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PART TWO SPECIFIC PROVISIONS

CHAPTER I - Crimes of Endangering National Security

CHAPTER

Section 8. Crimes of Organizing, Forcing, Luring, Sheltering or Procuring Other Persons to Engage in Prostitution

If a criminal act or its consequence takes place within the territorial waters of

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

Article 19 Any deaf-

Section 3 Joint Crimes

Section 5 The Death Penalty

Article 48 The death penalty shall only be applied to criminals who have committed extremely serious 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.

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 verification and approval. Death sentences with a suspension of execution may be decided or verified and approved by a Higher People's Court.

Article 49 The death penalty shall not be imposed on persons who have not reached the age of 18 at the time the crime is committed or on women who are pregnant at the time of trial.

Article 55 A term of deprivation of political rights shall be not less than one year but not more than five years, except as stipulated in Article 57 of this Law.

Anyone who is sentenced to public surveillance is deprived of political rights as a

Article 61 When sentencing a criminal, a punishment shall be meted out on the basis of the facts, nature and circumstances of the crime, the degree of harm done to society and the

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

Article 74 Suspension of sentence shall not be applied to recidivists.

Article 75 A criminal whose sentence is suspended shall observe the followings:

- (1) to observe laws and administrative rules and regulations, and submit to supervision;
- (2) to report on his own activities as required by the observing organ;
- (3) to observe the regulations for receiving visitors stipulated by the observing organ; and
- (4) to report to obtain approval from the observing organ for any departure from the city or

(5) performing remarkable services in fight6(for)6(mi)-3(n)55(gn)55(inst)-eel dht6(fsa r)st seeor ct6(fu(r)bin

(4) report to obtain a

Article 89 The limitation period for prosecution shall be counted from the date the crime is committed; if the criminal act is of a continual or continuous nature, it shall be counted from the date the criminal act is terminated.

causing no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

Article 115 Whoever commits arson, breaches a dike, causes explosion, spreads poison or

Article 122 Whoever hijacks a ship or motor vehicle by means of violence, coercion or by any other means shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

Article 123 Whoever uses violence against any person on board an aircraft or a railway-

years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

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accident or is involved in other especially flagrant circumstances shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if his escape results in the death of another person, he shall be sentenced to fixed-term imprisonment of not less than seven years.

than two times the amount of earnings from sales; if serious harm is done to human health, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the consequences are especially serious, he shall be

the falsely registered capital is huge, and the consequences are serious or if there are other serious circumstances, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than one percent but not more than five percent of the capital falsely declared for registration.

Where a unit commits the crime as mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

Article 159 Any sponsor or shareholder of a company who, in violation of the provisions of the Company Law, makes a false capital contribution by failing to pay the promised cash or tangible assets or to transfer property rights, or surreptitiously withdraws the contributed capital after the incorporation of the company shall, if the crime is serious enough, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than one percent but not more than five percent of the capital falsely declared for registration.

Article 163 Where an employee of a company or enterprise who, taking advantage of his position, demands money or property from another person or illegally accepts another

(2) purchasing commodities from the unit managed by his relatives or friends at a price obviously higher than the market price, or selling commodities to such unit at a price obviously lower than the market price; or

(3) purchasing from the unit managed by his relatives or friends commodities that are not up to standards.

Article 167 If a person who is directly in charge of a State-owned company, enterprise or

involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three

- (1) providing fund accounts;
- (2) helping exchange property into cash or any financial negotiable instruments;
- (3) helpin

Article 194 Whoever commits fraud by means of financial bills in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-

(3) an applicant, an insured or a beneficiary defrauds insurance money by inventing stories of an insured accident that does not occur;

(4) an applicant or an insured defrauds insurance money by deliberately causing the occurrence of an insured accident that leads to property damage; or

yuan, he shall be sentenced to fixed-

to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount of money involved is huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

Whoever commits the

(2) publishing a book of which the exclusive right of publication is enjoyed by another person;

(3) reproducing and distributing an audio or video recording produced by another person without permission of the producer; or

(4) producing or selling a work of fine art with forged signature of another painter.

