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CRIMINAL LAW OF THE
PEOPLE'S REPUBLIC OF CHINA

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PART ONE GENERAL PROVISIONS

CHAPTER I THE GUIDING IDEOLOGY, TASKS AND SCOPE OF APPLICATION OF THE CRIMINAL LAW

[Article 1] The Criminal Law of the People's Republic of China, which takes Marxism-Leninism-Mao Zedong Thought as its guide and the Constitution as its basis, is formulated in accordance with the policy of combining punishment with leniency and in the light of the actual circumstances and concrete experiences of the people of all China's nationalities in carrying out the people's democratic dictatorship, led by the proletariat and based on the worker-peasant alliance, that is, the dictatorship of the proletariat, and in conducting the socialist revolution and socialist construction.

[Article 2] The tasks of the Criminal Law of the People's Republic of China are to use criminal punishments to fight against all counterrevolutionary and other criminal acts in order to defend the system of the dictatorship of the proletariat; to protect socialist property owned by the whole people and socialist property collectively owned by the working people; to protect the citizens' privately owned lawful property; to protect the citizens, rights of the person and their democratic and other rights; to maintain public order and order in production, education, scientific research and other work and in the life of the masses; and to safeguard the smooth progress of the cause of the socialist revolution and socialist construction.

[Article 3] This Law is applicable to anyone who commits a crime within the territory of the People's Republic of China, unless the case is covered by special legal provisions.

This Law is also applicable to anyone who commits a crime on board a ship or airplane of the People's Republic of China.

If the criminal act or its consequence takes place within the territory of the People's Republic of China, the crime shall be deemed to have been committed within the territory of the People's Republic of China.

[Article 4] This Law is applicable to the citizens of the People's Republic of China who commit any of the following crimes outside the territory of the People's Republic of China:

- (1) counterrevolution;
- (2) counterfeiting national currency (Article 122) and counterfeiting valuable securities (Article 123);
- (3) embezzlement (Article 155), accepting bribes (Article 185) and divulging state secrets (Article 186); and
- (4) posing as a state functionary to practise fraud (Article 166) and forging official documents, certificates and seals (Article 167).

[Article 5] This Law is also applicable to any citizen of the People's Republic of China who commits a crime outside the territory of the People's Republic of China that is not specified in the preceding Article, if for that crime this Law prescribes a minimum punishment of fixed-term imprisonment of not less than three years; however, this does not apply to a crime that is not punishable according to the law of the place where it was committed.

[Article 6] This Law may be applicable to any foreigner who commits a crime outside the territory of the People's Republic of China, against the state of the People's Republic of China or against its citizens, if for that crime this Law prescribes a minimum punishment of fixed-term imprisonment of not less than three years; however, this does not apply to a crime that is not punishable according to the law of the place where it was committed.

[Article 7] If any person commits a crime outside the territory of the People's Republic of China for which according to this Law he would bear criminal responsibility, he may still be dealt with according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment.

[Article 8] The problem of the criminal responsibility of foreigners who enjoy diplomatic privileges and immunities shall be resolved through diplomatic channels.

[Article 9] This Law shall enter into force on January 1, 1980. If an act committed after the founding of the People's Republic of China and before the entry into force of this law was not deemed a crime under the laws, decrees and policies in force at the time, those laws, decrees and policies shall apply. If the act was deemed a crime under the laws, decrees and policies in force at that time and is subject of prosecution under the provisions of Section 8, Chapter IV of the General Provisions of this Law, criminal responsibility shall be investigated according to those laws, decrees and policies. However, if this Law does not deem it a crime or imposes a lighter punishment, this Law shall apply.

CHAPTER II CRIMES

SECTION 1 CRIMES AND CRIMINAL RESPONSIBILITY

[Article 10] A crime refers to an act that endangers the sovereignty and territorial integrity of the state; endangers the system of the dictatorship of the proletariat; undermines the socialist revolution and socialist construction; disrupts public order; violates property owned by the whole people or collectively owned by the working people; violates the citizens' privately owned lawful property or infringes upon the citizens' rights of the person and their democratic and other rights; and any other act that endangers society and is punishable according to law. However, an act that is clearly of minor importance and little harm shall not be considered a crime.

[Article 11] An intentional crime refers to a crime committed by a person who clearly knows that his act will produce socially dangerous consequences but who wishes or allows such consequences to occur.

Criminal responsibility shall be borne for intentional crimes.

[Article 12] A negligent crime refers to a crime committed by a person who should have foreseen that his act would possibly produce socially dangerous consequences but who fails to do so through negligence or, having foreseen the consequences, readily believes that they can be avoided, the result being that these consequences do occur.

Criminal responsibility shall be borne for negligent crimes only when the law so provides.

[Article 13] If an act in fact results in harmful consequences due to unavoidable or unforeseeable causes rather than intent or negligence, it shall not be deemed a crime.

[Article 14] Any person who has reached the age of 16 and who commits a crime shall bear criminal responsibility.

Any person who has reached the age of 14 but not the age of 16 and who commits homicide, inflicting serious bodily injury, robbery, arson, habitual theft or any other crime seriously undermining social order shall bear criminal responsibility.

Any person who has reached the age of 14 but not the age of 18 and who commits a crime shall be given a lighter or mitigated punishment.

If a person is not punished because he has not reached the age of 16, the head of his family or his guardian shall be ordered to discipline and educate him. When necessary, he may also be taken in by the government for reeducation.

[Article 15] If a mental patient causes dangerous consequences at a time when he is unable to recognize or control his own conduct, he shall not bear criminal responsibility, but his family members or guardian shall be ordered to keep him under strict surveillance and arrange for his medical treatment.

Any person whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime when he is in a normal mental state.

Any intoxicated person who commits a crime shall bear criminal responsibility.

[Article 16] Any deaf-mute or blind person who commits a crime may be given a lighter or mitigated punishment or be exempted from punishment.

[Article 17] Criminal responsibility shall not be borne for an act that a person undertakes in justifiable defence to avert an immediate and unlawful infringement of the public interest or of his own or another person's rights of the person or other rights.

Criminal responsibility shall be borne if justifiable defence exceeds the limits of necessity and causes undue harm; however, consideration shall be given to a mitigated punishment or exemption from punishment.

