

# People's Assessors Law of the PRC

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Article 1 — This Law is formulated in order to ensure citizens' participation in adjudication activities in accordance with the law, promote judicial fairness, and enhance judicial credibility.

Article 2 — Citizens shall have the right and obligation to serve as people's assessors in accordance with the law.

People's assessors shall be selected in accordance with this Law and shall participate in the adjudication activities of the people's courts in accordance with the law, and, unless otherwise provided by law, shall have the same rights as judges.

Article 3 — People's assessors shall, in accordance with the law, enjoy the rights to participate in adjudication activities, to independently express opinions, and to obtain safeguards for the performance of their duties.

People's assessors shall faithfully perform their adjudication duties, keep adjudication secrets, observe judicial etiquette, and uphold the image of the judiciary.

Article 4 — People's assessors' participation in adjudication activities in accordance with the law shall be protected by law.

People's courts shall, in accordance with the law, safeguard people's assessors' performance of their adjudication duties.

The units where people's assessors work and the community-level mass self-governance organizations at the places of their household registration or habitual residence shall, in accordance with the law, safeguard people's assessors' participation in adjudication activities.

Article 5 — Citizens serving as people's assessors shall meet the following conditions:

- (1) upholding the Constitution of the People's Republic of China;
- (2) having reached the age of 28;
- (3) observing discipline and the law, and being of good character, fairness, and integrity;
- (4) being physically capable of performing their duties normally.

Persons serving as people's assessors shall generally have an educational level of senior high school or above.

Article 6 — The following persons may not serve as people's assessors:

- (1) members of the standing committees of people's congresses, and staff of supervisory commissions, people's courts, people's procuratorates, public security organs, state security organs, and judicial administrative organs;
- (2) lawyers, notaries, arbitrators, and community-level legal service workers;
- (3) other persons unsuitable to serve as people's assessors by reason of their positions.

Article 7 — Persons under any of the following circumstances shall not serve as people's assessors:

- (1) having received criminal punishment;
- (2) having been removed from public office;
- (3) having had their lawyer's or notary's practice certificates revoked;
- (4) having been included in the list of dishonest persons subject to enforcement;
- (5) having been removed from the post of people's assessor as a disciplinary measure;
- (6) having committed other serious illegal or disciplinary acts that may affect judicial credibility.

Article 8 — The number of people's assessors shall be determined by the standing committee of the people's congress at the corresponding level upon the request of the primary people's court based on the needs of adjudication of cases.

The number of people's assessors shall be no less than three times the number of judges of the court.

Article 9 — Judicial administrative organs, in conjunction with primary people's courts and public security organs, shall randomly select, from the list of permanent residents within their jurisdiction, no fewer than five times the number of persons to be appointed as people's assessors as candidates for people's assessors, conduct qualification review of the candidates, and solicit the opinions of the candidates.

Article 10 — Judicial administrative organs, in conjunction with primary people's courts, shall randomly select from the list of candidates who have passed the qualification review to determine the persons to serve as people's assessors, and the presidents of the primary people's courts shall submit the persons for appointment to the standing committees of the people's congresses at the corresponding levels.

Article 11 — Where required by the needs of adjudication activities, candidates for people's assessors may be produced by individual application and by recommendation of their employing units, or of the community-level mass self-governance organizations or people's organizations at the places of their household registration or habitual residence; after qualification review by judicial administrative organs in conjunction with primary people's courts and public security organs, the persons to serve as people's assessors shall be determined and submitted by the presidents of the primary people's courts for appointment to the standing committees of the people's congresses at the corresponding levels.

The number of people's assessors produced in accordance with the preceding paragraph shall not exceed one-fifth of the total number of people's assessors.

Article 12 — People's assessors shall publicly take the oath of office after being appointed by the standing committee of the people's congress. The oath ceremony shall be organized by the primary people's court in conjunction with the judicial administrative organ.

Article 13 — The term of office of people's assessors shall be five years, and they generally may not serve consecutive terms.

Article 14 — People's assessors and judges shall form collegial panels to adjudicate cases, with a judge serving as the presiding judge; a three-member collegial panel may be formed, or a seven-member collegial panel may be formed by three judges and four people's assessors.

Article 15 — Where a people's court adjudicates a first-instance criminal, civil, or administrative case under any of the following circumstances, the case shall be adjudicated by a collegial panel composed of people's assessors and judges:

- (1) the case involves group interests or public interests;
- (2) the case is widely followed by the public or has a relatively great social impact;

(3) the case is complex or involves other circumstances requiring people's assessors to participate in the adjudication.

Where the law provides that a case described in the preceding paragraph shall be adjudicated by a judge sitting alone or by a collegial panel composed of judges, such provision shall prevail.

Article 16 — A people's court shall adjudicate the following first-instance cases by a seven-member collegial panel composed of people's assessors and judges:

- (1) criminal cases in which the accused may be sentenced to fixed-term imprisonment of ten years or more, life imprisonment, or the death penalty, and which have a major social impact;
- (2) public interest litigation cases filed in accordance with the Civil Procedure Law and the Administrative Litigation Law;
- (3) cases involving land expropriation and demolition, ecological and environmental protection, or food and drug safety that have a major social impact;
- (4) other cases with a major social impact.

