People’s Police Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of safeguarding national security, maintaining social order, protecting the lawful rights and interests of citizens, strengthening the construction of the people's police force, strictly enforcing police management, improving the quality of the people's police, ensuring that the people's police exercise their functions and powers in accordance with the law, and ensuring the smooth progress of reform, opening-up, and the socialist modernization drive.

Article 2 — The tasks of the people's police shall be to safeguard national security, maintain social order, protect the personal safety, personal freedom, and lawful property of citizens, protect public property, and prevent, stop, and punish illegal and criminal activities. The people's police consist of the people's police of public security organs, state security organs, prisons, and reeducation-through-labor administrative organs, as well as the judicial police of people's courts and people's procuratorates.

Article 3 — The people's police must rely on the support of the people, maintain close ties with the people, listen attentively to their opinions and suggestions, accept their supervision, safeguard their interests, and serve the people wholeheartedly.

Article 4 — The activities of the people's police must be based on facts and take law as the criterion, and must abide by laws and regulations and strictly observe organizational discipline. The people's police shall enforce the law impartially and shall be a model of observing discipline.

Article 5 — The people's police shall exercise their functions and powers in accordance with the law and shall be protected by law; they shall not be subject to interference by any administrative organ, public organization, or individual or by illegal obstruction.

Chapter II — Functions and Duties

Article 6 — The people's police of public security organs shall, in accordance with the division of duties, perform the following functions and duties: (1) preventing, stopping, and investigating illegal and criminal activities; (2) maintaining public order and stopping acts endangering public order; (3) maintaining traffic safety and traffic order and handling traffic accidents; (4) organizing and implementing fire control work and exercising fire control supervision; (5) controlling firearms, ammunition, controlled knives, and inflammable, explosive, highly toxic, radioactive, and other dangerous articles; (6) administering special trades and industries as prescribed by laws and regulations; (7) guarding specific persons designated by the State and important venues and installations; (8) managing assemblies, processions, and demonstrations; (9) managing household registration, nationality, and entry-exit affairs, and matters relating to the residence and travel of foreigners in China; (10) maintaining public order in border areas; (11) executing criminal punishments on persons sentenced to public surveillance, criminal detention, and deprivation of political rights, and exercising supervision over and investigation of persons released on bail pending trial or on parole; (12) supervising and administering the work of protecting computer information system security; (13) guiding and supervising the public security work of State organs, public organizations, enterprises, institutions, and key construction projects, and guiding the work of community public security protection committees and other public security public organizations; and (14) other functions and duties as prescribed by laws and regulations.

Article 7 — The people's police of public security organs may, in accordance with the law, impose compulsory administrative measures and administrative penalties on individuals or organizations in violation of public security administration or other laws and regulations on public security administration.

Article 8 — The people's police of public security organs may, in accordance with the law, detain or take into custody persons who seriously endanger public order or pose a threat to public safety, forcibly take away from the scene persons who seriously endanger public order or pose a threat to public safety, and take compulsory measures to subdue or restrain such persons in accordance with the law.

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Article 9 — In order to maintain public order, the people's police of public security organs may interrogate and examine persons suspected of illegal or criminal acts upon production of the appropriate credentials. After interrogation and examination, if it is found that a person is suspected of one of the following acts, the person may be taken to a public security organ for further questioning upon approval: (1) being accused of a criminal act; (2) being suspected of committing a crime at the scene; (3) being suspected of committing a crime and having an identity that cannot be verified; or (4) carrying articles that may be stolen property. The period of continued questioning after being taken to the public security organ shall not exceed 24 hours. In special circumstances, it may be extended to 48 hours upon approval by the public security organ at or above the county level.

Article 10 — Where the people's police of public security organs encounter violent acts such as refusing to submit to arrest, rioting, or hijacking that seriously endanger public safety or the personal safety of others, they may use weapons or police equipment in accordance with relevant State regulations.

Article 11 — In order to stop serious illegal and criminal activities, the people's police of public security organs may use police equipment in accordance with relevant State regulations.

Article 12 — In order to investigate criminal activities, the people's police of public security organs may, in accordance with the law, execute criminal compulsory measures such as detention, arrest, and search.

Article 13 — The people's police of public security organs may, as necessitated by their duties and upon approval in accordance with relevant State regulations, give priority to taking public transport conveyances, and may give priority to using the means of transport, communication tools, venues, and buildings of organizations and individuals. Such use shall be compensated in a timely manner after the tasks necessitating such use are completed.

Article 14 — The people's police of public security organs may, in accordance with the law, impose administrative detention penalties on persons who violate public security administration. The people's police of public security organs may also restrain or take protective measures to constrain the behavior of mental patients who seriously endanger public security or the personal safety of others. When necessary, they shall escort such persons to designated institutions or units for custody and treatment.

Chapter III — Obligations and Discipline

Article 15 — The people's police shall fulfill the following obligations: (1) enforcing the law impartially and handling matters in accordance with the law; (2) being exemplary in observing social ethics; (3) being polite and courteous toward the people, acting in a civilized manner in the performance of duties, and respecting the customs and habits of the masses; (4) accepting the supervision of the people and the legal supervision of the people's procuratorates, and consciously safeguarding the interests of the people.