[Article 18] Criminal responsibility shall not be borne for an act that a person is compelled to commit in an emergency to avert an immediate danger to the public interest or to his own or another person's rights of the person or other rights.

Criminal responsibility shall be borne if an act committed in an emergency to avert danger exceeds the limits of necessity and causes undue harm; however, consideration shall be given to a mitigated punishment or exemption from punishment.

The provisions of the first paragraph of this Article with respect to averting danger to oneself shall not apply to a person who is charged with specific responsibility in his post or profession.

SECTION 2 PREPARATION FOR A CRIME, CRIMINAL ATTEMPT AND DISCONTINUATION OF A CRIME

[Article 19] Preparation for a crime refers to the preparation of the instruments or the creation of the conditions for a crime.

An offender who prepares for a crime may, in comparison with one who completed the crime, be given a lighter or mitigated punishment or be exempted from punishment.

[Article 20] A criminal attempt refers to a case where an offender has already begun to commit a crime but is prevented from completing it for reasons independent of his will.

An offender who attempts to commit a crime may, in comparison with one who completed the crime, be given a lighter or mitigated punishment.

[Article 21] Discontinuation of a crime refers to cases where, in the process of committing a crime, the offender voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

An offender who discontinues a crime shall be exempted from punishment or be given a mitigated punishment.

SECTION 3 JOINT CRIMES

[Article 22] A joint crime refers to an intentional crime committed by two or more persons jointly.

A negligent crime committed by two or more persons jointly shall not be punished as a joint crime; those who should bear criminal responsibility shall be individually punished according to the crimes they have committed.

[Article 23] A principal criminal refers to any person who organizes and leads a criminal group in carrying out criminal activities or plays a principal role in a joint crime.

A principal criminal shall be given a heavier punishment unless otherwise stipulated in the Specific Provisions of this Law.

[Article 24] An accomplice refers to any person who plays a secondary or auxiliary role in a joint crime.

An accomplice shall, in comparison with a principal criminal, be given a lighter or mitigated punishment or be exempted from punishment.

[Article 25] A person who is compelled or induced to participate in a crime shall, according to the circumstances of his crime and in comparison with an accomplice, be given a mitigated punishment or be exempted from punishment.

[Article 26] A person who instigates others to commit a crime shall be punished according to the role he has played in the joint crime. Anyone who instigates a person under the age of 18 to commit a crime shall be given a heavier punishment.

If the instigated person has not committed the instigated crime, the instigator may be given a lighter or mitigated punishment.

CHAPTER III PUNISHMENTS

SECTION 1 TYPES OF PUNISHMENTS

[Article 27] Punishments are divided into principal punishments and supplementary punishments.

[Article 28] The principal punishments are as follows:

- (1) Public surveillance;
- (2) Criminal detention;
- (3) Fixed-term imprisonment;
- (4) Life imprisonment; and
- (5) The death penalty.

[Article 29] The supplementary punishments are as follows:

- (1) Fines;
- (2) Deprivation of political rights; and
- (3) Confiscation of property.

Supplementary punishments may be imposed independently.

[Article 30] Deportation may be imposed independently or supplementarily to a foreigner who commits a crime.

[Article 31] If a victim has suffered economic losses as a result of a crime, the criminal shall, in addition to receiving a criminal sanction according to law, be sentenced to make compensation for the economic losses in the light of the circumstances.

[Article 32] If the circumstances of a person's crime are minor and do not require punishment, he may be exempted from criminal sanctions; however, he may, according to the different circumstances of each case, be reprimanded or ordered to make a statement of repentance, offer an apology, pay compensation for the losses or be subject to administrative sanctions by the competent department.

SECTION 2 PUBLIC SURVEILLANCE

[Article 33] The term of public surveillance shall not be less than three months and not more than two years.

Public surveillance shall be decided by the judgment of a people's court and executed by a public security organ.

[Article 34] A criminal who is sentenced to public surveillance must observe the following rules during the term in which his sentence is being executed:

- (1) observe laws and decrees, submit to supervision by the masses and actively participate in collective productive labour or work;
- (2) report regularly on his own activities to the organ executing the public surveillance; and

(3) report and obtain approval from the organ executing the public surveillance for any change in residence or departure from the area.

Criminals sentenced to public surveillance shall, while engaged in labour, receive equal pay for equal work.

[Article 35] Upon the expiration of a term of public surveillance, the executing organ shall immediately announce the termination of public surveillance to the criminal sentenced to public surveillance and to the masses concerned.

[Article 36] A term of public surveillance shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, each day spent in custody shall be considered as two days of the term sentenced.

SECTION 3 CRIMINAL DETENTION

[Article 37] A term of criminal detention shall not be less than 15 days and not more than 6 months.

[Article 38] Where a criminal is sentenced to criminal detention, his sentence shall be executed by the public security organ in the vicinity.

During the period of execution, a criminal sentenced to criminal detention may go home for one to two days each month; an appropriate remuneration may be given to those who participate in labour.

[Article 39] A term of criminal detention shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, each day in custody shall be considered as one day of the term sentenced.

SECTION 4 FIXED-TERM IMPRISONMENT AND LIFE IMPRISONMENT

[Article 40] A term of fixed-term imprisonment shall not be less than 6 months and not more than 15 years.

[Article 41] A criminal sentenced to fixed-term imprisonment or life imprisonment shall serve his sentence in prison or another place for reform through labour. Anyone who is able to work shall undergo reform through labour.

[Article 42] A term of fixed-term imprisonment shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, each day in custody shall be considered as one day of the term sentenced.

SECTION 5 THE DEATH PENALTY

[Article 43] The death penalty shall only be applied to criminals who have committed the most heinous crimes. If the immediate execution of a criminal punishable by death is not deemed necessary, a two-year suspension of execution may be pronounced simultaneously with the imposition of the death sentence; the criminal shall undergo reform through labour and the results shall be observed.

All death sentences except for those that according to law should be decided by the Supreme People's Court, shall be submitted to the Supreme People's Court for approval. Death sentences with a suspension of execution may be decided or approved by a higher people's court.

