

Procurators 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 purpose of comprehensively advancing the construction of a high-quality procuratorial force, strengthening the management and supervision of procurators, safeguarding the lawful rights and interests of procurators, ensuring that the people's procuratorates independently exercise their procuratorial power in accordance with the law, and ensuring that procurators perform their duties in accordance with the law and uphold judicial justice.

Article 2 — Procurators are the procuratorial personnel who exercise the procuratorial power of the state in accordance with the law, including the chief procurator, deputy chief procurators, members of the procuratorial committees, and procuratorial officers of the Supreme People's Procuratorate, local people's procuratorates at various levels, and special people's procuratorates such as military procuratorates.

Article 3 — Procurators must faithfully implement the Constitution and laws, safeguard social fairness and justice, and serve the people wholeheartedly.

Article 4 — Procurators shall be treated with equal emphasis on morality and competence, with morality given priority, and shall possess good political quality, professional competence, and professional ethics.

Chapter II — Functions, Duties, and Obligations of Procurators

Article 5 — The functions and duties of procurators are: (1) to investigate criminal cases directly accepted by the people's procuratorates in accordance with the law; (2) to examine cases for which arrest is requested by public security organs and decide whether to approve arrest, and to review whether the investigation activities of investigation organs are lawful and conduct supervision thereof; (3) to examine cases for prosecution, decide whether to initiate public prosecution, and appear in court to support public prosecution; (4) to exercise supervision over criminal trials, civil trials, and administrative trials in accordance with the law; (5) to exercise legal supervision over judgments and rulings and the execution activities in criminal cases in accordance with the law; and (6) other functions and duties prescribed by law. Procurators shall be responsible for the decisions they make.

Article 6 — Chief procurators, deputy chief procurators, and members of procuratorial committees shall, in addition to performing procuratorial functions and duties, also perform other functions and duties commensurate with their posts.

Article 7 — Procurators shall strictly abide by the Constitution and laws, be impartial in the administration of justice, take facts as the basis and law as the criterion, and handle cases impartially.

Article 8 — Procurators shall perform their duties in accordance with the law and shall be protected by law, and shall not be subject to interference by administrative organs, social organizations, or individuals.

Chapter III — Conditions for and Selection of Procurators

Article 9 — A procurator must meet the following conditions: (1) have the nationality of the People's Republic of China; (2) be at least 23 years of age; (3) uphold the Constitution of the People's Republic of China, and the leadership of the Communist Party of China and the socialist system; (4) have good political and professional quality and good conduct; (5) be in good health; (6) have a bachelor's degree or above in law from an institution of higher learning, or a bachelor's degree or above in a non-law major from an institution of higher learning but with a master's degree or above in law; or have a bachelor's degree or above from an institution of higher learning, and have been engaged in legal work for five years; and (7) have passed the national unified legal profession qualification examination.

Article 10 — Persons who have ever been subject to criminal punishment for committing a crime or who have been dismissed from public office shall not serve as procurators. Persons who have been removed from the post of judge or procurator shall not serve as procurators.

Article 11 — The chief procurator of a people's procuratorate shall possess legal knowledge and legal practice experience. A deputy chief procurator or a member of a procuratorial committee shall be selected from among procurators, judges, or other persons qualified to serve as procurators.

Chapter IV — Appointment and Removal of Procurators

Article 12 — The Procurator-General of the Supreme People's Procuratorate shall be elected or removed by the National People's Congress. The deputy procurators-general, members of the procuratorial committee, and procuratorial officers of the Supreme People's Procuratorate shall be appointed or removed by the Standing Committee of the National People's Congress upon the recommendation of the Procurator-General.

Article 13 — The chief procurators of local people's procuratorates at various levels shall be elected or removed by the people's congresses at the corresponding levels. The deputy chief procurators, members of the procuratorial committees, and procuratorial officers of local people's procuratorates shall be appointed or removed by the standing committees of the people's congresses at the corresponding levels upon the recommendation of the chief procurators. The appointment or removal of the chief procurator of a local people's procuratorate shall be reported to the chief procurator of the people's procuratorate at the next higher level for submission to the standing committee of the people's congress at the corresponding level for approval.

Article 14 — Procurators shall be selected in accordance with the law from among persons who have obtained the corresponding legal profession qualifications and meet the conditions for procurators. A procurator may only be removed from his or her post in accordance with the statutory procedures and for statutory reasons.

Chapter V — System of Posts and Ranks

Article 15 — The state shall implement a system of separate posts and ranks for procurators. The ranks of procurators are divided into 12 levels. The Procurator-General of the Supreme People's Procuratorate is the Chief Grand Procurator. The ranks of procurators from the second to the twelfth are Grand Procurator of the First Rank, Grand Procurator of the Second Rank, Senior Procurator of the First Rank, Senior Procurator of the Second Rank, Senior Procurator of the Third Rank, Senior Procurator of the Fourth Rank, Procurator of the First Rank, Procurator of the Second Rank, Procurator of the Third Rank, Procurator of the Fourth Rank, and Procurator of the Fifth Rank.

Article 16 — The establishment of procurator posts shall be in accordance with the nature of the functions, the complexity of the cases, the degree of specialization, and the scale of the procuratorial work of the procuratorates. The state shall exercise unified management over procurator posts and ranks, and shall implement classified management over different types of procurators.

Chapter VI — Evaluation, Rewards, and Punishments

Article 17 — People's procuratorates shall establish a procurator evaluation committee to be responsible for the evaluation of procurators. The procurator evaluation committee shall be composed of procurators and other relevant personnel. The evaluation shall be conducted on an objective, fair, and practical basis and shall include the procurator's performance of duties, professional competence, professional ethics, and conduct.

Article 18 — Procurators who have made outstanding contributions in their work shall be commended and rewarded in accordance with the relevant provisions of the state. Rewards include commendation, recording of merit, and conferment of honorary titles. Procurators who are found, through evaluation, to be incompetent for their posts shall be removed from their procurator posts in accordance with the law.

Chapter VII — Salary, Welfare, and Insurance Benefits

Article 19 — Procurators shall enjoy a salary system commensurate with their posts and ranks, which shall reflect the characteristics of the procuratorial profession. The standards of salaries of procurators shall be determined by the state in accordance with the characteristics of procuratorial work. The state shall establish a system for the regular increase of procurators' salaries. Procurators shall enjoy welfare benefits such as allowances, subsidies, bonuses, insurance benefits, and housing benefits in accordance with state provisions.

Chapter VIII — Resignation, Dismissal, and Retirement

Article 20 — A procurator may resign from his or her post in accordance with the provisions by submitting a written application for resignation, which shall be subject to approval by the appointing organ. A procurator who falls under any of the following circumstances shall be dismissed in accordance with the law: (1) having lost the nationality of the People's Republic of China; (2) having been transferred out of the procuratorate; (3) having had his or her post changed and therefore no longer serving as a procurator; (4) having been found, through evaluation, to be incompetent for the post for two consecutive years; (5) having resigned or been laid off; (6) having been subject to a sanction of demotion or removal from office for violating discipline; (7) having been removed from the post of procurator in accordance with the law; or (8) having been dismissed from public office in accordance with the law.

Article 21 — Procurators shall retire in accordance with the retirement system of the state. Procurators may retire before the statutory retirement age in accordance with the relevant provisions of the state. After retirement, procurators shall enjoy pension insurance and other benefits prescribed by the state.

Chapter IX — Supplementary Provisions

Article 22 — This Law shall enter into force on October 1, 2019.

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