Criminal Law of the PRC

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Part I — General Provisions

Chapter I — Tasks, Basic Principles, and Scope of Application

Article 1 — This Law is enacted in accordance with the Constitution and in light of the concrete experiences and actual circumstances of China's fight against crime, for the purpose of punishing crime and protecting the people.

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

Article 3 — Any act that is expressly defined as a crime by law shall be determined and punished as a crime in accordance with the law; any act that is not expressly defined as a crime by law shall not be determined and punished as a crime.

Article 4 — All persons who commit a crime shall be equal in the application of the law. No one shall have the privilege of being above the law.

Article 5 — The severity of a criminal punishment shall be commensurate with the crime committed and the criminal liability borne by the offender.

Article 6 — This Law shall apply to all crimes committed within the territory and territorial waters and space of the People's Republic of China, except as otherwise provided by law. This Law shall also apply to crimes committed on board a ship or aircraft of the People's Republic of China.

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

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Article 7 — This Law shall apply to any citizen of the People's Republic of China who commits a crime prescribed in this Law outside the territory of the People's Republic of China; however, if the maximum punishment prescribed for that crime is not more than three years of fixed-term imprisonment, he may not be investigated.

This Law shall apply to any state functionary or any serviceman of the People's Republic of China who commits a crime prescribed in this Law outside the territory of the People's Republic of China.

Article 8 — This Law may apply to any foreigner who commits a crime outside the territory of the People's Republic of China against the state of the People's Republic of China or against its citizens, provided that the crime is punishable by a minimum punishment of not less than three years of fixed-term imprisonment under this Law; however, this Law shall not apply to a crime that is not punishable under the law of the place where it was committed.

Article 9 — This Law shall apply to crimes prescribed in the international treaties concluded or acceded to by the People's Republic of China, over which the People's Republic of China exercises criminal jurisdiction within the scope of its obligations undertaken under such treaties.

Article 10 — Any person who commits a crime outside the territory of the People's Republic of China and has been subjected to criminal punishment in a foreign country in accordance with the law may still be investigated under this Law, but the punishment already imposed in the foreign country may be exempted or mitigated.

Article 11 — The criminal liability of foreigners enjoying diplomatic privileges and immunities shall be resolved through diplomatic channels.

Article 12 — Where an act committed after the founding of the People's Republic of China and before the entry into force of this Law was not deemed a crime under the laws at the time, the laws at the time shall apply. Where an act was deemed a crime under the laws at the time, it shall be subject to investigation under the laws at the time; however, if this Law does not deem it a crime or imposes a lighter punishment, this Law shall apply.

The effective judgments rendered before the entry into force of this Law shall continue to be valid.

Chapter II — Crimes

Section 1 — Crimes and Criminal Liability

Article 13 — An act that endangers the sovereignty, territorial integrity and security of the state, splits the state, subverts the political power of the people's democratic dictatorship and overthrows the socialist system, undermines social and economic order, infringes upon state-owned property or property collectively owned by the laboring masses, infringes upon citizens' privately owned property, infringes upon citizens' rights of the person, democratic rights and other rights, and other acts endangering society that are subject to criminal punishment in accordance with the law, are all crimes. However, where the circumstances are obviously minor and the harm is not great, the act shall not be deemed a crime.

Article 14 — An intentional crime means a crime intentionally committed by a person who clearly knows that his act will produce socially dangerous consequences but wishes or allows such consequences to occur. Criminal liability shall be borne for intentional crimes.

Article 15 — A negligent crime means a crime committed by a person who should have foreseen that his act might produce socially dangerous consequences but fails to do so because of carelessness, or who, having foreseen the consequences, readily believes that they can be avoided. Criminal liability shall be borne for negligent crimes only when the law so provides.

Article 16 — An act that objectively causes harmful consequences shall not be a crime if it is not the result of intent or negligence, but is caused by irresistible or unforeseeable causes.

Article 17 — A person who has reached the age of 16 and who commits a crime shall bear criminal liability.

A person who has reached the age of 14 but not the age of 16 and who commits the crimes of intentional homicide, intentional injury causing serious injury or death, rape, robbery, drug trafficking, arson, causing explosion, or spreading dangerous substances shall bear criminal liability.

A person who has reached the age of 12 but not the age of 14 and who commits the crime of intentional homicide or intentional injury, causing death or causing especially serious injury by especially cruel means resulting in severe disability, where the circumstances are flagrant and with the approval of the Supreme People's Procuratorate for prosecution, shall bear criminal liability.

A person under the age of 18 who is investigated for criminal liability in accordance with the preceding three paragraphs shall be given a lighter or mitigated punishment. Where a person is not given criminal punishment because he has not reached the age of 16, his parent or guardian shall be ordered to discipline him; when necessary, he may be subjected to specialized correctional education in accordance with the law.

Article 18 — A mentally ill person who causes harmful consequences at a time when he is unable to recognize or control his own conduct shall not bear criminal liability, provided that this is confirmed through legally prescribed procedures; his family members or guardian shall be ordered to subject him to strict supervision and arrange for his medical treatment. When necessary, the government may compel him to receive medical treatment.

A person whose mental illness is of an intermittent nature and who commits a crime when he is in a normal mental state shall bear criminal liability.

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

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

Article 20 — An act that is committed to stop the unlawful infringement of the state's or public interests, or of the rights of the person, property or other rights of the person or of others, and that causes harm to the unlawful infringer, shall be a legitimate defense and shall not bear criminal liability.

Where a legitimate defense obviously exceeds the necessary limit and causes serious harm, criminal liability shall be borne, but the punishment shall be mitigated or exempted.

Taking defensive actions against an ongoing violent crime that seriously endangers personal safety, such as assault, murder, robbery, rape, or kidnapping, and causing the death of or injury to the unlawful infringer shall not be deemed excessive defense and criminal liability shall not be borne.

Article 21 — An act that is committed to avert an immediate danger to the state's or public interests, or to the rights of the person, property or other rights of the person or of others, and that causes harm, shall be an act of necessity and shall not bear criminal liability.

Where an act of necessity causes undue harm, criminal liability shall be borne, but the punishment shall be mitigated or exempted.

Section 2 — Preparation for a Crime, Criminal Attempt, and Discontinuation of a Crime

Article 22 — Preparation for a crime means the preparation of instruments or creation of conditions for the commission of a crime. A person who prepares for a crime may be given a lighter or mitigated punishment or be exempted from punishment in comparison with a person who has completed the crime.

Article 23 — A criminal attempt means an attempt where a person has already started to commit a crime but fails to complete it due to reasons independent of his will. A person who attempts to commit a crime may be given a lighter or mitigated punishment in comparison with a person who has completed the crime.

Article 24 — Discontinuation of a crime means a situation where, in the course of committing a crime, a person voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring. A person who discontinues a crime shall be exempted from punishment if no harm has been caused, or shall be given a mitigated punishment if harm has been caused.

Section 3 — Joint Crimes

Article 25 — A joint crime means an intentional crime committed jointly by two or more persons. A negligent crime committed by two or more persons shall not be treated as a joint crime; those who shall bear criminal liability shall be punished separately according to the crimes they have committed.

Article 26 — A principal offender means a person who organizes or leads a criminal group in carrying out criminal activities, or plays a principal role in a joint crime. A criminal group means a relatively stable criminal organization formed by three or more persons for the purpose of jointly committing crimes.

The ringleader who organizes or leads a criminal group shall be punished according to all the crimes committed by the group. A principal offender other than the one specified in the preceding paragraph shall be punished according to all the crimes he has participated in, organized or directed.

Article 27 — An accomplice means a person who plays a secondary or auxiliary role in a joint crime. An accomplice shall be given a lighter or mitigated punishment or be exempted from punishment.

Article 28 — A person who is coerced to participate in a crime shall be given a mitigated punishment or be exempted from punishment according to the circumstances of the crime.

Article 29 — A person who instigates others to commit a crime shall be punished according to the role he has played in the joint crime. A person who instigates a person under the age of 18 to commit a crime shall be given a heavier punishment. Where the instigated person has not committed the instigated crime, the instigator may be given a lighter or mitigated punishment.

Section 4 — Crimes Committed by a Unit

Article 30 — A company, enterprise, public institution, government agency, or organization that commits an act that endangers society and is defined as a crime committed by a unit by law shall bear criminal liability.

Article 31 — A unit responsible for a criminal act shall be fined. The directly responsible persons in charge and other directly responsible persons shall be subject to criminal punishment. Where the Specific Provisions of this Law or other laws provide otherwise, such provisions shall apply.

Chapter III — Punishments

Section 1 — Types of Punishments

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

Article 33 — The types of principal punishments are:

(1) Public surveillance;

(2) Criminal detention;

(3) Fixed-term imprisonment;

(4) Life imprisonment;

(5) Death penalty.

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Article 34 — The types of supplementary punishments are:

(1) Fine;

(2) Deprivation of political rights;

(3) Confiscation of property.