[Article 44] The death penalty shall not be imposed on persons who had not reached the age of 18 at the time the crime was committed or to women who are pregnant at the time of trial. Persons who had reached the age of 16 but not the age of 18 may be sentenced to death with a two-year suspension of execution if the crime committed was particularly serious.

[Article 45] The death penalty shall be executed by means of shooting.

[Article 46] If a person sentenced to death with a suspension of execution shows true repentance during the period of suspension, his punishment shall be commuted to life imprisonment upon the expiration of that two-year period; if he shows true repentance and performs meritorious service, his punishment shall be commuted to fixed-term imprisonment of not less than 15 years and not more than 20 years upon the expiration of that two-year period; if it is verified that he has resisted reform in a flagrant manner, the death penalty shall be executed upon the order or approval of the Supreme People's Court.

[Article 47] The term of suspension of execution of a death penalty shall be counted from the date the judgment becomes final. The term of a fixed-term imprisonment that is commuted from a death penalty with suspension of execution shall be counted from the date the commutation of sentence is ordered.

SECTION 6 FINES

[Article 48] The amount of any fine imposed shall be determined according to the circumstances of the crime.

[Article 49] A fine may be paid in a lump sum or in installments within the time limit specified in the judgment. If a fine is not paid upon the expiration of that time limit, the payment shall be compelled. If a person has true difficulties in paying because of an unavoidable disaster, the fine may be reduced or remitted according to the circumstances.

SECTION 7 DEPRIVATION OF POLITICAL RIGHTS

[Article 50] Deprivation of political rights refers to deprivation of the following rights:

- (1) the right to vote and to stand for election;
- (2) the right provided for in Article 45 of the Constitution;
- (3) the right to hold a position in a state organ; and
- (4) the right to hold a leading position in any enterprise, institution or people's organization.

[Article 51] A term of deprivation of political rights shall not be less than one year and not more than five years, except as stipulated in Article 53 of this Law.

If a person sentenced to public surveillance is deprived of political rights as a supplementary punishment, the term of deprivation of political rights shall be the same as the term of public surveillance, and the punishments shall be executed simultaneously.

[Article 52] Counterrevolutionaries shall be sentenced to deprivation of political rights as a supplementary punishment; where necessary, criminals who seriously undermine public order may also be sentenced to deprivation of political rights as a supplementary punishment.

[Article 53] Criminals who are sentenced to death or to life imprisonment shall be deprived of political rights for life.

If a death penalty with a suspension of execution is commuted to a fixed-term imprisonment, or a life imprisonment is commuted to a fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years and not more than ten years.

[Article 54] A term of deprivation of political rights as a supplementary punishment shall be counted from the date on which imprisonment or criminal detention ends or from the date on which parole begins. Deprivation of political rights shall of course be in effect during the period in which the principal punishment is being executed.

SECTION 8 CONFISCATION OF PROPERTY

[Article 55] Confiscation of property refers to the confiscation of part or all of the property personally owned by a criminal.

When a sentence of confiscation of property is imposed, property that the criminal's family members own or should own shall not be subject to confiscation.

[Article 56] If it is necessary to use a confiscated property to repay legitimate debts that the criminal incurred before his property is sealed under court orders, a people's court shall so order it at the request of the creditors.

CHAPTER IV THE CONCRETE APPLICATION OF PUNISHMENTS

SECTION 1 SENTENCING

[Article 57] When sentencing a criminal, a punishment shall be imposed based on the facts, nature and circumstances of the crime, the degree of harm done to society and the relevant provisions of this

Law.

[Article 58] In cases where the circumstances of a crime call for a heavier or a lighter punishment under the provisions of this Law, the criminal shall be sentenced to a punishment within the limits of the prescribed punishment.

[Article 59] In cases where the circumstances of a crime call for a mitigated punishment under the provisions of this Law, the criminal shall be sentenced to a punishment less than the prescribed punishment.

Even if the circumstances of a crime do not warrant a mitigated punishment under the provisions of this Law, the criminal may, upon decision of the judicial committee of a people's court, be sentenced to a punishment less than the prescribed punishment if, according to the particulars of the case, even the minimum prescribed punishment would be too severe.

[Article 60] All property illegally obtained by a criminal shall be recovered, or compensation shall be ordered. Contrabands and possessions of the criminal that were used in the crime shall be confiscated.

SECTION 2 RECIDIVISTS

[Article 61] If a criminal commits another crime punishable by fixed-term imprisonment or heavier penalty within three years after serving his sentence of not less than fixed-term imprisonment or receiving a pardon, he is a recidivist and shall be given a heavier punishment. However, this shall not apply to cases of negligent crime.

For criminals who are paroled, the period stipulated in the preceding paragraph shall be counted from the date the parole expires.

[Article 62] A counterrevolutionary who commits another crime of counterrevolution at any time after serving his sentence or receiving a pardon shall be dealt with as a recidivist.

SECTION 3 VOLUNTARY SURRENDER

[Article 63] Anyone who voluntarily surrenders after committing a crime may be given a lighter punishment. Those whose crimes are relatively minor may be given a mitigated punishment or be exempted from punishment; those whose crimes are relatively serious but who have performed meritorious service may also be given a mitigated punishment or be exempted from punishment.

SECTION 4 COMBINED PUNISHMENT FOR SEVERAL CRIMES

[Article 64] For a criminal who commits several crimes before a judgment is pronounced, unless he is sentenced to death or life imprisonment, his term of punishment shall be decided in such a way that it may not exceed the total of the terms for all the crimes and must be longer than the maximum term for any one of the crimes, depending on the circumstances of each case. However, the term of public surveillance may not exceed three years, the term of criminal detention may not exceed one year, and fixed-term imprisonment may not exceed twenty years.

If among the crimes there are any for which a supplementary punishment is imposed, the supplementary punishment must still be executed.

[Article 65] If after a judgment has been pronounced but before the punishment has been completely executed it is discovered that before the judgment was pronounced the criminal committed another crime for which he was not sentenced, a judgment shall also be rendered for the newly discovered crime; the punishment to be executed shall be determined on the basis of the punishment to be executed shall be determined on the basis of the punishments imposed in the former and latter judgments and according to the provisions of Article 64 of this Law. Any portion of the term that has already been served shall count towards fulfillment of the term imposed by the latest judgment.

