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AMENDMENT TO THE CRIMINAL LAW  
OF THE PEOPLE'S REPUBLIC OF CHINA



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**Amendment (I) to the Criminal Law of the People's Republic of China**

**(Adopted at the 13th Meeting of the Standing Committee of the Ninth National People's Congress on December 25, 1999, promulgated by Order No. 27 of the President of the People's Republic of China on December 25, 1999, and effective as of the date of promulgation)**

In order to punish crimes that disrupt the order of the socialist market economy and ensure the smooth progress of socialist modernization, the following amendments and supplements are made to the Criminal Law:

I. One article is added after Article 162 as Article 162a: "Whoever conceals or deliberately destroys accounting vouchers, account books, or financial and accounting reports that should be preserved according to law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

II. Article 168 of the Criminal Law is revised to read: "Any employee of a state-owned company or enterprise who, because of serious irresponsibility or abuse of power, causes bankruptcy or heavy losses to the state-owned company or enterprise, thereby causing heavy losses to the interests of the State, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

"Any employee of a state-owned institution who commits the act mentioned in the preceding paragraph, thereby causing heavy losses to the interests of the State, shall be punished in accordance with the provisions of the preceding paragraph.

"Any employee of a state-owned company, enterprise, or institution who, engaging in malpractices for personal gain, commits any of the crimes men-

tioned in the preceding two paragraphs, shall be given a heavier punishment in accordance with the provisions of the first paragraph."

III. Article 174 of the Criminal Law is revised to read: "Whoever, without the approval of the relevant competent state department, establishes a commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or any other financial institution shall 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 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

"Whoever forges, alters, or transfers the business license or approval document of a commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or any other financial institution shall be punished in accordance with the provisions of the preceding paragraph.

"Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph."

IV. Article 180 of the Criminal Law is revised to read: "Any person with knowledge of inside information on securities or futures trading or any person who illegally obtains such information, prior to the publication of the information that concerns security issuance or securities or futures trading or that has a major effect on the trading prices of securities or futures, buys or sells such securities, engages in futures trading related to such inside information, or leaks such information, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one time but not more than five times the amount of illegal gains; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined not

less than one time but not more than five times the amount of illegal gains.

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

“The definitions of inside information and persons with knowledge of inside information shall be determined in accordance with the provisions of laws or administrative regulations.”

V. Article 181 of the Criminal Law is revised to read: “Whoever fabricates and spreads false information to affect securities or futures trading, thereby disrupting the securities or futures trading market, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan.

“Any employee of a stock exchange, futures exchange, securities company, or futures brokerage company, or any staff member of the Securities Industry Association, the Futures Industry Association, or the securities or futures regulatory authority who intentionally provides false information or forges, alters, or destroys trading records in order to induce investors to buy or sell securities or futures contracts, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

“Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.”

VI. Article 182 of the Criminal Law is revised to read: “Whoever manipulates securities or futures trading prices by any of the following means in order to obtain illegitimate benefits or shift risks, if

the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one time but not more than five times the amount of illegal gains:

1. “Independently or in collusion with others, carrying out combined or successive buying or selling by building up an advantage in terms of funds, shareholdings, or futures positions or by taking advantage of information, thus manipulating securities or futures trading prices;
2. “Colluding with others to mutually trade securities or futures at a prearranged time, price, and manner, or mutually trading securities that are not actually held, thereby affecting the trading prices or trading volume of securities or futures;
3. “Trading securities with oneself as the counterparty without transferring ownership of the securities, or trading futures contracts with oneself as the counterparty, thereby affecting the trading prices or trading volume of securities or futures; or
4. “Manipulating securities or futures trading prices by other means.

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

VII. Article 185 of the Criminal Law is revised to read: “Any employee of a commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or other financial institution who, taking advantage of his position, misappropriates funds of the unit or any client shall be convicted and punished in accordance with the provisions of Article 272 of this Law. “Any employee of a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or other state-owned financial institution or any person assigned by a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or other state-owned financial institution to a non-state-owned institution mentioned in the preceding paragraph to engage in public service who commits the act mentioned in the preceding paragraph shall

be convicted and punished in accordance with the provisions of Article 384 of this Law.”

VIII. One subparagraph is added to Article 225 of the Criminal Law as subparagraph (3): “Conducting illegal business operations in securities, futures, or insurance without approval of the relevant competent state department;”

The original subparagraph (3) shall be changed to subparagraph (4).

IX. This Amendment shall go into effect as of the date of its promulgation.

### **Amendment (II) to the Criminal Law of the People’s Republic of China**

**(Adopted at the 23rd Meeting of the Standing Committee of the Ninth National People’s Congress on August 31, 2001)**

In order to punish the crime of destroying forest land for reclamation and unlawfully occupying or misusing forest land, and to effectively protect forest resources, Article 342 of the Criminal Law is revised to read:

“Whoever, in violation of the law and regulations on land administration, unlawfully occupies cultivated land, forest land, or other agricultural land, and uses it for other purposes, if the area involved is relatively large and a large area of such land is destroyed, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined.”

This Amendment shall go into effect as of the date of its promulgation.

### **Amendment (III) to the Criminal Law of the People’s Republic of China**

**(Adopted at the 25th Meeting of the Standing Committee of the Ninth National People’s Congress on December 29, 2001)**

In order to punish crimes of terrorist activities, safeguard the security of the State and the lives and property of the people, and maintain public order, the following amendments and supplements are made to the Criminal Law:

I. Article 114 of the Criminal Law is revised to read: “Whoever commits arson, breaches a dike, causes an explosion, spreads poisonous or radioactive substances, infectious-disease pathogens, or other substances, or uses other dangerous means, thereby endangering public security but causing no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.”

II. Paragraph 1 of Article 115 of the Criminal Law is revised to read: “Whoever commits arson, breaches a dike, causes an explosion, spreads poisonous or radioactive substances, infectious-disease pathogens, or other substances, or uses other dangerous means, thereby inflicting serious injury or death on persons or causing heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death.”

III. Paragraph 1 of Article 120 of the Criminal Law is revised to read: “Whoever organizes or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment; persons who actively participate in a terrorist organization shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.”

IV. One article is added after Article 120 of the Criminal Law as Article 120a: “Whoever provides funds to a terrorist organization or to any individual who carries out terrorist activities shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined or sentenced to confiscation of property.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.”

V. Paragraph 2 of Article 125 of the Criminal Law is

revised to read: “Whoever illegally manufactures, trades in, transports, or stores poisonous or radioactive substances, infectious-disease pathogens, or other substances, thereby endangering public security, shall be punished in accordance with the provisions of the preceding paragraph.”

VI. Article 127 of the Criminal Law is revised to read: “Whoever steals or forcibly seizes any gun, ammunition, or explosive substances, or steals or forcibly seizes poisonous or radioactive substances, infectious-disease pathogens, or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death.

“Whoever robs any gun, ammunition, or explosive substances, or robs poisonous or radioactive substances, infectious-disease pathogens, or other substances, thereby endangering public security, or steals or forcibly seizes any gun, ammunition, or explosive substances from state organs, members of the armed forces, the police, or the people’s militia, shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death.”

VII. Article 191 of the Criminal Law is revised to read: “Whoever, clearly knowing that the proceeds are derived from drug-related crimes, crimes committed by organizations in the nature of criminal syndicates, crimes of terrorist activities, or crimes of smuggling, and the gains derived therefrom, for the purpose of covering up or concealing the source or nature of the proceeds or gains, commits any of the following acts shall, in addition to being sentenced to confiscation of the said proceeds and the gains derived therefrom, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 5 percent but not more than 20 percent of the amount of money laundered; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined not less than 5 percent but not more than 20 percent of the amount of money laundered: (1) providing fund accounts; (2) assisting in converting property into cash or financial instruments; (3)

assisting in transferring funds through transfers or other methods of settlement; (4) assisting in remitting funds abroad; (5) covering up or concealing by other means the source or nature of the proceeds or gains derived from the crime.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.”

VIII. One article is added after Article 291 of the Criminal Law as Article 291a: “Whoever spreads false explosive, poisonous, or radioactive substances, infectious-disease pathogens, or other substances, or fabricates information on explosive, biochemical, radioactive, or other terrorist threats, or deliberately disseminates terrorist information while clearly knowing that it is fabricated, thereby seriously disturbing public order, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance; if serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.”

IX. This Amendment shall go into effect as of the date of its promulgation.

### **Amendment (III) to the Criminal Law of the People’s Republic of China**

**(Adopted at the 25th Meeting of the Standing Committee of the Ninth National People’s Congress on December 29, 2001)**

In order to punish crimes of terrorist activities, safeguard the security of the State and the lives and property of the people, and maintain public order, the following amendments and supplements are made to the Criminal Law:

I. Article 114 of the Criminal Law is revised to read: “Whoever commits arson, breaches a dike, causes an explosion, spreads poisonous or radioactive substances, infectious-disease pathogens, or oth-

er substances, or uses other dangerous means, thereby endangering public security but causing no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.”

II. Paragraph 1 of Article 115 of the Criminal Law is revised to read: “Whoever commits arson, breaches a dike, causes an explosion, spreads poisonous or radioactive substances, infectious-disease pathogens, or other substances, or uses other dangerous means, thereby inflicting serious injury or death on persons or causing heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death.”

III. Paragraph 1 of Article 120 of the Criminal Law is revised to read: “Whoever organizes or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment; persons who actively participate in a terrorist organization shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.”

IV. One article is added after Article 120 of the Criminal Law as Article 120a: “Whoever provides funds to a terrorist organization or to any individual who carries out terrorist activities shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined or sentenced to confiscation of property.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.”

V. Paragraph 2 of Article 125 of the Criminal Law is revised to read: “Whoever illegally manufactures, trades in, transports, or stores poisonous or radioactive substances, infectious-disease pathogens, or other substances, thereby endangering public

security, shall be punished in accordance with the provisions of the preceding paragraph.”

VI. Article 127 of the Criminal Law is revised to read: “Whoever steals or forcibly seizes any gun, ammunition, or explosive substances, or steals or forcibly seizes poisonous or radioactive substances, infectious-disease pathogens, or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death.

“Whoever robs any gun, ammunition, or explosive substances, or robs poisonous or radioactive substances, infectious-disease pathogens, or other substances, thereby endangering public security, or steals or forcibly seizes any gun, ammunition, or explosive substances from state organs, members of the armed forces, the police, or the people’s militia, shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death.”

VII. Article 191 of the Criminal Law is revised to read: “Whoever, clearly knowing that the proceeds are derived from drug-related crimes, crimes committed by organizations in the nature of criminal syndicates, crimes of terrorist activities, or crimes of smuggling, and the gains derived therefrom, for the purpose of covering up or concealing the source or nature of the proceeds or gains, commits any of the following acts shall, in addition to being sentenced to confiscation of the said proceeds and the gains derived therefrom, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 5 percent but not more than 20 percent of the amount of money laundered; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined not less than 5 percent but not more than 20 percent of the amount of money laundered: (1) providing fund accounts; (2) assisting in converting property into cash or financial instruments; (3) assisting in transferring funds through transfers or other methods of settlement; (4) assisting in remitting funds abroad; (5) covering up or concealing by other means the source or nature of the proceeds

or gains derived from the crime.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.”

VIII. One article is added after Article 291 of the Criminal Law as Article 291a: “Whoever spreads false explosive, poisonous, or radioactive substances, infectious-disease pathogens, or other substances, or fabricates information on explosive, biochemical, radioactive, or other terrorist threats, or deliberately disseminates terrorist information while clearly knowing that it is fabricated, thereby seriously disturbing public order, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance; if serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.”

IX. This Amendment shall go into effect as of the date of its promulgation.

#### **Amendment (IV) to the Criminal Law of the People's Republic of China**

**(Adopted at the 31st Meeting of the Standing Committee of the Ninth National People's Congress on December 28, 2002)**

In order to punish crimes that disrupt the order of the socialist market economy, crimes that disrupt the order of social administration, and crimes of dereliction of duty committed by state functionaries, and to ensure the smooth progress of socialist modernization and the safety of citizens' person, the Criminal Law is hereby amended and supplemented as follows:

I. Article 145 of the Criminal Law is revised to read: “Whoever produces medical apparatus and instruments or medical hygiene materials that are not up to the national or trade standards for safeguarding human health, or sells such apparatus, instruments,

or materials clearly knowing that they are not up to the national or trade standards for safeguarding human health, and if it is sufficient to seriously endanger human health, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than 50 percent but not more than two times the value of the sales; if serious harm is caused to human health, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined not less than 50 percent but not more than two times the value of the sales; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined not less than 50 percent but not more than two times the value of the sales or be sentenced to confiscation of property.”

II. One paragraph is added to Article 152 of the Criminal Law as the second paragraph: “Whoever, evading customs supervision, transports solid, liquid, or gaseous waste from outside the territory into China, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.”

The original second paragraph shall be the third paragraph and is revised to read: “Where a unit commits the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding two paragraphs.”

III. Article 155 of the Criminal Law is revised to read: “The following acts shall be dealt with as the crime of smuggling and punished in accordance with the relevant provisions of this Section: (1) illegally purchasing, directly and from smugglers, articles that are forbidden by the state to be imported, or illegally purchasing, directly and from smugglers, other smuggled goods or articles in relatively large quantities or of a relatively large value; (2) transporting, purchasing, or selling, in inland or territorial waters, boundary rivers, or boundary lakes, articles that are forbidden by the state to be imported or exported, or transporting, purchasing, or selling, without legal certification and in relatively

large quantities or of a relatively large value, goods or articles whose import or export is restricted by the state.”