Supplementary punishments may be imposed independently.

Article 35 — Deportation may be applied independently or as a supplementary punishment to a foreigner who commits a crime.

Article 36 — Where a victim has suffered economic loss as a result of a crime, the criminal shall, in addition to receiving criminal punishment in accordance with the law, be sentenced to compensation for the economic loss according to the circumstances.

Article 37 — Where the circumstances of a person's crime are minor and do not require criminal punishment, he may be exempted from criminal punishment, but may be subjected to a non-criminal disposition such as admonition, order to make a statement of repentance, formal apology, or compensation for losses, or may be subjected to administrative penalty or administrative sanction by the competent department.

Section 2 — Public Surveillance

Article 38 — The term of public surveillance shall be not less than three months but not more than two years. The term of public surveillance shall be counted from the date of execution of the judgment; where a person has been held in custody prior to the execution of the judgment, each day in custody shall be counted as two days of the term of public surveillance.

Article 39 — A criminal sentenced to public surveillance shall abide by the following provisions during the term of execution:

(1) To abide by laws and administrative regulations and submit to supervision;

(2) Not to exercise the rights of freedom of speech, press, assembly, association, procession and demonstration without the approval of the executing organ;

(3) To report his own activities according to the provisions of the executing organ;

(4) To abide by the provisions of the executing organ concerning the reception of visitors;

(5) To report to the executing organ and obtain its approval before leaving or moving from the city or county of residence.

Section 3 — Criminal Detention

Article 42 — The term of criminal detention shall be not less than one month but not more than six months.

Article 43 — A criminal sentenced to criminal detention shall be executed by the public security organ in the vicinity. During the period of execution, a criminal sentenced to criminal detention may go home for one or two days each month; those who participate in labor may be given remuneration at discretion.

Section 4 — Fixed-Term Imprisonment and Life Imprisonment

Article 45 — The term of fixed-term imprisonment shall be not less than six months but not more than 15 years, unless otherwise provided in Article 50 and Article 69 of this Law.

Article 46 — A criminal sentenced to fixed-term imprisonment or life imprisonment shall be executed in a prison or other execution institution.

Section 5 — Death Penalty

Article 48 — The death penalty shall only be applied to criminals who have committed extremely serious crimes. Where the immediate execution of a criminal sentenced to death is not deemed necessary, a two-year reprieve may be announced at the same time as the death sentence.

All death penalty cases, except those that are to be decided by the Supreme People's Court in accordance with the law, shall be submitted to the Supreme People's Court for approval.

Article 49 — The death penalty shall not be applied to a person who has not reached the age of 18 at the time of committing the crime, or to a woman who is pregnant at the time of trial. The death penalty shall not be applied to a person who has reached the age of 75 at the time of trial, except where the person has caused the death of another person by especially cruel means.

Article 50 — Where a person sentenced to death with a two-year reprieve commits no intentional crime during the reprieve period, the sentence shall be commuted to life imprisonment upon expiration of the two-year period; where the person has rendered significant meritorious service, the sentence shall be commuted to 25 years of fixed-term imprisonment upon expiration of the two-year period; where the person commits an intentional crime and the circumstances are flagrant, the death penalty shall be executed upon approval by the Supreme People's Court.

For a criminal sentenced to death with a reprieve for committing a crime by especially cruel means, the people's court may, at the same time, decide to restrict the commutation of the sentence in accordance with the circumstances of the crime.

Section 6 — Fines

Article 52 — The amount of a fine shall be determined according to the circumstances of the crime.

Article 53 — A fine shall be paid in a lump sum or in installments within the time limit specified in the judgment. Where the fine is not paid upon expiration of the time limit, compulsory payment shall be made. Where the criminal is unable to pay the full amount of the fine, the people's court may, at any time when it discovers that the criminal has property that may be executed, pursue the payment.

Section 7 — Deprivation of Political Rights

Article 54 — Deprivation of political rights means deprivation of the following rights:

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

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

(3) The right to hold a position in a state organ;

(4) The right to hold a leading position in a state-owned company, enterprise, public institution or people's organization.

Article 55 — The term of deprivation of political rights shall be not less than one year but not more than five years, unless otherwise provided in Article 57 of this Law.

Section 8 — Confiscation of Property

Article 59 — Confiscation of property means the confiscation of part or all of the property personally owned by the criminal. Where all of the property personally owned by the criminal is confiscated, the necessary living expenses shall be set aside for the criminal and his dependent family members. Where a sentence of confiscation of property is imposed, the property that belongs to or should belong to the criminal's family members may not be confiscated.

Chapter IV — Application of Punishments

Section 1 — Sentencing

Article 61 — In sentencing a criminal, the punishment shall be determined 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 62 — Where a criminal has a heavier, lighter or mitigated circumstance as provided in this Law, he shall be given a punishment within the limits of the legally prescribed punishment.

Article 63 — Where a criminal has a circumstance for mitigated punishment as provided in this Law, he shall be given a punishment below the legally prescribed punishment. Where a criminal does not have a circumstance for mitigated punishment as provided in this Law, but in light of the special circumstances of the case and with the approval of the Supreme People's Court, he may also be given a punishment below the legally prescribed punishment.

Article 64 — All property illegally obtained by a criminal shall be recovered, or the criminal shall be ordered to make restitution or pay compensation. The lawful property of the victim shall be promptly returned. Contraband and the criminal's own property used for the commission of the crime shall be confiscated. Confiscated property and fines shall be handed over to the State Treasury and shall not be diverted or otherwise disposed of.

Section 2 — Recidivists

Article 65 — A person who has been sentenced to a punishment of not less than fixed-term imprisonment and who, within five years after the completion of the execution of the punishment or after being pardoned, commits another crime for which he shall be sentenced to a punishment of not less than fixed-term imprisonment shall be a recidivist and shall be given a heavier punishment, except for negligent crimes and crimes committed by persons under the age of 18.

Article 66 — The provisions on recidivists shall apply to those who, after the completion of the execution of the punishment or after being pardoned, at any time commit another crime endangering national security, terrorist activities, or organized crime of a mafia-like nature.

Section 3 — Voluntary Surrender and Meritorious Service

Article 67 — A person who, after committing a crime, voluntarily surrenders and truthfully confesses the facts of the crime shall be a person who has voluntarily surrendered. A criminal who has voluntarily surrendered may be given a lighter or mitigated punishment. A person whose crime is relatively minor may be exempted from punishment.

Where a criminal suspect or defendant who has been subjected to compulsory measures or a criminal who is serving a sentence truthfully confesses other crimes of his own that are not known to the judicial organs, he shall be deemed to have voluntarily surrendered.

Where a criminal suspect truthfully confesses the facts of his crime even though he does not have the circumstance of voluntarily surrender as provided in the preceding two paragraphs, he may be given a lighter punishment; where the criminal suspect truthfully confesses the facts of his crime and avoids especially serious consequences, the punishment may be mitigated.

Article 68 — A criminal who has rendered meritorious service by exposing the criminal acts of others, which have been verified to be true, or by providing important clues that lead to the solving of other cases, or who has otherwise rendered significant meritorious service, may be given a lighter or mitigated punishment. A criminal who has rendered significant meritorious service may be given a mitigated punishment or be exempted from punishment.

Section 4 — Combined Punishment for Multiple Crimes

Article 69 — Where a person has committed multiple crimes before a judgment is rendered, except where a death penalty or life imprisonment is imposed, the term of punishment to be executed shall be decided

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according to the following: the term of punishment shall be not more than the aggregate term of all the sentences but not less than the longest of the individual sentences, and in the case of public surveillance, the maximum term shall not exceed three years; in the case of criminal detention, the maximum term shall not exceed one year; in the case of fixed-term imprisonment, where the aggregate term is less than 35 years, the maximum term shall not exceed 20 years, and where the aggregate term is 35 years or more, the maximum term shall not exceed 25 years.

Article 70 — Where, after a judgment has been rendered but before the punishment has been fully executed, it is discovered that the criminal has committed other crimes for which no judgment has been rendered before the judgment, a new judgment shall be rendered for the newly discovered crimes.

Article 71 — Where, after a judgment has been rendered but before the punishment has been fully executed, the criminal commits a new crime, a new judgment shall be rendered for the newly committed crime.

Section 5 — Probation

Article 72 — A person sentenced to criminal detention or fixed-term imprisonment of not more than three years may be granted probation if, according to the circumstances of the crime and the criminal's demonstration of repentance, the application of probation will not result in further harm to society.

Article 73 — The probation period for criminal detention shall be not less than the original term but not more than one year, but it shall not be less than two months. The probation period for fixed-term imprisonment shall be not less than the original term but not more than five years, but it shall not be less than one year.

Section 6 — Commutation of Sentence

Article 78 — A person sentenced to public surveillance, criminal detention, fixed-term imprisonment, or life imprisonment may have his sentence commuted if, during the period of execution, he conscientiously abides by the prison regulations, accepts education and reform, and shows true repentance, or renders meritorious service.

