disrupting the order of community correction institutions, insulting or assaulting community correction personnel, or by other means, and the act constitutes a violation of public security administration, the public security organ shall impose penalties in accordance with the law; where the act constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter IX — Supplementary Provisions

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Article 40 — The community correction work of the Chinese People's Liberation Army and the Chinese People's Armed Police Force shall be separately prescribed by the Central Military Commission in accordance with this Law.

Article 41 — This Law shall come into force on July 1, 2020.

Disclaimer: This English translation is provided for reference and informational purposes only. It is not an official translation and shall not be relied upon as a legally binding or authoritative version of the Community Correction Law of the People's Republic of China. While every effort has been made to ensure accuracy, only the original Chinese text as published by the National People's Congress carries legal force. Users should consult qualified legal professionals for advice on specific legal matters. Dan Young Business Consultancy assumes no liability for any errors, omissions, or reliance on this translation.