IV. One article is added after Article 244 of the Criminal Law as Article 244a: “Where an employer, in violation of labor administration laws and regulations, employs a minor under the age of 16 to engage in ultra-intensity physical labor, or to engage in labor high above the ground or down in a pit, or to engage in labor under explosive, inflammable, radioactive, poisonous, or other dangerous conditions, if the circumstances are serious, the persons directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

“Whoever commits the act mentioned in the preceding paragraph, which also constitutes another crime, shall be punished in accordance with the provisions on combined punishment for several crimes.”

V. Paragraph 3 of Article 339 of the Criminal Law is revised to read: “Whoever, in the name of using raw materials, imports solid, liquid, or gaseous waste that cannot be used as raw materials shall be convicted and punished in accordance with the provisions of the second and third paragraphs of Article 152 of this Law.”

VI. Article 344 of the Criminal Law is revised to read: “Whoever, in violation of state regulations, illegally fells or destroys precious trees or other plants under key state protection, or illegally purchases, transports, processes, or sells precious trees or other plants under key state protection or products thereof, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined; if the circumstances are serious, 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.”

VII. Article 345 of the Criminal Law is revised to read: “Whoever stealthily fells trees, bamboo, etc. in forest or woods, if the amount involved is rela-

tively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, 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; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

“Whoever, in violation of the provisions of the Forest Law, arbitrarily fells trees, bamboo, etc. in forest or woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the amount involved is huge, 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.

“Whoever illegally purchases or transports trees, bamboo, etc. that he clearly knows are stealthily or arbitrarily felled, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are especially serious, 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.

“Whoever stealthily or arbitrarily fells trees, bamboo, etc. in a natural reserve at the national level shall be given a heavier punishment.”

VIII. Article 399 of the Criminal Law is revised to read: “Any judicial officer who, bending the law for selfish ends or twisting the law for a favor, subjects to investigation for criminal responsibility a person he clearly knows to be innocent or intentionally protects from investigation for criminal responsibility a person he clearly knows to be guilty or, intentionally bending the law in criminal adjudication, makes judgments or orders that are contrary to the facts and law 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 but 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.

“Any judicial officer who, intentionally bending the law in civil or administrative adjudication, makes judgments or orders that are contrary to the facts and law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

“Any judicial officer who, in execution of judgments or orders, grossly neglects his duty or abuses his power, fails to adopt litigation preservation measures according to law or fails to perform his statutory duty of execution, or unlawfully adopts litigation preservation or compulsory execution measures, thereby causing heavy losses to the parties’ interests or the interests of other people, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if especially heavy losses are caused to the parties’ interests or the interests of other people, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

“Any judicial officer who accepts bribes and commits any of the acts mentioned in the preceding three paragraphs, which also constitutes the crime mentioned in Article 385 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.”

IX. This Amendment shall go into effect as of the date of its promulgation.

### **Amendment (V) to the Criminal Law of the People’s Republic of China**

**(Adopted at the 14th Meeting of the Standing Committee of the Tenth National People’s Congress on February 28, 2005)**

I. One article is added after Article 177 of the Criminal Law as Article 177a: “Whoever commits any of the following acts to obstruct credit card administration shall 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 10,000 yuan but not more than 100,000 yuan; if the number involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three

years but not more than ten years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan:

1. “Knowingly holding or transporting counterfeit credit cards, or knowingly holding or transporting blank counterfeit credit cards in relatively large quantities;
2. “Illegally holding other persons’ credit cards in relatively large quantities;
3. “Using false identity certification to defraud a financial institution for credit cards; or
4. “Selling, buying, or supplying to another person counterfeit credit cards or credit cards obtained by defrauding a financial institution with false identity certification.

“Whoever steals, buys, or illegally supplies other persons’ credit card information shall be punished in accordance with the provisions of the preceding paragraph.

“Any employee of a bank or other financial institution who, taking advantage of his position, commits the crime mentioned in the second paragraph shall be given a heavier punishment.”

II. Article 196 of the Criminal Law is revised to read: “Whoever commits any of the following acts of credit card fraud, if the amount involved is relatively large, shall 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 there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten 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:

1. “Using a forged credit card, or using a credit card obtained by defrauding a financial institution with false identity certification;
2. “Using an invalidated credit card;
3. “Fraudulently using another person’s credit card; or
4. “Overdrawing with ill intent.

“‘Overdrawing with ill intent’ as mentioned in the

preceding paragraph refers to the act of a credit card holder who, for the purpose of illegal possession, overdraws beyond the norm set or beyond the time limit and refuses to repay the overdrawn amount after the bank that issues the card urges him to do so.

“Whoever steals a credit card and uses it shall be convicted and punished in accordance with the provisions of Article 264 of this Law.”

III. One paragraph is added to Article 369 of the Criminal Law as the second paragraph, and the Article is revised to read: “Whoever sabotages weapons or equipment, military installations, or military communications shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; whoever sabotages important weapons or equipment, military installations, or military communications shall be sentenced to fixed-term imprisonment of not less than three years but 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, life imprisonment, or death.

“Whoever negligently commits the crime mentioned in the preceding paragraph, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

“Whoever commits the crimes mentioned in the preceding two paragraphs in time of war shall be given a heavier punishment.”

IV. This Amendment shall go into effect as of the date of its promulgation.

## **Amendment (VI) to the Criminal Law of the People's Republic of China**

**(Adopted at the 22nd Meeting of the Standing Committee of the 10th National People's Congress on June 29, 2006)**

I. Article 134 of the Criminal Law is revised to read: “Whoever, in violation of the relevant provisions on safety management, causes a major accident involving injury or death or other serious conse-

quences in the course of production or operation 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 but not more than seven years.

“Whoever forces others to work in violation of rules in a risky manner, thereby causing a major accident involving injury or death or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than five years.”

II. Article 135 of the Criminal Law is revised to read: “Where facilities for safety in production or conditions for safety in production do not conform to state provisions, thereby causing a major accident involving injury or death or other serious consequences, the persons directly responsible and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially flagrant, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.”

III. One article is added after Article 135 of the Criminal Law as Article 135a: “Where the holding of a large-scale mass activity violates the provisions on safety management, thereby causing a major accident involving injury or death or other serious consequences, the persons directly responsible and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially flagrant, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.”

IV. One article is added after Article 139 of the Criminal Law as Article 139a: “Where, after a safety accident has occurred, the person obligated to report fails to report or makes a false report about the accident, thereby delaying rescue, if the circumstances are serious, he 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 but not more than seven years.”

V. Article 161 of the Criminal Law is revised to read: “Where a company or enterprise that is under an obligation according to law to disclose information provides its shareholders and the general public with false financial and accounting reports, or conceals important facts in such reports, or fails to disclose other important information in accordance with the provisions, thereby seriously harming the interests of shareholders or others, or if there are other serious circumstances, the persons directly in charge and other directly responsible personnel shall 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 20,000 yuan but not more than 200,000 yuan.”

VI. One article is added after Article 162a of the Criminal Law as Article 162b: “Where a company or enterprise, by concealing property, assuming fictitious debts, or by other means, transfers or disposes of property, and carries out fraudulent bankruptcy, thereby seriously harming the interests of the creditors or others, the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan.”

VII. Article 163 of the Criminal Law is revised to read: “Any employee of a company, enterprise, or other unit who, taking advantage of his position, demands money or property from another person or illegally accepts another person’s money or property in return for seeking benefits for the person, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than five years and may also be sentenced to confiscation of property.

“Any employee of a company, enterprise, or other unit who, in economic activities, taking advantage of his position, violates state regulations by accepting rebates or service charges of various descriptions and taking them into his own possession shall be punished in accordance with the provisions of

the preceding paragraph.

“Any state functionary who is engaged in public service in a state-owned company, enterprise, or other state-owned unit or any person who is assigned by a state-owned company, enterprise, or other state-owned unit to engage in public service in a non-state-owned company, enterprise, or other unit and commits any of the acts mentioned in the preceding two paragraphs shall be convicted and punished in accordance with the provisions of Articles 385 and 386 of this Law.”

VIII. Paragraph 1 of Article 164 of the Criminal Law is revised to read: “Whoever, for the purpose of seeking illegitimate benefits, gives money or property to any employee of a company, enterprise, or other unit, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.”

IX. One article is added after Article 169 of the Criminal Law as Article 169a: “Any director, supervisor, or senior manager of a listed company who, betraying the fiduciary duty to the company, takes advantage of his position to manipulate the listed company to commit any of the following acts, thereby causing heavy losses to the interests of the listed company, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if especially heavy losses are caused to the interests of the listed company, 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:

1. “Providing funds, commodities, services, or other assets to other entities or individuals free of charge;
2. “Providing or accepting funds, commodities, services, or other assets under clearly unfair terms;
3. “Providing funds, commodities, services, or other assets to entities or individuals obviously lacking the ability of repayment;
4. “Providing security for entities or individuals obviously lacking the ability of repayment, or providing security for other entities or individuals without justifiable reasons;

5. "Waiving creditor's rights or assuming debts without justifiable reasons;
6. "Other acts detrimental to the interests of the listed company.

"Any controlling shareholder or actual controller of a listed company who instigates any director, supervisor, or senior manager of the listed company to commit the acts mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

"Where a unit is the controlling shareholder or actual controller that commits the crime mentioned in the preceding paragraph, the unit shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph."

X. One article is added after Article 175 of the Criminal Law as Article 175a: "Whoever, by fraudulent means, obtains loans, bill acceptances, letters of credit, letters of guarantee, or the like from a bank or other financial institution, thereby causing heavy losses to the bank or other financial institution or having other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if especially heavy losses are caused to the bank or other financial institution or there are other especially serious circumstances, 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.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

XI. Article 182 of the Criminal Law is revised to read: "Whoever manipulates the securities or futures market by any of the following means, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined:

1. "Independently or in collusion with others, carrying out combined or successive buying or selling by building up an advantage in terms of

funds, shareholdings, or futures positions or by taking advantage of information, thus manipulating the trading prices or trading volume of securities or futures;

2. "Colluding with others to mutually trade securities or futures at a prearranged time, price, and manner, thus affecting the trading prices or trading volume of securities or futures;
3. "Trading securities between accounts actually controlled by oneself, or trading futures contracts with oneself as the counterparty, thus affecting the trading prices or trading volume of securities or futures; or
4. "Manipulating the securities or futures market by other means.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

XII. One article is added after Article 185 of the Criminal Law as Article 185a: "Where a commercial bank, stock exchange, futures exchange, securities company, futures brokerage company, insurance company, or other financial institution, in breach of fiduciary obligations, uses client funds or other entrusted or trust properties without authorization, if the circumstances are serious, the unit shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than 30,000 yuan but not more than 300,000 yuan; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

"Where a public fund management institution such as a social security fund management institution or a housing provident fund management institution, or an insurance company, insurance asset management company, or securities investment fund management company uses funds in violation of state provisions, the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

XIII. Paragraphs 1 and 2 of Article 186 of the Criminal

Law are revised to read: "Any employee of a bank or other financial institution who grants loans in violation of state regulations, if the amount involved is huge or heavy losses are caused, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 10,000 yuan but not more than 100,000 yuan; if the amount involved is especially huge or especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

"Any employee of a bank or other financial institution who grants loans to his connections in violation of state regulations shall be given a heavier punishment in accordance with the provisions of the preceding paragraph."

XIV. Paragraph 1 of Article 187 of the Criminal Law is revised to read: "Any employee of a bank or other financial institution who takes in client funds without recording them in the accounts, if the amount involved is huge or heavy losses are caused, shall 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 especially huge or especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan."

XV. Paragraph 1 of Article 188 of the Criminal Law is revised to read: "Any employee of a bank or other financial institution who, in violation of regulations, issues letters of credit or other letters of guarantee, negotiable instruments, certificates of deposit, or certificates of credit standing for another person, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years."

XVI. Paragraph 1 of Article 191 of the Criminal Law is revised to read: "Whoever, clearly knowing that the proceeds are derived from drug-related crimes, crimes committed by organizations in the nature of criminal syndicates, crimes of terrorist activities, crimes of smuggling, crimes of embezzlement and bribery, crimes of disrupting the order of finan-

cial administration, or crimes of financial fraud, and the gains derived therefrom, for the purpose of covering up or concealing the source or nature of the proceeds or gains, commits any of the following acts shall, in addition to being sentenced to confiscation of the said proceeds and the gains derived therefrom, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 5 percent but not more than 20 percent of the amount of money laundered; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined not less than 5 percent but not more than 20 percent of the amount of money laundered:

1. "Providing fund accounts;
2. "Assisting in converting property into cash, financial instruments, or securities;
3. "Assisting in transferring funds through transfers or other methods of settlement;
4. "Assisting in remitting funds abroad; or
5. "Covering up or concealing by other means the source or nature of the proceeds or gains derived from the crime."

XVII. One article is added after Article 262 of the Criminal Law as Article 262a: "Whoever organizes a disabled person or a minor under the age of 14 to beg by violence or coercion shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are serious, 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."

XVIII. Article 303 of the Criminal Law is revised to read: "Whoever, for the purpose of making profits, gathers people 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 shall also be fined.