After commutation, the term of the sentence actually executed shall be: in the case of public surveillance, criminal detention, or fixed-term imprisonment, not less than one half of the original sentence; in the case of life imprisonment, not less than 13 years.

Section 7 — Parole

Article 81 — A person sentenced to fixed-term imprisonment who has served more than one half of the original sentence, or a person sentenced to life imprisonment who has actually served not less than 13 years, may be granted parole if he conscientiously abides by the prison regulations, accepts education and reform, shows true repentance, and there is no risk of his committing another crime.

Parole shall not be granted to a recidivist or a person sentenced to fixed-term imprisonment of more than 10 years or life imprisonment for intentional homicide, rape, robbery, kidnapping, arson, causing explosion, spreading dangerous substances, or organized violent crime.

Section 8 — Limitation Period

Article 87 — A crime shall no longer be investigated after the expiration of the following periods:

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

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

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

(4) Twenty years, where the maximum punishment prescribed is life imprisonment or the death penalty. Where it is deemed necessary to investigate a crime after 20 years, the case shall be submitted to the Supreme People's Procuratorate for approval.

Article 88 — No limitation period shall apply where a person evades investigation or trial after the people's procuratorate, public security organ, or state security organ has filed the case for investigation or after the people's court has accepted the case.

No limitation period shall apply where a victim files a complaint within the limitation period and the people's court, people's procuratorate, or public security organ should have filed the case but fails to do so.

Chapter V — Other Provisions

Article 90 — Where an autonomous ethnic region cannot entirely apply the provisions of this Law, the people's congress of the autonomous region or of the province may formulate adaptive or supplementary provisions based on the political, economic and cultural characteristics of the local ethnic groups and the basic principles of this Law, and such provisions shall enter into force after the approval of the Standing Committee of the National People's Congress.

Article 91 — The meanings of the terms "public property," "citizens' privately owned property," "state functionaries," "judicial officers," "serious injury," "violation of state regulations," "ringleader," "confession with true repentance," and "private lending" as used in this Law are as defined in this Article.

Article 100 — A person who has been subjected to criminal punishment in accordance with the law shall, when joining the military or seeking employment, truthfully report to the relevant unit that he has been subjected to criminal punishment, and shall not conceal it. A person who was under the age of 18 at the time of committing the crime and has been sentenced to fixed-term imprisonment of not more than five years shall be exempted from the reporting obligation prescribed in the preceding paragraph.

Article 101 — The General Provisions of this Law shall apply to other laws with criminal punishment provisions, unless such other laws contain special provisions.

Part II — Specific Provisions

Chapter I — Crimes of Endangering National Security

Article 102 — Whoever colludes with a foreign state to endanger the sovereignty, territorial integrity and security of the People's Republic of China shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years.

Article 103 — The ringleaders of an organization that splits the state or those who have committed other serious crimes among those who organize, plan or carry out acts to split the state or undermine national unification shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years. Active participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. Other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Article 104 — The ringleaders of an organization that commits armed rebellion or armed riot, or those who have committed other serious crimes among those who organize, plan or carry out armed rebellion or armed riot, shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years. Active participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. Other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Article 105 — The ringleaders of an organization that subverts the state political power or those who have committed other serious crimes among those who organize, plan or carry out the subversion of the state political power or the overthrow of the socialist system shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years. Active participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. Other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Article 106 — Whoever colludes with an institution, organization or individual outside the territory of China to commit any of the crimes prescribed in Articles 103, 104 and 105 of this Chapter shall be subject to a heavier punishment in accordance with the provisions of the respective Articles.

Article 107 — Where an institution, organization or individual inside or outside the territory of China provides financial support to an organization or individual inside the territory of China for committing the crimes prescribed in Articles 102, 103, 104 and 105, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights; where the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years.

Article 108 — Whoever defects to the enemy shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where the circumstances are serious, or where the defection is committed by leading a group of armed personnel, people's police, or militia, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 109 — A state functionary who, in violation of the provisions, leaves his post without authorization and flees outside the territory of China while performing his official duties, or who flees outside the territory of China while staying abroad, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

Article 110 — Whoever commits any of the following acts of espionage and endangers national security shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years:

(1) Joining a foreign espionage organization or accepting a mission assigned by a foreign espionage organization or its agent;

(2) Providing state secrets or intelligence to a foreign espionage organization or its agent.

Article 111 — Whoever steals, secretly gathers, purchases, or illegally provides state secrets or intelligence for an institution, organization or individual outside the territory of China shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights.

Article 112 — Whoever supplies arms, equipment or other military materials to the enemy during wartime shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 113 — Whoever commits the crimes of endangering national security as prescribed in this Chapter, with the exception of those prescribed in the second paragraph of Article 103, and Articles 105, 107 and 109, and causes especially serious harm to the state and the people, where the circumstances are especially

flagrant, may be sentenced to death. Whoever commits any of the crimes prescribed in this Chapter may also be sentenced to confiscation of property.

Chapter II — Crimes of Endangering Public Security

Article 114 — Whoever commits arson, breaches a dike, causes an explosion, spreads poisonous or radioactive substances, or uses other dangerous means to endanger public security, where no serious consequences have been caused, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 115 — Whoever commits arson, breaches a dike, causes an explosion, spreads poisonous or radioactive substances, or uses other dangerous means to cause serious injury or death to people or cause heavy losses to public or private property shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

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

Article 116 — Whoever sabotages a train, motor vehicle, tram, ship or aircraft in a manner sufficient to cause the train, motor vehicle, tram, ship or aircraft to overturn or be destroyed, where no serious consequences have been caused, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 117 — Whoever sabotages a railroad, bridge, tunnel, highway, airport, waterway, lighthouse, or sign, or carries out other destructive activities in a manner sufficient to cause a train, motor vehicle, tram, ship or aircraft to overturn or be destroyed, where no serious consequences have been caused, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 118 — Whoever sabotages electric power, gas, or other inflammable or explosive equipment and endangers public security, where no serious consequences have been caused, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 119 — Whoever sabotages means of transport, transportation facilities, electric power equipment, gas equipment, or inflammable or explosive equipment and causes serious consequences shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 120 — Whoever organizes or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be sentenced to confiscation of property. Active participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years, and shall also be fined. Other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights, and may also be fined.

Article 120bis — Whoever finances any terrorist organization or individual that carries out terrorist activities, or any terrorist training shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights, and shall also be fined; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years, and shall also be fined or sentenced to confiscation of property.

Article 120ter — The ringleaders of an organization that advocates terrorism or extremism, or those who have committed serious crimes by producing or distributing materials advocating terrorism or extremism, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years, and shall also be fined. Other participants shall be sentenced to fixed-term imprisonment of not more than three

years, criminal detention, or public surveillance, and may also be fined.

Article 121 — Whoever hijacks an aircraft by means of violence, coercion or other means shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. Whoever hijacks an aircraft and causes serious injury or death to people or causes serious damage to the aircraft shall be sentenced to the death penalty.

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

Article 123 — Whoever uses violence against a person on board an aircraft in flight and endangers the safety of the flight shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 124 — Whoever sabotages radio and television facilities or public telecommunication facilities and endangers public security shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; where serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than seven years.

Article 125 — Whoever illegally manufactures, trades in, transports, mails, or stocks up on firearms, ammunition or explosives shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 126 — Enterprises that legally manufacture or sell firearms shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years under specified circumstances; where the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 127 — Whoever steals or forcibly seizes firearms, ammunition, explosives, or poisonous, radioactive, or infectious disease pathogen substances shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 128 — Whoever illegally possesses or conceals firearms or ammunition in violation of the regulations on the control of firearms shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 130 — Where a person illegally enters a public place or gets on a public vehicle with a firearm, ammunition, controlled knife, or explosive, inflammable, radioactive, poisonous or corrosive substance, thereby endangering public security, and the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance.

Article 131 — Where an aviation staff member violates the rules and regulations and causes a major flight accident with serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Where a flight accident is caused after an aviation staff member violates the rules and regulations, or where the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

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Article 132 — Where a railway worker violates the rules and regulations and causes a railway operational safety accident with serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Where especially serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 133 — Whoever violates traffic and transportation regulations, thereby causing a major accident that results in serious injury or death to people, or causes heavy losses to public or private property, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Where a person escapes and runs away after causing a traffic and transportation accident, or where there are other especially flagrant circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years. Where a person causes death by escaping and running away, he shall be sentenced to fixed-term imprisonment of not less than seven years.

Article 133bis — Whoever drives a motor vehicle on a road under any of the following circumstances shall be sentenced to criminal detention and shall also be fined:

(1) Chasing and racing, where the circumstances are flagrant;

(2) Driving a motor vehicle while intoxicated;

(3) Engaging in the business of school bus service or passenger transportation and seriously exceeding the prescribed number of passengers, or seriously exceeding the prescribed speed limit;

(4) Transporting hazardous chemicals in violation of the regulations on the safety management of hazardous chemicals, thereby endangering public security.

