Prison Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of correctly executing criminal punishments, punishing and reforming criminals, and preventing and reducing crime.

Article 2 — Prisons are the organs of the State for executing criminal punishments. Prisons shall, in accordance with the provisions of the Criminal Law and the Criminal Procedure Law, hold in custody criminals sentenced to fixed-term imprisonment, life imprisonment, or the death penalty with a two-year suspension of execution. Where a criminal has a remaining term of imprisonment of not more than three months before the effective date of the judgment, the detention center shall execute the punishment in lieu of

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the prison.

Article 3 — Prisons shall implement the principle of combining punishment with reform and combining education with labor, to reform criminals into law-abiding citizens.

Article 4 — Prisons shall supervise and manage criminals in accordance with the law. The lawful rights and interests of criminals shall not be infringed upon, and criminals shall enjoy personal safety and lawful property rights in accordance with the law.

Article 5 — The activities of prisons in executing criminal punishments shall be subject to legal supervision by the people's procuratorates in accordance with the law.

Article 6 — Prisons shall be subject to the administration of the judicial administrative department under the State Council. The State shall guarantee the funds required for the reform of criminals. Prison expenses shall be included in the State budget.

Chapter II — Prisons

Article 7 — The establishment, abolition, and relocation of prisons shall be subject to approval by the judicial administrative department under the State Council. Prisons shall have prison heads, deputy prison heads, and shall set up necessary work organs and be staffed with prison administration personnel, prison guards, and other prison personnel as required by their work.

Article 8 — Prison administration personnel shall strictly abide by the Constitution and laws, be loyal to their duties, impartially enforce the law, strictly observe discipline, and be honest and upright.

Article 9 — Prison administration personnel shall not commit any of the following acts:

(1) Demanding, accepting, or appropriating property from criminals or their relatives;

(2) Releasing criminals without authorization or through dereliction of duty allowing criminals to escape;

(3) Using torture to extract confessions or subjecting criminals to corporal punishment or mistreatment;

(4) Insulting the personal dignity of criminals;

(5) Striking or instigating others to strike criminals;

(6) Using criminals to provide private labor services for individuals;

(7) Privately transmitting letters or articles for criminals in violation of regulations;

(8) Illegally handing over the supervision and control of criminals to others;

(9) Other illegal acts.

Chapter III — Execution of Criminal Punishments

Article 10 — Prisons shall accept criminals upon receipt of the notice of execution of sentence, the indictment, the judgment, and the execution notice from the people's court. Where the above documents are incomplete or contain errors, the people's court that rendered the judgment shall make supplementation or correction in a timely manner. Where any of the circumstances that may jeopardize personal safety exist, the prison may temporarily refuse acceptance, but shall promptly report to the judicial administrative department.

Article 11 — Prisons shall conduct physical examinations of newly admitted criminals. Female criminals shall be examined by female prison administration personnel or medical personnel. Criminals who are seriously ill and need medical parole, or female criminals who are pregnant or breastfeeding their own infants, may be temporarily refused admission, but the matter shall be handled by the delivering organ in accordance with the law.

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Article 12 — Prisons shall conduct registration of newly admitted criminals, take photographs, and keep case files. Prisons shall notify the family members of criminals within five days of the date of admission.

Article 13 — The term of imprisonment of a criminal shall be calculated from the date of the effective judgment or ruling. Where a criminal is held in custody before the judgment takes effect, one day in custody shall be counted as one day of the term of imprisonment.

Article 14 — Where a people's court or prison administration organ decides or approves the temporary execution of a sentence outside prison for a criminal, the prison shall handle the procedures for temporary execution outside prison. Where the circumstances for temporary execution outside prison disappear, the criminal shall be taken back into prison.

Article 15 — Prisons shall release criminals upon the expiration of their term of imprisonment and issue them a certificate of release. The released persons shall enjoy the same rights as other citizens, and their lawful rights and interests shall be protected by law.

Article 16 — Criminals who satisfy the conditions for commutation of sentence or parole shall be recommended by the prison to the people's court for a ruling. People's procuratorates shall exercise legal supervision over commutation and parole cases.

Article 17 — Where a criminal commits a crime while serving their sentence, the prison shall investigate and transfer the case to the people's procuratorate for handling in accordance with the law.

Article 18 — Criminals may make complaints, file petitions, and make accusations in accordance with the law. Prisons shall handle such matters in accordance with the law or transfer them to the relevant authorities for handling.

Chapter IV — Prison Administration

Article 19 — Prisons shall exercise separate custody and separate management of male and female criminals, and of adult criminals and juvenile criminals. Criminals shall be classified and managed according to the type of crime committed, the type and length of punishment, the performance of reform, and other factors.

Article 20 — Prisons shall establish guard systems and conduct regular and irregular inspections of prison areas to maintain prison order and security. Necessary guard installations shall be in place around the prison area.

