Public Security Administration Punishments Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

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Article 1 — This Law is enacted for the purpose of maintaining public security order, safeguarding public safety, protecting the lawful rights and interests of citizens, legal persons and other organizations, and regulating and ensuring the lawful performance of public security administrative duties by public security organs and people's police.

Article 2 — Any act that disturbs public order, endangers public safety, infringes upon personal rights or property rights, or obstructs social administration, which constitutes a crime in accordance with the Criminal Law of the People's Republic of China, shall be subject to criminal liability; where such act is not serious enough to constitute a crime, the public security organ shall impose public security administrative penalties in accordance with this Law.

Article 3 — The procedures for imposing public security administrative penalties shall be governed by this Law; where this Law is silent, the relevant provisions of the Administrative Penalty Law of the People's Republic of China shall apply.

Article 4 — This Law shall apply to acts violating public security administration committed within the territory of the People's Republic of China, except where otherwise provided by law.

Article 5 — Public security administrative penalties shall be based on facts and shall be commensurate with the nature and circumstances of the act violating public security administration and the degree of harm to society.

Article 6 — People's governments at all levels shall strengthen comprehensive management of public security and adopt effective measures to resolve social conflicts, enhance social harmony and maintain social stability.

Article 7 — The public security department under the State Council shall be responsible for public security administration nationwide. Local public security organs at or above the county level shall be responsible for public security administration within their respective administrative regions.

Article 8 — Where an act violating public security administration causes damage to others, the actor or his guardian shall bear civil liability in accordance with the law.

Article 9 — Where an act violating public security administration is relatively minor and the actor has made an amicable settlement with the victim, the public security organ may choose not to impose a penalty. Where no amicable settlement is reached, the public security organ shall impose a penalty in accordance with this Law and shall inform the parties concerned that they may bring a civil action before a people's court according to law.

Chapter II — Types and Application of Penalties

Article 10 — The types of public security administrative penalties include:

(1) Warning;

(2) Fine;

(3) Administrative detention;

(4) Revocation of licenses issued by public security organs.

Foreigners who violate public security administration may be subject to an order to leave the country within a specified time limit or deportation in addition to the penalties set out above.

Article 11 — Any contraband seized in the course of handling a public security administrative case, including drugs, pornographic materials, gambling instruments, gambling chips, opium-smoking or heroin-injecting instruments, and any instruments owned by the actor and directly used in committing the act violating public security administration shall be confiscated and disposed of in accordance with relevant regulations.

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Property obtained through an act violating public security administration shall be recovered and returned to the victim; where there is no victim, such property shall be registered and submitted to public auction or disposed of in accordance with relevant state regulations, and the proceeds shall be turned over to the state treasury.

Article 12 — A person who has attained the age of 14 but not the age of 18 and violates public security administration shall be given a lighter or mitigated penalty. A person who has not attained the age of 14 and violates public security administration shall not be penalized, but his guardian shall be instructed to subject him to discipline.

Article 13 — A mentally disordered person who violates public security administration at the time when he is unable to recognize or control his own conduct shall not be penalized, but his guardian shall be instructed to keep him under strict custody and provide treatment. An intermittently mentally disordered person who violates public security administration while in a state of mental normalcy shall be penalized.

Article 14 — A blind or deaf-mute person who violates public security administration may be given a lighter or mitigated penalty or may not be penalized.

Article 15 — An intoxicated person who violates public security administration shall be penalized. If an intoxicated person is likely to endanger himself or others, appropriate protective restrictive measures shall be taken to restrain him until he sobers up.

Article 16 — Where a person commits two or more acts violating public security administration, separate decisions shall be made and the penalties shall be executed concurrently. Where the combined term of administrative detention exceeds 20 days, the term executed shall not exceed 20 days.

Article 17 — Where an act violating public security administration is committed jointly, the actors shall be penalized according to the role played by each and the consequences of the act. Any person who instigates, coerces or induces others to violate public security administration shall be penalized according to the seriousness of the act instigated, coerced or induced.

Article 18 — Where a unit commits an act violating public security administration, the directly responsible persons in charge and other directly responsible persons shall be penalized in accordance with this Law. Where otherwise provided by other laws or administrative regulations, those provisions shall apply.

Article 19 — Where an act violating public security administration is under any of the following circumstances, the penalty may be mitigated or no penalty may be imposed:

(1) The consequences of the act are extremely minor;

(2) The actor has taken the initiative to eliminate or mitigate the harmful consequences and has obtained the victim's forgiveness;

(3) The act results from coercion or inducement by others;

(4) The actor has voluntarily surrendered and truthfully stated his illegal acts to the public security organ;

(5) The actor has performed meritorious service.

Article 20 — Where an act violating public security administration is under any of the following circumstances, a heavier penalty shall be imposed:

(1) The consequences of the act are relatively serious;

(2) The actor instigates, coerces or induces others to violate public security administration, or organizes others to do so;

(3) The actor retaliates against the reporter, accuser, informant or witness;

(4) The actor has been subject to public security administrative penalties within the preceding six months.