Article 134 — Whoever violates the regulations on the safety management of production or operation, thereby causing a major casualty or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 135 — Where a major casualty or other serious consequences are caused because the facilities for work safety or the conditions for work safety fail to comply with the relevant state regulations, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are especially flagrant, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 136 — Whoever violates the regulations on the control of explosive, inflammable, radioactive, poisonous, or corrosive substances and causes a major accident in the course of production, storage, transportation or use, with serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 137 — Where a construction entity, design entity, construction unit, or project supervision entity violates the state regulations and lowers the quality standards of the project, thereby causing a major safety accident, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the consequences are especially serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Article 138 — Where a person knowingly fails to take measures against dangers in school buildings or educational and teaching facilities or fails to report such dangers in a timely manner, thereby causing a major casualty, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the consequences are especially serious, they shall be sentenced to

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fixed-term imprisonment of not less than three years but not more than seven years.

Article 139 — Where a person violates the regulations on fire prevention and control and refuses to make corrections after being notified by the fire supervision institution to take corrective measures, thereby causing serious consequences, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the consequences are especially serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Chapter III — Crimes of Disrupting the Socialist Market Economic Order

Section 1 — Crimes of Producing and Selling Fake or Substandard Commodities

Article 140 — Any producer or seller who mixes inferior materials into products, passes off fake products as genuine, passes off defective products as good quality ones, or passes off substandard products as standard ones, where the sales amount is not less than RMB 50,000 but not more than RMB 200,000, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also be fined, or shall be sentenced to a fine only. Where the sales amount is not less than RMB 200,000 but not more than RMB 500,000, the offender shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined. Where the sales amount is not less than RMB 500,000 but not more than RMB 2,000,000, the offender shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined. Where the sales amount exceeds RMB 2,000,000, the offender shall be sentenced to fixed-term imprisonment of 15 years or life imprisonment and shall also be fined or sentenced to confiscation of property.

Article 141 — Whoever produces or sells counterfeit drugs shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined. Where the counterfeit drugs cause serious harm to human health, or where there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined. Where the counterfeit drugs cause death to a person, or where there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty, and shall also be fined or sentenced to confiscation of property.

Article 142 — Whoever produces or sells substandard drugs and causes serious harm to human health shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 143 — Whoever produces or sells food that does not comply with food safety standards and is sufficient to cause serious food poisoning accidents or other serious foodborne diseases shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where serious harm is caused to human health, or where there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; where the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 144 — Whoever adds toxic or harmful non-food raw materials to the food he produces or sells, or knowingly sells food adulterated with toxic or harmful non-food raw materials, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where serious harm is caused to human health, or where there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where death is caused, or where there are other especially serious circumstances, the

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offender shall be punished in accordance with Article 141 of this Law.

Article 145 — Whoever produces medical devices or medical hygiene materials that do not meet the national or industry standards for safeguarding human health, or knowingly sells such medical devices or medical hygiene materials, which are sufficient to seriously endanger human health, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined. Where serious harm is caused to human health, the offender shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the consequences are especially serious, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 146 — Whoever produces electrical appliances, pressure vessels, explosive or inflammable products, or other products that do not conform to the national or industry standards for safeguarding personal or property safety, or knowingly sells such products, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Article 147 — Whoever produces fake pesticides, fake veterinary drugs or fake chemical fertilizers, sells pesticides, veterinary drugs, chemical fertilizers or seeds knowing them to be fake or to have become ineffective, or passes off substandard pesticides, veterinary drugs, chemical fertilizers or seeds as standard ones, thereby causing relatively heavy losses to production, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where heavy losses are caused to production, the offender shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; where especially heavy losses are caused to production, the offender shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 148 — Whoever produces cosmetics that do not meet the hygiene standards or knowingly sells cosmetics that do not meet the hygiene standards, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Section 2 — Crimes of Smuggling

Article 151 — Whoever smuggles weapons, ammunition, nuclear materials, or counterfeit currency shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined or sentenced to confiscation of property; where the circumstances are especially serious, he shall be sentenced to life imprisonment and shall also be sentenced to confiscation of property; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Whoever smuggles cultural relics that are prohibited by the state from being exported, gold, silver or other precious metals, or rare animals or rare animal products shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be sentenced to confiscation of property; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined.

Article 152 — Whoever, for the purpose of making profits or disseminating, smuggles pornographic films, videotapes, audiotapes, pictures, books or periodicals or other pornographic articles shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined;

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where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance, and shall also be fined.

Article 153 — Whoever smuggles goods or articles not specified in Articles 151, 152, or 347 of this Law shall be punished according to the amount of duty evaded. Where the amount of duty evaded is relatively large, or where the person has been given administrative penalties twice for smuggling within one year and commits smuggling again, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where the amount of duty evaded is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount of duty evaded is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Section 3 — Crimes of Disrupting the Order of Company and Enterprise Administration

Article 158 — Where a person, when applying for company registration, obtains registration by falsely reporting the registered capital, thereby deceiving the company registration authority, where the amount of the falsely reported registered capital is huge, or the consequences are serious, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 159 — Where a company promoter or shareholder makes a false capital contribution in violation of the provisions of the Company Law by failing to deliver the promised monetary or non-monetary property, or withdraws the capital contribution after the establishment of the company, where the amount is huge, or the consequences are serious, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 160 — Whoever conceals important facts or fabricates major falsehoods in the prospectus, subscription invitation, or measures for raising corporate or enterprise bonds, thereby issuing shares or corporate or enterprise bonds, where the amount is huge, or the consequences are serious, or where there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 161 — Where a company or enterprise that has the obligation to disclose information in accordance with the law provides false financial and accounting reports to its shareholders and the public, or conceals important facts in the financial and accounting reports that should be disclosed in accordance with the law, or fails to disclose other important information that should be disclosed in accordance with the law, thereby seriously harming the interests of shareholders or other persons, or where there are other serious circumstances, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Article 162 — Where a company or enterprise conceals its assets or assumes false debts or disposes of its assets by other means during the course of liquidation, or makes a false record on the balance sheet or property inventory, or distributes its assets before paying off its debts, thereby seriously harming the interests of creditors or other persons, its directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 163 — Where an employee of a company, enterprise or other unit takes advantage of his position to demand or illegally accept money or property of others, or illegally accept commissions, handling charges or other money or property of others to seek benefits for others, where the amount is relatively large, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the amount is huge, he shall be sentenced to fixed-term imprisonment of not less than five years and may also be sentenced to confiscation of property.

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

Section 4 — Crimes of Disrupting the Order of Financial Administration

Article 170 — Whoever counterfeits currency shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; under aggravated circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 171 — Whoever sells or purchases counterfeit currency, or transports counterfeit currency knowing it to be counterfeit, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where the amount is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is especially huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 172 — Whoever knowingly holds or uses counterfeit currency, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the amount is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is especially huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined or sentenced to confiscation of property.

Article 174 — Whoever establishes a commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or other financial institution without the approval of the competent state authority shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Article 175 — Whoever illegally obtains credit funds from a financial institution by fraudulent means and relends them to others at a high interest rate, where the amount of illegal gains is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where the amount of illegal gains is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 176 — Whoever illegally takes deposits from the public or illegally takes deposits from the public in disguised form, thereby disrupting the financial order, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined.

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Article 177 — Whoever forges or alters financial instruments such as negotiable instruments, settlement vouchers, credit cards, or other bank settlement vouchers shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 180 — Any insider who, with knowledge of inside information on securities and futures trading, or any person who illegally obtains inside information on securities and futures trading, before the publication of inside information on securities issuance, securities or futures trading, or other information that has a material impact on the price of securities or futures, purchases or sells such securities, engages in futures trading related to such inside information, divulges such information, or explicitly or implicitly advises others to engage in the above-mentioned trading activities, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Article 181 — Whoever fabricates and disseminates false information that affects securities or futures trading, or disrupts the securities or futures trading market, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 182 — Whoever manipulates the securities or futures market, affecting the price or volume of securities or futures trading, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Article 186 — Where an employee of a bank or other financial institution grants loans in violation of state regulations, where the amount is huge or where heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is especially huge or where especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

Article 191 — Whoever, knowing that the income is derived from any of the predicate crimes such as drug-related crimes, organized crimes of a mafia-like nature, terrorist activities, smuggling, corruption and bribery, crimes of disrupting financial administration order, or financial fraud, commits any act to conceal or disguise the source or nature of such income shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Section 5 — Crimes of Financial Fraud

Article 192 — Whoever, for the purpose of illegal possession, illegally raises funds by fraudulent means, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

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

(1) Falsifying documents or using false economic contracts to obtain loans;

(2) Using false property rights certificates as collateral or repeatedly using the same property as collateral beyond its value;

(3) Using any other means to defraud loans.