Article 218 Whoever, for the purpose of making profits, knowingly sells works reproduced by infringing on the copyright of the owners as mentioned in Article 217 of this Law shall, if the amount of illegal gains is huge,, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

Article 219 Whoever commits any of the following acts of infringing on business secrets and thus causes heavy losses to the obligee shall be sentenced to fixed-

Article 222 Any advertiser, advertisement agent or advertisement publisher who, in violation

(2) buying or selling import or export licenses, import or export certificates of origin or other business licenses or approval papers required by laws or administrative rules and

not declared for such inspection, or exports commodities that are subject to inspection by the

sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property:

- (1) being a ringleader of a gang engaged in abducting and trafficking in women and children;
- (2) abducting and trafficking in three or more women and/or children;
- (3) raping the woman who is abducted and trafficked in;
- (4) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution;
- (5) kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim;
- (6) stealing a baby or an infant for the purpose of selling the victim;

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Article 257 Whoever uses violence to interfere with another person's freedom of marriage shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

Whoever commits the crime mentioned in the preceding paragraph and causes death to the victim shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

- (2) robbing on board the means of public transportation;
- (3) robbing a bank or any other banking institution;
- (4) committing robbery repeatedly or robbing a huge, sum of money;
- (5) causing serious injury or death to another pers07ET EM .8h8(e)4(c)4ur(s6-2(of)-6(ro pe)7ur)-6(2)30(;

be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property.

Whoever commits the crime with lethal weapons shall be convicted and punished in accordance with the provisions of Article 263 of this Law.

Whoever during natural calamities or emergencies obstructs, by means of violence or threat,

shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Whoever unlawfully holds the documents, material or other objects classified as "strictly confidential" or "confidential" State secrets and refuses to explain their sources and purposes shall be sentenced to fixed-

- (2) chasing, intercepting or hurling insults to another person to a flagrant extent;
- (3) forcibly taking or demanding, willfully damaging, destroying or occupying public or private money or property to a serious extent; or
- (4) creating disturbances in a public place, thus causing serious disorder in such place.

Article 294 Whoever forms, leads or takes an active part in organizations in the nature of criminal syndicate to commit organized illegal or criminal acts through violence, threat or other means, such as lording it over the people in an area, perpetrating outrages, riding roughshod over or cruelly injuring or killing people, thus seriously disrupting economic order and people's daily activities, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; other participants shall be sentenced to fixed

shall be sentenced to fixed-

serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

Article 306 If, in criminal proceedings, a defender or agent ad litem destroys or forges evidence, helps any of the parties destroy or forge evidence, or coerces the witness or entices him into changing his testimony in defiance of the facts or give false testimony, he shall be

Where a unit com

Whoever commits any of the acts mentioned in the preceding two paragraphs, which concurrently constitutes another crime provided in this Law, shall be convicted and punished in accordance with the provisions on heavier punishment for such crime.

Section 5 Crimes of Impairing Public Health

Article 330 Whoever, in violation of the provisions of the Law on Prevention and Treatment of Infectious Diseases, commits any of the following acts and thus causes the spread or a grave danger of the spread of an A Class infectious disease shall be sente

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and

serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-

to fixed-term imprisonment of not less than three years but not more than seven years and

shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

Where a unit commits any crime mentioned in the preceding three paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding three paragraphs respectively.

Whoever makes use of minors or aids and abets them to smuggle, traffic in, transport or manufacture narcotic drugs or sells narcotic drugs to minors shall be given a heavier punishment.

With respect to persons who have repeatedly smuggled, trafficked in, transported or manufactured narcotic drugs and have not been dealt with, the quantity of narcotic drugs thus involved shall be computed cumulatively.

Article 348 Whoever illegally possesses opium of not less than 1,000 grams, or heroin or methylaniline of not less than 50 grams, or any other narcotic drugs of large quantities shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined; whoever illegally possesses opium of not less than 200 grams but less than 1,000 grams, or heroin or methylaniline of not less than 10 grams but less than 50 grams or any other narcotic drugs of relatively large quantities shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public s-ETBTnt of not meli20(5)4(sk

Whoever falls under any of the categories mentioned in the preceding paragraph, if the circumstances are especially serious, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property.

Whoever intentionally obstructs military operations of armed forces, if the consequences are

Article 374 Whoever engages in malpractice fo2n malpractitilfish end(c)4(enlistm)-4ment, (c)4cclprpn m oe

Any person who offers money or property to a State functionary through extortion but gains no illegitimate benefits shall not be regarded as offering bribes.

on receiving a request for rescue by the victim or by his or her family members or on receiving a report thereon made by any other person, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

Any serviceman who, after surrendering to the enemy, works for the enemy shall be sentenced to fixed-

Article 431 Whoever, by means of stealing, spying ouu(n)-0(y)20(in)-11(g)10(illi)-le gcynnml2(illi)-itlicys

consequences are serious, 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-

Appendix I

The following regulations, supplementa.86(y)2ons a feeons e fere7(d b()-y)2nionI

provisions on criminal responsibility have been incorporated into this Law, the relevant provisions of this Law shall prevail as of the date this Law goes into effect:

1. Decision on the Prohibition Against Narcotic Drugs
2. Decision on the Punishment of Criminals Who S (2. D.a5(t)-11(e), P(S)-roducre)1(e), Sffelloenatt