"Whoever runs a gambling house shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined."

XIX. Article 312 of the Criminal Law is revised to read: "Whoever, clearly knowing that it is proceeds or gains derived from a crime, conceals, transfers, purchases, acts as a sales agent for, or covers up or conceals by other means, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are serious, 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."

XX. One article is added after Article 399 of the Criminal Law as Article 399a: "Whoever, being a person performing arbitration duties according to law, intentionally makes an arbitration award contrary to facts and laws in arbitration activities, 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 but not more than seven years."

XXI. This Amendment shall go into effect as of the date of its promulgation.

## **Amendment (VII) to the Criminal Law of the People's Republic of China**

**(Adopted at the 7th Meeting of the Standing Committee of the 11th National People's Congress on February 28, 2009)**

I. Paragraph 3 of Article 151 of the Criminal Law is revised to read: "Whoever smuggles rare plants or their products or other goods or articles the import or export of which is prohibited by the State shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined."

II. Paragraph 1 of Article 180 of the Criminal Law is revised to read: "Any person with knowledge of inside information on securities or futures trading or any person who illegally obtains such information, prior to the publication of the information that

concerns security issuance or securities or futures trading or that has a major effect on the trading prices of securities or futures, buys or sells such securities, engages in futures trading related to such inside information, or leaks such information, or explicitly or implicitly advises another to engage in the aforesaid trading activities, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than one time but not more than five times the amount of illegal gains; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined not less than one time but not more than five times the amount of illegal gains."

One paragraph is added as the fourth paragraph: "Any employee of a financial institution such as a stock exchange, futures exchange, securities company, futures brokerage company, fund management company, commercial bank, or insurance company, or any staff member of a relevant regulatory authority or industry association, who, in violation of regulations, uses undisclosed information other than inside information obtained by taking advantage of his position to engage in securities or futures trading activities related to such information, or explicitly or implicitly advises another to engage in such trading activities, if the circumstances are serious, shall be punished in accordance with the provisions of the first paragraph."

III. Article 201 of the Criminal Law is revised to read: "Where a taxpayer, by means of deception or concealment, makes a false tax declaration or fails to make a declaration, thus evading tax payment, if the amount involved is relatively large and accounts for 10 percent or more of the total amount of tax payable, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the amount involved is huge and accounts for 30 percent or more of the total amount of tax payable, 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.

"Where a withholding agent who, by the means mentioned in the preceding paragraph, fails to pay or underpays the tax withheld or collected, if the amount involved is relatively large, he shall be pun-

ished in accordance with the provisions of the preceding paragraph.

“If the acts mentioned in the preceding two paragraphs are committed more than once and are not dealt with, the amount shall be computed on a cumulative basis.

“Where a taxpayer who commits the act mentioned in the first paragraph, after the tax authority issues a recovery notice according to law, pays the tax payable and the late payment fine and receives an administrative penalty, criminal liability shall not be investigated; except where he has been subjected to criminal punishment for tax evasion or has received administrative penalties from the tax authority two or more times within five years.”

IV. One article is added after Article 224 of the Criminal Law as Article 224a: “Whoever organizes or leads pyramid selling activities carried out in the name of operating activities such as selling goods or providing services, requiring participants to obtain membership by paying fees or purchasing commodities or services, forming a hierarchy in a certain order, directly or indirectly taking the number of persons developed as the basis for remuneration or rebates, luring or coercing participants to continue developing others to participate, defrauding money or property, and disrupting economic and social order, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.”

V. Subparagraph (3) of Article 225 of the Criminal Law is revised to read: “Conducting illegal business operations in securities, futures, or insurance, or illegally engaging in capital payment and settlement business without approval of the relevant competent state department;”

VI. Article 239 of the Criminal Law is revised to read: “Whoever kidnaps another person for the purpose of extorting money or property, or kidnaps another person as a hostage, shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not less than

five years but not more than ten years and shall also be fined.

“Whoever commits the crime mentioned in the preceding paragraph and causes death to the kidnapped person or kills the kidnapped person shall be sentenced to death and shall also be sentenced to confiscation of property.

“Whoever steals a baby or an infant for the purpose of extorting money or property shall be punished in accordance with the provisions of the preceding two paragraphs.”

VII. One article is added after Article 253 of the Criminal Law as Article 253a: “Any employee of a state organ, or a financial, telecommunications, transportation, educational, medical, or other unit who, in violation of state regulations, sells or illegally provides to another person the citizens’ personal information obtained in the course of performing duties or providing services, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined. “Whoever steals or unlawfully obtains the information mentioned above by other means, if the circumstances are serious, shall be punished in accordance with the provisions of the preceding paragraph.

“Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the respective paragraphs.”

VIII. One article is added after Article 262a of the Criminal Law as Article 262b: “Whoever organizes a minor to engage in activities violating public security administration such as theft, fraud, forcible seizure, or extortion shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are serious, 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.”

IX. Two paragraphs are added to Article 285 of the Criminal Law as the second and third paragraphs: “Whoever, in violation of state regulations, invades a computer information system other than those

prescribed in the preceding paragraph or uses other technical means to obtain the data stored, processed, or transmitted in the computer information system, or exercises illegal control over the computer information system, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the circumstances are especially serious, 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.

“Whoever provides special programs or tools used for invading or illegally controlling a computer information system, or, clearly knowing that another person is committing the illegal or criminal act of invading or illegally controlling a computer information system, provides programs or tools for the person, if the circumstances are serious, shall be punished in accordance with the provisions of the preceding paragraph.”

X. One paragraph is added to Article 312 of the Criminal Law as the second paragraph: “Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.”

XI. Paragraph 1 of Article 337 of the Criminal Law is revised to read: “Whoever, in violation of the relevant state regulations on the prevention and quarantine of animals and plants, causes a serious animal or plant epidemic, or is at risk of causing a serious animal or plant epidemic, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.”

XII. Paragraph 2 of Article 375 of the Criminal Law is revised to read: “Whoever illegally manufactures or buys or sells uniforms of the armed forces, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined.”

One paragraph is added as the third paragraph: “Whoever forges, steals, buys, sells, or illegally provides or uses special symbols such as license plates of vehicles of the armed forces, if the circumstanc-

es are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are especially serious, 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.”

The original third paragraph shall be the fourth paragraph and is revised to read: “Where a unit commits the crimes mentioned in the second or third paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the respective paragraphs.”

XIII. One article is added after Article 388 of the Criminal Law as Article 388a: “A close relative of a state functionary or any other person closely related to the state functionary, who, through the acts performed by the state functionary by taking advantage of his position, or by using the convenience created by the functionary’s position or power, through the acts performed by another state functionary by taking advantage of his position, seeks illegitimate benefits for an entrusting person, and demands or accepts the entrusting person’s money or property, if the amount involved is relatively large or there are other relatively serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the amount involved is huge or there are other serious circumstances, 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; if the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined or be sentenced to confiscation of property.

“A state functionary who has left his post, or a close relative of such a functionary or any other person closely related to the functionary, who, by using the convenience created by the original position or power of the state functionary who has left his post, commits the act mentioned in the preceding paragraph, shall be convicted and punished in accordance with the provisions of the preceding paragraph.”

XIV. Paragraph 1 of Article 395 of the Criminal Law

is revised to read: “Where the property or expenditure of a state functionary obviously exceeds his lawful income, and the difference is huge, the functionary may be ordered to explain the sources. If he cannot explain, the difference shall be regarded as illegal gains, and he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the difference is especially huge, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years. The part of the property that exceeds the lawful income shall be recovered.”

XV. This Amendment shall go into effect as of the date of its promulgation.

### **Amendment (VIII) to the Criminal Law of the People’s Republic of China**

**(Adopted at the 19th Meeting of the Standing Committee of the Eleventh National People’s Congress on February 25, 2011)**

I. One article is added after Article 17 of the Criminal Law as Article 17a: “A person who has reached the age of 75 and commits an intentional crime may be given a lighter or mitigated punishment; if he commits a negligent crime, he shall be given a lighter or mitigated punishment.”

II. One paragraph is added to Article 38 of the Criminal Law as the second paragraph: “A sentence of public surveillance may, in light of the crime committed, prohibit the criminal from engaging in certain activities, entering certain areas or places, or contacting certain persons during the term of execution.”

The original second paragraph shall be the third paragraph and is revised to read: “A criminal sentenced to public surveillance shall, according to law, undergo community correction.”

One paragraph is added as the fourth paragraph: “Whoever violates the prohibition order stipulated in the second paragraph shall be punished by the public security organ in accordance with the provisions of the Law of the People’s Republic of China on Public Security Administration Punishments.”

III. One paragraph is added to Article 49 of the Criminal Law as the second paragraph: “A person who has reached the age of 75 at the time of tri-

al shall not be sentenced to death, except where death is caused by especially cruel means.”

IV. Article 50 of the Criminal Law is revised to read: “Anyone who is sentenced to death with a suspension of execution commits no intentional crime during the period of suspension, his punishment shall be commuted to life imprisonment upon the expiration of the two-year period; if he performs major meritorious service, his punishment shall be commuted to 25 years of fixed-term imprisonment upon the expiration of the two-year period; if it is verified that he has committed an intentional crime, the death penalty shall be executed upon the approval of the Supreme People’s Court.

“With respect to a recidivist or a criminal who commits intentional homicide, rape, robbery, kidnapping, arson, explosion, dissemination of dangerous substances, or organized violence and is sentenced to death with a suspension of execution, the People’s Court may, in light of the circumstances of the crime and other factors, decide to restrict the commutation of his sentence.”

V. Paragraph 1 of Article 63 of the Criminal Law is revised to read: “Where a criminal is to be given a mitigated punishment as provided in this Law, he shall be sentenced to a punishment less than the prescribed punishment; where this Law provides for several sentencing ranges, he shall be sentenced to a punishment within the next lower sentencing range below the prescribed sentencing range.”

VI. Paragraph 1 of Article 65 of the Criminal Law is revised to read: “A recidivist refers to a criminal who is sentenced to fixed-term imprisonment or a heavier punishment and, within five years after serving his sentence or receiving a pardon, commits another crime for which he should be sentenced to fixed-term imprisonment or a heavier punishment, and he shall be given a heavier punishment, except for negligent crimes and crimes committed by a person under the age of 18.”

VII. Article 66 of the Criminal Law is revised to read: “Whoever commits any crime of endangering national security, crime of terrorist activities, or crime of an organization in the nature of a criminal syndicate, and commits any crime of the same kind again at any time after serving his sentence or receiving a pardon, shall be regarded as a recidivist.”

VIII. One paragraph is added to Article 67 of the Criminal Law as the third paragraph: "A criminal suspect or defendant who, though not voluntarily surrendering, truthfully confesses his crime, may be given a lighter punishment; if he truthfully confesses his crime, thereby avoiding especially serious consequences, he may be given a mitigated punishment."

IX. Paragraph 2 of Article 68 of the Criminal Law is deleted.

X. Article 69 of the Criminal Law is revised to read: "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 consideration of the circumstances of the crimes, to be not more than the total of the terms for all the crimes but not less than the longest of the terms for the crimes, except that the term of public surveillance may not exceed three years, the term of criminal detention may not exceed one year, and the term of fixed-term imprisonment may not exceed 20 years if the total term of fixed-term imprisonment is less than 35 years, or may not exceed 25 years if the total term of fixed-term imprisonment is 35 years or more.

"If among the crimes there is a sentence of supplementary punishment, the supplementary punishment shall still be executed. If the supplementary punishments are of the same kind, they shall be executed together; if they are of different kinds, they shall be executed separately."

XI. Article 72 of the Criminal Law is revised to read: "Suspended sentences may be pronounced for criminals sentenced to criminal detention or to fixed-term imprisonment of not more than three years, if, in light of the circumstances of the crime and the criminal's repentance, the court believes that imposing a suspended sentence will not result in further harm to society. For criminals who are under the age of 18, pregnant women, or persons who have reached the age of 75, a suspended sentence shall be pronounced if the following conditions are met:

1. "The circumstances of the crime are relatively minor;
2. "The criminal shows repentance;
3. "There is no danger of further crimes; and
4. "Imposing a suspended sentence will not have

a major adverse impact on the community in which he lives.

"In pronouncing a suspended sentence, the criminal may, in light of the crime committed, be prohibited from engaging in certain activities, entering certain areas or places, or contacting certain persons during the probation period for the suspended sentence.

"If a criminal is sentenced to a supplementary punishment, the supplementary punishment shall still be executed."

XII. Article 74 of the Criminal Law is revised to read: "Suspended sentences shall not apply to recidivists or ringleaders of criminal groups."

XIII. Article 76 of the Criminal Law is revised to read: "Any criminal whose sentence is suspended shall, during the probation period for the suspended sentence, undergo community correction according to law. If none of the circumstances provided in Article 77 of this Law occurs, the original punishment shall not be executed upon the expiration of the probation period for the suspended sentence, and this shall be made known publicly."

XIV. Paragraph 2 of Article 77 of the Criminal Law is revised to read: "If a criminal whose sentence is suspended, during the probation period for the suspended sentence, violates laws, administrative regulations, or relevant regulations on supervision and administration of suspended sentences issued by the relevant departments of the State Council, or violates a prohibition order in a judgment of the People's Court, and the circumstances are serious, the suspended sentence shall be revoked and the original punishment executed."

