Law of the PRC on the Prevention of Juvenile Delinquency

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of protecting the physical and mental health of minors, cultivating their good conduct, effectively preventing juvenile delinquency, and ensuring the healthy growth of minors.

Article 2 — The prevention of juvenile delinquency shall be based on the physical and mental characteristics of minors, adhere to the principle of combining education and protection, give priority to prevention and early intervention, and grade and correct misconduct in a timely manner. Juvenile delinquency refers to acts committed by persons under the age of 18 that violate the criminal law and are punishable in accordance

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with the law.

Article 3 — The prevention of juvenile delinquency shall, under the leadership of people's governments at all levels, be carried out through comprehensive management by government organs, social organizations, schools, families, residents' committees, villagers' committees, and other social forces. People's governments at all levels shall incorporate the prevention of juvenile delinquency into their national economic and social development plans, and the relevant funds shall be included in the government budgets at each level.

Article 4 — The administrative departments of education, public security, civil affairs, and justice, the procuratorial organs, the people's courts, the Communist Youth League, the women's federations, and other relevant organizations, as well as specialized schools, shall, in accordance with their respective functions and division of responsibilities, jointly carry out the work of preventing juvenile delinquency. Specialized social workers, social organizations, and social work service institutions shall be encouraged and supported to participate in the prevention of juvenile delinquency.

Article 5 — The guardians of minors, that is, their parents or other guardians, shall perform their guardianship duties in accordance with the law, establish a good family culture, and educate and guide minors to develop good character and conduct. Guardians shall learn scientific education methods according to the physical and mental development characteristics of minors at different ages, and shall not mistreat or abandon minors.

Article 6 — Schools shall strengthen education on the prevention of crime among minor students, enhance their concept of the legal system, help them establish awareness of abiding by the law and preventing illegal and criminal acts, and improve their ability for self-protection. Schools shall incorporate education on the prevention of crime into their school teaching plans and carry out legal education activities in light of the characteristics of minor students.

Article 7 — The State, society, schools, and families shall educate and help minors who have committed misconduct, uphold the principle of not discriminating against them, and safeguard their rights and interests, such as the right to education. The specialties of minors shall be brought into play for the education and rehabilitation of minors.

Chapter II — Education for Prevention

Article 8 — Parents or other guardians of minors shall, in accordance with the law, perform their guardianship duties, paying attention to the physical and psychological conditions and behavioral habits of minors, educating them in a scientific manner, and guiding them to engage in activities beneficial to their physical and mental health. Where parents or other guardians of minors find that minors have psychological or behavioral abnormalities, they shall, in a timely manner, understand the situation and carry out education, guidance, and dissuasion, and shall not refuse or delay in performing their guardianship duties.

Article 9 — Schools shall equip full-time or part-time psychological counseling teachers to carry out mental health education for minor students. Where schools find that minor students have psychological or behavioral abnormalities, their parents or other guardians shall be informed in a timely manner, and social workers and other professionals shall be organized to intervene. Schools may, based on the circumstances, take management and education measures such as admonishing and disciplining the minor students. Where minor students are subject to disciplinary action, the school shall inform their parents or other guardians.

Article 10 — Schools shall strengthen communication and contact with the parents or other guardians of minor students, and through measures such as parent schools and parent meetings, educate and guide guardians to perform their guardianship duties in accordance with the law. Schools shall promptly inform guardians of the circumstances of minor students who are absent from school or drop out of school, and shall cooperate with the relevant departments to provide assistance and education. Guardians shall

cooperate with schools in the education and management of minor students.

Article 11 — Residents' committees and villagers' committees shall actively carry out publicity and education activities on the prevention of juvenile delinquency and assist public security organs in maintaining public order around schools. Residents' committees and villagers' committees shall keep track of the situation of minors who are not enrolled in school, are idle, or whose guardians are unable to perform guardianship duties, and shall actively organize or participate in assistance and education work.

Article 12 — People's governments at or above the county level and their relevant departments shall strengthen the construction and management of activity venues for minors and carry out publicity and education activities on the prevention of juvenile delinquency that are suitable for the age characteristics of minors. The news media, publishing, culture, radio and television, internet information, and other relevant units shall strengthen publicity and education on the prevention of juvenile delinquency through various forms.

Article 13 — Public security organs, people's procuratorates, people's courts, and judicial administrative departments shall designate specialized institutions or personnel to handle juvenile delinquency cases. Personnel handling juvenile delinquency cases shall be familiar with the physical and mental characteristics of minors and be good at conducting ideological and legal education for juvenile offenders.

Article 14 — The State shall encourage and support institutions of higher learning, scientific research institutions, social organizations, and social workers to carry out theoretical research and practical exploration on the prevention of juvenile delinquency. The State shall commend and reward organizations and individuals that have made outstanding contributions to the prevention of juvenile delinquency.