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Article 21 — Administrative detention shall not be executed against any person who violates public security administration but is under any of the following circumstances:

(1) The person has attained the age of 14 but not the age of 16;

(2) The person has attained the age of 16 but not the age of 18 and violates public security administration for the first time;

(3) The person has attained the age of 70;

(4) The person is pregnant or is breastfeeding her own infant under one year of age.

Article 22 — No public security administrative penalty shall be imposed where an act violating public security administration has not been discovered by the public security organ within six months. The period of limitation shall run from the date on which the act violating public security administration is committed; where the act is continuous or continuing, the period shall run from the date on which the act ceases.

Chapter III — Acts Violating Public Security Administration and Penalties

Section 1 — Acts Disturbing Public Order

Article 23 — Any person who commits any of the following acts shall be given a warning or fined not more than 200 yuan; where the circumstances are relatively serious, the person shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan:

(1) Disturbing the order of a government organ, organization, enterprise or institution, thereby making it impossible for work, production, business, medical treatment, teaching or scientific research to proceed normally, but not having caused serious losses;

(2) Disturbing order at a station, port, wharf, airport, shopping mall, park, exhibition hall or any other public place;

(3) Disturbing order on a bus, tram, train, vessel, aircraft or any other means of public transportation;

(4) Illegally intercepting, forcibly boarding or boarding a motor vehicle, vessel, aircraft or any other means of transportation, thereby affecting the normal travel of such means of transportation;

(5) Disrupting the order of an election conducted in accordance with the law.

Any person who gathers a crowd to commit any of the acts mentioned in the preceding paragraph shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan.

Article 24 — Any person who commits any of the following acts shall be given a warning or fined not more than 200 yuan; where the circumstances are serious, the person shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan:

(1) Forcibly entering a stadium or arena during a large-scale cultural or sports activity;

(2) Setting off fireworks, firecrackers or other articles in violation of regulations at a stadium or arena during a large-scale cultural or sports activity;

(3) Displaying insulting slogans, banners or other articles at a stadium or arena during a large-scale cultural or sports activity;

(4) Besieging referees, athletes or other staff members during a large-scale cultural or sports activity;

(5) Throwing miscellaneous articles into the venue during a large-scale cultural or sports activity, refusing to stop after being ordered to do so;

(6) Other acts disturbing the order of large-scale cultural or sports activities.

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Article 25 — Any person who commits any of the following acts shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan:

(1) Spreading rumors, making false reports of dangerous situations, epidemic situations or warnings, or intentionally disturbing public order by other means;

(2) Disrupting public order by releasing false information of hazardous substances such as explosive, toxic, radioactive or corrosive substances or of infectious disease pathogens;

(3) Threatening to set fire, detonate explosives or release hazardous substances to deliberately disturb public order.

Article 26 — Any person who commits any of the following acts shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan; where the circumstances are relatively serious, the person shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan:

(1) Gang-fighting;

(2) Chasing, intercepting or blocking another person;

(3) Forcibly taking, demanding or arbitrarily destroying or occupying public or private property;

(4) Other provocative acts of picking quarrels and stirring up trouble.

Article 27 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan; where the circumstances are relatively minor, the person shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan:

(1) Organizing, instigating, coercing, inducing or inciting others to engage in cult or superstitious activities, thereby disturbing social order or damaging the health of others;

(2) Using other people's names to impersonate them to practice medicine or healing, thereby disturbing social order;

(3) Engaging in superstitious activities such as exorcism and prayer that disturb social order or damage the health of others.

Article 28 — Any person who intentionally interferes with the normal operation of radio services, or causes harmful interference to normally operating radio stations, and refuses to take effective measures to eliminate such interference after being ordered to do so by the competent state department, shall be detained for not less than five days but not more than 10 days; where the circumstances are serious, the person shall be detained for not less than 10 days but not more than 15 days.

Article 29 — Any person who commits any of the following acts shall be detained for not more than five days; where the circumstances are relatively serious, the person shall be detained for not less than five days but not more than 10 days:

(1) Intruding into a computer information system in violation of state regulations, thereby causing harm to such system;

(2) Deleting, modifying, adding to or interfering with the functions of a computer information system in violation of state regulations, thereby making it impossible for the system to operate normally;

(3) Deleting, modifying or adding to the data or application programs stored, processed or transmitted in a computer information system in violation of state regulations;

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(4) Intentionally creating or spreading destructive programs such as computer viruses, thereby affecting the normal operation of a computer information system.

Section 2 — Acts Endangering Public Safety

Article 30 — Any person who, in violation of state regulations, manufactures, buys, sells, stores, transports, mails, carries, uses, provides or disposes of hazardous substances such as explosive, toxic, radioactive or corrosive substances or infectious disease pathogens shall be detained for not less than 10 days but not more than 15 days; where the circumstances are relatively minor, the person shall be detained for not less than five days but not more than 10 days.

Article 31 — Where hazardous substances such as explosive, toxic, radioactive or corrosive substances or infectious disease pathogens are stolen, robbed or lost, the person concerned shall immediately report to the public security organ as required, failing which he shall be detained for not more than five days; and where he intentionally conceals the matter, he shall be detained for not less than five days but not more than 10 days.