[Article 66] If after a judgment has been pronounced but before the punishment has been completely executed the criminal again commits a crime, another judgment shall be rendered for the newly committed crime; the punishment to be executed shall be decided on the basis of the punishment that remains to be executed for the former crime and the punishment imposed for the latter crime and according to the provisions of Article 64 of this Law.

SECTION 5 SUSPENSION OF SENTENCE

[Article 67] A suspension of sentence may be granted to a criminal sentenced to criminal detention or to fixed-term imprisonment of not more than three years if, according to the circumstances of his crime and his demonstration of repentance, it is considered that suspension of the sentence will not result in further harm to society.

If a supplementary punishment has been imposed on a criminal whose sentence has been suspended, the supplementary punishment must still be executed.

[Article 68] The probation period for suspension of criminal detention shall be not less than the term originally decided and not more than one year, but it may not be less than one month.

The probation period for suspension of fixed-term imprisonment shall be not less than the term originally decided and not more than five years, but it may not be less than one year.

The probation period for suspension of sentence shall be counted from the date the judgment is made final.

[Article 69] Suspension of sentence shall not be applied to counterrevolutionary criminals or recidivists.

[Article 70] A criminal whose sentence has been suspended shall be turned over by the public security organ to the unit to which he belongs or to a basic-level organization for observation during the probation period for suspension. If he commits no further crime, the punishment originally decided shall not be executed upon the expiration of the probation period for suspension; if he does commit further crime, the suspension shall be revoked and the punishment to be executed shall be decided on the basis of the punishments for the former and latter crimes and according to the provisions of Article 64 of this Law.

SECTION 6 COMMUTATION OF PUNISHMENT

[Article 71] A criminal sentenced to public surveillance, criminal detention, fixed-term imprisonment or life imprisonment may have his punishment commuted if he shows true repentance or performs meritorious service while serving his sentence. However, after one or more commutations, the term of punishment actually to be served by those sentenced to public surveillance, criminal detention or fixed-term imprisonment may not be less than half of the term originally decided; for those sentenced to life imprisonment, it may not be less than ten years.

[Article 72] A term of fixed-term imprisonment that is commuted from a life imprisonment shall be counted from the date the order of commutation is issued.

SECTION 7 PAROLE

[Article 73] Criminals sentenced to fixed-term imprisonment who have served more than half of the term of their original sentence or criminals sentenced to life imprisonment who have served not less than ten years of their term may be granted parole if they show true repentance and will no longer cause harm to society. If special circumstances exist, the above restrictions relating to the term served may be disregarded.

[Article 74] The probation period for parole in the case of a fixed-term imprisonment shall be equal to the portion of the term that has not been completed; the probation period for parole in the case of life imprisonment shall be ten years.

The probation period for parole shall be counted from the date the criminal is released on parole.

[Article 75] A criminal who is granted parole shall be subject to supervision by a public security organ during the probation period for parole. If he commits no further crime during that period, the punishment to which he was originally sentenced shall be considered to have been completely executed; if he does commit further crime, the parole shall be revoked and the punishment to be executed shall be decided on the basis of the unexecuted punishment of the former crime and the punishment imposed for the latter crime and according to the provisions of Article 64 of this Law.

SECTION 8 LIMITATION

[Article 76] Crimes shall not be prosecuted if the following periods have elapsed:

- (1) five years, when the maximum prescribed punishment is fixed-term imprisonment of less than five years;
- (2) ten years, when the maximum prescribed punishment is fixed-term imprisonment of not less than five years but less than ten years;
- (3) fifteen years, when the maximum prescribed punishment is fixed-term imprisonment of not less than ten years; and
- (4) Twenty years, when the maximum prescribed punishment is life imprisonment or death. If after twenty years it is considered that a crime must be prosecuted, the matter must be submitted to the Supreme People's Procuratorate for approval.

[Article 77] No limitation on the period for prosecution shall be imposed with respect to criminals who escape from investigation or trial after compulsory measures have been adopted by a people's court, people's procuratorate or public security organ.

[Article 78] The limitation period for prosecution shall be counted from the date of the crime; if the criminal act is of a continual or continuous nature, it shall be counted from the date the criminal act is terminated.

If further crime is committed during a limitation period for prosecution, the limitation period for prosecution of the former crime shall be counted from the date the latter crime is committed.

CHAPTER V OTHER REVISIONS

[Article 79] Crime that are not expressly defined in the Specific Provisions of this Law may be determined and punished in according to whichever article in the Specific Provisions of this Law that covers the most closely analogous crime, but the judgment shall be submitted to the Supreme People's Court for approval.

[Article 80] Where the provisions of this Law cannot be completely applied in national autonomous areas, the organs of state power of those autonomous regions or the provinces concerned may formulate adoptive or supplementary provisions based on the political, economic and cultural characteristics of the local nationalities and the basic principles stipulated in this Law, and these provisions shall go into effect after they have been submitted to and approved by the Standing Committee of the National People's Congress.

[Article 81] "Public property" as mentioned in this Law refers to the following:

- (1) property owned by the whole people; and
- (2) property owned collectively by working people.

Private property that is being managed, used or transported by the state, people's communes, cooperatives, joint ventures and people's organizations shall be treated as public property.

[Article 82] "Citizens' privately owned lawful property" as mentioned in this Law refers to the following:

- (1) Citizens' lawfully earned income, savings, houses and other means of livelihood; and
- (2) Any means of production such as plots of land, livestock and trees that are under individual or family ownership or use according to law.

[Article 83] "State functionaries" as mentioned in this Law refers to all personnel of state organs, enterprises and institutions and other personnel who are engaged in public service according to law.

[Article 84] "Judicial functionaries" as mentioned in this Law refers to personnel who have the functions of investigation and interrogation, prosecution, adjudication and supervision and management of criminals.

[Article 85] "Serious injuries" as mentioned in this Law refers to any of the following:

- (1) injuries resulting in loss of a person's use of a limb or in disfigurement;
- (2) injuries resulting in loss of a person's hearing, sight or the function of any other organ; and
- (3) other injuries that cause grave harm to a person's physical health.