XV. Paragraph 2 of Article 78 of the Criminal Law is revised to read: "After commutation, the term of a sentence actually to be served may not be less than the following periods:

1. "For a sentence of public surveillance, criminal detention, or fixed-term imprisonment, not less than half of the original term;
2. "For a sentence of life imprisonment, not less than 13 years;
3. "For a criminal sentenced to death with a suspension of execution whose commutation is restricted by the People's Court in accordance with the provisions of the second paragraph of

Article 50 of this Law, if the punishment is commuted to life imprisonment upon the expiration of the suspension period according to law, the term may not be less than 25 years; if the punishment is commuted to 25 years of fixed-term imprisonment upon the expiration of the suspension period according to law, the term may not be less than 20 years.”

XVI. Article 81 of the Criminal Law is revised to read: “A criminal sentenced to fixed-term imprisonment who has served more than half of the term of the original sentence or a criminal sentenced to life imprisonment who has actually served not less than 13 years of imprisonment may be granted parole if he observes prison regulations, accepts education and reform, shows true repentance, and is not likely to commit further crimes. If special circumstances exist, upon the approval of the Supreme People’s Court, the above restrictions relating to the term served may be waived.

“No parole shall be granted to recidivists or criminals who are sentenced to fixed-term imprisonment of not less than ten years or life imprisonment for intentional homicide, rape, robbery, kidnapping, arson, explosion, dissemination of dangerous substances, or organized violence.

“In deciding on parole, the impact of the parole on the community in which the criminal will live shall be taken into consideration.”

XVII. Article 85 of the Criminal Law is revised to read: “Any criminal who is granted parole shall, during the probation period for parole, undergo community correction according to law. If none of the circumstances provided in Article 86 of this Law occurs, the original punishment shall be considered executed upon the expiration of the probation period for parole, and this shall be made known publicly.”

XVIII. Paragraph 3 of Article 86 of the Criminal Law is revised to read: “If a criminal who is granted parole, during the probation period for parole, commits an act in violation of laws, administrative regulations, or relevant regulations on supervision and administration of parole issued by the relevant departments of the State Council, but the act does not constitute a new crime, the parole shall be revoked according to statutory procedure, and he shall be put in prison to serve the remaining part of the punishment.”

XIX. One paragraph is added to Article 100 of the Criminal Law as the second paragraph: “A person who, at the time of committing a crime, is under the age of 18 and is sentenced to fixed-term imprisonment of not more than five years is exempted from the reporting obligation provided in the preceding paragraph.”

XX. Article 107 of the Criminal Law is revised to read: “Where an institution, organization, or individual inside or outside the territory of China provides funds for committing any of the crimes mentioned in Articles 102, 103, 104, and 105 of this Chapter, the persons directly responsible shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years.”

XXI. Article 109 of the Criminal Law is revised to read: “Any state functionary who, during the performance of his official duties, leaves his post without permission and defects to another country, or defects to another country while abroad, shall be sentenced to fixed-term imprisonment of not more than five 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 five years but not more than ten years.

“Any state functionary who is in possession of state secrets and defects to another country or defects to another country while abroad shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.”

XXII. One article is added after Article 133 of the Criminal Law as Article 133a: “Whoever drives a motor vehicle on a road chasing and racing, if the circumstances are flagrant, or drives a motor vehicle on a road while intoxicated, shall be sentenced to criminal detention and shall also be fined.

“Whoever commits an act mentioned in the preceding paragraph that also constitutes another crime shall be convicted and punished in accordance with the provisions for a heavier punishment.”

XXIII. Paragraph 1 of Article 141 of the Criminal Law is revised to read: “Whoever produces or sells fake drugs shall be sentenced to fixed-term imprisonment

onment of not more than three years or criminal detention and shall also be fined; if serious harm is caused to human health or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if death is caused or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death, and shall also be fined or sentenced to confiscation of property.”

XXIV. Article 143 of the Criminal Law is revised to read: “Whoever produces or sells food that does not meet food safety standards, sufficient to cause a serious food poisoning accident or any serious disease caused by food-borne bacteria, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if serious harm is caused to human health or there are other serious circumstances, 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; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined or sentenced to confiscation of property.”

XXV. Article 144 of the Criminal Law is revised to read: “Whoever mixes toxic or harmful non-food raw materials into food during production or sale, or sells food knowing that it is mixed with toxic or harmful non-food raw materials, shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if serious harm is caused to human health or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined; if death is caused or there are other especially serious circumstances, he shall be punished in accordance with the provisions of Article 141 of this Law.”

XXVI. Article 151 of the Criminal Law is revised to read: “Whoever smuggles weapons, ammunition, nuclear materials, or counterfeit currency shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be

sentenced to life imprisonment or death and shall also be sentenced to confiscation of property; if the circumstances are minor, 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.

“Whoever smuggles cultural relics, gold, silver, or other precious metals the export of which is prohibited by the State, or rare animals or their products the import or export of which is prohibited by the State shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be sentenced to confiscation of property; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined.

“Whoever smuggles rare plants or their products or other goods or articles the import or export of which is prohibited by the State shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

“Where a unit commits the crimes mentioned in this Article, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the respective paragraphs of this Article.”

XXVII. Paragraph 1 of Article 153 of the Criminal Law is revised to read: “Whoever smuggles goods or articles not specified in Articles 151, 152, and 347 of this Law shall, in the light of the seriousness of the circumstances, be punished in accordance with the following provisions respectively:

1. “If the amount of payable duties evaded is relatively large or if he has been subjected to administrative punishment twice or more for smuggling within one year and smuggles again, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than one time but not more than five times the amount of payable duties evaded.
2. “If the amount of payable duties evaded is huge or there are other serious circumstances,

he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined not less than one time but not more than five times the amount of payable duties evaded.

3. "If the amount of payable duties evaded is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined not less than one time but not more than five times the amount of payable duties evaded or be sentenced to confiscation of property."

XXVIII. Paragraph 1 of Article 157 of the Criminal Law is revised to read: "Whoever arms himself to smuggle shall be given a heavier punishment according to the provisions of paragraph 1 of Article 151 of this Law."

XXIX. Article 164 of the Criminal Law is revised to read: "Whoever, for the purpose of seeking illegitimate benefits, gives money or property to any employee of a company, enterprise, or other unit, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.

"Whoever, for the purpose of seeking illegitimate commercial benefits, gives money or property to a foreign public official or an official of an international public organization shall be punished in accordance with the provisions of the preceding paragraph.

"Where a unit commits the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.

"Any bribe giver who, before being investigated for criminal responsibility, voluntarily confesses his act of offering bribes may be given a mitigated punishment or be exempted from punishment."

XXX. Article 199 of the Criminal Law is revised to read: "Whoever commits the crime mentioned in Article 192 of this Section, if the amount involved is especially huge and especially heavy losses are

caused to the interests of the State and the people, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property."

XXXI. Article 200 of the Criminal Law is revised to read: "Where a unit commits the crimes mentioned in Articles 192, 194, and 195 of this Section, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and may also be fined; if the amount involved is huge or there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined; if the amount involved is especially huge or there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined."

XXXII. Paragraph 2 of Article 205 of the Criminal Law is deleted.

XXXIII. One article is added after Article 205 of the Criminal Law as Article 205a: "Whoever falsely makes out other invoices than those mentioned in Article 205 of this Law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention, or public surveillance and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

XXXIV. Paragraph 2 of Article 206 of the Criminal Law is deleted.

XXXV. One article is added after Article 210 of the Criminal Law as Article 210a: "Whoever knowingly possesses counterfeit invoices, if the number involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention, or public surveillance and shall also be fined; if the number involved is huge,

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

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.”

XXXVI. Article 226 of the Criminal Law is revised to read: “Whoever, by violence or threat, commits any of the following acts, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the circumstances are especially serious, 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:

1. “Forcibly buying or selling commodities;
2. “Forcing another to provide or accept a service;
3. “Forcing another to participate in or withdraw from bidding or an auction;
4. “Forcing another to transfer or acquire shares, bonds, or other assets of a company or enterprise; or
5. “Forcing another to participate in or withdraw from a specific business activity.”

XXXVII. One article is added after Article 234 of the Criminal Law as Article 234a: “Whoever arranges for another to sell human organs shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined or be sentenced to confiscation of property.

“Whoever, without the consent of the person, removes any organ from the person, or removes an organ from a person under the age of 18, or compels or deceives another into donating an organ, shall be convicted and punished in accordance with the provisions of Articles 234 and 232 of this Law.

“Whoever removes an organ from a deceased person in violation of the person’s expressed wish before his death, or, without the consent of the person before his death, in violation of state regulations, removes an organ from a deceased person in violation of the expressed wish of the person’s close relatives, shall be convicted and punished in

accordance with the provisions of Article 302 of this Law.”

XXXVIII. Article 244 of the Criminal Law is revised to read: “Whoever compels another person to labor by violence, threat, or restriction of personal freedom shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.

“Whoever, with knowledge, recruits or transports persons for another to commit the crime mentioned in the preceding paragraph, or provides other assistance to the crime, shall be punished in accordance with the provisions of the preceding paragraph.

“Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.”

XXXIX. Article 264 of the Criminal Law is revised to read: “Whoever steals public or private property, if the amount involved is relatively large, or commits theft repeatedly, commits theft in a household, commits theft with a lethal weapon, or commits pickpocketing, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the amount involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property.”

XL. Article 274 of the Criminal Law is revised to read: “Whoever extorts public or private property, if the amount involved is relatively large or extortion is committed repeatedly, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the amount involved is huge or

there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years and shall also be fined.”

XLI. One article is added after Article 276 of the Criminal Law as Article 276a: “Whoever, by transferring property, going into hiding, or other means, evades paying labor remuneration to a laborer, or is capable of paying but refuses to pay labor remuneration to a laborer, if the amount involved is relatively large and payment is still refused after an order is given by the relevant government department, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if serious consequences are caused, 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.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever commits an act mentioned in the preceding two paragraphs, which has not yet caused serious consequences, and pays the labor remuneration before a public prosecution is initiated, and bears corresponding liability for compensation according to law, may be given a mitigated punishment or be exempted from punishment.”

XLII. Article 293 of the Criminal Law is revised to read: “Whoever commits any of the following acts of creating disturbances, thereby disrupting public order, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance:

1. “Beating another person at will, if the circumstances are flagrant;
2. “Chasing, intercepting, or hurling insults to or threatening another person, if the circumstances are flagrant;
3. “Forcibly taking or demanding, or willfully damaging, destroying, or occupying public or private property, if the circumstances are serious; or

4. “Making trouble in a public place, thereby causing serious disorder in the public place.

“Whoever gathers people to commit the acts mentioned in the preceding paragraph repeatedly, thereby seriously disrupting public order, shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and may also be fined.”

XLIII. Article 294 of the Criminal Law is revised to read: “Whoever organizes or leads an organization in the nature of a criminal syndicate shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be sentenced to confiscation of property; active participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and may also be fined or sentenced to confiscation of property; other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights, and may also be fined.

“Whoever is a member of a criminal syndicate outside the territory of China and recruits members within the territory of the People’s Republic of China shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

“Any state functionary who harbors an organization in the nature of a criminal syndicate or connives at such organization’s conducting illegal or criminal activities shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

“Whoever commits any of the crimes mentioned in the preceding three paragraphs and also commits other crimes shall be punished in accordance with the provisions on combined punishment for several crimes.

“An organization in the nature of a criminal syndicate shall have the following characteristics simultaneously:

1. “Having formed a relatively stable criminal organization, with a relatively large number of members, and with definite organizers or leaders, and with the key members basically fixed;
2. “Having obtained economic benefits by organized illegal or criminal activities or by other means, and having a certain economic strength to support the activities of the organization;
3. “Having committed illegal or criminal activities

repeatedly by violence, threat, or other means, doing evil, and bullying or cruelly injuring or killing people; and

4. "Having, through committing illegal or criminal activities, or by taking advantage of the harboring or connivance of state functionaries, dominated an area, thus illegally controlling or exerting a major influence in a certain area or a certain trade, and seriously disrupting economic order and people's daily life."

XLIV. Article 295 of the Criminal Law is revised to read: "Whoever teaches another how to commit a crime shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but 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."

XLV. Paragraph 1 of Article 328 of the Criminal Law is revised to read: "Whoever excavates and robs a site of ancient culture or ancient tomb of historical, artistic, or scientific value shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined; if he falls under any of the following circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property:

1. "Excavating and robbing a site of ancient culture or ancient tomb which is designated as a major site to be protected at the national or provincial level for their historical and cultural value;
2. "Being a ringleader of a gang that engages in excavating and robbing sites of ancient culture or ancient tombs;
3. "Excavating and robbing sites of ancient culture or ancient tombs repeatedly; or
4. "Excavating and robbing a site of ancient culture or ancient tomb and stealing valuable cultural relics therein, or causing serious damage to valuable cultural relics."

XLVI. Article 338 of the Criminal Law is revised to read: "Whoever, in violation of state regulations, discharges, dumps, or disposes of radioactive waste, waste containing pathogen of infectious diseases, toxic substances, or other harmful substances, thereby seriously polluting the environment, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the consequences are especially serious, 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."

XLVII. Paragraph 1 of Article 343 of the Criminal Law is revised to read: "Whoever, in violation of the Mineral Resources Law, mines without a mining license, enters and mines in a mining area that is designated by the state for mining by a certain entity, a mining area of great value to the national economy, or a mining area of another person, or mines specified minerals of which protective mining is prescribed by the state, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are especially serious, 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."