Article 32 — Any person who illegally carries a firearm or ammunition, or a dagger or any other type of controlled knife as prescribed by the state, shall be detained for not more than five days and may be concurrently fined not more than 500 yuan; where the circumstances are relatively minor, the person shall be given a warning or fined not more than 200 yuan. Any person who illegally carries a firearm or ammunition, or a dagger into a public place or onto a means of public transportation shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan.

Article 33 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days:

(1) Stealing or damaging oil or gas pipeline facilities, electric power or telecommunications facilities, radio and television facilities, or water conservancy and flood control engineering facilities;

(2) Moving, damaging or destroying boundary markers, boundary posts or other boundary signs and markers of national territory or maritime boundaries, or facilities of national defense for border defense and maritime defense;

(3) Illegally carrying out activities that affect the route of national boundaries or the direction of river courses leading to national boundaries, or illegally constructing facilities that affect national boundary line management.

Article 34 — Any person who steals, damages or moves without authorization an aviation facility in use, or forcibly opens the door or emergency exit of an aircraft, shall be detained for not less than 10 days but not more than 15 days. Any person who uses any instrument or article aboard an aircraft that may affect the normal function of the navigation system, and refuses to stop doing so after persuasion, shall be detained for not more than five days or fined not more than 500 yuan.

Article 35 — Any person who commits any of the following acts shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan:

(1) Stealing, damaging or moving without authorization railway facilities, equipment, rolling stock accessories or safety signs;

(2) Placing obstacles on railway tracks, or intentionally throwing articles at trains;

(3) Digging holes, quarrying or collecting sand on a railway track, bridge or in a culvert or tunnel along a railway line;

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(4) Setting up barriers or gates or building structures without authorization at a level crossing, pedestrian crossing or bridge crossing of a railway.

Article 36 — Any person who, without authorization, enters a railway protection network, or walks, sits or lies on a railway track, or rushes across a railway when a train is approaching, thereby endangering traffic safety, shall be given a warning or fined not more than 200 yuan.

Article 37 — Any person who commits any of the following acts shall be detained for not more than five days or fined not more than 500 yuan; where the circumstances are serious, the person shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan:

(1) Installing or using power grids without approval, or installing or using power grids not in conformity with safety regulations;

(2) Failing to set up warning signs, protective enclosures, barriers or other safety measures at locations that are likely to endanger pedestrian safety, such as road construction sites, wells, ridges or pits near vehicular or pedestrian passageways;

(3) Stealing or damaging manhole covers, road lamps or any other public facilities;

(4) Obstructing the passage of fire engines or ambulances through competition lanes or by other means.

Article 38 — Where any person hosting a large-scale cultural or sports activity violates relevant safety regulations, thereby creating a danger of injury, the person shall be ordered to cease such activity and vacate the venue immediately; the organizers shall be detained for not less than five days but not more than 10 days and concurrently fined not less than 200 yuan but not more than 500 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan.

Article 39 — Where the operator or manager of a hotel, restaurant, cinema, theater, entertainment venue, sports venue, exhibition hall or any other public place for public gatherings fails to comply with safety regulations, thereby creating a danger of injury, and fails to make rectification after being ordered to do so by the public security organ, the operator or manager shall be detained for not more than five days.

Section 3 — Acts Infringing upon Personal Rights and Property Rights

Article 40 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 1,000 yuan; where the circumstances are relatively minor, the person shall be detained for not less than five days but not more than 10 days and fined not less than 200 yuan but not more than 500 yuan:

(1) Organizing, coercing, inducing or retaining persons under the age of 16 or persons with disabilities to engage in frightening or cruel performances;

(2) Using violence or threats to force another person to work;

(3) Illegally restricting another person's personal freedom, or illegally breaking into another person's residence or conducting an illegal search of another person's body.

Article 41 — Any person who coerces, induces or uses another person to beg shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan. Any person who repeatedly entangles, forcibly begs or begs by any other means that disturbs others shall be detained for not more than five days or given a warning.

Article 42 — Any person who commits any of the following acts shall be detained for not more than five days or fined not more than 500 yuan; where the circumstances are relatively serious, the person shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan:

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(1) Sending a written threat or threatening another person's personal safety by any other means;

(2) Openly insulting another person or fabricating facts to defame another person;

(3) Fabricating facts, making false accusations and framing another person in an attempt to subject him to criminal investigation or public security administrative penalty;

(4) Threatening, insulting, beating up or retaliating against a witness or his close relatives;

(5) Repeatedly sending obscene, insulting, threatening or other messages that harass another person's normal life;

(6) Peeping, secretly photographing, eavesdropping or spreading the privacy of another person.

Article 43 — Any person who beats another person or intentionally injures another person's body shall be detained for not less than five days but not more than 10 days and fined not less than 200 yuan but not more than 500 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan. Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 1,000 yuan:

(1) Gang-fighting to cause injuries to another person;

(2) Beating or injuring a person with a disability, a pregnant woman, a person under the age of 14 or a person over the age of 60;

(3) Beating or injuring another person more than once, or beating or injuring more than one person at one time.

Article 44 — Any person who molests another person, or intentionally exposes his or her body in a public place, where the circumstances are odious, shall be detained for not less than five days but not more than 10 days; a person who molests a mentally disordered person, a person with a disability, a person under the age of 14 or a person over the age of 60, or has committed other serious circumstances, shall be detained for not less than 10 days but not more than 15 days.