Article 194 — Whoever commits any of the following acts to engage in fraudulent activities with negotiable instruments, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property:

(1) Knowingly using forged or altered negotiable instruments;

(2) Knowingly using voided negotiable instruments;

(3) Using another person's negotiable instruments in an unauthorized manner;

(4) Issuing a dishonored check or a check with an inconsistent seal;

(5) Issuing a negotiable instrument without funds guaranteed.

Article 195 — Whoever commits any of the following acts of fraud through a letter of credit, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property:

(1) Using a forged or altered letter of credit or its accompanying documents;

(2) Using a voided letter of credit;

(3) Fraudulently obtaining a letter of credit;

(4) Using any other means.

Article 196 — Whoever commits any of the following acts of credit card fraud, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property:

(1) Using a forged credit card, or using a credit card obtained with false identification;

(2) Using a voided credit card;

(3) Using another person's credit card in an unauthorized manner;

(4) Fraudulently overdrawing a credit card.

Article 197 — Whoever uses forged or altered government bonds or other negotiable securities issued by the state to engage in fraudulent activities, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 198 — Whoever commits any of the following acts of insurance fraud, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined or sentenced to confiscation of property:

(1) Intentionally fabricating the subject matter insured and causing an insurance accident to defraud insurance money;

(2) Exaggerating the extent of loss in an insurance accident that has occurred to defraud insurance money;

(3) Fabricating an insurance accident that has never occurred to defraud insurance money;

(4) Intentionally causing an insurance accident that results in property loss to defraud insurance money;

(5) Intentionally causing the death, injury or illness of the insured to defraud insurance money.

Section 6 — Crimes of Endangering Tax Collection Administration

Article 201 — A taxpayer who files a false tax return or fails to file a tax return by means of deception or concealment, thereby evading the payment of tax, where the amount of tax evaded is relatively large and accounts for not less than 10% of the total tax payable, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where the amount of tax evaded is huge and accounts for not less than 30% of the total tax payable, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 202 — Whoever refuses to pay tax by means of violence or threat shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 203 — Where a taxpayer fails to pay the tax due and transfers or conceals his property, thereby causing the tax authorities to be unable to recover the tax in arrears, where the amount of tax in arrears is not less than RMB 10,000 but not more than RMB 100,000, the taxpayer shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the amount of tax in arrears exceeds RMB 100,000, the taxpayer shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 204 — Whoever fraudulently obtains state export tax refunds by falsely reporting exports or by other fraudulent means, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 205 — Whoever falsely issues special VAT invoices or falsely issues other invoices for the purpose of fraudulently obtaining state export tax refunds or tax deduction, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where the amount of tax falsely issued is relatively large, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount of tax falsely issued is huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 206 — Whoever forges or sells forged special VAT invoices shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined; where the amount is relatively large, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Section 7 — Crimes of Infringing upon Intellectual Property Rights

Article 213 — Whoever uses an identical trademark on the same kind of goods without permission of the registered trademark owner, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Article 214 — Whoever knowingly sells goods bearing counterfeit registered trademarks, where the amount of illegal gains is relatively large, or where there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the amount of illegal gains is huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Article 215 — Whoever forges or manufactures without authorization the representations of another person's registered trademark, or sells forged or unauthorized representations of a registered trademark, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

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

Article 217 — Whoever, for the purpose of making profits, commits any of the following acts infringing upon copyright or copyright-related rights, where the amount of illegal gains is relatively large, or where there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the amount of illegal gains is huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term

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imprisonment of not less than three years but not more than 10 years and shall also be fined:

(1) Reproducing, distributing, or making available to the public through information networks the written, musical, artistic, audiovisual, computer software, or other works without the permission of the copyright owner;

(2) Publishing a book of which another person has the exclusive right of publication;

(3) Reproducing, distributing, or making available to the public through information networks audio or video recordings of a performance without the permission of the performer;

(4) Reproducing, distributing, or making available to the public through information networks audio or video recordings without the permission of the producer;

(5) Reproducing, distributing, or making available to the public through information networks the signals of radio or television broadcasts without the permission of the broadcasting organization;

(6) Intentionally circumventing or destroying the technological measures taken by a right holder for the protection of copyright or copyright-related rights, or manufacturing, importing, or providing to others devices or components primarily used for circumventing or destroying the technological measures;

(7) Intentionally deleting or altering the rights management information of a work, performance, audio or video recording, or broadcast signal without the permission of the right holder.

Article 219 — Whoever commits any of the following acts infringing upon trade secrets, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined:

(1) Obtaining a right holder's trade secrets by theft, bribery, fraud, coercion, electronic intrusion, or other improper means;

(2) Disclosing, using, or allowing others to use the right holder's trade secrets obtained by means mentioned in the preceding subparagraph;

(3) Disclosing, using, or allowing others to use trade secrets in violation of a confidentiality obligation or the right holder's requirement of keeping the trade secrets confidential.

Section 8 — Crimes of Disrupting Market Order

Article 221 — Whoever fabricates and disseminates false information to damage another's commercial reputation or product reputation and causes heavy losses to others, or where there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 222 — Where an advertiser, advertising agency, or advertisement publisher violates state regulations by taking advantage of advertisements to make false publicity about goods or services, where the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 223 — Bidders that collude with each other in bidding quotations, thereby harming the interests of the tender inviter or other bidders, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only. Where a bidder and the tender inviter collude on bidding, thereby harming the lawful interests of the state, collectives or citizens, the offenders shall be punished in accordance with the provisions of the preceding paragraph.

Article 224 — Whoever, for the purpose of illegal possession, uses fraudulent means in the course of concluding or performing a contract to defraud the opposite party of money or property, where the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 225 — Whoever, in violation of state regulations, commits any of the following illegal business operations and disrupts market order, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined or sentenced to confiscation of property:

(1) Operating, without permission, goods that are designated by laws and administrative regulations to be operated exclusively or by monopoly, or other goods whose purchase and sale are restricted;

(2) Purchasing or selling import and export licenses, certificates of origin, or other business licenses or approval documents prescribed by laws and administrative regulations;

(3) Illegally engaging in the business of securities, futures, or insurance, or illegally engaging in the business of fund payment and settlement without the approval of the competent state authorities;

(4) Other illegal business operations that seriously disrupt market order.

Article 226 — Whoever, by means of violence or threat, forcibly buys or sells commodities, compels others to provide or accept services, or compels others to participate in or withdraw from bidding, auctions or business operations, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Chapter IV — Crimes of Infringing upon Citizens' Rights of the Person and Democratic Rights

Article 232 — Whoever intentionally kills another person shall be sentenced to the death penalty, life imprisonment, or fixed-term imprisonment of not less than 10 years; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 233 — Whoever negligently causes the death of another person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than three years. Where this Law provides otherwise, such provisions shall prevail.

Article 234 — Whoever intentionally injures another person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance. Whoever commits the crime in the preceding paragraph and causes serious injury to another person shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where the offender causes the death of another person or causes serious injury to another person by especially cruel means and causes severe disability, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

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Article 235 — Whoever negligently injures another person and causes serious injury shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 236 — Whoever rapes a woman by means of violence, coercion or other means shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. Whoever has sexual intercourse with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment.

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

(1) Raping a woman or having sexual intercourse with a minor girl with flagrant circumstances;

(2) Raping multiple women or having sexual intercourse with multiple minor girls;

(3) Raping a woman in a public place;

(4) Gang rape;

(5) Causing serious injury or death to the victim, or causing other serious consequences;

(6) Raping a girl under the age of 10 or causing injury to a minor girl.

Article 237 — Whoever forcibly indecently assaults others or insults women by means of violence, coercion or other means shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention. Whoever commits the crime in the preceding paragraph by assembling a crowd or in a public place, or where there are other flagrant circumstances, shall be sentenced to fixed-term imprisonment of not less than five years. Whoever indecently assaults a child shall be sentenced to fixed-term imprisonment of not more than five years; under any of the aggravated circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 238 — Whoever unlawfully detains or deprives another person of his personal freedom by any other means shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights. Where the unlawful detention is accompanied by battery or humiliation, a heavier punishment shall be imposed. Where serious injury is caused to the person unlawfully detained, the offender shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where death is caused, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Article 239 — Whoever kidnaps another person for the purpose of extorting money or property, or kidnaps another person as a hostage, shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Whoever commits the crime prescribed in the preceding paragraph and intentionally kills the kidnapped person, or intentionally injures the kidnapped person causing serious injury or death, shall be sentenced to life imprisonment or the death penalty and shall also be sentenced to confiscation of property.

Article 240 — Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined. Under any of the specified aggravated circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; where the circumstances are especially serious, he shall be sentenced to the death penalty and shall also be sentenced to confiscation of property.