[Article 86] "Ringleader" as mentioned in this Law refers to any criminal who has the role of organizing, planning or directing a criminal group or a crowd assembled to commit a crime.

[Article 87] "To be handled only upon complaint" as mentioned in this Law means that a case shall only be handled if the victim brings a complaint. If the victim is unable to bring a complaint because of coercion or intimidation, a people's procuratorate or a close relative of the victim may bring his complaint.

[Article 88] "Not less than", "not more than" and "within" as mentioned in this Law all include the given figure.

[Article 89] The General Provisions of this Law are applicable to other laws and decrees with provisions for criminal punishments, unless otherwise provided in other laws.

PART TWO SPECIFIC PROVISIONS

CHAPTER I CRIMES OF COUNTERREVOLUTION

[Article 90] A "crime of counterrevolution" refers to any act that is committed with the aim of overthrowing the political power of the dictatorship of the proletariat and the socialist system and endangers the People's Republic of China.

[Article 91] Whoever colludes with a foreign state in plotting to jeopardize the sovereignty, territorial integrity and security of China shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years.

[Article 92] Whoever plots to subvert the government or dismember the state shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years.

[Article 93] Whoever instigates, lures or bribes a state functionary or a member of the armed forces, the people's police or the people's militia to defect to the enemy and turn traitor or to rise in rebellion shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years.

[Article 94] Whoever defects to the enemy and turns traitor shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years; if the circumstances are serious or the case concerns the leading of a group defection and betrayal, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment.

Whoever leads members of the armed forces, the people's police or the people's militia to defect to the enemy and turn traitor shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years.

[Article 95] Ringleaders of an armed mass rebellion or others whose criminal involvements are very serious shall be sentenced to life imprisonment or fixed-term imprisonment of not more than ten years; other active participants shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 96] Ringleaders who gather a group to raid a prison or organize a jailbreak or others whose criminal involvements are very serious shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; other active participants shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 97] Whoever commits any of the following acts of espionage or aiding the enemy shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment or, if the circumstances are relatively minor, to fixed-term imprisonment of not less than three years and not more than ten years:

- (1) Stealing, secretly gathering or supplying intelligence for the enemy;
- (2) Supplying arms and ammunition or other military materials to the enemy; or
- (3) Joining a secret service or espionage organization or accepting a mission assigned by the enemy.

[Article 98] Whoever organizes or leads a counterrevolutionary group shall be sentenced to fixed-term imprisonment of not less than five years; others who actively participate in a counterrevolutionary group shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

[Article 99] Whoever organizes or uses feudal superstition, superstitious sects or secret societies to carry on counterrevolutionary activities shall be sentenced to fixed-term imprisonment of not less than five years; if the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

[Article 100] Whoever, for the purpose of counterrevolution, carries on any of the following acts of sabotage shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years or, if the circumstances are relatively minor, to fixed-term imprisonment of not less than three years and not more than ten years:

- (1) causing explosions, setting fires, breaching dikes and using technical or other means to sabotage military equipment, production facilities, communications or transportation equipment, construction projects dangerprevention equipment or other public structures or public property;
- (2) stealing state records or military materials or plundering industrial or mining enterprises, banks, shops, warehouses or other public property ;

(3) hijacking ships, naval vessels, aircraft, trains, trams or motor vehicles;

(4) directing the enemy to any bombing or shelling target; and

(5) manufacturing, forcibly seizing or stealing guns or ammunition.

[Article 101] Whoever, for the purpose of counterrevolution, spreads poisons, disseminates germs or kills or injures people by other means shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; if the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 102] Whoever, for the purpose of counterrevolution, commits any of the following acts shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights, and ringleaders or others whose crimes are very serious shall be sentenced to fixed-term imprisonment of not less than five years:

(1) inciting the masses to resist or sabotage the implementation of the state's laws or decrees; or

(2) propagandizing for and inciting the overthrow of the political power of the dictatorship of the proletariat and the socialist system, through counterrevolutionary slogans, leaflets or by other means.

[Article 103] If any crime of counterrevolution mentioned above in this Chapter, except those mentioned in Articles 98, 99 and 102, causes especially serious harm to the state and the people and the circumstances are especially flagrant, the death penalty may be imposed.

[Article 104] Whoever commits any of the crimes mentioned in this Chapter may concurrently be sentenced to confiscation of property.

CHAPTER II CRIMES OF ENDANGERING PUBLIC SECURITY

[Article 105] Whoever sets fires, breaches dikes, causes explosions or uses other dangerous means to sabotage factories, mines, oilfields, harbours, rivers, water sources, warehouses, dwellings, forests, farms, threshing grounds, pastures, important pipelines, public buildings or other public or private property and thereby endangers public security, if serious consequences have not yet resulted, shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 106] Whoever sets fires, breaches dikes, causes explosions, spreads poisons or uses other dangerous techniques resulting in serious human injury or death or great loss of public or private property shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death.

Whoever negligently commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than seven years or criminal detention.

[Article 107] Whoever sabotages trains, motor vehicles, trams, ships or aircraft in a manner that is sufficient to put trains, motor vehicles, trams, ships or aircraft in danger of overturning or being destroyed, if serious consequences have not yet resulted, shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 108] Whoever sabotages railroads, bridges, tunnels, highways, airports, waterways, lighthouses or signs or conducts other damaging activities in a manner that is sufficient to put trains, motor vehicles, trams, ships or aircraft in danger of overturning or being destroyed, if serious consequences have not yet resulted, shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 109] Whoever sabotages electric power or gas facilities or other inflammable or explosive equipment and thereby endangers public security, if serious consequences have not yet resulted, shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 110] Whoever sabotages a means of transport, transportation facilities, electric power or gas facilities, or inflammable or explosive equipment and thereby causes serious consequences shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death.

Whoever negligently commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than seven years or criminal detention.

[Article 111] Whoever sabotages broadcasting stations or telegraph, telephone or other communications equipment and thereby endangers public security shall be sentenced to fixed-term imprisonment of not more than seven years or criminal detention; if serious consequences have resulted, the offender shall be sentenced to fixed-term imprisonment of not less than seven years.

