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# 中华人民共和国检察官法（2019修订）

# Procurators Law of the People's Republic of China (Revision 2019)

中华人民共和国检察官法

Procurators Law of the People's Republic of China

主席令第二十八号

Presidential Decree No. 28

《中华人民共和国检察官法》已由中华人民共和国第十三届全国人民代表大会常务委员会第十次会议于2019年4月23日修订通过，现将修订后的《中华人民共和国检察官法》公布，自2019年10月1日起施行。

The Procurators Law of the People's Republic of China, revised and adopted at the 10th Session of the Standing Committee of the 13th National People's Congress of the People's Republic of China on April 23, 2019, is hereby promulgated for implementation as of October 1, 2019.

中华人民共和国主席 习近平

President Xi Jinping

2019年4月23日

April 23, 2019

中华人民共和国检察官法

Procurators Law of the People's Republic of China

（1995年2月28日第八届全国人民代表大会常务委员会第十二次会议通过　根据2001年6月30日第九届全国人民代表大会常务委员会第二十二次会议《关于修改〈中华人民共和国检察官法〉的决定》第一次修正　根据2017年9月1日第十二届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国法官法〉等八部法律的决定》第二次修正　2019年4月23日第十三届全国人民代表大会常务委员会第十次会议修订）

(Adopted at the 12th Session of the Standing Committee of the Eighth National People's Congress on February 28, 1995; amended for the first time according to the Decision on Amending the Procurators Law of the People's Republic of China at the 22nd Session of the Standing Committee of the Ninth National People's Congress on June 30, 2001; and amended for the second time according to the Decision of the Standing Committee of the National People's Congress on Amending Eight Laws Including the Judges Law of the People's Republic of China at the 29th Session of the Standing Committee of the 12th National People's Congress on September 1, 2017)

第一章 总 则

Chapter 1 General Provisions

第一条   为了全面推进高素质检察官队伍建设，加强对检察官的管理和监督，维护检察官合法权益，保障人民检察院依法独立行使检察权，保障检察官依法履行职责，保障司法公正，根据宪法，制定本法。

Article 1 This Law is enacted in accordance with the Constitution to promote the building of a contingent of high-quality procurators in all aspects, to strengthen the administration and supervision of procurators, to safeguard the lawful rights and interests of procurators, to ensure that the People's Procuratorates independently exercise procuratorial authority according to law and that procurators perform their functions and duties according to law, and to ensure the judicial justice.

第二条   检察官是依法行使国家检察权的检察人员，包括最高人民检察院、地方各级人民检察院和军事检察院等专门人民检察院的检察长、副检察长、检察委员会委员和检察员。

Article 2 Procurators are the procuratorial personnel who exercise the procuratorial authority of the State according to law, including chief procurators, deputy chief procurators (the Supreme People's Procuratorate), members of procuratorial committees and procurators of the Supreme People's Procuratorate, local people's procuratorates at various levels and special people's procuratorates such as military procuratorates.

第三条   检察官必须忠实执行宪法和法律，维护社会公平正义，全心全意为人民服务。

Article 3 Public procurators must faithfully implement the Constitution and laws, safeguard social fairness and justice and serve the people whole-heartedly.

第四条   检察官应当勤勉尽责，清正廉明，恪守职业道德。

Article 4 Procurators shall be diligent and responsible, honest and clean, and scrupulously abide by the professional ethics.

第五条   检察官履行职责，应当以事实为根据，以法律为准绳，秉持客观公正的立场。

Article 5 Public procurators shall, in performing their duties, take facts as the basis, the law as the criterion and the stand of objectivity and impartiality.

检察官办理刑事案件，应当严格坚持罪刑法定原则，尊重和保障人权，既要追诉犯罪，也要保障无罪的人不受刑事追究。

When handling criminal cases, procurators shall strictly adhere to the principle of legally prescribed punishments for crimes, respect and protect human rights, prosecute crimes, and protect innocent persons from being investigated for criminal liabilities.

第六条   检察官依法履行职责，受法律保护，不受行政机关、社会团体和个人的干涉。

Article 6 Public procurators, when performing their functions and duties according to law, shall be protected by law and not be subject to interference by administrative organs, public organizations or individuals.