Chapter III — Intervention against Misconduct

Article 15 — Misconduct of minors as referred to in this Law means the following acts committed by minors that are detrimental to their healthy growth: smoking and drinking alcohol; repeatedly skipping school or being absent from school; being absent from home or staying away from home without reason; being addicted to the internet; associating with persons of bad character in society; entering commercial entertainment venues or other places unsuitable for minors; participating in gambling, superstitious activities, or cult activities; reading, viewing, or listening to publications, audio-visual products, or online information that promote pornography, violence, murder, terror, gambling, or other content harmful to minors; or other acts detrimental to the healthy growth of minors.

Article 16 — Where a minor is found to have committed any of the misconduct specified in this Law, the following measures shall be taken in a timely manner: the parents or other guardians of the minor shall stop the misconduct in a timely manner and strengthen discipline; the public security organs, residents' committees, and villagers' committees shall stop the misconduct in a timely manner and urge their parents or other guardians to perform their guardianship duties in accordance with the law; and schools shall strengthen management and education for the minor, and shall not discriminate against them. Where the minor refuses to make corrections, schools may, based on the circumstances, take the following management and education measures: admonishing and disciplining them; requiring them to observe specific codes of conduct; requiring them to receive psychological counseling and behavioral intervention; or other appropriate management and education measures.

Article 17 — Public security organs shall strengthen inspections of commercial entertainment venues, electronic game arcades, internet service business premises, and other places around schools, and shall investigate and deal with illegal business activities in a timely manner. Commercial song and dance halls, internet service business premises, and other places unsuitable for minors shall not admit minors. Operators shall set up signs prohibiting minors from entering in a conspicuous position at their business premises.

Article 18 — Parents or other guardians of minors shall promptly dissuade minors from misconduct such as smoking, drinking alcohol, and being addicted to the internet, and shall strengthen discipline and guidance. Parents or other guardians of minors shall not instigate, coerce, or induce minors to commit misconduct. Where parents or other guardians fail to perform their guardianship duties in accordance with the law, residents' committees, villagers' committees, schools, or other relevant organizations shall advise, dissuade, and urge them; where the circumstances are serious, the public security organs shall admonish them.

Article 19 — Where parents or other guardians of minors fail to perform their guardianship duties in accordance with the law, thereby causing minors to commit misconduct or serious misconduct, the public security organs and the people's procuratorates may admonish the guardians and order them to receive family education guidance. Where guardianship duties are not performed in accordance with the law, the relevant individuals or organizations may apply to the people's court for the revocation of guardianship qualifications in accordance with the law.

Chapter IV — Correction of Serious Misconduct

Article 20 — Serious misconduct of minors as referred to in this Law means the following acts committed by minors that endanger society but are not subject to criminal punishment due to their age: gathering others to fight or create disturbances, disturbing public order; illegally carrying firearms, ammunition, or controlled instruments such as knives; assaulting, beating, or intentionally injuring others; extorting or robbing property of others; stealing, defrauding, seizing, or snatching property; taking or distributing drugs, or injecting drugs; participating in gambling and refusing to mend their ways after repeated admonition; other acts that seriously endanger society; and acts provided for in the criminal law that are not subject to criminal punishment due to the perpetrator being under the legal age for criminal responsibility.

Article 21 — Where a minor commits serious misconduct, the public security organs shall order them to make corrections or admonish them. Where a minor has committed an act violating the criminal law but is not subject to criminal punishment because they have not reached the age of 16, they shall be ordered to receive discipline from their parents or other guardians. When necessary, specialized correctional education may be conducted in accordance with the law.

Article 22 — Where a minor is found to have committed serious misconduct, their parents or other guardians and schools shall cooperate with each other and take measures to strictly discipline them. Where the parents or other guardians and the school are unable to discipline the minor or the discipline is ineffective, an application may be made to the administrative department of education to send the minor to a specialized school to receive specialized education.

Article 23 — The administrative department of education shall, in conjunction with the public security organs, conduct an assessment of an application to send a minor to a specialized school and make a decision within 20 working days. Where a decision is made to send a minor to a specialized school, the specialized school shall admit the student. Where a decision is made not to send a minor to a specialized school, the reasons shall be explained.

Article 24 — Specialized schools shall provide compulsory education and appropriate vocational education to minor students, strengthen legal education and mental health education, conduct necessary behavioral correction, and cultivate their healthy outlook on life, world outlook, and values. The duration of study at a specialized school shall generally be not less than three months and not more than three years. Specific measures shall be formulated by the State Council.

Article 25 — Where a minor between the ages of 12 and 14 commits an intentional homicide or intentional injury causing death, or causes serious injury by especially cruel means, and the circumstances are serious, and the maximum people's procuratorate approves the prosecution, they shall bear criminal responsibility. Where a minor between the ages of 14 and 16 commits intentional homicide, intentional injury causing

serious injury or death, rape, robbery, drug trafficking, arson, explosion, or the dissemination of hazardous substances, they shall bear criminal responsibility.