XLVIII. Paragraph 3 of Article 358 of the Criminal Law is revised to read: "Whoever recruits or transports persons for a person who arranges for prostitution, or provides other assistance for arranging for another person to engage in prostitution, shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined."

XLIX. One article is added after Article 408 of the Criminal Law as Article 408a: "Any state functionary responsible for supervision over food safety who abuses his power or neglects his duty, thereby causing a major food safety accident or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if especially serious consequences are caused, he shall be sentenced to fixed-term im-

prisonment of not less than five years but not more than ten years.

“Whoever, engaging in malpractices for personal gain, commits the crime mentioned in the preceding paragraph shall be given a heavier punishment.”

L. This Amendment shall go into effect on May 1, 2011.

### **Amendment (IX) to the Criminal Law of the People’s Republic of China**

#### **(Adopted at the 16th Meeting of the Standing Committee of the Twelfth National People’s Congress on August 29, 2015)**

I. One article is added after Article 37 of the Criminal Law as Article 37a: “If a person is sentenced to criminal punishment for committing a crime by taking advantage of his professional convenience or for violating his professional obligations, the People’s Court may, based on the circumstances of the crime and the need to prevent re-offending, prohibit him from engaging in relevant professions from the date when the punishment is completed or when parole is granted. The term of such prohibition shall be from three to five years.

“If a person prohibited from engaging in relevant professions violates the decision made by the People’s Court in accordance with the preceding paragraph, he shall be given punishment by the public security organ in accordance with law; if the circumstances are serious, he shall be convicted and punished in accordance with the provisions of Article 313 of this Law.

“Where other laws or administrative regulations contain provisions prohibiting or restricting his engagement in relevant professions, such provisions shall prevail.”

II. Paragraph 1 of Article 50 of the Criminal Law is revised to read: “Anyone who is sentenced to death with a suspension of execution commits no intentional crime during the period of suspension, his punishment shall be commuted to life imprisonment upon the expiration of the two-year period; if he performs major meritorious service, his punishment shall be commuted to 25 years of fixed-term imprisonment upon the expiration of the two-year period; if it is verified that he has committed an intentional crime, the death penalty shall be executed

upon the approval of the Supreme People’s Court. With respect to a criminal sentenced to death with a suspension of execution who commits an intentional crime but is not executed, the suspension period for the death penalty shall be recalculated, and the matter shall be reported to the Supreme People’s Court for the record.”

III. Article 53 of the Criminal Law is revised to read: “A fine shall 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 is not able to pay the fine in full, the People’s Court shall demand the payment whenever it finds the person has property for execution of the fine.

“If a person has true difficulty in paying because of an irresistible disaster or other reasons, the fine may be reduced or remitted according to a ruling of the People’s Court.”

IV. One paragraph is added to Article 69 of the Criminal Law as the second paragraph: “If among the crimes there is one for which a fixed-term imprisonment is imposed and another for which criminal detention is imposed, the fixed-term imprisonment shall be executed. If among the crimes there is one for which fixed-term imprisonment is imposed and another for which public surveillance is imposed, or one for which criminal detention is imposed and another for which public surveillance is imposed, the public surveillance shall still be executed after the fixed-term imprisonment or criminal detention is completed.”

The original second paragraph shall be the third paragraph.

V. Article 120 of the Criminal Law is revised to read: “Whoever organizes or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, with confiscation of property; whoever actively participates in a terrorist organization shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, with a fine; other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights, and may additionally be sentenced to a fine.

“Whoever commits the crime mentioned in the

preceding paragraph and also commits murder, explosion, kidnapping, or other crimes shall be punished in accordance with the provisions on combined punishment for several crimes.”

VI. Article 120a of the Criminal Law is revised to read: “Whoever provides funds to a terrorist organization or to any individual who carries out terrorist activities, or provides funds for terrorist training shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights, with a fine; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years, with a fine or confiscation of property.

“Whoever recruits or transports persons for a terrorist organization, for carrying out terrorist activities, or for terrorist training shall be punished in accordance with the provisions of the preceding paragraph.

“Where a unit commits the crimes mentioned in the preceding two paragraphs, the unit shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.”

VII. Five articles are added after Article 120a of the Criminal Law as Articles 120b, 120c, 120d, 120e, and 120f:

“Article 120b Whoever falls under any of the following circumstances shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights, with a fine; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years, with a fine or confiscation of property:

1. “Preparing weapons, dangerous materials, or other tools for committing terrorist activities;
2. “Organizing terrorist training or actively participating in terrorist training;
3. “Making contact with terrorist organizations or individuals outside the territory of China for the purpose of committing terrorist activities;
4. “Making plans or other preparations for committing terrorist activities.

“Whoever commits an act mentioned in the preceding paragraph that also constitutes another crime shall be convicted and punished in accordance with the provisions for a heavier punishment.

“Article 120c Whoever advocates terrorism or extremism by producing or disseminating books, audio-video materials, or other items that advocate terrorism or extremism, or by lecturing or releasing information, or incites others to commit terrorist activities shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance, or deprivation of political rights, with a fine; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years, with a fine or confiscation of property.

“Article 120d Whoever uses extremism to incite or coerce others to undermine the implementation of the systems of marriage, justice, education, social management, and others established by state law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance, with a fine; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, with a fine; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than seven years, with a fine or confiscation of property.

“Article 120e Whoever, by violence or coercion, compels another to wear or bear clothing or symbols that advocate terrorism or extremism in a public place shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance, with a fine.

“Article 120f Whoever, knowing that they are books, audio-video materials, or other items that advocate terrorism or extremism, illegally possesses such items, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance, with or without a fine.”

VIII. Article 133a of the Criminal Law is revised to read: “Whoever drives a motor vehicle on a road under any of the following circumstances shall be sentenced to criminal detention and shall also be fined:

1. “Chasing and racing, if the circumstances are flagrant;
2. “Driving a motor vehicle while intoxicated;
3. “Engaging in the business of carrying passengers or school bus services, seriously exceeding the rated passenger capacity, or seriously exceeding the prescribed speed limit;

4. “Transporting dangerous chemicals in violation of the regulations on the safety control of dangerous chemicals, thereby endangering public security.

“The owner or manager of the motor vehicle who bears direct responsibility for the conduct described in subparagraphs (3) or (4) of the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever commits an act mentioned in the preceding two paragraphs that also constitutes another crime shall be convicted and punished in accordance with the provisions for a heavier punishment.”

IX. Paragraph 1 of Article 151 of the Criminal Law is revised to read: “Whoever smuggles weapons, ammunition, nuclear materials, or counterfeit currency shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to life imprisonment and shall also be sentenced to confiscation of property; if the circumstances are minor, 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.”

X. Paragraph 1 of Article 164 of the Criminal Law is revised to read: “Whoever, for the purpose of seeking illegitimate benefits, gives money or property to any employee of a company, enterprise, or other unit, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.”

XI. Article 170 of the Criminal Law is revised to read: “Whoever counterfeits currency shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if he falls under any of the following circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or sentenced to confiscation of property:

1. “Being a ringleader of a counterfeiting currency group;

2. “The amount involved being especially huge; or  
3. “Having other especially serious circumstances.”

XII. Article 199 of the Criminal Law is deleted.

XIII. Article 237 of the Criminal Law is revised to read: “Whoever, by violence, coercion, or any other means, forcibly molests another person or humiliates a woman shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

“Whoever commits the crime mentioned in the preceding paragraph by gathering a crowd or doing it in a public place, or if there are other flagrant circumstances, shall be sentenced to fixed-term imprisonment of not less than five years.

“Whoever molests a child shall be given a heavier punishment in accordance with the provisions of the preceding two paragraphs.”

XIV. Paragraph 2 of Article 239 of the Criminal Law is revised to read: “Whoever commits the crime mentioned in the preceding paragraph and kills the kidnapped person or intentionally injures the kidnapped person, thereby causing serious injury or death to the person, shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property.”

XV. Paragraph 6 of Article 241 of the Criminal Law is revised to read: “Whoever buys an abducted woman or child but does not maltreat the child nor obstruct the efforts to rescue the child may be given a lighter punishment; whoever, in compliance with the will of the woman, does not obstruct her from returning to her original place of residence may be given a lighter or mitigated punishment.”

XVI. One paragraph is added to Article 246 of the Criminal Law as the third paragraph: “Where the act mentioned in the first paragraph is committed through information networks and the victim brings a complaint to the people’s court, but it is difficult to provide evidence, the people’s court may demand the public security organ to provide assistance.”

XVII. Article 253a of the Criminal Law is revised to read: “Whoever, in violation of the relevant provisions of the State, sells or provides citizens’ personal information to another person, if the

circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the circumstances are especially serious, 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.

“Whoever, in violation of the relevant provisions of the State, sells or provides citizens’ personal information obtained in the course of performing duties or providing services to another person shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

“Whoever steals or unlawfully obtains citizens’ personal information by other means shall be punished in accordance with the provisions of the first paragraph.

“Where a unit commits any of the crimes mentioned in the preceding three paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the respective paragraphs.”

XVIII. Paragraph 3 of Article 260 of the Criminal Law is revised to read: “The crime mentioned in the first paragraph shall be handled only upon complaint, except where the victim is unable to bring a complaint, or is unable to do so because of coercion or intimidation.”

XIX. One article is added after Article 260 of the Criminal Law as Article 260a: “Whoever, being a person with the duty of guardianship or care for a minor, an aged person, a sick person, or a disabled person, maltreats the person under his guardianship or care, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever commits the act mentioned in the first paragraph, which also constitutes another crime, shall be convicted and punished in accordance with the provisions for a heavier punishment.”

XX. Paragraph 1 of Article 267 of the Criminal Law is revised to read: “Whoever forcibly seizes public

or private property, if the amount involved is relatively large, or commits forcible seizure repeatedly, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the amount involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property.”

XXI. One paragraph is added to Article 277 of the Criminal Law as the fifth paragraph: “Whoever violently assaults a people’s policeman who is performing his duties according to law shall be given a heavier punishment in accordance with the provisions of the first paragraph.”

XXII. Article 280 of the Criminal Law is revised to read: “Whoever forges, alters, buys, sells, or steals, forcibly seizes, or destroys the official documents, certificates, or seals of a state organ shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.

“Whoever forges the seals of a company, enterprise, institution, or people’s organization shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined.

“Whoever forges, alters, buys, or sells identity cards, passports, social security cards, driver’s licenses, or other certificates that can be used to certify identity according to law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and shall also be fined; if the circumstances are serious, 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.”

XXIII. One article is added after Article 280 of the Criminal Law as Article 280a: “Whoever, in activities where identity certification should be provided according to state provisions, uses forged or altered identity cards, passports, social security cards, driver’s licenses, or other certificates that can be used to certify identity according to law, or steals or fraudulently uses another person’s such certificates, if the circumstances are serious, shall be sentenced to criminal detention or public surveillance and shall also, or shall only, be fined.

“Whoever commits the act mentioned in the preceding paragraph, which also constitutes another crime, shall be convicted and punished in accordance with the provisions for a heavier punishment.”

XXIV. Article 283 of the Criminal Law is revised to read: “Whoever illegally manufactures or sells special espionage equipment or special equipment for eavesdropping or secret photographing shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are serious, 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.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.”

XXV. One article is added after Article 284 of the Criminal Law as Article 284a: “Whoever organizes cheating in a national examination prescribed by law shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the circumstances are serious, 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.

“Whoever provides another with cheating devices or other assistance for committing the crime mentioned in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever, for the purpose of cheating in an examination, illegally sells or provides to another the examination questions or answers for the examina-

tion mentioned in the first paragraph shall be punished in accordance with the provisions of the first paragraph.

“Whoever takes an examination mentioned in the first paragraph in place of another or has another take the examination in his own place shall be sentenced to criminal detention or public surveillance and shall also, or shall only, be fined.”

XXVI. One paragraph is added to Article 285 of the Criminal Law as the fourth paragraph: “Where a unit commits any of the crimes mentioned in the preceding three paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the respective paragraphs.”

XXVII. One paragraph is added to Article 286 of the Criminal Law as the fourth paragraph: “Where a unit commits any of the crimes mentioned in the preceding three paragraphs, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.”

XXVIII. One article is added after Article 286 of the Criminal Law as Article 286a: “Where a network service provider refuses to perform the obligation of information network security administration prescribed by laws or administrative regulations, and refuses to correct after being ordered to do so by the regulatory authority, and falls under any of the following circumstances, it shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined:

1. “Causing the massive dissemination of illegal information;
2. “Causing the leakage of user information, and serious consequences are caused;
3. “Causing the loss of criminal evidence, and the circumstances are serious; or
4. “Having other serious circumstances.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever commits an act mentioned in the preceding two paragraphs that also constitutes another crime shall be convicted and punished in

accordance with the provisions for a heavier punishment.”

XXIX. Two articles are added after Article 287 of the Criminal Law as Articles 287a and 287b:

“Article 287a Whoever, by using information networks, commits any of the following acts, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined:

1. “Establishing websites or communication groups for committing illegal or criminal activities such as fraud, teaching criminal methods, or producing or selling prohibited or controlled articles;
2. “Releasing information relating to the production or sale of prohibited or controlled articles such as narcotic drugs, firearms, or pornographic materials, or other illegal or criminal information; or
3. “Releasing information for committing illegal or criminal activities such as fraud.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.