第二章 检察官的职责、义务和权利

Chapter 2 Functions and Duties, Obligations and Rights of Procurators

第七条   检察官的职责：

Article 7 The duties of procurators are:

（一）对法律规定由人民检察院直接受理的刑事案件进行侦查；

1. to investigate criminal cases directly accepted by the People's Procuratorates as provided by law; and

（二）对刑事案件进行审查逮捕、审查起诉，代表国家进行公诉；

2. making examination for arrest and examination for prosecution of criminal cases, and representing the State in public prosecution;

（三）开展公益诉讼工作；

(III) Conducting public interest litigation;

（四）开展对刑事、民事、行政诉讼活动的监督工作；

(IV) conducting supervision over criminal, civil and administrative litigation activities;

（五）法律规定的其他职责。

(V) other functions and duties as provided by law.

检察官对其职权范围内就案件作出的决定负责。

Procurators shall be responsible for the decisions they make on cases within the scope of their authority.

第八条   人民检察院检察长、副检察长、检察委员会委员除履行检察职责外，还应当履行与其职务相适应的职责。

Article 8 Chief procurators, deputy chief procurators and members of procuratorial committees of people's procuratorates shall, in addition to the procuratorial functions and duties, perform other functions and duties commensurate with their posts.

第九条   检察官在检察长领导下开展工作，重大办案事项由检察长决定。检察长可以将部分职权委托检察官行使，可以授权检察官签发法律文书。

Article 9 Procurators shall carry out their work under the leadership of the chief procurator, and major case-handling matters shall be determined by the chief procurator. The chief procurator may entrust the procurators to exercise some of his/her functions and powers or authorize the procurators to issue legal documents.

第十条   检察官应当履行下列义务:

Article 10 Public procurators shall perform the following obligations:

（一）严格遵守宪法和法律；

1. strictly observing the Constitution and laws;

（二）秉公办案，不得徇私枉法；

(II) To handle cases impartially, and not to bend law for personal gain;

（三）依法保障当事人和其他诉讼参与人的诉讼权利；

3. protecting the litigation rights of the parties and other litigation participants in accordance with the law;

（四）维护国家利益、社会公共利益，维护个人和组织的合法权益；

(IV) safeguarding the national interests and public interests, and protecting the legitimate rights and interests of individuals and organizations;

（五）保守国家秘密和检察工作秘密，对履行职责中知悉的商业秘密和个人隐私予以保密；

(V) to keep State secrets and secrets of procuratorial work and to keep confidential business secrets and personal privacy learned in performing duties; and

（六）依法接受法律监督和人民群众监督；

(VI) accepting legal supervision and supervision by the masses in accordance with the law;

（七）通过依法办理案件以案释法，增强全民法治观念，推进法治社会建设；

(VII) Enhance the whole people's awareness of the rule of law by handling cases according to the law to promote the construction of a society ruled by law; and

（八）法律规定的其他义务。

(VIII) Other obligations stipulated by laws.

第十一条   检察官享有下列权利：

Article 11 Procurators shall enjoy the following rights:

（一）履行检察官职责应当具有的职权和工作条件；

1. to have the power and working conditions which are essential to the performance of functions and duties of procurators;

（二）非因法定事由、非经法定程序，不被调离、免职、降职、辞退或者处分；

(II) to be not removed from the post, demoted, dismissed, or given a sanction without statutory basis and without going through statutory procedures;

（三）履行检察官职责应当享有的职业保障和福利待遇；

(III) job security and welfare benefits to be enjoyed by public procurators;

（四）人身、财产和住所安全受法律保护；

(IV) to enjoy safety of the person, property and residence as ensured by law;

（五）提出申诉或者控告；

(V) To lodge petitions or complaints; and

（六）法律规定的其他权利。

(VI) other rights as provided for by law.

第三章 检察官的条件和遴选

Chapter III Qualifications for the Selection of Procurators

第十二条   担任检察官必须具备下列条件：

Article 12 A procurator must possess the following qualifications:

（一）具有中华人民共和国国籍；

1. Having the nationality of the People's Republic of China;

（二）拥护中华人民共和国宪法，拥护中国共产党领导和社会主义制度；

2. uphold the Constitution of the People's Republic of China, the leadership of the Communist Party of China, and the socialist system;

（三）具有良好的政治、业务素质和道德品行；

3. to have fine political, professional quality and moral conduct;

（四）具有正常履行职责的身体条件；

(IV) Being physically able to perform normal duties;

（五）具备普通高等学校法学类本科学历并获得学士及以上学位；或者普通高等学校非法学类本科及以上学历并获得法律硕士、法学硕士及以上学位；或者普通高等学校非法学类本科及以上学历，获得其他相应学位，并具有法律专业知识；