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

Article 242 — Whoever, by means of violence or threat, obstructs state functionaries from rescuing abducted women or children shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Article 243 — Whoever fabricates facts to falsely accuse and frame another person with the intention of subjecting him to criminal investigation, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; where serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 244 — Whoever forces others to work by means of violence, threat or restriction of personal freedom shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

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

Article 246 — Whoever openly insults another person by violence or other means, or fabricates facts to slander another person, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights. The crime in the preceding paragraph shall be handled only upon complaint, except where the crime seriously endangers social order or national interests.

Article 247 — Any judicial officer who extorts a confession by torture from a criminal suspect or defendant, or extorts testimony from a witness by violence, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the act causes injury, disability or death, the offender shall be convicted and given a heavier punishment in accordance with Articles 234 and 232 of this Law.

Article 248 — Any prison, detention house, or custody house officer who beats or physically abuses inmates, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where the act causes injury, disability or death, the offender shall be convicted and given a heavier punishment in accordance with Articles 234 and 232 of this Law.

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

Article 250 — Whoever publishes content that discriminates against or insults a minority ethnic group, where the circumstances are flagrant and serious consequences are caused, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance.

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

Article 252 — Whoever conceals, destroys or unlawfully opens another person's mail and infringes upon the citizen's right to freedom of correspondence, where the circumstances are serious, shall be sentenced to

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fixed-term imprisonment of not more than one year or criminal detention.

Article 253 — Any postal worker who opens, conceals or destroys mail or telegrams without authorization shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention. Whoever sells or illegally provides citizens' personal information obtained in the course of performing duties or providing services, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 254 — Any state functionary who, abusing his power or using his official position for personal gain, retaliates against or frames a complainant, petitioner, critic, or whistleblower shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

Article 255 — Any leader of a company, enterprise, public institution, government agency, or organization who retaliates against the accounting or statistical personnel who perform their duties in accordance with the law and resist any act violating the accounting or statistics law, where the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 256 — Whoever, in electing the deputies to the people's congresses at various levels or the leaders of state organs, by means of violence, threat, deception, bribery, or by forging electoral documents or falsely reporting the number of votes, or by other means, disrupts the election or obstructs the deputies and electors from freely exercising their right to vote and stand for election, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or deprivation of political rights.

Article 257 — Whoever, by violence, interferes with another person's freedom of marriage shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention. Whoever commits the crime in the preceding paragraph and causes the death of the victim shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

Article 258 — Whoever has a spouse and marries another person, or marries a person knowing that the person has a spouse, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Article 259 — Whoever cohabits with or marries the spouse of a person who is a serviceman on active duty shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Whoever, by taking advantage of his authority or subordinate relationship, has sexual intercourse with the wife of a serviceman on active duty by means of coercion shall be convicted and punished in accordance with Article 236 of this Law.

Article 260 — Whoever abuses a family member, where the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention, or public surveillance. Whoever commits the crime in the preceding paragraph and causes serious injury or death to the victim shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

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

Article 262 — Whoever abducts a minor under the age of 14 and takes him away from his family or guardian shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Chapter V — Crimes of Property Violation

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Article 263 — Whoever robs public or private property by means of violence, coercion or other means shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined. Under any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty, and shall also be fined or sentenced to confiscation of property:

(1) Committing robbery by intruding into another person's residence;

(2) Committing robbery on a public vehicle;

(3) Robbing a bank or other financial institution;

(4) Committing multiple robberies or robbing a huge amount of property;

(5) Causing serious injury or death to another person during a robbery;

(6) Impersonating a serviceman or police officer to commit robbery;

(7) Robbing with a gun;

(8) Robbing military supplies or emergency rescue, disaster relief, or relief materials.

Article 264 — Whoever steals a relatively large amount of public or private property, or commits multiple thefts, burglaries, thefts with a weapon, or pickpocketing, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined, or shall be sentenced to a fine only; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property.

Article 265 — Whoever, for the purpose of making profits, stealthily connects to another person's telecommunication line, duplicates another person's telecommunication code or number, or uses telecommunication equipment or facilities knowing them to have been stealthily connected or duplicated, shall be convicted and punished in accordance with Article 264 of this Law.

Article 266 — Whoever defrauds a relatively large amount of public or private property shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined, or shall be sentenced to a fine only; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property. Where this Law provides otherwise, such provisions shall prevail.

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

Whoever commits the crime with a weapon shall be convicted and punished in accordance with Article 263 of this Law.

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

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

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

Whoever unlawfully takes possession of another person's property that has been forgotten or buried, where the amount is relatively large, and refuses to hand it over, shall be punished in accordance with the provisions of the preceding paragraph.

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

Article 272 — Where an employee of a company, enterprise, or other unit, taking advantage of his position, misappropriates the funds of his own unit for his personal use or for lending to others, where the amount is relatively large and the funds have not been returned for more than three months, or where the amount is relatively large and the funds are used for profit-making or illegal activities, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the amount of misappropriated funds is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; where the amount is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years.

Article 273 — Whoever misappropriates the funds or materials specially allocated for disaster relief, emergency rescue, flood prevention, special care for disabled servicemen and families of revolutionary martyrs and servicemen, relief of the poor, relocation, or social relief, where the circumstances are serious and major harm is caused to the interests of the state and the people, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 274 — Whoever extorts a relatively large amount of public or private property, or extorts public or private property multiple times, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined, or shall be sentenced to a fine only; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined.

Article 275 — Whoever intentionally destroys public or private property, where the amount is relatively large, or where there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more

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than three years, criminal detention, or a fine; where the amount is huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 276 — Whoever, for the purpose of retaliation or for any other purpose, destroys machines or equipment, cruelly injures or slaughters farm animals, or sabotages production and business operations by other means, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 276bis — Whoever evades the payment of labor remuneration by transferring property, hiding, or other means, or refuses to pay labor remuneration despite having the ability to pay, where the amount is relatively large and he still refuses to pay after being ordered to pay by the relevant government department, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Chapter VI — Crimes of Disrupting Social Order

Section 1 — Crimes of Disrupting Public Order

Article 277 — Whoever obstructs a state functionary from performing his duties in accordance with the law by means of violence or threat shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or a fine.

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

Article 279 — Whoever impersonates a state functionary to practice fraud shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. Whoever impersonates a people's police officer to practice fraud shall be given a heavier punishment in accordance with the preceding paragraph.

Article 280 — Whoever forges, alters, or trades in state organs' official documents, certificates, or seals shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined.

Whoever forges or uses forged identity documents such as resident identity cards, passports, or social security cards shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 281 — Whoever illegally produces or trades in police uniforms, license plates of motor vehicles, or other special-purpose signs or equipment such as police equipment, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined, or shall be sentenced to a fine only.

Article 282 — Whoever illegally obtains state secrets by stealing, secretly gathering, or purchasing shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 283 — Whoever illegally produces or sells specialized espionage equipment or devices for secret photographing or eavesdropping shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined, or shall be sentenced to a fine only; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 284 — Whoever illegally uses special equipment or devices for secret photographing or eavesdropping and causes serious consequences shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention, or public surveillance.

Article 285 — Whoever, in violation of state regulations, intrudes into a computer information system in the fields of state affairs, national defense construction, or advanced science and technology shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Whoever, in violation of state regulations, intrudes into a computer information system other than those specified in the preceding paragraph, or uses other technical means to obtain data stored, processed or transmitted in such a computer information system, or illegally controls such a computer information system, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 286 — Whoever, in violation of state regulations, deletes, alters, adds to, or interferes with the functions of a computer information system, thereby making it impossible for the system to operate normally, where the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 287bis — Whoever, knowing that others are using information networks to commit crimes, provides them with technical support such as internet access, server hosting, network storage, communication transmission, or provides assistance such as advertising and promotion or payment and settlement, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 290 — Whoever assembles a crowd to disturb social order, where the circumstances are serious, thereby causing serious losses to work, production, business, teaching, scientific research, or medical treatment, the ringleaders shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; other active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Article 291 — Whoever assembles a crowd to disturb the order of stations, docks, civil aviation stations, shopping malls, parks, cinemas, theaters, exhibitions, sports stadiums or other public places, or assembles a crowd to block traffic or disturb traffic order, or resists or obstructs state security administration personnel from performing their duties in accordance with the law, where the circumstances are serious, the ringleaders shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance.

Article 293 — Whoever commits any of the following acts of affray or provocation shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance:

(1) Beating another person at will, where the circumstances are flagrant;

(2) Chasing, intercepting, insulting or intimidating others, where the circumstances are flagrant;

(3) Forcibly taking or arbitrarily damaging or occupying public or private property, where the circumstances are serious;

(4) Creating disturbances in public places, causing serious disorder in public places.

Where a person assembles a crowd to commit the acts mentioned in the preceding paragraph, thereby seriously disrupting social order, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and may also be fined.