“Whoever commits an act mentioned in the preceding two paragraphs that also constitutes another crime shall be convicted and punished in accordance with the provisions for a heavier punishment.

“Article 287b Whoever, clearly knowing that another person is using information networks to commit a crime, provides the person with technical support such as Internet access, server hosting, network storage, or communication transmission, or provides assistance such as advertisement promotion or payment settlement, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.

“Whoever commits an act mentioned in the preceding two paragraphs that also constitutes another crime shall be convicted and punished in

accordance with the provisions for a heavier punishment.”

XXX. Paragraph 1 of Article 288 of the Criminal Law is revised to read: “Whoever, in violation of state regulations, sets up or uses a wireless station (station) without authorization, or uses radio frequency without authorization, thereby disrupting the order of radio communications, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are especially serious, 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.”

XXXI. Paragraph 1 of Article 290 of the Criminal Law is revised to read: “Whoever gathers a crowd to disrupt public order, if the circumstances are serious, so that work, production, business operation, teaching, scientific research, or medical treatment cannot be conducted and heavy losses are caused, the ringleaders shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; the other active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.”

Two paragraphs are added as the third and fourth paragraphs: “Whoever repeatedly disrupts the working order of a state organ, and refuses to make corrections after being given administrative penalties, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance.

“Whoever repeatedly organizes or funds others to illegally assemble, thereby disrupting public order, if the circumstances are serious, shall be punished in accordance with the provisions of the preceding paragraph.”

XXXII. One paragraph is added to Article 291a of the Criminal Law as the second paragraph: “Whoever fabricates false information on dangerous situations, epidemics, disasters, or police situations and disseminates it on information networks or other media, or, clearly knowing that it is such false information, deliberately disseminates it on information networks or other media, thereby seriously

disrupting public order, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; if serious consequences are caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.”

XXXIII. Article 300 of the Criminal Law is revised to read: “Whoever organizes or uses superstitious sects, secret societies, or cults, or uses superstition to undermine the implementation of state laws or administrative regulations shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are relatively minor, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights and shall also, or shall only, be fined.

“Whoever organizes or uses superstitious sects, secret societies, or cults, or uses superstition to cheat another person, and causes serious injury or death to the person, shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever commits the crime mentioned in the first paragraph and also commits such crimes as raping a woman or swindling money or property shall be punished in accordance with the provisions on combined punishment for several crimes.”

XXXIV. Article 302 of the Criminal Law is revised to read: “Whoever steals, insults, or intentionally destroys a corpse, skeletal remains, or ashes shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance.”

XXXV. One article is added after Article 307 of the Criminal Law as Article 307a: “Whoever initiates civil litigation by fabricating facts, thereby obstructing judicial order or seriously infringing upon the lawful rights and interests of another person, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are serious, 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.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever commits the act mentioned in the first paragraph, illegally takes possession of another person’s property or evades lawful debts, and it also constitutes another crime, shall be convicted and given a heavier punishment in accordance with the provisions for a heavier punishment.

“Any judicial officer who, by taking advantage of his functions and powers, commits any of the acts mentioned in the preceding three paragraphs together with another person shall be given a heavier punishment; if it also constitutes another crime, he shall be convicted and given a heavier punishment in accordance with the provisions for a heavier punishment.”

XXXVI. One article is added after Article 308 of the Criminal Law as Article 308a: “Where a judicial officer, defender, agent ad litem, or other litigation participant discloses information that should not be made public in a case that is tried in closed session according to law, thereby causing the information to be made public or other serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined.

“Whoever, in committing the act mentioned in the preceding paragraph, discloses state secrets shall be convicted and punished in accordance with the provisions of Article 398 of this Law.

“Whoever publicly discloses or reports information on a case mentioned in the first paragraph, if the circumstances are serious, shall be punished in accordance with the provisions of the first paragraph.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.”

XXXVII. Article 309 of the Criminal Law is revised to read: “Whoever falls under any of the following circumstances of disrupting court order shall be sentenced to fixed-term imprisonment of not more

than three years, criminal detention, public surveillance, or a fine:

1. "Gathering a crowd to make an uproar or charging into a courtroom;
2. "Beating judicial officers or litigation participants;
3. "Insulting, slandering, or threatening judicial officers or litigation participants, refusing to listen to the court's stop order, and seriously disrupting court order; or
4. "Damaging court facilities, seizing or destroying litigation documents or evidence, or committing other acts of disrupting court order, if the circumstances are serious."

XXXVIII. Article 311 of the Criminal Law is revised to read: "Whoever, clearly knowing that another person has committed the crime of espionage or crimes of terrorism or extremism, refuses to provide relevant information or evidence when a judicial organ investigates the relevant situation or collects relevant evidence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance."

XXXIX. Article 313 of the Criminal Law is revised to read: "Whoever has the ability to execute the judgment or order made by a People's Court but refuses to do so, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or a fine; if the circumstances are especially serious, 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.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

XL. Article 322 of the Criminal Law is revised to read: "Whoever, in violation of the laws or regulations on administration of the national border (frontier), illegally crosses the national border (frontier), if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention, or public surveillance and shall also be fined; whoever, for the purpose of joining a terrorist organization, receiving terrorist

training, or carrying out terrorist activities, illegally crosses the national border (frontier) shall be sentenced to fixed-term imprisonment of not less than one year but not more than three years and shall also be fined."

XLI. Paragraphs 1 and 2 of Article 350 of the Criminal Law are revised to read: "Whoever, in violation of state regulations, illegally manufactures, buys, sells, or transports acetic anhydride, ether, chloroform, or other raw materials or ingredients used in the manufacture of narcotic drugs, or carries such articles into or out of the country, if the circumstances are relatively serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined; if the circumstances are serious, 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; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined or be sentenced to confiscation of property.

"Whoever, clearly knowing that another person manufactures narcotic drugs, manufactures, buys, sells, or transports the articles mentioned in the preceding paragraph for the person shall be regarded as an accomplice in the crime of manufacturing narcotic drugs and punished as such."

XLII. Article 358 of the Criminal Law is revised to read: "Whoever arranges for or forces another person to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property.

"Whoever arranges for or forces a minor to engage in prostitution shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

"Whoever commits the crime mentioned in the preceding two paragraphs and also commits such crimes as killing, injuring, raping, or kidnapping shall be punished in accordance with the provisions on combined punishment for several crimes.

"Whoever recruits or transports persons for a person who arranges for prostitution, or provides oth-

er assistance for arranging for another person to engage in prostitution, shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined.”

XLIII. Paragraph 2 of Article 360 of the Criminal Law is deleted.

XLIV. Article 383 of the Criminal Law is revised to read: “Whoever commits the crime of embezzlement shall, in the light of the seriousness of the circumstances, be punished in accordance with the following provisions respectively:

1. “If the amount involved is relatively large or there are other relatively serious circumstances, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined.
2. “If the amount involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined or be sentenced to confiscation of property.
3. “If the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property; if the amount involved is especially huge and especially heavy losses are caused to the interests of the State and the people, he shall be sentenced to life imprisonment or death and shall also be sentenced to confiscation of property.

“Whoever commits multiple acts of embezzlement and goes unpunished shall be punished on the basis of the cumulative amount of money or property embezzled.

“Whoever commits the crime mentioned in the first paragraph, and before a public prosecution is initiated, truthfully confesses his crime, shows repentance, and actively returns the illegal gains, thereby avoiding or reducing the harmful consequences, and falls under the circumstances prescribed in subparagraph (1) of the first paragraph, may be given a lighter, mitigated, or exempted punishment; if he falls under the circumstances prescribed in sub-

paragraph (2) or (3) of the first paragraph, he may be given a lighter punishment.

“Whoever commits the crime mentioned in the first paragraph and is sentenced to death with a suspension of execution for falling under the circumstances prescribed in subparagraph (3) of the first paragraph, the People’s Court may, based on the circumstances of the crime and other factors, decide at the same time that, after the two-year suspension period for the death penalty expires and the punishment is commuted to life imprisonment according to law, he shall be imprisoned for life, without commutation or parole.”

XLV. Article 390 of the Criminal Law is revised to read: “Whoever commits the crime of offering bribes shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if, for the purpose of seeking illegitimate benefits, the circumstances are serious, or heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined; if the circumstances are especially serious, or especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property.

“Any bribe giver who, before being investigated for criminal responsibility, voluntarily confesses his act of offering bribes may be given a lighter or mitigated punishment. If the circumstances are relatively minor, or he plays a key role in solving a major case, or he performs major meritorious service, he may be given a mitigated punishment or be exempted from punishment.”

XLVI. One article is added after Article 390 of the Criminal Law as Article 390a: “Whoever, for the purpose of seeking illegitimate benefits, gives money or property to a close relative of a state functionary or any other person closely related to the state functionary, or to a state functionary who has left his post or to a close relative of such a functionary or any other person closely related to the functionary shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are serious, or heavy losses are caused to the interests

of the State, 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; if the circumstances are especially serious, or especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than seven years but not more than ten years and shall also be fined.

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

XLVII. Paragraph 1 of Article 391 of the Criminal Law is revised to read: “Whoever, for the purpose of seeking illegitimate benefits, gives money or property to a state organ, state-owned company, enterprise, institution, or people’s organization, or, in economic activities, in violation of state regulations, gives rebates or service charges in various names, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined.”

XLVIII. Paragraph 1 of Article 392 of the Criminal Law is revised to read: “Whoever introduces a bribe to a state functionary, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined.”

XLIX. Article 393 of the Criminal Law is revised to read: “Where a unit, for the purpose of seeking illegitimate interests, offers bribes, or, in violation of state regulations, gives rebates or service charges to state functionaries, if the circumstances are serious, the unit shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined. If the illegal gains obtained from offering bribes belong to an individual, the offender shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.”

L. Article 426 of the Criminal Law is revised to read: “Whoever, by violence or threat, obstructs a commander or an officer on duty from performing his duties shall be sentenced to fixed-term imprisonment of not more than five years or criminal deten-

tion; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but 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. In time of war, the punishment shall be heavier.”

LI. Article 433 of the Criminal Law is revised to read: “Whoever, in time of war, spreads rumors to mislead others and shake the morale of troops shall be sentenced to fixed-term imprisonment of not more than three years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but 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.”

LII. This Amendment shall go into effect on November 1, 2015.

### **Amendment (X) to the Criminal Law of the People’s Republic of China**

#### **(Adopted at the 30th Meeting of the Standing Committee of the Twelfth National People’s Congress on November 4, 2017)**

In order to punish the crime of insulting the national anthem and to effectively uphold the solemnity of the performance and use of the national anthem and national dignity, one paragraph is added to Article 299 of the Criminal Law as the second paragraph, and the Article is revised as follows:

“Whoever, in a public place, deliberately burns, mutilates, scrawls on, defiles, or tramples upon the national flag or national emblem of the People’s Republic of China shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.

“Whoever, in a public place, deliberately alters the lyrics or music of the national anthem of the People’s Republic of China, or performs or sings the national anthem in a distorted or derogatory manner, or insults the national anthem in any other way, if the circumstances are serious, shall be punished in accordance with the provisions of the preceding paragraph.”

This Amendment shall go into effect as of the date of its promulgation.

**Amendment (XI) to the Criminal Law of the People's Republic of China**

**(Adopted at the 24th Meeting of the Standing Committee of the 13th National People's Congress on December 26, 2020)**

I. Article 17 of the Criminal Law is revised to read: "A person who has reached the age of 16 shall bear criminal responsibility.

"A person who has reached the age of 14 but not the age of 16 shall bear criminal responsibility if he commits intentional homicide, intentionally hurts another person so as to cause serious injury or death, or commits rape, robbery, drug-trafficking, arson, explosion, or poisoning with dangerous substances.

"A person who has reached the age of 12 but not the age of 14 shall bear criminal responsibility if he commits intentional homicide or intentionally hurts another person, resulting in death, or by resorting to especially cruel means causes serious injury, leading to severe disability, and if the circumstances are flagrant, upon the approval of the Supreme People's Procuratorate for prosecution.

"A person who has not reached the age of 18 and bears criminal responsibility under the preceding three paragraphs shall be given a lighter or mitigated punishment.

"If a person is not given criminal punishment because he has not reached the age of 16, the head of his family or his guardian shall be ordered to discipline him. When necessary, he may also be subjected to rehabilitation and education by the government."

II. One article is added after Article 133a of the Criminal Law as Article 133b: "Whoever uses violence against the driver of a moving public transportation vehicle or seizes the driving control device, thereby interfering with the normal operation of the public transportation vehicle and endangering public safety, shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention, or public surveillance, with or without a fine.

"A driver of a moving public transportation vehicle as mentioned in the preceding paragraph who

leaves his post without authorization or fights with another person or assaults another person, thereby endangering public safety, shall be punished in accordance with the provisions of the preceding paragraph.

"Whoever commits an act mentioned in the preceding two paragraphs that also constitutes another crime shall be convicted and punished in accordance with the provisions for a heavier punishment."

III. Paragraph 2 of Article 134 of the Criminal Law is revised to read: "Whoever forces others to work in violation of rules in a risky manner, or, knowing of a major potential accident hazard, fails to eliminate it and still organizes operations in a risky manner, thereby causing a major accident involving injury or death or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially flagrant, he shall be sentenced to fixed-term imprisonment of not less than five years."