(V) having accepted undergraduate education of law major and obtained a bachelor's degree or above in law from a regular institution of higher learning; or having accepted undergraduate education or above of a non-law major and obtained a Master of Law (Master of Law) degree or above in a regular institution of higher learning; or having accepted undergraduate education or above of a non-law major in a regular institution of higher learning, obtained other appropriate degrees and had the professional knowledge of law; and

（六）从事法律工作满五年。其中获得法律硕士、法学硕士学位，或者获得法学博士学位的，从事法律工作的年限可以分别放宽至四年、三年；

(VI) They have been doing legal work for five years. For an individual who has obtained a Master of Laws degree or a Master of Laws degree, or has obtained a Doctor of Laws degree, the restriction on the number of years he or she may have engaged in legal work may be relaxed to four, or three, respectively; and

（七）初任检察官应当通过国家统一法律职业资格考试取得法律职业资格。

(VII) Public procurators to be appointed for the first time shall pass the national unified legal professional qualification exam and obtain the legal professional qualification.

适用前款第五项规定的学历条件确有困难的地方，经最高人民检察院审核确定，在一定期限内，可以将担任检察官的学历条件放宽为高等学校本科毕业。

Where it is really difficult to apply the provisions in sub-paragraph (5) of the preceding paragraph regarding the academic qualifications for public procurators, such qualifications may, upon examination and approval by the Supreme People's Procuratorate and within a specified period of time, be relegated to include graduates from institutions of higher learning.

第十三条   下列人员不得担任检察官：

Article 13 The following persons shall not hold the post of a procurator:

（一）因犯罪受过刑事处罚的；

1. Having been imposed on a criminal punishment;

（二）被开除公职的；

2. Having been discharged from public employment;

（三）被吊销律师、公证员执业证书或者被仲裁委员会除名的；

(III) having his or her practicing certificate for a lawyer or a notary public revoked or being removed from an arbitration commission;

（四）有法律规定的其他情形的。

4. Other circumstances stipulated by the law arise.

第十四条   初任检察官采用考试、考核的办法，按照德才兼备的标准，从具备检察官条件的人员中择优提出人选。

Article 14 Persons to be appointed procurators for the first time shall be selected through examination or appraisal in accordance with the standards of having both ability and political integrity from among the best qualified for the post.

人民检察院的检察长应当具有法学专业知识和法律职业经历。副检察长、检察委员会委员应当从检察官、法官或者其他具备检察官条件的人员中产生。

The chief procurators of the People's Procuratorates shall have professional knowledge of law and experience in legal profession. Deputy chief procurators and members of procuratorial committees shall be selected from procurators, judges or other persons who are qualified for the post of procurator.

第十五条   人民检察院可以根据检察工作需要，从律师或者法学教学、研究人员等从事法律职业的人员中公开选拔检察官。

Article 15 A people's procuratorate may, according to the needs of the procuratorial work, publicly select procurators from lawyers, law teachers, researchers and other personnel engaged in the legal profession.

除应当具备检察官任职条件外，参加公开选拔的律师应当实际执业不少于五年，执业经验丰富，从业声誉良好，参加公开选拔的法学教学、研究人员应当具有中级以上职称，从事教学、研究工作五年以上，有突出研究能力和相应研究成果。

In addition to the requirements for the appointment of procurators, a lawyer participating in the open selection shall have actually practiced law for not less than five years with rich practice experience and good practice reputation, the law teaching and research personnel participating in the open selection shall have the intermediate professional title or above, have been engaged in teaching and research for not less than five years, and have outstanding research capabilities and corresponding research results.

第十六条   省、自治区、直辖市设立检察官遴选委员会，负责初任检察官人选专业能力的审核。

Article 16 Provinces, autonomous regions and municipalities directly under the Central Government shall establish procurator selection committees, which are responsible for the examination and approval of the professional capabilities of the candidates for new posts.

省级检察官遴选委员会的组成人员应当包括地方各级人民检察院检察官代表、其他从事法律职业的人员和有关方面代表，其中检察官代表不少于三分之一。

The procurator selection committees at the provincial level shall include procurator representatives of people's procuratorates at all levels, other personnel engaged in the legal profession and representatives from the relevant fields, and the procurator representatives shall be no less than one third of the members.

省级检察官遴选委员会的日常工作由省级人民检察院的内设职能部门承担。

The routine work of provincial procurator selection committees shall be undertaken by the internal functional departments of provincial people's procuratorates.