Article 26 — Where a minor commits an act violating the criminal law and is not subject to criminal punishment because they have not reached the age of 16, the public security organs may, based on the specific circumstances, take the following correctional education measures: admonishing and disciplining them; ordering them to repent; requiring them to receive psychological counseling, behavioral correction, or participate in public interest activities; ordering them to receive discipline from their parents or other guardians; and ordering their parents or other guardians to strictly discipline them. When necessary, specialized correctional education may be conducted in accordance with the law.

Article 27 — Specialized correctional education shall be a protective measure determined by the administrative department of education in conjunction with the public security organs, to be implemented in specialized schools at designated locations, with closed-loop management. The public security organs and the judicial administrative departments shall be responsible for the correction work of minors, and the administrative department of education shall bear the responsibility for the education of minors. The period of specialized correctional education shall generally be not less than three months and not more than three years. The decision-making authority shall assess the minor undergoing specialized correctional education at least once every six months. Where the circumstances for correctional education no longer exist, the decision shall be rescinded in a timely manner.

Chapter V — Prevention of Recidivism

Article 28 — Public security organs, people's procuratorates, people's courts, and judicial administrative departments shall, when handling juvenile delinquency cases, implement the policy of education, rehabilitation, and rescue, adhere to the principle of giving priority to education and supplementing punishment, and prevent juvenile offenders from committing crimes again. Community correction institutions shall carry out corrective education and assistance for juvenile offenders in accordance with the law.

Article 29 — Public security organs, people's procuratorates, and people's courts shall, in handling juvenile delinquency cases, adopt methods suitable for the physical and mental characteristics of minors, protect their lawful rights and interests, and respect their personal dignity. When interrogating or questioning minor offenders, their legal representatives shall be notified to be present. Where the legal representative cannot be present, other suitable adults shall be notified. For juvenile offenders who have not been detained, their parents or other guardians shall be ordered to strictly discipline them.

Article 30 — Juvenile offenders sentenced to fixed-term imprisonment of not more than five years shall have their criminal records sealed. Criminal records that are sealed in accordance with the law shall not be provided to any organization or individual, except where judicial authorities need to handle cases or where relevant organizations make inquiries in accordance with the provisions of the State. Organizations conducting lawful inquiries shall keep the information on sealed criminal records confidential.

Article 31 — Where a minor who has been conditionally not prosecuted is tested and educated within the period specified by the people's procuratorate, the people's procuratorate shall, prior to making a decision not to prosecute, investigate the background of the minor, the circumstances of their misconduct, the means of correction, and their rehabilitation. People's procuratorates may, in conjunction with social workers and other professionals, conduct assistance and education work for minors who have been conditionally not prosecuted.

Article 32 — Juvenile offenders who return to society after serving their sentences or undergoing correctional education shall not be discriminated against in school admission, employment, or other aspects. The relevant departments and organizations shall, in accordance with the law, assist them in addressing the difficulties they face in schooling, employment, and daily life, and help them integrate into society.

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Article 33 — The guardians of juvenile offenders shall assume the responsibility of discipline and shall cooperate with community correction institutions in carrying out corrective education for the minors. Where guardians fail to perform their discipline responsibilities, community correction institutions, public security organs, and other relevant departments shall admonish them; where the circumstances are serious, social organizations may be organized to provide family education guidance for them.

Chapter VI — Legal Liability

Article 34 — Where parents or other guardians of minors fail to perform their guardianship duties in accordance with the law, thereby causing minors to commit serious misconduct or criminal acts, the public security organs shall admonish them and may order them to receive family education guidance. Where public security organs, people's procuratorates, or people's courts find during the course of handling cases that guardians fail to perform their guardianship duties in accordance with the law, they shall admonish them and may order them to receive family education guidance.

Article 35 — Where commercial entertainment venues, internet service business premises, or other places unsuitable for minors, in violation of the provisions, admit minors, the relevant competent authorities shall order them to make corrections, impose a fine, and confiscate the illegal gains; where the circumstances are serious, they shall be ordered to suspend business for rectification or their business licenses shall be revoked.

Article 36 — Where operators produce, reproduce, publish, disseminate, or hold publications, audio-visual products, or online information that contains content harmful to minors, such as obscenity, violence, murder, terror, or gambling, the relevant competent authorities shall impose penalties in accordance with the provisions of the relevant laws and administrative regulations.

Article 37 — Where any staff member of the administrative departments of education, public security, civil affairs, and justice, or the people's procuratorates, people's courts, or judicial administrative departments, in the course of preventing juvenile delinquency, commits any act of neglecting duties, abusing powers, or engaging in malpractice for personal gain, sanctions shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 38 — Where any violation of the provisions of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VII — Supplementary Provisions

Article 39 — The specific measures for the setting and management of specialized schools shall be formulated by the State Council. The specific measures for specialized correctional education shall be formulated by the State Council in accordance with the provisions of this Law.

Article 40 — This Law shall come into force on June 1, 2021. The Law of the PRC on the Prevention of Juvenile Delinquency adopted on June 28, 1999 shall be repealed simultaneously.

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