IV. One article is added after Article 134 of the Criminal Law as Article 134a: "Whoever, in production or operations, violates safety management regulations and falls under any of the following circumstances, having a real danger of causing a major accident involving injury or death or other serious consequences, shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention, or public surveillance:

1. "Closing down or destroying monitoring, alarm, protection, or lifesaving equipment or facilities directly related to production safety, or falsifying, concealing, or destroying their relevant data or information;
2. "Refusing to execute an order to suspend production or business, stop construction, cease using relevant equipment, facilities, or premises, or immediately adopt measures to eliminate potential dangers, issued because of a major potential accident hazard;
3. "Engaging in highly dangerous production or operation activities such as mining, metal smelting, construction work, or the production, business operation, or storage of dangerous substances without approval or permission as required by law for matters related to production safety."

V. Article 141 of the Criminal Law is revised to read: “Whoever produces or sells fake drugs shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if serious harm is caused to human health or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if death is caused or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death, and shall also be fined or sentenced to confiscation of property.

“Persons of drug-use units who knowingly supply fake drugs to others for use shall be punished in accordance with the provisions of the preceding paragraph.”

VI. Article 142 of the Criminal Law is revised to read: “Whoever produces or sells substandard drugs and thereby causes serious harm to human health shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or sentenced to confiscation of property.

“Persons of drug-use units who knowingly supply substandard drugs to others for use shall be punished in accordance with the provisions of the preceding paragraph.”

VII. One article is added after Article 142 of the Criminal Law as Article 142a: “Whoever, in violation of drug administration laws or regulations, falls under any of the following circumstances and is sufficient to seriously endanger human health shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if serious harm is caused to human health or there are other serious circumstances, 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:

1. “Producing or selling drugs the use of which is prohibited by the drug regulatory department under the State Council;
2. “Producing or importing drugs without obtaining relevant drug approval documents, or

knowingly selling such drugs;

3. “Providing false certificates, data, materials, samples, or adopting other deceptive means in drug registration applications; or
4. “Fabricating production or inspection records. “Whoever commits an act mentioned in the preceding paragraph that also constitutes a crime as provided for in Article 141 or 142 of this Law or other crimes shall be convicted and punished in accordance with the provisions for a heavier punishment.”

VIII. Article 160 of the Criminal Law is revised to read: “Whoever conceals important facts or fabricates major false content in issuance documents such as prospectuses, subscription forms, or measures for offering company or enterprise bonds, and issues shares, company or enterprise bonds, depository receipts, or other securities recognized according to law by the State Council, and if the amount involved is huge, the consequences are serious, or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined; if the amount involved is especially huge, the consequences are especially serious, or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

“A controlling shareholder or actual controller who organizes or instigates the commission of the act mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 20 percent but not more than one time the amount of illegally raised funds; if the amount involved is especially huge, the consequences are especially serious, or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined not less than 20 percent but not more than one time the amount of illegally raised funds.

“Where a unit commits the crimes mentioned in the preceding two paragraphs, it shall be fined not less than 20 percent but not more than one time the amount of illegally raised funds, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.”

IX. Article 161 of the Criminal Law is revised to read: “Where a company or enterprise that is under an obligation according to law to disclose information provides its shareholders and the general public with false financial and accounting reports, or conceals important facts in such reports, or fails to disclose other important information in accordance with the provisions, thereby seriously harming the interests of shareholders or others, or if there are other serious circumstances, the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined. “A controlling shareholder or actual controller of the company or enterprise mentioned in the preceding paragraph who commits or organizes or instigates others to commit the act mentioned in the preceding paragraph, or conceals relevant matters resulting in the circumstances mentioned in the preceding paragraph, shall be punished in accordance with the provisions of the preceding paragraph.

“Where a unit is the controlling shareholder or actual controller that commits the crime mentioned in the preceding paragraph, the unit shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the first paragraph.”

X. Paragraph 1 of Article 163 of the Criminal Law is revised to read: “Any employee of a company, enterprise, or other unit who, taking advantage of his position, demands money or property from another person or illegally accepts another person’s money or property in return for seeking benefits for the person, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the amount involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined.”

XI. Paragraph 1 of Article 175a of the Criminal Law is revised to read: “Whoever, by fraudulent means, obtains loans, bill acceptances, letters of credit, letters of guarantee, or the like from a bank or other financial institution, thereby causing heavy losses to the bank or other financial institution, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if especially heavy losses are caused to the bank or other financial institution or there are other especially serious circumstances, 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.”

XII. Article 176 of the Criminal Law is revised to read: “Whoever illegally takes in deposits from the general public or does so in disguised form, thereby disrupting the financial order, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the amount involved is especially huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years and shall also be fined.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph.

“Whoever, before a public prosecution is initiated, actively returns the illegal gains or compensates for losses, thereby reducing the harmful consequences, may be given a lighter or mitigated punishment if he commits an act mentioned in the preceding two paragraphs.”

XIII. Paragraph 1 of Article 182 of the Criminal Law is revised to read: “Whoever manipulates the securities or futures market by any of the following means, thereby affecting the trading prices or trading volume of securities or futures, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined; if the circumstances are especially serious,

he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined:

1. "Independently or in collusion with others, carrying out combined or successive buying or selling by building up an advantage in terms of funds, shareholdings, or futures positions or by taking advantage of information;
2. "Colluding with others to mutually trade securities or futures at a prearranged time, price, and manner;
3. "Trading securities between accounts actually controlled by oneself, or trading futures contracts with oneself as the counterparty;
4. "Frequently or in large quantities placing and canceling orders to buy or sell securities or futures contracts without the intention to execute them;
5. "Using false or uncertain material information to induce investors to trade securities or futures;
6. "Publicly evaluating, predicting, or making investment suggestions on securities, securities issuers, or futures trading targets, while simultaneously conducting opposite securities trading or relevant futures trading; or
7. "Manipulating the securities or futures market by other means."

XIV. Article 191 of the Criminal Law is revised to read: "Whoever, for the purpose of covering up or concealing the source or nature of the proceeds derived from drug-related crimes, crimes committed by organizations in the nature of criminal syndicates, crimes of terrorist activities, crimes of smuggling, crimes of embezzlement and bribery, crimes of disrupting the order of financial administration, or crimes of financial fraud, commits any of the following acts shall, in addition to being sentenced to confiscation of the said proceeds and the gains derived therefrom, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined:

1. "Providing fund accounts;
2. "Assisting in converting property into cash, financial instruments, or securities;
3. "Assisting in transferring funds through transfers or other methods of payment and settlement;

4. "Assisting in remitting funds abroad; or
5. "Covering up or concealing by other means the source or nature of the proceeds or gains derived from the crime.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

XV. Article 192 of the Criminal Law is revised to read: "Whoever, for the purpose of illegal possession, illegally raises funds by means of fraud, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined; if the amount involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined or be sentenced to confiscation of property.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the preceding paragraph."

XVI. Article 200 of the Criminal Law is revised to read: "Where a unit commits the crimes mentioned in Articles 194 and 195 of this Section, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and may also be fined; if the amount involved is huge or there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined; if the amount involved is especially huge or there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined."

XVII. Article 213 of the Criminal Law is revised to read: "Whoever, without permission of the owner of a registered trademark, uses a trademark identical to the registered trademark on the same kind of goods or services, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of

not more than three years and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.”

XVIII. Article 214 of the Criminal Law is revised to read: “Whoever knowingly sells goods that bear counterfeit registered trademarks, if the amount of illegal gains is relatively large or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years and shall also, or shall only, be fined; if the amount of illegal gains is huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.”

XIX. Article 215 of the Criminal Law is revised to read: “Whoever forges or, without authorization, manufactures representations of other persons’ registered trademarks, or sells such representations, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.”

XX. Article 217 of the Criminal Law is revised to read: “Whoever, for the purpose of making profits, commits any of the following acts of infringement on copyright or copyright-related rights, if the amount of illegal gains is relatively large or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years and shall also, or shall only, be fined; if the amount of illegal gains is huge or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined:

1. “Reproducing and distributing, or communicating to the public through information networks, written works, musical works, works of fine art, audiovisual works, computer software, or other works prescribed by laws or administrative regulations, without permission of the copyright owner;

2. “Publishing books whose exclusive publishing right is owned by another person;
3. “Reproducing and distributing, or communicating to the public through information networks, sound recordings or video recordings produced by another person, without permission of the producer;
4. “Reproducing and distributing sound or video recordings of a performance, or communicating the performance to the public through information networks, without permission of the performer; or
5. “Producing or selling works of fine art that bear the counterfeit signatures of others;
6. “Intentionally circumventing or destroying technical measures adopted by copyright owners or copyright-related right holders to protect copyright or copyright-related rights in their works, sound or video recordings, etc., without permission of the owners or holders.”

XXI. Article 218 of the Criminal Law is revised to read: “Whoever, for the purpose of making profits, knowingly sells infringing reproductions mentioned in Article 217 of this Law, if the amount of illegal gains is huge or there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined.”

XXII. Article 219 of the Criminal Law is revised to read: “Whoever commits any of the following acts of infringing on trade secrets, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years and shall also, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined:

1. “Obtaining trade secrets of the right holder by theft, bribery, fraud, coercion, electronic intrusion, or other improper means;
2. “Disclosing, using, or allowing another to use the trade secrets of the right holder obtained by the means mentioned in the preceding paragraph; or
3. “Disclosing, using, or allowing another to use the trade secrets in his possession, in violation of his confidentiality obligation or the requirements of the right holder for keeping the trade secrets.

“Whoever knowingly obtains, discloses, uses, or allows another to use the trade secrets mentioned in the preceding paragraph shall be deemed to have committed the crime of infringing on trade secrets. “Right holder’ as mentioned in this Article refers to the owner of a trade secret and the user of the trade secret permitted by the owner.”

XXIII. One article is added after Article 219 of the Criminal Law as Article 219a: “Whoever steals, spies out, buys, or illegally provides trade secrets for an organization, institution, or individual outside the territory of China shall be sentenced to fixed-term imprisonment of not more than five years and shall also, or shall only, be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.”

XXIV. Article 220 of the Criminal Law is revised to read: “Where a unit commits the crimes mentioned in Articles 213 through 219a of this Section, it shall be fined, and the persons directly in charge and other directly responsible personnel shall be punished in accordance with the provisions of the respective Articles in this Section.”

XXV. Article 229 of the Criminal Law is revised to read: “Any member of an intermediary organization, who is responsible for asset valuation, capital verification, capital test, accounting, auditing, legal service, sponsorship, security assessment, environmental impact assessment, environmental monitoring, or the like, deliberately provides false certifying papers, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if he falls under any of the following circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined:

1. “Providing false certifying papers such as those for asset valuation, accounting, auditing, legal service, or sponsorship relating to the issuance of securities, if the circumstances are especially serious;
2. “Providing false certifying papers such as those for asset valuation, accounting, or auditing relating to a major asset transaction, if the circumstances are especially serious;
3. “Providing false certifying papers such as those

for security assessment or environmental impact assessment in a major project or program relating to public security, thereby causing especially heavy losses to public property or the interests of the State and the people.

“Whoever commits the act mentioned in the preceding paragraph, and at the same time demands money or property from another or illegally accepts money or property from another, which constitutes a crime, shall be convicted and punished in accordance with the provisions for a heavier punishment.

“Any person mentioned in the first paragraph who, grossly neglecting his duties, produces certifying papers that are greatly at variance with the facts, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.”

XXVI. Article 236 of the Criminal Law is revised to read: “Whoever rapes a woman by violence, coercion, or any other means shall be sentenced to fixed-term imprisonment of not less than three years but 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.

“Whoever rapes a woman or has sexual relations with a girl under the age of 14 shall, in any of the following circumstances, be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death:

1. “Raping a woman or having sexual relations with a girl under the age of 14 under flagrant circumstances;
2. “Raping a woman or having sexual relations with a girl under the age of 14 more than once;
3. “Raping a woman or having sexual relations with a girl under the age of 14 in a public place or before the public;
4. “Raping a woman with two or more persons in succession;
5. “Having sexual relations with a girl under the age of 10 or causing injury to a girl;
6. “Causing serious injury or death to the victim or other serious consequences.”

XXVII. One article is added after Article 236 of the Criminal Law as Article 236a: “Whoever, being a person with the duty of care such as guardianship,

adoption, custody, education, or medical care for a female minor aged 14 or more but under 16, has sexual relations with the female minor shall be sentenced to fixed-term imprisonment of not more than three years; if the circumstances are flagrant, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

“Whoever commits the act mentioned in the preceding paragraph, which also constitutes the crime mentioned in Article 236 of this Law, shall be convicted and punished in accordance with the provisions for a heavier punishment.”

XXVIII. Paragraph 3 of Article 237 of the Criminal Law is revised to read: “Whoever molests a child shall be sentenced to fixed-term imprisonment of not more than five years; if he falls under any of the following circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years:

1. “Molesting a child more than once or molesting more than one child;
2. “Molesting a child by gathering a crowd or molesting a child in a public place, and the circumstances are flagrant;
3. “Causing injury to a child or other serious consequences; or
4. “The means of molestation are flagrant or there are other flagrant circumstances.”