Article 45 — Any person who commits any of the following acts shall be detained for not more than five days or given a warning:

(1) Maltreating a family member, where the maltreated person so requests;

(2) Abandoning a dependent person who is unable to take care of himself.

Article 46 — Any person who forcibly buys or sells commodities, forces another person to provide services or forces another person to accept services shall be detained for not less than five days but not more than 10 days and fined not less than 200 yuan but not more than 500 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan.

Article 47 — Any person who incites ethnic hatred or ethnic discrimination, or publishes content that discriminates against or insults ethnic minorities in publications or computer information networks, shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan.

Article 48 — Any person who falsely claims ownership of, conceals, destroys, opens without authorization or illegally inspects another person's mail shall be detained for not more than five days or fined not more than 500 yuan.

Article 49 — Any person who steals, defrauds, forcibly seizes, openly robs, extorts or intentionally damages public or private property shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan; where the circumstances are relatively serious, the person shall

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be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan.

Section 4 — Acts Obstructing Social Administration

Article 50 — Any person who commits any of the following acts shall be given a warning or fined not more than 200 yuan; where the circumstances are serious, the person shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan:

(1) Refusing to comply with a decision or order lawfully issued by a people's government in a state of emergency;

(2) Obstructing a state functionary from performing duties in accordance with the law;

(3) Obstructing the passage of a fire truck, ambulance, engineering rescue vehicle, police vehicle or any other vehicle performing an emergency task;

(4) Forcibly breaking through a warning zone or a warning line set up by a public security organ.

Any person who obstructs a people's police officer from performing duties in accordance with the law shall be given a heavier penalty.

Article 51 — Any person who impersonates a state functionary or otherwise uses a false identity to practice fraud shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan. Any person who impersonates a military or police officer to defraud shall be given a heavier penalty.

Article 52 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan; where the circumstances are relatively minor, the person shall be detained for not less than five days but not more than 10 days and may be concurrently fined not more than 500 yuan:

(1) Forging, altering, buying or selling official documents, certificates, certification documents or seals of a state organ, a people's organization, an enterprise or a public institution;

(2) Buying, selling or using forged or altered official documents, certificates or certification documents of a state organ, a people's organization, an enterprise or a public institution;

(3) Forging, altering, reselling tickets, ferry tickets, stamps or any other negotiable bills or vouchers;

(4) Forging or altering vessel registration numbers, or buying, selling or using forged or altered vessel registration numbers, or altering vessel engine numbers.

Article 53 — Where a vessel, without authorization, enters or berths in a water area or on an island where entry or berthing is prohibited or restricted by the state, the responsible person of the vessel or the responsible crew member shall be fined not less than 500 yuan but not more than 1,000 yuan; where the circumstances are serious, the person shall be detained for not more than five days and concurrently fined not less than 500 yuan but not more than 1,000 yuan.

Article 54 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 1,000 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan:

(1) Continuing to operate in violation of state regulations after being banned by the state;

(2) Failing to register and obtain a permit as required after being listed as a social organization whose establishment is prohibited by the state, and continuing to carry out activities in the name of such social

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organization;

(3) Operating a business without a license, a permit or approval required by law without obtaining it in accordance with the law;

(4) Failing to obtain a permit in accordance with the law or registering without authorization as required, and continuing to operate an industry, profession or venue that is required by law to be subject to public security administration.

Any person who, having obtained a permit from a public security organ, operates an industry in violation of public security administration regulations, where the circumstances are serious, the public security organ may revoke the permit.

Article 55 — Any person who incites or plots to illegally assemble, parade or demonstrate, and refuses to listen to dissuasion, shall be detained for not less than 10 days but not more than 15 days.

Article 56 — Any hotel operator who fails to register the name, type and number of the identification document and the item number of the articles of a guest accommodated shall be fined not less than 200 yuan but not more than 500 yuan. Any hotel operator who, knowing that a guest is a criminal suspect or a person wanted by a public security organ, fails to report to the public security organ shall be fined not less than 200 yuan but not more than 500 yuan; where the circumstances are serious, the operator shall be detained for not more than five days and may be concurrently fined not more than 500 yuan.

Article 57 — Any house lessor who leases a house to a person without an identification document, or fails to register the lessee's name, type and number of identification document as required, shall be fined not less than 200 yuan but not more than 500 yuan. Any house lessor who, knowing that a lessee is committing a crime by using the leased house, fails to report to the public security organ shall be fined not less than 200 yuan but not more than 500 yuan; where the circumstances are serious, the lessor shall be detained for not more than five days and may be concurrently fined not more than 500 yuan.

Article 58 — Any person who, in violation of laws and regulations on the prevention and control of noise pollution in social activities, creates noise that disturbs the normal life of others shall be given a warning; and where the person fails to make rectification after the warning, he shall be fined not less than 200 yuan but not more than 500 yuan.