Whoever negligently commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than seven years or criminal detention.

[Article 112] Whoever illegally manufactures, trades in or transports guns or ammunition or steals or forcibly seizes the guns or ammunition of state organs, members of the armed forces, the police or the people's militia shall be sentenced to fixed-term imprisonment of not more than seven years; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment.

[Article 113] If a person engaged in communications or transportation violates the rules and regulations and thereby causes a serious accident resulting in serious bodily injury or death or serious losses to public or private property, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years.

Persons not engaged in communications or transportation who commit a crime mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

[Article 114] If any staff member or worker of a factory, mine, forestry centre, construction enterprise or other enterprise or institution disobeys management and violates the rules and regulations or forces workers to work in a hazardous way in violation of the rules and thereby causes a serious accident involving injury or death and serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years.

[Article 115] If anyone violates the regulations on the control of explosive, inflammable, radioactive, poisonous or corrosive materials and thereby causes a serious accident during the production, storage, transportation or use of those materials, and serious consequences result, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years.

CHAPTER III CRIMES OF UNDERMINING THE SOCIALIST ECONOMIC ORDER

[Article 116] Whoever engages in smuggling in violation of the Customs Law and relevant regulations, if the circumstances are serious, shall, in addition to confiscation of the smuggled articles and possible imposition of a fine in accordance with the Customs Law and relevant regulations, be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and may concurrently be sentenced to confiscation of property.

[Article 117] Whoever engages in speculation in violation of the laws and regulations on the control of monetary affairs, foreign exchange, gold and silver, or on the administration of industrial and commercial affairs, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, or he may concurrently or exclusively be sentenced to a fine or confiscation of property.

[Article 118] Whoever makes a regular business of smuggling or illicit speculation, smuggles or speculates in huge amounts or is the ringleader of a group that smuggles or engages in illicit speculation shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years, and may concurrently be sentenced to confiscation of property.

[Article 119] Any state functionary who takes advantage of his office to commit the crime of smuggling or speculation shall be given a heavier punishment.

[Article 120] Whoever, for the purpose of profit, counterfeits or resells ration coupons, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, or he may concurrently or exclusively be sentenced to a fine or confiscation of property.

Ringleaders of a crime mentioned in the preceding paragraph and other offenders in particularly serious cases of such crime shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years, and may concurrently be sentenced to confiscation of property.

[Article 121] In cases of tax evasion or refusal to pay taxes in violation of tax laws and regulations, if the circumstances are serious, the taxpayer shall be ordered to pay the tax due and may be fined in accordance with the tax laws and regulations; the person directly responsible shall also be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

[Article 122] Whoever counterfeits national currency or traffics in counterfeited national currency shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years and may concurrently be sentenced to a fine or confiscation of property.

Ringleaders of the crime mentioned in the preceding paragraph and other offenders in particularly serious cases of such crime shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and may concurrently be sentenced to confiscation of property.

[Article 123] Whoever counterfeits cheques, shares certificates or other valuable securities shall be sentenced to fixed-term imprisonment of not more than seven years and may concurrently be sentenced to a fine.

[Article 124] Whoever, for the purpose of profit, counterfeits tickets for vehicles or ships, postage stamps, tax stamps or invoices shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or a fine; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years and may concurrently be sentenced to a fine.

to a fine.

[Article 125] If anyone for purpose of retaliation or from spite or other personal motives destroys machinery or equipment, cruelly injures or slaughters draught animals or uses other means to sabotage collective production, he shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

[Article 126] In cases of misappropriation of state funds and materials that are allocated for disaster relief, emergencies, flood control, care to disabled servicemen and families of revolutionary martyrs and servicemen, and social relief, if the circumstances are serious and major harm to the interests of the state and the people has resulted, the person directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years.

[Article 127] Where an industrial or commercial enterprise violates the laws and regulations on trademark administration and counterfeits the registered trademark of another enterprise, the person directly responsible shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or a fine.

[Article 128] Whoever illegally cuts down trees or denudes forests or other woodlands in violation of the laws and regulations on forestry protection, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and may concurrently or exclusively be sentenced to a fine.

[Article 129] Whoever, in violation of the laws and regulations on the protection of aquatic resources, fishes for aquatic products in an area where fishing is prohibited, during a period when fishing is prohibited or using implements or methods that are prohibited, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or a fine.

[Article 130] Whoever, in violation of game laws and regulations, hunts in a game reserve, during a period when hunting is prohibited or using implements or methods that are prohibited, thereby damaging rare birds, beasts or other wild animal resources, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or a fine.

CHAPTER IV CRIMES OF INFRINGING UPON THE RIGHTS OF THE PERSON AND THE DEMOCRATIC RIGHTS OF CITIZENS

[Article 131] The rights of the person, democratic rights and other rights of citizens shall be protected from unlawful infringement by any person or organization. If the circumstances of unlawful infringement are serious, those directly responsible shall be given criminal sanctions.

[Article 132] Whoever intentionally commits homicide shall be sentenced to death, life imprisonment or fixed-term imprisonment of not less than ten years; if the circumstances are relatively minor, the offender shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 133] Whoever negligently kills another shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are especially flagrant, the offender shall be sentenced to fixed-term imprisonment of not less than five years. Where this Law has other provisions, such provisions shall prevail.

[Article 134] Whoever intentionally inflicts bodily injury upon another person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Whoever, by committing the crime mentioned in the preceding paragraph, causes severe bodily injury to another person shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years; if he causes a person's death, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment. Where this Law has other provisions, such provisions shall prevail.

[Article 135] Whoever negligently injures another person and causes him severe bodily injury shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are especially flagrant, the offender shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years. Where this Law has other provisions, such provisions shall prevail.

[Article 136] It shall be strictly forbidden to extort a confession by torture. Any state functionary who extorts a confession by torture shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Whoever causes injury or disability to a person through corporal punishment shall be charged with the crime of injury and given a heavier punishment.