Article 294 — Whoever organizes or leads an organization of a mafia-like nature shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be sentenced to confiscation of property; active participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and may also be fined or sentenced to confiscation of property; other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and may also be fined.

Article 295 — Whoever teaches methods of committing a crime shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 296 — Whoever holds an assembly, a procession or a demonstration without making an application in accordance with the law, or who fails to hold the assembly, procession or demonstration in accordance with the time, place or route approved by the competent authorities, and refuses to obey the order to disperse, thereby seriously disrupting social order, the persons in charge and the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights.

Article 298 — Whoever disturbs, colludes to disrupt, or sabotages an assembly, a procession or a demonstration held in accordance with the law and causes public disorder shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights.

Article 299 — Whoever intentionally insults the national flag or national emblem of the People's Republic of China in public by burning, damaging, scribbling on, defiling, or trampling upon it shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

Article 300 — Whoever organizes or uses a cult organization, an organization using superstitious beliefs, or uses superstition to undermine the implementation of state laws and administrative regulations shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined or sentenced to confiscation of property; where the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined, or shall be sentenced to a fine only.

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

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Article 303 — Whoever, for the purpose of making profits, assembles a crowd to gamble or makes a profession of gambling shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined. Whoever opens a casino shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance and shall also be fined; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

Section 2 — Crimes of Obstructing Justice

Article 305 — A witness who, during criminal proceedings, intentionally gives false testimony with the intention of framing another person or concealing criminal evidence, or an expert witness, recorder or translator who, during criminal proceedings, intentionally makes a false expert evaluation, record or translation with the intention of framing another person or concealing criminal evidence, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 306 — A defender or agent ad litem who, during criminal proceedings, destroys or falsifies evidence, helps a party to destroy or falsify evidence, or threatens or induces a witness to alter his testimony or give false testimony shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

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

Article 310 — Whoever, knowing that a person has committed a crime, provides him with a hiding place, money or property, helps him to escape, or gives false testimony to shield him, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 312 — Whoever, knowing that the income and the fruits derived from a crime have been obtained through criminal means, conceals, transfers, purchases, sells on behalf of another person, or conceals or disguises by other means, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined, or shall be sentenced to a fine only; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 313 — Whoever refuses to execute a judgment or ruling of a people's court despite having the ability to do so, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or a fine; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Article 314 — Whoever conceals, transfers, sells, or intentionally destroys property that has been sealed up, detained or frozen by judicial organs shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or a fine.

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Article 316 — Any criminal, defendant or criminal suspect who escapes after being held in custody in accordance with the law shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention. Whoever seizes a criminal, defendant or criminal suspect who is being escorted shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than seven years.

Article 318 — Whoever organizes others to secretly cross the national border or frontier shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined. Under any of the specified aggravated circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined or sentenced to confiscation of property.

Section 3 — Crimes of Endangering Public Health

Article 330 — Whoever, in violation of the provisions of the Law on the Prevention and Treatment of Infectious Diseases, causes the spread of an A-class infectious disease or an infectious disease for which prevention and control measures equivalent to those for A-class infectious diseases are determined to be taken in accordance with the law, or is in serious danger of spreading such a disease, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 332 — Whoever, in violation of the frontier health and quarantine regulations, causes the spread of a quarantinable infectious disease or is in serious danger of spreading such a disease, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only.

Article 333 — Whoever illegally organizes others to sell blood shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; whoever compels others to sell blood by means of violence or threat shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined. Whoever commits any of the acts mentioned in the preceding paragraph and causes injury to another person shall be convicted and punished in accordance with Article 234 of this Law.

Article 334 — Whoever illegally collects or supplies blood, or produces or supplies blood products that do not meet the national standards and are sufficient to endanger human health, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where serious harm is caused to human health, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where especially serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property.

Article 335 — Any medical worker who, through gross negligence, causes the death of a patient or seriously harms the health of a patient shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 336 — Whoever, without obtaining the qualification to practice medicine, illegally practices medicine, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined, or shall be sentenced to a fine only; where the person seriously harms the health of a patient, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; where the patient dies, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined.

Chapter VII — Crimes of Endangering National Defense Interests

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Article 368 — Whoever obstructs a serviceman from performing his duties in accordance with the law by means of violence or threat shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or a fine. Whoever intentionally obstructs military operations of the armed forces and causes serious consequences shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 369 — Whoever sabotages weapons, equipment, military installations or military communications shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; whoever sabotages important weapons, equipment, military installations or military communications shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 370 — Whoever knowingly provides substandard weapons, equipment or military installations to armed forces shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 371 — Whoever assembles a crowd to attack a military restricted zone and seriously disturbs the order of the military restricted zone shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years for the ringleaders; other active participants shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights.

Article 372 — Whoever impersonates a serviceman to practice fraud shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 373 — Whoever incites a serviceman to desert from the armed forces, or knowingly employs a serviceman who has deserted from the armed forces, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance.

Article 374 — Whoever engages in malpractice for personal gain in the recruitment of soldiers and receives or delivers unqualified recruits, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 375 — Whoever forges, alters, trades in, steals, or forcibly seizes official documents, certificates, or seals of the armed forces shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Chapter VIII — Crimes of Embezzlement and Bribery

Article 382 — Any state functionary who, by taking advantage of his office, embezzles, steals, defrauds, or by other means illegally takes possession of public property shall be guilty of the crime of embezzlement. Any person authorized by state organs, state-owned companies, enterprises, public institutions, or people's organizations to manage or operate state-owned property who, by taking advantage of his office, embezzles, steals, defrauds, or by other means illegally takes possession of state-owned property shall be punished as having committed the crime of embezzlement.

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Article 383 — Whoever commits the crime of embezzlement shall be punished according to the amount involved and the circumstances of the crime as follows:

(1) Where the amount of embezzlement is relatively large, or where there are other relatively serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined;

(2) Where the amount of embezzlement is huge, or where there are other serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined or sentenced to confiscation of property;

(3) Where the amount of embezzlement is especially huge, or where there are other especially serious circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or sentenced to confiscation of property; where the amount of embezzlement is especially huge and the interests of the state and the people have suffered especially heavy losses, the offender shall be sentenced to life imprisonment or the death penalty and shall also be sentenced to confiscation of property.

Article 384 — Any state functionary who, by taking advantage of his office, misappropriates public funds for his personal use to engage in illegal activities, or misappropriates a relatively large amount of public funds for profit-making activities, or misappropriates a relatively large amount of public funds and fails to return them within three months, shall be guilty of the crime of misappropriation of public funds and shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years. Whoever misappropriates a huge amount of public funds and fails to return them shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 385 — Any state functionary who, by taking advantage of his office, demands money or property from others, or illegally accepts money or property from others in return for benefits sought for others, shall be guilty of the crime of accepting bribes. Any state functionary who, in economic activities, in violation of state regulations, accepts kickbacks or service charges of various descriptions in the name of others and takes possession of them shall be punished as having accepted bribes.

Article 386 — Whoever commits the crime of accepting bribes shall be punished by reference to Article 383 of this Law according to the amount accepted and the circumstances of the crime. Whoever demands a bribe shall be given a heavier punishment.

Article 387 — Where a state organ, state-owned company, enterprise, public institution, or people's organization demands money or property from others, or illegally accepts money or property from others in return for benefits sought for others, where the circumstances are serious, the unit shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 388 — Any state functionary who, by taking advantage of his own authority or position, secures illegitimate benefits for an entrusting person through another state functionary's performance of duties, and demands or accepts money or property from the entrusting person, shall be punished as having accepted bribes.

Article 388bis — Any state functionary's close relative or any other person who has a close relationship with a state functionary who, by taking advantage of the state functionary's authority or position, or by taking advantage of the influence derived from the state functionary's authority or position, secures illegitimate benefits for an entrusting person through another state functionary's performance of duties, and demands or accepts money or property from the entrusting person, where the amount is relatively large, or where there are other relatively serious circumstances, shall be sentenced to fixed-term imprisonment of not more than

three years or criminal detention and shall also be fined; where the amount is huge, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; where the amount is especially huge, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined or sentenced to confiscation of property.

Article 389 — Whoever gives money or property to a state functionary for the purpose of seeking illegitimate benefits shall be guilty of the crime of offering bribes. Whoever, in economic activities, gives a relatively large amount of money or property to a state functionary in violation of state regulations, or gives kickbacks or service charges of various descriptions to a state functionary in violation of state regulations, shall be punished as having offered bribes.

Article 390 — Whoever commits the crime of offering bribes shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; where the offender seeks illegitimate benefits through offering bribes, and the circumstances are serious, or where heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; where the circumstances are especially serious, or where especially heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property.