XXIX. Paragraph 1 of Article 271 of the Criminal Law is revised to read: “Any employee of a company, enterprise, or other unit who, taking advantage of his position, unlawfully takes possession of the unit’s property, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined.”

XXX. Article 272 of the Criminal Law is revised to read: “Any employee of a company, enterprise, or other unit who, taking advantage of his position, misappropriates the unit’s funds for personal use or loans such funds to another person, if the

amount involved is relatively large and is not repaid at the expiration of three months, or if the funds are used for profit-making activities or illegal activities though the amount involved is relatively large and is not repaid for less than three months, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the amount of the unit’s funds misappropriated is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years.

“Any state functionary who is engaged in public service in a state-owned company, enterprise, or other state-owned unit or any person who is assigned by a state-owned company, enterprise, or other state-owned unit to engage in public service in a non-state-owned company, enterprise, or other unit and commits the act mentioned in the preceding paragraph shall be convicted and punished in accordance with the provisions of Article 384 of this Law.

“Whoever, before a public prosecution is initiated, returns the misappropriated funds after committing the act mentioned in the first paragraph, may be given a lighter or mitigated punishment. If the circumstances are relatively minor, he may be given a mitigated punishment or be exempted from punishment.”

XXXI. Paragraph 5 of Article 277 of the Criminal Law is revised to read: “Whoever violently assaults a people’s policeman who is performing his duties according to law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance; if a firearm, controlled knife, or the like is used, or a motor vehicle is driven to ram, thereby seriously endangering the policeman’s personal safety, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.”

XXXII. One article is added after Article 280a of the Criminal Law as Article 280b: “Whoever steals or fraudulently uses another person’s identity to replace that person and obtain admission to higher education, be recruited as a civil servant, or be employed shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also be fined. “Whoever organizes or instigates another to commit the act mentioned in the preceding paragraph

shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

“If a state functionary commits any of the acts mentioned in the preceding two paragraphs, and it also constitutes another crime, he shall be punished in accordance with the provisions on combined punishment for several crimes.”

XXXIII. One article is added after Article 291a of the Criminal Law as Article 291b: “Whoever throws objects from a building or from a high altitude, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention, or public surveillance and shall also, or shall only, be fined.

“Whoever commits the act mentioned in the preceding paragraph, which also constitutes another crime, shall be convicted and punished in accordance with the provisions for a heavier punishment.”

XXXIV. One article is added after Article 293 of the Criminal Law as Article 293a: “Whoever, in any of the following ways, urges payment of illegal debts arising from usury or the like, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined:

1. “Using violence or coercion;
2. “Restricting another person’s personal freedom or intruding into another person’s residence; or
3. “Intimidating, stalking, or harassing another person.”

XXXV. One article is added after Article 299 of the Criminal Law as Article 299a: “Whoever insults, slanders, or otherwise infringes upon the reputation or honor of heroes or martyrs, thereby harming the public interest, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance, or deprivation of political rights.”

XXXVI. Article 303 of the Criminal Law is revised to read: “Whoever, for the purpose of making profits, gathers people 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 shall also be fined.

“Whoever runs a gambling house shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and shall also be fined.

“Whoever organizes citizens of the People’s Republic of China to participate in gambling outside the territory (frontier) of China, if the amount involved is huge or there are other serious circumstances, shall be punished in accordance with the provisions of the preceding paragraph.”

XXXVII. Paragraph 1 of Article 330 of the Criminal Law is revised to read: “Whoever, in violation of the provisions of the Law on Prevention and Treatment of Infectious Diseases, commits any of the following acts, thereby causing the spread of a Category A infectious disease or of an infectious disease determined by law to take preventive and control measures for Category A infectious diseases, or a serious danger of the spread of the disease, 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 but not more than seven years:

1. “The drinking water supplied by a water supply unit does not conform to the hygiene standards set by the State;
2. “Refusing to disinfect sewage, wastes, places, and articles contaminated with the pathogen of infectious diseases, as required by the disease prevention and control agency;
3. “Allowing or conniving at patients of infectious diseases, pathogen carriers, and suspected patients of infectious diseases to engage in jobs that are prohibited by the administrative department of public health under the State Council because of the likelihood of causing the spread of infectious diseases;
4. “Selling or transporting articles from an epidemic area that are contaminated by the pathogen of infectious diseases or that are likely to be contaminated by the pathogen of infectious diseases, without disinfection; or
5. “Refusing to execute the preventive and control measures proposed by a people’s government at or above the county level or the disease prevention and control agency in accordance with

the Law on Prevention and Treatment of Infectious Diseases.”

XXXVIII. One article is added after Article 334 of the Criminal Law as Article 334a: “Whoever, in violation of the relevant provisions of the State, illegally collects China’s human genetic resources or illegally transports, posts, or carries materials of China’s human genetic resources out of the country, thereby endangering public health or the public interest, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance and shall also, or shall only, be fined; if the circumstances are especially serious, 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.”

XXXIX. One article is added after Article 336 of the Criminal Law as Article 336a: “Whoever implants gene-edited or cloned human embryos into a human or animal body, or implants gene-edited or cloned animal embryos into a human body, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are especially serious, 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.”

XL. Article 338 of the Criminal Law is revised to read: “Whoever, in violation of state regulations, discharges, dumps, or disposes of radioactive waste, waste containing pathogen of infectious diseases, toxic substances, or other harmful substances, thereby seriously polluting the environment, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the circumstances are serious, 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; if he falls under any of the following circumstances, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined:

1. “Discharging, dumping, or disposing of radioactive waste, waste containing pathogen of infectious diseases, or toxic substances in key protected areas determined according to law, such

as drinking water source protection zones and core zones of natural reserves, and the circumstances are especially serious;

2. “Discharging, dumping, or disposing of radioactive waste, waste containing pathogen of infectious diseases, or toxic substances into important rivers and lakes designated by the State, and the circumstances are especially serious;
3. “Causing the basic functions of a large area of permanent basic farmland to be lost or permanently damaged;
4. “Causing serious injury or severe disease to a number of people, or causing serious disability or death to a person.

“Whoever commits the act mentioned in the preceding paragraph, which also constitutes another crime, shall be convicted and punished in accordance with the provisions for a heavier punishment.”

XLI. One paragraph is added to Article 341 of the Criminal Law as the third paragraph: “Whoever, in violation of laws and regulations on the protection of wildlife, illegally hunts, purchases, transports, or sells terrestrial wild animals that naturally live and reproduce in the wild other than those mentioned in the first paragraph for the purpose of eating them, if the circumstances are serious, shall be punished in accordance with the provisions of the preceding paragraph.”

XLII. One article is added after Article 342 of the Criminal Law as Article 342a: “Whoever, in violation of laws and regulations on the administration of natural reserves, reclaims or exploits land or constructs buildings in a national park or a national nature reserve, thereby causing serious consequences or having other flagrant circumstances, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined.

“Whoever commits the act mentioned in the preceding paragraph, which also constitutes another crime, shall be convicted and punished in accordance with the provisions for a heavier punishment.”

XLIII. One article is added after Article 344 of the Criminal Law as Article 344a: “Whoever, in violation of state regulations, illegally introduces, releases, or discards invasive alien species, if the circumstances

are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.”

XLIV. One article is added after Article 355 of the Criminal Law as Article 355a: “Whoever lures, instigates, or cheats an athlete into using doping to participate in a major domestic or international sports competition, or, knowing that an athlete is to participate in such a competition, provides him with doping, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined.

“Whoever organizes or forces an athlete to use doping to participate in a major domestic or international sports competition shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.”

XLV. Paragraph 1 of Article 408a of the Criminal Law is revised to read: “Any state functionary responsible for supervision over food and drug safety who abuses his power or neglects his duty, and falls under any of the following circumstances, thereby causing serious consequences or having other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if especially serious consequences are caused or there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years:

1. “Concealing or making a false report of a food safety accident or drug safety incident;
2. “Failing to investigate and punish discovered serious illegal acts relating to food or drug safety as required;
3. “Granting a license to an application that does not meet the conditions during the examination and approval of drugs and special foods;
4. “Failing to transfer a case to a judicial organ for investigation of criminal responsibility as should be transferred according to law; or
5. “Other acts of abuse of power or neglect of duty.”

XLVI. Paragraph 2 of Article 431 of the Criminal Law is revised to read: “Whoever steals, spies out, buys, or illegally provides military secrets for an organization, institution, or individual outside the territory

of China shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment, or death.”

XLVII. Article 450 of the Criminal Law is revised to read: “This Chapter applies to officers, civilian staff, soldiers, and cadets with military status in active service in the Chinese People’s Liberation Army, and officers, civilian staff, soldiers, and cadets with military status in active service in the Chinese People’s Armed Police Force, as well as civilian personnel, reserve personnel performing military tasks, and other persons.”

XLVIII. This Amendment shall go into effect on March 1, 2021.

### **Amendment (XII) to the Criminal Law of the People’s Republic of China**

#### **(Adopted at the Seventh Meeting of the Standing Committee of the Fourteenth National People’s Congress on December 29, 2023)**

1. A paragraph is added to Article 165 of the Criminal Law as the second paragraph, and the Article is revised as follows:

“Any director, supervisor, or senior manager of a state-owned company or enterprise who, taking advantage of his position, operates for himself or for another the same business as that of the company or enterprise in which he holds the office and obtains illegal interests, if the amount involved is huge, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount involved is especially huge, 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.

“Any director, supervisor, or senior manager of another company or enterprise who, in violation of the provisions of laws or administrative regulations, commits the act mentioned in the preceding paragraph, thereby causing heavy losses to the interests of the company or enterprise, shall be punished in accordance with the provisions of the preceding paragraph.”

2. A paragraph is added to Article 166 of the Criminal Law as the second paragraph, and the Article is revised as follows:

“Any employee of a state-owned company, enterprise, or institution who, taking advantage of his office, seeks benefits for his relatives or friends by committing any of the following acts, thereby causing heavy losses to the interests of the State, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if especially heavy losses are caused to the interests of the State, 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:

1. “Turning over to his relatives or friends the profitable business of his own unit;
2. “Purchasing commodities from or accepting services provided by his relatives or friends or the units managed by them at a price obviously higher than the market price, or selling commodities to or providing services for his relatives or friends or the units managed by them at a price obviously lower than the market price; or
3. “Purchasing from or accepting substandard commodities or services provided by his relatives or friends or the units managed by them.

“Any employee of another company or enterprise who, in violation of the provisions of laws or administrative regulations, commits the act mentioned in the preceding paragraph, thereby causing heavy losses to the interests of the company or enterprise, shall be punished in accordance with the provisions of the preceding paragraph.”

3. A paragraph is added to Article 169 of the Criminal Law as the second paragraph, and the Article is revised as follows:

“Any directly responsible person of a state-owned company or enterprise or of its competent department at a higher level who, engaging in malpractices for personal gain, converts State-owned assets into shares at a low price or sells them at a low price, thereby causing heavy losses to the interests of the State, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

“Any directly responsible person of another company or enterprise who, engaging in malpractices for personal gain, converts the assets of the company or enterprise into shares at a low price or sells them at a low price, thereby causing heavy losses to the interests of the company or enterprise, shall be punished in accordance with the provisions of the preceding paragraph.”

4. Paragraph 1 of Article 387 of the Criminal Law is revised as follows:

“Where a state organ, state-owned company, enterprise, institution, or people’s organization extorts or illegally accepts another person’s property in return for seeking benefits for the person, if the circumstances are serious, the unit shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.”

5. Article 390 of the Criminal Law is revised as follows:

“Whoever commits the crime of offering bribes shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if, for the purpose of seeking illegitimate benefits, the circumstances are serious, or heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined; if the circumstances are especially serious, or especially heavy losses are caused to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined or be sentenced to confiscation of property.

“Whoever falls under any of the following circumstances shall be given a heavier punishment:

1. “Offering bribes repeatedly or offering bribes to more than one person;
2. “A state functionary offering bribes;
3. “Offering bribes in relation to a national key project or major program;
4. “Offering bribes for the purpose of seeking appointment, promotion, or transfer to a position or rank;

5. "Offering bribes to supervisory, administrative law enforcement, or judicial officers;
  6. "Offering bribes and committing illegal or criminal activities in the fields of ecological environment, fiscal and financial affairs, workplace safety, food and drugs, disaster prevention and relief, social security, education, or medical care; or
  7. "Using illegal gains to offer bribes.  
"Any bribe giver who, before being investigated for criminal responsibility, voluntarily confesses his act of offering bribes may be given a lighter or mitigated punishment. If the circumstances are relatively minor, or he plays a key role in investigation breakthroughs or solving a major case, or he performs major meritorious service, he may be given a mitigated punishment or be exempted from punishment."
8. This Amendment shall go into effect on March 1, 2024.

6. Paragraph 1 of Article 391 of the Criminal Law is revised as follows:

"Whoever, for the purpose of seeking illegitimate benefits, gives money or property to a state organ, state-owned company, enterprise, institution, or people's organization, or, in economic activities, in violation of state regulations, gives rebates or service charges in various names, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are serious, 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."

7. Article 393 of the Criminal Law is revised as follows:

"Where a unit, for the purpose of seeking illegitimate interests, offers bribes, or, in violation of state regulations, gives rebates or service charges to state functionaries, if the circumstances are serious, the unit shall be fined, and the persons directly in charge and other directly responsible personnel shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined. If the illegal gains obtained from offering bribes belong to an individual, the offender shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law."



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