Article 17 — Where the accused in a first-instance criminal case, the plaintiff or defendant in a civil case, or the plaintiff in an administrative case applies for people's assessors to participate in the collegial panel adjudication, the people's court may decide to have the case adjudicated by a collegial panel composed of people's assessors and judges.

Article 18 — The recusal of people's assessors shall be governed by the legal provisions on the recusal of adjudication personnel.

Article 19 — Where a primary people's court needs people's assessors to participate in the collegial panel adjudication of cases, they shall be randomly selected and determined from the list of people's assessors.

Where an intermediate people's court or a higher people's court needs people's assessors to participate in the collegial panel adjudication of cases, they shall be randomly selected and determined from the list of people's assessors of the primary people's courts within their jurisdiction.

Article 20 — The presiding judge shall perform the duty of guidance and reminder related to the adjudication of the case, but shall not impede the people's assessors' independent judgment of the case.

When the collegial panel deliberates a case, the presiding judge shall provide necessary explanations and clarifications to the people's assessors regarding the fact-finding, rules of evidence, legal provisions, and other matters involved in the case, as well as issues requiring attention.

Article 21 — People's assessors participating in the adjudication of a case by a three-member collegial panel shall independently express opinions and exercise the right to vote on fact-finding and the application of law.

Article 22 — People's assessors participating in the adjudication of a case by a seven-member collegial panel shall independently express opinions on fact-finding and vote together with the judges; they may express opinions on the application of law but shall not participate in the voting.

Article 23 — When the collegial panel deliberates a case, the principle of the minority being subordinate to the majority shall apply. Where the opinions of a people's assessor differ from those of other members of the collegial panel, his or her opinions shall be recorded in the transcript.

Where the members of the collegial panel have major differences of opinion, the people's assessors or judges may request the collegial panel to submit the case to the president of the court for decision on whether to refer it to the adjudication committee for discussion and decision.

Article 24 — People's courts shall, in light of the actual circumstances of their jurisdiction, reasonably determine the annual upper limit on the number of cases in which each people's assessor participates in

adjudication, and make it public to society.

Article 25 — The day-to-day management of the training, assessment, reward, and punishment of people's assessors shall be the responsibility of primary people's courts in conjunction with judicial administrative organs.

People's assessors shall receive training in a planned manner. People's assessors shall participate in training as required.

Article 26 — People's assessors who have achieved remarkable results in adjudication work or have other outstanding deeds shall be commended and rewarded in accordance with the relevant provisions.

Article 27 — Where a people's assessor falls under any of the following circumstances, and the matter is verified by the primary people's court where he or she works in conjunction with the judicial administrative organ, the president of the court shall submit to the standing committee of the people's congress at the corresponding level for removal of the person from the post of people's assessor:

- (1) the person applies to resign from the post of people's assessor for a justifiable reason;
- (2) the person is subject to any of the circumstances listed in Articles 6 and 7 of this Law;
- (3) the person refuses, without justifiable reasons, to participate in adjudication activities, thereby affecting the normal conduct of adjudication work;
- (4) the person violates laws and relevant provisions related to adjudication work, engages in favoritism or fraud, and causes wrongful adjudication or other serious consequences.

Where a people's assessor commits any of the acts listed in items (3) and (4) of the preceding paragraph, measures such as notifying his or her employing unit, or the community-level mass self-governance organization or people's organization at the place of his or her household registration or habitual residence, and making a public notice within the jurisdiction, may be adopted as a disciplinary measure; where a crime is constituted, criminal liability shall be pursued in accordance with the law.

Article 28 — The personal safety and the safety of the residences of people's assessors shall be protected by law. No unit or individual may retaliate against people's assessors or their close relatives.

Anyone who retaliates against, frames, insults, slanders, or commits violence against people's assessors or their close relatives shall be pursued for legal liability in accordance with the law.

Article 29 — During the period when people's assessors participate in adjudication activities, their employing units shall not withhold or covertly withhold their wages, bonuses, and other benefits.

Where the employing unit of a people's assessor violates the provisions of the preceding paragraph, the primary people's court shall promptly put forward corrective opinions to the employing unit of the people's assessor or to the competent department or higher-level department of the employing unit.

Article 30 — During the period when people's assessors participate in adjudication activities, the people's courts shall provide subsidies in accordance with the relevant provisions based on the actual working days.

The people's courts shall provide subsidies in accordance with the relevant provisions for expenses such as transportation and meals incurred by people's assessors for participating in adjudication activities.

Article 31 — The subsidies that people's assessors should enjoy for participating in adjudication activities, and the expenses necessary for the people's courts and judicial administrative organs to implement the people's assessor system, shall be included in the operational funds of the people's courts and judicial administrative organs and guaranteed by the corresponding government finances. The specific measures shall be formulated by the Supreme People's Court and the judicial administrative department of the State Council in conjunction with the financial department of the State Council.

Article 32 — This Law shall come into force on the date of promulgation. The Decision of the Standing Committee of the National People's Congress on Improving the People's Assessor System adopted at the 11th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2004 shall be repealed simultaneously.

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