遴选最高人民检察院检察官应当设立最高人民检察院检察官遴选委员会，负责检察官人选专业能力的审核。

For the selection of procurators of the Supreme People's Procuratorate, a procurator selection committee of the Supreme People's Procuratorate shall be established to be responsible for the examination of the professional competence of the candidates.

第十七条   初任检察官一般到基层人民检察院任职。上级人民检察院检察官一般逐级遴选；最高人民检察院和省级人民检察院检察官可以从下两级人民检察院遴选。参加上级人民检察院遴选的检察官应当在下级人民检察院担任检察官一定年限，并具有遴选职位相关工作经历。

Article 17 Procurators to be appointed for the first time shall generally be those at the grassroots level. The procurators of people's procuratorates at higher levels are generally selected level by level; and the procurators of the Supreme People's Procuratorate and people's procuratorates at the provincial level can be selected from people's procuratorates at the lower two levels. The procurators selected by the people's procuratorates at higher levels shall work as procurators of people's procuratorates at lower levels for a certain number of years and have relevant work experience in post selection.

第四章 检察官的任免

Chapter 4 Appointment and Removal of Procurators

第十八条   检察官的任免，依照宪法和法律规定的任免权限和程序办理。

Article 18 A public procurator shall be appointed or removed in accordance with the limit of authority for, and procedures of, appointment or removal as prescribed by the Constitution and laws.

最高人民检察院检察长由全国人民代表大会选举和罢免，副检察长、检察委员会委员和检察员，由检察长提请全国人民代表大会常务委员会任免。

The Procurator -General of the Supreme People's Procuratorate shall be elected or removed by the National People 's Congress. The Deputy Procurators-General, members of the procuratorial committee and the procurators shall be appointed or removed by the Standing Committee of the National People's Congress upon the recommendation of the Procurator-General of the Supreme People's Procuratorate.

地方各级人民检察院检察长由本级人民代表大会选举和罢免，副检察长、检察委员会委员和检察员，由检察长提请本级人民代表大会常务委员会任免。

The chief procurators of the local People Procuratorates at various levels shall be elected or removed by the people's congresses at the corresponding levels. The deputy chief procurators, members of the procuratorial committees and procurators shall be appointed or removed by the standing committees of the people's congresses at the corresponding levels upon the recommendation of the chief procurators.

地方各级人民检察院检察长的任免，须报上一级人民检察院检察长提请本级人民代表大会常务委员会批准。

The appointment or removal of the chief procurators of the local People's Procuratorates at the various levels must be reported to the chief procurators of the People Procuratorates at the next higher level, who shall submit the matter to the standing committee of the people's congress at the corresponding level for approval.

省、自治区、直辖市人民检察院分院检察长、副检察长、检察委员会委员和检察员，由省、自治区、直辖市人民检察院检察长提请本级人民代表大会常务委员会任免。

The chief procurators, deputy chief procurators, members of the procuratorial committees and procurators of the branches of the People's Procuratorates of the provinces, autonomous regions or municipalities directly under the Central Government shall be appointed and removed by the standing committees of the people's congresses at corresponding levels upon the recommendation of the chief procurators of the People's Procuratorates of the provinces, autonomous regions or municipalities directly under the Central Government.

省级人民检察院和设区的市级人民检察院依法设立作为派出机构的人民检察院的检察长、副检察长、检察委员会委员和检察员，由派出的人民检察院检察长提请本级人民代表大会常务委员会任免。

The chief procurators, deputy chief procurators, members of the procuratorial committees and procurators of people's procuratorates set up by people's procuratorates at the provincial level or the level of city divided into districts in accordance with law as their agencies shall be appointed or removed by the standing committees of people's congresses at the corresponding levels upon the recommendation of the chief procurators of people's procuratorates.

新疆生产建设兵团各级人民检察院、专门人民检察院的检察长、副检察长、检察委员会委员和检察员，依照全国人民代表大会常务委员会的有关规定任免。

The chief procurators, deputy chief procurators, members of the procuratorial committees and procurators of the People's Procuratorates and special People's Procuratorates at all levels of Xinjiang Production and Construction Corps shall be appointed or removed in accordance with the relevant provisions of the Standing Committee of the National People's Congress.

第十九条   检察官在依照法定程序产生后，在就职时应当公开进行宪法宣誓。

Article 19 After a public procurator is appointed according to the statutory procedures, he or she shall publicly take an oath under the Constitution when he or she assumes his or her post.