Article 21 — Prisons shall exercise armed defense over prisons. The Chinese People's Armed Police Force shall be responsible for armed defense and security. The specific measures for armed defense shall be formulated by the State Council and the Central Military Commission.

Article 22 — Prisons shall establish physical examination, health, and epidemic prevention systems for criminals to safeguard their health. The living quarters, activity areas, and production areas of criminals shall meet health and environmental requirements.

Article 23 — The living standards of criminals shall be calculated based on physical quantities and implemented in accordance with State regulations. The daily necessities and food of criminals shall be supplied in accordance with State regulations and standards.

Article 24 — Prisons shall establish medical facilities for criminals to ensure basic medical care. Criminals who are ill shall receive timely treatment. Where a criminal suffers from a serious illness and the prison's medical facilities are unable to provide effective treatment, the prisoner may be transferred to another medical facility for treatment.

Article 25 — Criminals may meet with visitors and correspond with others in accordance with regulations. Prisons shall inspect the letters and articles received or sent by criminals. Articles carried by visitors of

criminals shall be inspected. Prisons may monitor meetings between criminals and visitors.

Article 26 — The use of restraints such as handcuffs and shackles against criminals shall be strictly controlled and shall be subject to approval in accordance with regulations. Restraints may be used only in the following circumstances:

(1) Where a criminal may commit an act of escape, violence, or suicide;

(2) Where a criminal may commit an act of assault or other dangerous acts;

(3) Where a criminal is being escorted out of prison;

(4) Where a criminal is in imminent danger of endangering the safety of others.

Article 27 — Where a criminal commits an act of assault, damaging prison property, or disturbing prison order, the prison may impose sanctions such as a warning, recording of a demerit, or solitary confinement. The period of solitary confinement shall be not less than seven days and not more than fifteen days.

Article 28 — Where a criminal commits a crime while serving their sentence, the prison shall transfer the case to the public security organ for investigation. Where a criminal has escaped from prison, the prison shall immediately pursue and apprehend them and notify the public security organ.

Chapter V — Education and Reform

Article 29 — The principle of teaching according to individual circumstances, providing education by categories, and using persuasion as the primary method shall be applied to the education and reform of criminals. The education of criminals shall include education on ideology, morality, the legal system, culture, and technical skills.

Article 30 — Prisons shall carry out cultural and technical education for criminals. Juvenile criminals, adult criminals under 45 years of age, and criminals who have not completed compulsory education shall receive compulsory education. Prisons shall encourage criminals to study on their own and may, where conditions permit, organize criminals to participate in nationally recognized academic examinations.

Article 31 — Prisons shall organize criminals to engage in appropriate cultural and sports activities to foster their physical and mental health. Prisons may, based on their actual conditions, establish libraries, reading rooms, and other cultural facilities.

Article 32 — Prisons shall organize criminals to participate in labor activities to cultivate their labor habits, reform their thinking, and enable them to acquire labor skills and learn a trade. Prisons shall pay remuneration to criminals for their labor in accordance with State regulations.

Article 33 — The working hours of criminals shall be determined with reference to relevant State regulations on working hours. Criminals shall have the right to rest on statutory holidays and rest days. Prisons shall apply the provisions of State regulations on labor protection to criminals who engage in labor.

Chapter VI — Labor Reform

Article 34 — Prisons shall, based on the individual circumstances of criminals, arrange for them to engage in labor suited to their physical condition and technical skills. Criminals who are unable to engage in labor due to illness shall not be assigned to labor.

Article 35 — Juvenile offenders shall be assigned to light physical labor suited to the characteristics of juveniles and shall be given priority to participate in learning cultural knowledge and production skills. Female criminals shall be assigned to labor suited to their physiological characteristics.

Article 36 — Criminals who proactively participate in labor, abide by labor discipline, complete production tasks, acquire technical skills, and achieve meritorious service through invention and innovation may be

commended, rewarded, or have their sentences commuted in accordance with the law.

Article 37 — The execution of criminal punishments and the reform of criminals by prisons shall be subject to social supervision. Relevant State organs, public organizations, armed forces, enterprises, public institutions, and individuals may visit prisons to assist in the education and reform of criminals.

Chapter VII — Legal Liability

Article 38 — Where prison administration personnel commit acts of demanding or accepting property from criminals or their relatives, releasing criminals without authorization or negligently allowing criminals to escape, using torture to extract confessions, committing corporal punishment or mistreatment of criminals, insulting criminals, beating or instigating others to beat criminals, or illegally handing over supervision and control of criminals to others and such acts constitute a crime, criminal liability shall be pursued in accordance with the law; where the acts do not constitute a crime, disciplinary action shall be taken in accordance with the law.

Article 39 — Where a criminal intentionally damages prison facilities, articles, or equipment while serving their sentence, they shall bear civil liability for compensation in accordance with the law.

Article 40 — This Law shall come into force on the date of promulgation.

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