Article 59 — Any person who commits any of the following acts shall be fined not less than 500 yuan but not more than 1,000 yuan; where the circumstances are serious, the person shall be detained for not less than five days but not more than 10 days and concurrently fined not less than 500 yuan but not more than 1,000 yuan:

(1) Where a pawnshop staff member accepts a pawned article and fails to check the relevant supporting documents or to complete registration formalities as required, or knowingly accepts a stolen article or a suspected stolen article and fails to report to the public security organ;

(2) Purchasing articles whose purchase is prohibited by the state in violation of state regulations;

(3) Purchasing stolen goods or articles suspected to be stolen goods from a scrap dealer, pawnshop, auction house or disassembly plant of scrapped automobiles, including but not limited to wires, cables or communication facilities, without a supporting document that indicates the legal source of such goods;

(4) Purchasing or selling cultural relics whose purchase or sale is prohibited by the state.

Article 60 — Any person who commits any of the following acts shall be detained for not less than five days but not more than 10 days and fined not less than 200 yuan but not more than 500 yuan:

(1) Concealing, transferring, selling off or destroying property that has been sealed up, distrained or frozen by an administrative law enforcement organ in accordance with the law;

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(2) Forging, concealing or destroying evidence, or providing false testimony or reporting false information, thereby affecting an administrative law enforcement organ's lawful handling of a case;

(3) Knowingly harboring, transferring or selling off property obtained by another person through violation of law;

(4) Where a criminal suspect whose arrest has been approved by a people's court or decided upon by a people's procuratorate, or a criminal sentenced to a criminal penalty who is subject to a decision on serving sentence outside prison, or a criminal suspect or defendant who has been subjected to compulsory criminal measures, violates the provisions on supervision and administration, by absconding or committing other acts.

Article 61 — Any person who assists in organizing or transporting another person to illegally cross a national border (frontier) shall be detained for not less than 10 days but not more than 15 days and fined not less than 1,000 yuan but not more than 5,000 yuan.

Article 62 — Any person who illegally crosses a national border (frontier) shall be detained for not more than five days or fined not more than 500 yuan. Any person who provides conditions for another person to illegally cross a national border (frontier) shall be detained for not less than five days but not more than 10 days and fined not less than 500 yuan but not more than 2,000 yuan.

Article 63 — Any person who commits any of the following acts shall be given a warning or fined not more than 200 yuan; where the circumstances are relatively serious, the person shall be detained for not less than five days but not more than 10 days and fined not less than 200 yuan but not more than 500 yuan:

(1) Scribing, defacing or otherwise intentionally damaging cultural relics, scenic spots or historic sites protected by the state;

(2) Conducting activities in violation of regulations near or within a cultural relic or historic site protection area that may endanger the safety of the cultural relic or historic site, and refusing to stop or correct after persuasion.

Article 64 — Any person who commits any of the following acts shall be fined not less than 500 yuan but not more than 1,000 yuan; where the circumstances are serious, the person shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 1,000 yuan:

(1) Driving another person's motor vehicle without permission;

(2) Driving a motor vehicle without a motor vehicle driver's license or with a revoked or temporarily suspended motor vehicle driver's license;

(3) Illegally intercepting, forcibly boarding or boarding another person's vessel without authorization, thereby affecting the normal piloting of the vessel;

(4) Illegally entering another country, or illegally entering a foreign diplomatic mission or consulate in China.

Article 65 — Any person who commits any of the following acts shall be detained for not less than five days but not more than 10 days; where the circumstances are serious, the person shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 1,000 yuan:

(1) Intentionally damaging or defacing another person's grave or destroying or discarding another person's remains or ashes;

(2) Placing a corpse in a public place or disturbing the normal life or work order of others due to placing a corpse.

Article 66 — Any person who engages in prostitution or whoring shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 5,000 yuan; where the

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circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan. Any person who solicits prostitutes in a public place shall be detained for not more than five days or fined not more than 500 yuan.

Article 67 — Any person who induces, accommodates or introduces another person to engage in prostitution shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 5,000 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan.

Article 68 — Any person who produces, transports, reproduces, sells, rents out or borrows obscene books, periodicals, pictures, films, audio-visual products or other obscene articles, or transmits obscene information by using computer information networks, telephones or other means of communication, shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 3,000 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan.

Article 69 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 1,000 yuan:

(1) Organizing the broadcasting of obscene audio or video products;

(2) Organizing or conducting obscene performances;

(3) Participating in group licentious activities;

(4) Providing conditions for others to engage in obscene activities.

Article 70 — Any person who provides conditions for gambling for the purpose of making a profit, or who participates in gambling with a relatively large amount of money, shall be detained for not more than five days or fined not more than 500 yuan; where the circumstances are serious, the person shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 3,000 yuan.

Article 71 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 3,000 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan:

(1) Illegally cultivating a small amount of opium poppy or a small amount of other narcotic raw plants;

(2) Illegally buying, selling, transporting, carrying or possessing a small amount of narcotic raw plant seeds or seedlings without a permit;

(3) Illegally transporting, buying, selling, storing or using a small amount of opium poppy shells.

Any person who commits any of the acts listed in the preceding paragraph and uproots the narcotic raw plants or destroys them at the mature stage before they are harvested shall not be penalized.

Article 72 — Any person who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days and may be concurrently fined not more than 2,000 yuan; where the circumstances are relatively minor, the person shall be detained for not more than five days or fined not more than 500 yuan:

(1) Illegally possessing a small amount of opium, heroin, methamphetamine or any other drug;

(2) Providing drugs to another person;

(3) Ingesting or injecting drugs;

(4) Coercing or inducing medical personnel to prescribe narcotic drugs or psychotropic substances.