[Article 137] It shall be strictly forbidden to gather a crowd for "beating, smashing and looting." Whoever causes a person's injury, disability or death through "beating, smashing and looting" shall be punished for the crime of injury or homicide. If articles of public or private property are destroyed or forcibly taken, the ringleaders shall be punished for the crime of robbery, in addition to being ordered to provide restitution or compensation.

Whoever commits the crime mentioned in the preceding paragraph may be sentenced exclusively to deprivation of political rights.

[Article 138] It shall be strictly forbidden to use any method or means to implicate cadres or the people on false charges. Whoever fabricates facts to implicate another person (including a criminal) on false charges shall be given a criminal sanction in the light of the nature, circumstances, consequences and sentencing standards of the crime that he falsely accused the other person of committing. A state functionary who commits the crime of false accusation shall be given a heavier punishment.

Where it is not a case of intentional false accusation but rather a case of mistaken complaint or unsubstantiated accusation, the provisions of the preceding paragraph shall not apply.

[Article 139] Whoever rapes a woman by force, threat or other means shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

Whoever has sexual relations with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment.

If the circumstances of a crime mentioned in the preceding two paragraphs are especially serious or a person's serious bodily injury or death has been caused, the offender shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death.

If two or more persons commit rape and violate the same victim in succession, they shall be given a heavier punishment.

[Article 140] Whoever forces a woman to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 141] Whoever abducts and traffics in human beings shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than five years.

[Article 142] Whoever violates the stipulations of the electoral law and by violence, threat, deception, bribery or other unlawful means sabotages elections or obstructs the electorate in its free exercise of the right to vote and to stand for election shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

[Article 143] The unlawful detention of another person or the unlawful deprivation of his personal freedom by any other means shall be strictly prohibited. A violator shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or deprivation of political rights. In circumstances where battery or humiliation has occurred, the violator shall be given a heavier punishment.

Whoever commits the crime mentioned in the preceding paragraph and causes serious bodily injury shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years; if he causes a person's death, he shall be sentenced to fixed-term imprisonment of not less than seven years.

[Article 144] Whoever unlawfully subjects another person to public surveillance, unlawfully subjects another person to a body search or a search of his residence or unlawfully intrudes into another person's residence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

[Article 145] Whoever, by violence or other methods, including the use of "big character posters" and "small character posters," publicly insults another person or fabricates facts to defame him, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or deprivation of political rights.

The crime mentioned in the preceding paragraph shall be handled only upon complaint, except where serious harm has been done to the public order and to the interests of the state.

[Article 146] Any state functionary who abuses his power, using his public office for private gain, in order to retaliate against or frame complainants, petitioners or critics or incriminate them on false charges shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

[Article 147] Any state functionary who unlawfully deprives citizens of their legitimate freedom of religious belief and infringes upon the customs and habits of minority nationalities, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

[Article 148] If, during an investigation or trial, any witness, expert witness, recorder or interpreter intentionally gives false evidence or makes a false expert evaluation, record or translation concerning circumstances that bear an important relation to a case, in order to frame another person or conceal criminal evidence, he shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

[Article 149] Whoever conceals, destroys or unlawfully opens another person's letters, infringing upon the citizen's right to freedom of correspondence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than one year or criminal detention.

CHAPTER V CRIMES OF PROPERTY VIOLATION

[Article 150] Whoever takes public or private property by force, threat or other methods shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

If the circumstances of the crime mentioned in the preceding paragraph are serious or grievous bodily injury or death has been caused, the offender shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death and may concurrently be sentenced to confiscation of property.

[Article 151] Whoever steals, swindles or forcibly seizes a relatively large amount of public or private property shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

[Article 152] A habitual thief or habitual swindler or anyone who steals, swindles or forcibly seizes a huge amount of public or private property shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and may concurrently be sentenced to confiscation of property.

[Article 153] If anyone commits a crime of theft, fraud or forcible seizure and uses or threatens to use violence on the spot in order to conceal booty, resist arrest or destroy criminal evidence, he shall be punished in accordance with Article 150 of this Law on the crime of robbery.

[Article 154] Whoever extorts money or other public or private property by blackmail shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than three years and not more than seven years.

[Article 155] Any state functionary who takes advantage of his office to embezzle public property shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount involved is huge and the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years; if the circumstances are especially serious, he shall be sentenced to life imprisonment or death.

For the crime mentioned in the preceding paragraph, the offender shall be sentenced concurrently to confiscation of property or ordered to make restitution or compensation.

If any person entrusted by state organs, enterprises, institutions or people's organizations to perform public duties commits the crime mentioned in the first paragraph of this Article, he shall be punished in accordance with the provisions of the two preceding paragraphs.

[Article 156] Whoever intentionally destroys public or private property, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or a fine.

CHAPTER VI CRIMES OF OBSTRUCTING THE ADMINISTRATION OF PUBLIC ORDER

[Article 157] Whoever by means of force or threat obstructs a state functionary from carrying out his functions according to law or refuses to carry out legally effective judgments or orders of people's courts shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, a fine or deprivation of political rights.

[Article 158] It shall be prohibited for anyone to disturb public order by any means. If the circumstances of the public disturbance are so serious that work, production, business, education or scientific research cannot be conducted and the state and society suffer serious losses, the ringleaders shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

[Article 159] Where an assembled crowd disturbs order at stations, wharves, civil airports, marketplaces, public parks, theatres, cinemas, exhibition halls, sports grounds or other public places, or an assembled crowd blocks traffic or undermines traffic order or resists or obstructs public security administration personnel of the state from carrying out their duties according to law, if the circumstances are serious, the ringleaders shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

[Article 160] Where an assembled crowd engages in affrays, creates disturbances, humiliates women or engages in other hooligan activities that undermine public order, if the circumstances are flagrant, the offenders shall be sentenced to fixed-term imprisonment of not more than seven years, criminal detention or public surveillance.

Ringleaders of hooligan groups shall be sentenced to fixed-term imprisonment of not less than seven years.

[Article 161] If a criminal escapes after being arrested or held in custody according to law, in addition to being sentenced for the crime he originally committed or being made to serve the term to which he was originally sentenced, he shall be additionally sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Whoever commits the crime mentioned in the preceding paragraph by means of force or threats shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

[Article 162] Whoever harbours counterrevolutionaries or gives false evidence to protect them shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

Whoever harbours other criminals or gives false evidence to protect them shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

Conspirators to a crime mentioned in the two preceding paragraphs shall be punished as for a joint crime.