Article 16 — The people's police shall not commit any of the following acts: (1) spreading remarks damaging the reputation of the State, or joining illegal organizations, or participating in activities aimed at opposing the State; (2) divulging State secrets or secrets of police work; (3) falsifying facts, concealing the truth, shielding or conniving at illegal and criminal acts; (4) extorting confessions by torture, extracting evidence by threats, enticement, deceit, or other illegal means; (5) illegally depriving or restricting the personal freedom of others, or illegally searching the person, articles, residence, or premises of others; (6) extorting or taking bribes, engaging in malpractices for personal gain, or abusing authority; (7) beating or mistreating others, or instigating others to do so; (8) imposing fines or collecting fees in violation of regulations; (9) accepting banquets, gifts, or other favors from parties and their agents; (10) engaging in profit-making business activities or holding concurrent posts in profit-making organizations; (11) failing to perform legally prescribed obligations towards persons in emergency or distress; or (12) other illegal or disciplinary acts.

Article 17 — People's police who violate the provisions of the preceding article shall be subject to administrative sanctions. If a crime is constituted, criminal liability shall be pursued in accordance with the

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law.

Chapter IV — Organizational Management

Article 18 — The State shall, in accordance with the nature, tasks, and characteristics of the work of the people's police, prescribe the organizational structure and personnel establishment of the police force.

Article 19 — Persons serving as people's police shall meet the following requirements: (1) having reached the age of 18; (2) supporting the Constitution of the PRC; (3) having good political quality and moral character; (4) being in good health; and (5) having an educational background of senior middle school or above.

Article 20 — The recruitment of people's police shall be conducted openly, with strict examination and competitive selection. Persons recruited as people's police shall undergo training at police academies or training institutions prescribed by the State before commencing their duties.

Article 21 — People's police shall be promoted in rank on the basis of their political integrity, professional competence, work performance, and seniority. People's police shall wear uniforms and police insignia in accordance with State regulations.

Article 22 — The State shall establish a system of police ranks for the people's police. The ranks of the people's police shall be determined in accordance with their current posts, political integrity, professional competence, work performance, and seniority.

Chapter V — Logistical Support

Article 23 — The State shall establish a police funding guarantee system. Police funds shall be separately listed in the State budget and shall be fully guaranteed.

Article 24 — The people's police shall implement the salary, insurance, and welfare systems of the State civil servants. The people's police shall enjoy special allowances such as police service allowances, and other allowances and subsidies as prescribed by the State.

Article 25 — Where people's police are disabled or die in the line of duty, the State shall provide pensions and preferential treatment to them and their families in accordance with the relevant provisions applicable to active military personnel.

Article 26 — The State shall, in accordance with the work characteristics of the people's police, prescribe working hours, rest, and vacation systems. The facilities for police communications, command, and operations support shall be incorporated into the State capital construction plan.

Chapter VI — Law Enforcement Supervision

Article 27 — The people's police shall be subject to the supervision of the people's procuratorates and the administrative supervision organs in the performance of their duties and shall consciously accept the supervision of society and citizens.

Article 28 — Public security organs at or above the county level shall establish a supervisory system of inspection by inspectors, and shall conduct regular supervision and inspection of the people's police in the performance of their duties and the observance of discipline.

Article 29 — When making decisions and issuing orders, organs with superior authority over the people's police shall take full account of the actual circumstances and shall not exceed the limits of authority of the people's police. Any erroneous decision or order shall be promptly corrected.

Article 30 — Where the people's police refuse to carry out a decision or order issued by a superior authority that exceeds the scope of their duties as prescribed by laws and regulations, the superior authority shall not

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hold them accountable for such refusal.

Article 31 — Citizens or organizations shall have the right to file reports with or lodge complaints against the people's police with the relevant organs regarding their illegal or undisciplined acts. The organs accepting such reports or complaints shall investigate and handle them in a timely manner, and shall inform the complainant of the results.

Chapter VII — Legal Liability

Article 32 — People's police who commit any of the acts specified in Article 16 of this Law shall be subject to administrative sanctions. Those whose acts constitute a crime shall be investigated for criminal liability in accordance with the law.

Article 33 — Where the people's police cause bodily injury or death to a citizen, or cause damage to property through illegal use of weapons or police equipment in violation of regulations, they shall bear compensation liability. If a crime is constituted, criminal liability shall be pursued.

Article 34 — Where a citizen or organization refuses to comply or obstructs the people's police in the lawful performance of their duties, the people's police may impose compulsory measures or give a warning, a fine, or detention in accordance with the law. If a crime is constituted, criminal liability shall be pursued.

Chapter VIII — Supplementary Provisions

Article 35 — The State Council and the Central Military Commission shall separately prescribe the duties, functions and powers, obligations and discipline, and relevant management and support provisions for the armed police forces.

Article 36 — This Law shall come into force on the date of promulgation. The People's Police Regulations of the People's Republic of China promulgated on June 25, 1957 shall be repealed simultaneously.

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