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Article 73 — Any person who instigates, induces or deceives another person to ingest or inject drugs shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 2,000 yuan.

Article 74 — Where the staff of a hotel, catering, entertainment, taxi or any other service industry knowingly allows drug-taking activities to take place on the premises and fails to report to the public security organ, the operator shall be fined not less than 200 yuan but not more than 500 yuan; where the circumstances are serious, the operator shall be detained for not more than five days and may be concurrently fined not more than 500 yuan.

Article 75 — Any person who keeps an animal that disturbs the normal life of others shall be given a warning; where the person fails to make rectification after the warning, or allows the animal to intimidate or injure another person, the person shall be fined not less than 200 yuan but not more than 500 yuan. Any person who instigates an animal to injure another person shall be detained for not less than 10 days but not more than 15 days and fined not less than 500 yuan but not more than 1,000 yuan.

Article 76 — Where a person commits an act mentioned in Article 67, 68 or 70 of this Law and fails to correct such act despite repeated admonishment, compulsory education measures may be taken in accordance with state regulations.

Chapter IV — Procedures for Penalty Imposition

Section 1 — Investigation

Article 77 — Where a public security organ receives a report, accusation, information or voluntary surrender regarding an act violating public security administration, or discovers an act violating public security administration through other channels, it shall promptly accept the case and register the same.

Article 78 — After accepting a report, accusation, information, voluntary surrender or an act violating public security administration discovered through other channels, the public security organ shall immediately investigate it; where it deems that the act constitutes a violation of public security administration, it shall file the case for investigation; where it deems that the act does not constitute a violation of public security administration, it shall notify the reporter, accuser, informant or surrendering person of the reasons, and explain the matter.

Article 79 — The public security organ and its people's police shall investigate public security cases in accordance with the law. It is strictly prohibited to extort confessions by torture or to collect evidence by threats, enticement, deception or other illegal means. Evidence obtained by illegal means shall not be the basis for imposing a penalty.

Article 80 — The public security organ and its people's police shall keep confidential any state secrets, trade secrets or personal privacy that come to their knowledge in the course of handling public security cases.

Article 81 — Where a people's police officer handling a public security case falls under any of the following circumstances, he shall withdraw; the party to the act violating public security administration, the victim and their statutory agents shall also have the right to request his withdrawal:

(1) Where he is a party to the case or a close relative of a party;

(2) Where he or his close relative has an interest in the case;

(3) Where he has any other relationship with a party to the case that may affect the fair handling of the case.

The withdrawal of a people's police officer shall be decided by the public security organ to which he belongs; the withdrawal of the responsible person of a public security organ shall be decided by the public security organ at the next higher level.

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Article 82 — Where it is necessary to summon a person who has violated public security administration for investigation, a summons warrant shall be produced upon approval by the responsible person of the case-handling department of the public security organ. A people's police officer may orally summon a violator found on the spot upon presenting his work certificate, provided that this shall be noted in the record of questioning. The public security organ shall inform the summoned person of the reasons for and the grounds of the summons. A person who refuses to accept the summons or evades the summons without good reason may be summoned by force.

Article 83 — After a person who has violated public security administration answers the summons, the public security organ shall promptly question and investigate him. The duration of questioning and investigation shall not exceed eight hours; where the circumstances are relatively complex and the applicable penalty may be administrative detention, the duration of questioning and investigation shall not exceed 24 hours. The public security organ shall promptly notify the family of the summoned person of the reasons for and the place of the summons.

Article 84 — A record of questioning shall be made and shall be checked by the questioned person; where the questioned person is unable to read, the record shall be read out to him. Where there are omissions or errors in the record, the questioned person may propose supplements or corrections. After the questioned person confirms that the record is free of error, he shall sign or affix his seal to the record, and the people's police officer conducting the questioning shall also sign the record. Where the questioned person requests to provide a written statement on his own, such request shall be granted; and where necessary, the people's police officer may also require the questioned person to provide a written statement on his own.

Article 85 — Where a people's police officer questions a witness, the questioning may be conducted at his unit or residence; and where necessary, the witness may also be notified to go to the public security organ to provide testimony. Where a people's police officer questions a witness at a place other than the public security organ, he shall present his work certificate. The provisions of Article 84 of this Law shall apply to the questioning of witnesses.

Article 86 — Where a person who has violated public security administration, a person who is deaf or mute needs a sign language interpreter in questioning, such an interpreter shall be provided and this shall be noted in the record of questioning. Where a person who has violated public security administration or a witness who is not familiar with the standard spoken and written Chinese language needs an interpreter, such an interpreter shall be provided and this shall be noted in the record of questioning.

Article 87 — Where the public security organ deems it necessary to inspect a place, article or person related to an act violating public security administration, it shall conduct an inspection of the same. The number of inspectors shall not be fewer than two, and they shall present their work certificates and a written inspection certificate issued by the public security organ at or above the county level. Where an inspection certificate issued by the public security organ at or above the county level is required but there is a real urgency, the inspection may be conducted upon presenting work certificates, provided that the inspection certificate shall be obtained immediately afterward. Where the person to be inspected refuses to sign the inspection record, the people's police officer shall note this in the record.