[Article 163] Whoever, in violation of firearm control regulations, secretly keeps firearms or ammunition and refuses to relinquish them shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

[Article 164] Whoever manufactures or sells bogus medicines for profit and thereby harms the people's health shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance, or he may concurrently or exclusively be sentenced to a fine; if serious consequences have resulted, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years and may concurrently be sentenced to a fine.

[Article 165] Any practitioner of sorcery or witchcraft who takes advantage of superstition to spread rumour or swindle money or other property shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than two years and not more than ten years.

[Article 166] Any practitioner of state functionary in order to practise fraud shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 167] Whoever forges, alters, steals, forcibly seizes or destroys the official documents, certificates or seals of state organs, enterprises, institutions or people's organizations shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 168] Whoever, for the purpose of profit, assembles a crowd to engage in gambling or makes gambling his profession shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and may concurrently be sentenced to a fine.

[Article 169] Whoever, for the purpose of profit, lures women into prostitution or shelters them in prostitution shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than five years and may concurrently be sentenced to a fine or confiscation of property.

[Article 170] Whoever, for the purpose of profit, produces or sells pornographic books or pictures shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and may concurrently be sentenced to a fine.

[Article 171] Whoever manufactures, sells or transports opium, heroin, morphine or other narcotic drugs shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and may concurrently be sentenced to a fine.

Whoever manufactures, sells or transports the narcotic drugs mentioned in the preceding paragraph continually or in large quantities shall be sentenced to fixed-term imprisonment of not less than five years, and may concurrently be sentenced to confiscation of property.

[Article 172] Whoever conceals goods that he clearly knows were obtained by a criminal act or acts as a sales agent for them shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance, or he may concurrently or exclusively be sentenced to a fine.

[Article 173] Whoever, in violation of the laws and regulations on protection of cultural relics, secretly transports precious cultural relics for export shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years, and may concurrently be sentenced to a fine; if the circumstances are serious, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and may concurrently be sentenced to confiscation of property.

[Article 174] Whoever intentionally damages precious cultural relics, historic sites or scenic spots protected by the state shall be sentenced to fixed-term imprisonment of not more than seven years or criminal detention.

[Article 175] Whoever intentionally damages the boundary tablets, boundary markers or permanent survey indicators along the national border shall be sentenced to fixed-term imprisonment of not more

than three years or criminal detention.

Any act committed for the purpose of treason shall be punished as a crime of counterrevolution.

[Article 176] Whoever, in violation of the exit and entry regulations, secretly crosses the national boundary (borderline), if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention or public surveillance.

[Article 177] Whoever, for the purpose of profit, organizes or transports another person to secretly cross the national boundary (borderline) shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and may concurrently be sentenced to a fine.

[Article 178] Whoever violates the national border health and quarantine regulations and causes the spread of quarantinable infectious diseases or causes a serious danger of such diseases spreading shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, or he may concurrently or exclusively be sentenced to a fine.

CHAPTER VII CRIMES OF DISRUPTING MARRIAGE AND THE FAMILY

[Article 179] Whoever forcibly interferes with another person's freedom of marriage shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

If anyone committing the crime mentioned in the preceding paragraph causes his victim's death, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

The crime mentioned in the first paragraph of this Article shall be handled only upon complaint.

[Article 180] Whoever has a spouse and commits bigamy or whoever marries another person while clearly knowing that the other has a spouse shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

[Article 181] Whoever cohabits with or marries a person while clearly knowing that that person is the spouse of a member of the armed forces in active service shall be sentenced to fixed-term imprisonment of not more than three years.

[Article 182] Whoever maltreats a member of his family, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

If anyone committing the crime mentioned in the preceding paragraph causes serious injury or death to his victim, he shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years.

The crime mentioned in the first paragraph of this Article shall be handled only upon complaint.

[Article 183] Whoever refuses his proper duty to support an aged person, minor, sick person or any other person who cannot live independently, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

[Article 184] Whoever abducts a boy or girl under the age of 14, thereby cutting the child off from his family or guardian, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

CHAPTER VIII CRIMES OF DERELICTION OF DUTY

[Article 185] Any state functionary who takes advantage of his office to accept bribes shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention. The funds or articles that he received as bribes shall be confiscated, and public funds or articles shall be recovered.

Whoever commits the crime mentioned in the preceding paragraph and causes the interests of the state or citizens to suffer serious losses shall be sentenced to fixed-term imprisonment of not less than five years.

Whoever offers or introduces a bribe to a state functionary shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

[Article 186] Any state functionary who divulges important state secrets, in violation of state laws and regulations on the protection of secrets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than seven years, criminal detention or deprivation of political rights.

If a person who is not a state functionary commits the crime mentioned in the preceding paragraph, he shall be punished in the light of the circumstances and in accordance with the provisions of the preceding paragraph.

[Article 187] Any state functionary who, because of neglect of duty, causes public property or the interests of the state and the people to suffer heavy losses shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

[Article 188] Any judicial functionary who engages in malpractice for the benefit of his friends and subjects to prosecution a person he clearly knows to be innocent and intentionally protects from prosecution a person he clearly knows to be guilty, or intentionally twists the law, confounding right and wrong, when rendering judgments or orders, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or deprivation of political rights; if the circumstances are particularly serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

[Article 189] Any judicial functionary who violates the laws and regulations on prison management and subjects prisoners or internees to corporal punishment, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years and not more than ten years.

[Article 190] Any judicial functionary who releases a criminal without authorization shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years.

[Article 191] Any postal and telecommunications worker who opens, conceals or destroys mail or telegrams without authorization shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Whoever steals property while committing the crime mentioned in the preceding paragraph shall be given a heavier punishment under Article 155 on the crime of embezzlement.

[Article 192] Any state functionary who commits a crime mentioned in this Chapter, if the circumstances are minor, may be given an administrative sanction by the competent department in the light of the circumstances.

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