Article 391 — Whoever, for the purpose of seeking illegitimate benefits, gives money or property to a state organ, state-owned company, enterprise, public institution, or people's organization, or, in economic activities, gives kickbacks or service charges of various descriptions in violation of state regulations, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined.

Article 392 — Whoever introduces a bribe to a state functionary, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined.

Article 393 — Where a unit, for the purpose of seeking illegitimate benefits, offers bribes, or, in violation of state regulations, gives kickbacks or service charges to a state functionary, where the circumstances are serious, the unit shall be fined, and the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined.

Article 394 — Any state functionary who, in the course of domestic official activities or in foreign exchanges, accepts gifts and fails to hand them over to the state as required, where the amount is relatively large, shall be convicted and punished in accordance with Articles 382 and 383 of this Law.

Article 395 — Any state functionary whose property or expenditure obviously exceeds his lawful income, where the difference is huge, shall be ordered to explain the sources. If he cannot explain the lawful sources, the part of the property exceeding his lawful income shall be deemed illegal gains, and he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the difference is especially huge, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years. The difference in property shall be recovered.

Article 396 — Any state organ, state-owned company, enterprise, public institution, or people's organization that, in violation of state regulations, privately distributes state-owned property to individuals in the name of the unit, where the amount is relatively large, the directly responsible persons in charge and other directly responsible persons shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined, or shall be sentenced to a fine only; where the amount is huge, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and

shall also be fined.

Chapter IX — Crimes of Dereliction of Duty

Article 397 — Any state functionary who abuses his power or neglects his duties, thereby causing heavy losses to public property or the interests of the state and the people, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years. Where this Law provides otherwise, such provisions shall prevail. Any state functionary who practices favoritism or engages in fraudulent practices and commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years. Where this Law provides otherwise, such provisions shall prevail.

Article 398 — Any state functionary who, in violation of the provisions of the Law on Guarding State Secrets, intentionally or negligently divulges state secrets, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 399 — Any judicial officer who, bending the law for personal gain or practicing favoritism, knowingly investigates a person who should not be investigated for criminal liability, or knowingly fails to investigate a person who should be investigated for criminal liability, or deliberately distorts the facts and misapplies the law in a judgment, or perverts the law in rendering judgments or orders in civil or administrative trials, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Article 400 — Any judicial officer who, without authorization, releases a criminal suspect, defendant or criminal from custody shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

Article 401 — Any judicial officer who, bending the law for personal gain or practicing favoritism, grants commutation of sentence, parole, or temporary execution of sentence outside prison to a criminal who does not meet the conditions, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 402 — Any administrative law enforcement officer who practices favoritism or engages in fraudulent practices and fails to transfer a case that should be transferred to a judicial organ for criminal investigation to the judicial organ in accordance with the law, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 403 — Any state functionary of the relevant competent department of the state who, bending the law for personal gain or practicing favoritism, abuses his power and approves the incorporation or registration of a company, or approves the issuance of shares or bonds, or approves listing, when the application does not meet the conditions prescribed by law, thereby causing heavy losses to public property or the interests of the

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state and the people, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Article 404 — Any tax official who, bending the law for personal gain or practicing favoritism, fails to levy or levies less than the tax payable, thereby causing heavy losses to the tax revenue of the state, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 405 — Any tax official who, in violation of laws and administrative regulations, practices favoritism or engages in fraudulent practices when handling matters of tax refund for exported products or tax deduction for imports, thereby causing heavy losses to the interests of the state, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where especially heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 406 — Any state functionary who, being fraudulent or practicing favoritism, enters into or performs a contract, thereby causing heavy losses to the interests of the state, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where especially heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 407 — Any functionary of the competent forestry department who, in violation of the provisions of the Forestry Law, issues forest tree felling permits exceeding the approved annual felling quota, or, in violation of the provisions, arbitrarily issues forest tree felling permits, where the circumstances are serious and cause serious damage to forest resources, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 408 — Any functionary of the competent department of environmental protection who, in violation of the provisions, grants administrative permission, where the circumstances are serious, causing a serious environmental pollution accident and heavy losses to public or private property or serious consequences such as personal injury or death, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 409 — Any functionary of the public health administrative department who, knowing that a serious infectious disease is prevalent or may be prevalent, fails to take preventive or control measures in a timely manner, causing the spread or epidemic of the infectious disease, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 410 — Any state functionary who, bending the law for personal gain or practicing favoritism, illegally approves the requisition or occupation of land, or illegally transfers the right to use state-owned land at a low price, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where especially heavy losses are caused to the interests of the state or the collectives, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Chapter X — Crimes of Servicemen's Violation of Duties

Article 420 — Acts committed by servicemen in violation of their duties, which endanger the military interests of the state and are subject to criminal punishment in accordance with the law, are crimes of servicemen's violation of duties.

Article 421 — A serviceman who disobeys orders in the face of battle and thereby endangers a military operation shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 422 — A serviceman who intentionally conceals or falsely reports a military situation, refuses to transmit a military order, or transmits a false military order, thereby endangering a military operation, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 423 — A serviceman who, in the face of battle, is afraid of fighting and lays down arms and surrenders to the enemy shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. A serviceman who surrenders to the enemy and works for the enemy after his surrender shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 424 — A serviceman who deserts from the battlefield shall be sentenced to fixed-term imprisonment of not more than three years; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 425 — A person in command or on duty who leaves his post without authorization or neglects his duties, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where especially serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years. A person who commits the crime mentioned in the preceding paragraph in wartime shall be sentenced to fixed-term imprisonment of not less than five years.

Article 426 — A person who obstructs a person in command or on duty from performing his duties by means of violence or threat shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. Where the crime is committed in wartime, a heavier punishment shall be imposed.

Article 430 — A serviceman who leaves his post without authorization and deserts from the armed forces, or defects to a foreign country while staying abroad, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years. A serviceman who, piloting an aircraft or a ship, deserts from the armed forces, or where there are other especially serious circumstances, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 431 — A serviceman who, by illegal means, steals, secretly gathers, or purchases, or illegally provides military secrets to an institution, organization or individual outside the territory of China, shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 432 — A serviceman who, in violation of the Law on Guarding State Secrets, intentionally or negligently divulges military secrets, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years. Where the crime is committed in wartime, a heavier punishment shall be imposed.

Article 434 — A serviceman who, in wartime, intentionally injures himself to evade his military obligations shall be sentenced to fixed-term imprisonment of not more than three years; where the circumstances are

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

Article 435 — A serviceman who, in violation of the military service law, evades military service, where the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Where the crime is committed in wartime, a heavier punishment shall be imposed.

Article 436 — A serviceman who, in violation of the regulations on the use of weapons and equipment, uses weapons and equipment without authorization, resulting in a liability accident and causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; where especially serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 438 — A serviceman who steals or forcibly seizes weapons, equipment or military supplies shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; where the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 439 — A serviceman who illegally sells or transfers weapons or equipment of the armed forces shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; where a large quantity of weapons or equipment are sold or transferred, or where there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment, or the death penalty.

Article 440 — A serviceman who, in violation of an order, abandons weapons or equipment shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; where he abandons important or a large quantity of weapons or equipment, or where there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years.

Article 441 — A serviceman who loses weapons or equipment and fails to report it in a timely manner, or where there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 448 — A serviceman who maltreats a prisoner of war, where the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than three years; where the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 449 — A serviceman who has been sentenced to a criminal punishment of probation or less may, in wartime, be allowed to redeem himself by meritorious service. If the serviceman truly renders meritorious service, his original sentence may be revoked and he shall no longer be deemed to have committed a crime.

Article 450 — This Chapter shall apply to officers, civilian staff, soldiers, and cadets of the Chinese People's Liberation Army who are on active service, and officers, civilian staff, soldiers and cadets of the Chinese People's Armed Police Force who are on active service. It shall also apply to persons with reserve service status and other persons carrying out military tasks.

Article 451 — "Wartime" as used in this Law means the time when the state declares a state of war, when the armed forces receive combat missions, or when the armed forces are suddenly attacked. When the armed forces are carrying out martial law tasks or handling sudden violent incidents, they shall be treated as being in wartime.

Supplementary Provisions

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Article 452 — This Law shall enter into force on October 1, 1997. The regulations, supplementary provisions and decisions on the Criminal Law of the People's Republic of China enacted by the Standing Committee of the National People's Congress before the entry into force of this Law, which are listed in Annex I of this Law, shall either be incorporated into this Law or cease to be effective; those listed in Annex II of this Law shall be retained.

The administrative penalty provisions, administrative compulsory measures provisions and provisions on the determination of crimes and criminal liability in the laws enacted by the Standing Committee of the National People's Congress before the entry into force of this Law that have been incorporated into this Law shall be governed by the provisions of this Law from the date of entry into force of this Law. Where the provisions of this Law conflict with the provisions of the laws enacted by the Standing Committee of the National People's Congress before the entry into force of this Law, the provisions of this Law shall prevail.

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