Article 88 — Where the public security organ decides to inspect the residence of a citizen, it shall present a written residence inspection certificate issued by the public security organ at or above the county level, and shall immediately conduct the inspection.

Article 89 — Where the public security organ handles a public security case and deems it necessary to take physical evidence (exhibits) of articles related to the case, it may take physical evidence (exhibits) of such articles; where the articles are the lawful property of the person subject to the public security penalty or of a goodwill third party, registration shall be completed, and upon verification of the case, the articles shall be promptly returned. Where evidence may be lost or may be difficult to obtain later, with the approval of the

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responsible person of the public security organ, the evidence may be registered and preserved in advance, and a decision on disposition shall be made within seven days; where no decision is made within the time limit, the evidence shall be deemed to be terminated from preservation.

Article 90 — Where it is necessary to resolve a specialized issue in the determination of the nature of a case, a person with specialized knowledge shall be designated or retained to conduct an appraisal; the appraiser shall prepare an appraisal opinion and sign it.

Section 2 — Decision

Article 91 — A decision on a public security administrative penalty shall be made by the public security organ at or above the county level; a decision on a warning or a fine of not more than 500 yuan may be made by a police station.

Article 92 — Before a decision on an administrative detention penalty is made, where the person to be penalized has already been subjected to compulsory measures restricting personal freedom, the period of such restriction shall be offset against the detention term. One day of restriction on personal freedom shall be offset against one day of administrative detention.

Article 93 — When a public security organ investigates and handles a public security case, it shall make a penalty decision based on its own investigation and evidence if there is no statement from the violator; however, if there is only a statement from the violator and no other evidence, the decision cannot be made.

Article 94 — Before making a decision on a public security administrative penalty, the public security organ shall inform the violator of the facts, reasons and grounds for the penalty and shall inform him of the rights he is entitled to in accordance with the law. The violator shall have the right to state his case and to defend himself. The public security organ shall fully hear the violator's opinions and shall review the facts, reasons and evidence presented by the violator; where the facts, reasons and evidence presented by the violator are established, the public security organ shall accept them. The public security organ shall not impose a heavier penalty on the violator for stating his case or defending himself.

Article 95 — After the investigation of a public security case is concluded, the public security organ shall handle it according to the following circumstances:

(1) Where there is an act violating public security administration that should be subject to a public security administrative penalty according to law, a penalty shall be imposed according to the seriousness of the circumstances and the specific circumstances;

(2) Where no penalty should be imposed, or where the limitation period for imposing a penalty has expired in accordance with the law, no penalty shall be imposed;

(3) Where the act suspected of constituting a crime is transferred to the relevant department for criminal liability in accordance with the law;

(4) Where it is discovered that the violator has committed other illegal acts, the public security organ shall notify the competent department for handling.

Article 96 — Where the public security organ makes a decision on a public security administrative penalty, it shall prepare a written decision on the public security administrative penalty. The written decision shall set out the following particulars:

(1) The name, gender, age, name and number of identification document, and address of the penalized person;

(2) The facts and evidence of the illegal act;

(3) The type and grounds of the penalty;

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(4) The manner and time limit for executing the penalty;

(5) The means and time limit for applying for administrative reconsideration or bringing an administrative action against the penalty decision, if the penalized person refuses to accept the same;

(6) The name of the public security organ that makes the penalty decision and the date of the decision.

The written decision on the public security administrative penalty shall be affixed with the seal of the public security organ that makes the penalty decision.

Article 97 — The public security organ shall announce the written decision on the public security administrative penalty to the penalized person and shall deliver it to him on the spot; where it is not possible to announce and deliver it on the spot, the public security organ shall serve it on the penalized person within two days. Where a decision on an administrative detention penalty is made, the public security organ shall promptly notify the family of the penalized person. Where there is a victim, the public security organ shall send a copy of the written decision to the victim.

Article 98 — Where, before making a decision on a public security administrative penalty, the public security organ intends to revoke a license or to impose a fine of not less than 2,000 yuan, it shall inform the violator that he has the right to request a hearing. Where the violator requests a hearing, the public security organ shall promptly organize a hearing in accordance with the law.

Article 99 — The time limit for the public security organ to handle a public security case shall not exceed 30 days from the date of acceptance; where the case is complex or significant and cannot be concluded within the time limit, the time limit may be extended for another 30 days upon approval by the public security organ at the next higher level. The time for conducting an appraisal to ascertain the facts of the case shall not be counted in the time limit for handling the case.

Article 100 — Where the facts of the act violating public security administration are clear and the evidence is conclusive, and a warning or a fine of not more than 200 yuan is to be imposed, the public security administrative penalty decision may be made on the spot. Where the facts of the act violating public security administration are clear and the evidence is conclusive, and a fine of not more than 500 yuan is to be imposed on the violator, provided that the violator has no objection to the fact and the fine amount, and the penalty is to be imposed by the people's police officer on a summary procedure, the decision may be made on the spot. Where the penalty decision is made on the spot, the people's police officer shall present his work certificate, fill in a written penalty decision with a predetermined format and serial number and deliver it on the spot.

Article 101 — Where the penalty decision is made on the spot, the people's police officer shall, within 24 hours, file the written penalty decision with the public security organ to which he belongs.

Article 102 — Where the penalized person refuses to accept the decision on the public security administrative penalty, he may apply for administrative reconsideration or bring an administrative action in accordance with the law.

Section 3 — Execution

Article 103 — A decision on administrative detention against a penalized person shall be served by the public security organ that makes the decision. Where the penalized person refuses to accept the decision on the administrative detention penalty and applies for administrative reconsideration or brings an administrative action, he may apply to the public security organ for a suspension of the execution of the administrative detention. Where the public security organ deems that the suspension of execution will not cause danger to society, the penalized person or his close relative may provide a guarantor who meets the conditions, or pay a security deposit according to the standard of 200 yuan per day of administrative detention, and the execution of the administrative detention penalty decision shall be suspended.

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Article 108 — A guarantor shall meet all of the following conditions:

(1) Having no connection with the case;

(2) Being entitled to political rights and having no restriction on personal freedom;

(3) Having the ability to perform the guarantor's obligations.

Article 109 — A guarantor shall guarantee that the guaranteed person does not evade the execution of the administrative detention penalty. Where the guarantor fails to perform the guarantor's obligations and causes the guaranteed person to evade the execution of the administrative detention penalty, the public security organ shall impose a fine of not more than 3,000 yuan on the guarantor.

Article 110 — Where the penalized person who has been granted a suspension of execution evades the execution of the administrative detention penalty, the security deposit shall be confiscated and turned over to the state treasury, and the administrative detention penalty decision that has been made shall still be executed.

Article 111 — Where, during the period of suspension of execution, the administrative detention penalty decision is revoked, or the administrative detention penalty begins to be executed, the security deposit paid by the penalized person shall be refunded.

Article 112 — Where a fine is imposed, the penalized person shall pay the fine to the designated bank within 15 days from the date of receiving the written penalty decision. Under any of the following circumstances, the people's police officer may collect the fine on the spot:

(1) Where the fine imposed is not more than 50 yuan and the penalized person has no objection to the fine;

(2) Where it is difficult for the penalized person to pay the fine to the designated bank due to being located in a remote area, on water, or is otherwise inconveniently situated, and the penalized person so requests;

(3) Where the penalized person has no fixed residence in the locality and it is difficult to enforce the fine if it is not collected on the spot.

Article 113 — The public security organ and its people's police officers shall, within two days from the date of collecting the fine, deliver the fine collected to the designated bank; where the fine is collected on the spot on water or at a passenger's request, they shall, within two days from the date of arriving on shore or disembarking from the train, deliver the fine collected to the designated bank.

Article 114 — The public security organ shall, in accordance with the decision on the public security administrative penalty, execute the penalty. If the penalized person refuses to execute the penalty, the public security organ may apply to the people's court for compulsory execution.

Chapter V — Law Enforcement Oversight

Article 115 — The people's police officers handling public security cases shall be subject to oversight by the public and citizens, and public security organs and people's police officers who violate laws or disciplines in the course of handling public security cases shall be investigated for legal liability by the relevant departments in accordance with the law.

Article 116 — Where a people's police officer handling a public security case commits any of the following acts, he shall be given an administrative sanction in accordance with the law; where a crime is constituted, he shall be investigated for criminal liability in accordance with the law:

(1) Extorting a confession by torture, physically punishing, maltreating or humiliating another person;

(2) Collecting evidence by threats, enticement, deception or other illegal means without limitation;

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(3) Illegally restricting another person's personal freedom, or illegally searching another person's body, residence or place without approval;

(4) Failing to implement the decision on a fine penalty and turning over the fine to the state treasury, or privately dividing, occupying, misappropriating or deliberately damaging the confiscated or seized property;

(5) Using or harming the property of a party to the case in violation of regulations;

(6) Accepting property or other benefits from another person in the course of handling a public security case;

(7) Illegally demanding or accepting property from others;

(8) Failing to promptly report to the public security organ the discovery of a criminal suspect evading arrest or the escape of a criminal suspect under the guise of investigating or interrogating;

(9) Failing to take immediate measures to stop a violation when discovering it while not in the course of duty;

(10) Failing to accept or register a report or information from the public when on duty;

(11) Failing to conduct an investigation as required, or intentionally concealing, distorting or altering the facts and evidence in the course of handling a public security case;

(12) Failing to handle a case within the statutory time limit.

Article 117 — Where a public security organ and its people's police officers illegally exercise their powers and infringe upon the lawful rights and interests of a citizen, legal person or other organization, they shall make an apology and shall compensate for the damage caused. Where the damage is relatively serious, the responsible persons shall be held liable in accordance with the law.

Chapter VI — Supplementary Provisions

Article 118 — For the purposes of this Law, the term "not less than", "not more than" and "within" shall include the given figure.

Article 119 — This Law shall come into force on March 1, 2006. The Regulations of the People's Republic of China on Administrative Penalties for Public Security promulgated on September 5, 1986, as amended and approved by the Standing Committee of the National People's Congress on May 12, 1994, shall be repealed simultaneously.

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