第二十条   检察官有下列情形之一的，应当依法提请免除其检察官职务：

Article 20 If a procurator is found to be in any of the following circumstances, a report shall be submitted according to law concerning the removal of his or her post:

（一）丧失中华人民共和国国籍的；

1. having forfeited the nationality of the People's Republic of China;

（二）调出所任职人民检察院的；

(II) Having been transferred out of the people's procuratorate where he or she works;

（三）职务变动不需要保留检察官职务的，或者本人申请免除检察官职务经批准的；

(III) there is no need to retain the post of a procurator due to a change in the post or the application submitted by the person for removal of the post is approved;

（四）经考核不能胜任检察官职务的；

(IV) being incompetent for the post of a procurator through appraisal; or

（五）因健康原因长期不能履行职务的；

(V) being unable to perform the functions and duties of a public procurator for a long period of time due to poor health;

（六）退休的；

(VI) having retired from the post;

（七）辞职或者依法应当予以辞退的；

(VII) He resigns or shall be dismissed according to law;

（八）因违纪违法不宜继续任职的。

(VIII) being unsuitable to continue to hold the post because of violation of discipline or law.

第二十一条   对于不具备本法规定条件或者违反法定程序被选举为人民检察院检察长的，上一级人民检察院检察长有权提请本级人民代表大会常务委员会不批准。

Article 21 Where an elected chief procurator of a People's Procuratorate does not possess the qualifications as provided by this Law, or a chief procurator of a People's Procuratorate is elected in violation of the statutory procedures, the chief procurator of a People's Procuratorate at the next higher level shall have the power to apply to the standing committee of the people's congress at the corresponding level for disapproval.

第二十二条   发现违反本法规定的条件任命检察官的，任命机关应当撤销该项任命；上级人民检察院发现下级人民检察院检察官的任命违反本法规定的条件的，应当要求下级人民检察院依法提请任命机关撤销该项任命。

Article 22 When a procurator is appointed in violation of the provisions of this Law, the organ that made the appointment shall revoke that appointment. If a People's Procuratorate at a higher level finds that the appointment of procurator made by a People's Procuratorate at a lower level has violated the qualifications as provided by this Law, it shall request the People's Procuratorate at the lower level to revoke that appointment according to law.

第二十三条   检察官不得兼任人民代表大会常务委员会的组成人员，不得兼任行政机关、监察机关、审判机关的职务，不得兼任企业或者其他营利性组织、事业单位的职务，不得兼任律师、仲裁员和公证员。

Article 23 No procurators may concurrently be members of the standing committees of the people's congresses, or hold posts in administrative organs, supervisory organs or judicial organs, or hold posts in enterprises or other profit-making organizations or institutions, or serve as lawyers, arbitrators, or notaries.

第二十四条   检察官之间有夫妻关系、直系血亲关系、三代以内旁系血亲以及近姻亲关系的，不得同时担任下列职务：

Article 24 Procurators who are connected by husband-wife relation-ship, or who are directly related by blood, collaterally related within three generations, or closely related by marriage may not, at the same time, hold the following posts:

（一）同一人民检察院的检察长、副检察长、检察委员会委员；

1. The chief procurator, deputy chief procurators, or members of the procuratorial committee in the same People Procuratorate;

（二）同一人民检察院的检察长、副检察长和检察员；

2. The chief procurator, deputy chief procurators or procurators in the same People Procuratorate;

（三）同一业务部门的检察员；

3. the procurators in the same department; and

（四）上下相邻两级人民检察院的检察长、副检察长。

(IV) chief procurators or deputy chief procurators of the People's Procuratorates at the levels next to each other.

第二十五条   检察官的配偶、父母、子女有下列情形之一的，检察官应当实行任职回避：

Article 25 If the spouse, parents or children of a public procurator are under any of the following circumstances, the public procurator shall avoid holding the post:

（一）担任该检察官所任职人民检察院辖区内律师事务所的合伙人或者设立人的；

1. he or she serves as a partner or founder of a law firm within the jurisdiction of the people's procuratorate where the procurator serves;

（二）在该检察官所任职人民检察院辖区内以律师身份担任诉讼代理人、辩护人，或者为诉讼案件当事人提供其他有偿法律服务的。

(II) He/she acts as an agent ad litem or defender as a lawyer within the jurisdiction of the people's procuratorate where the procurator serves, or provides other paid legal services for parties to litigation cases.

第五章 检察官的管理

Chapter 5 Administration of Public Procurators

第二十六条   检察官实行员额制管理。检察官员额根据案件数量、经济社会发展情况、人口数量和人民检察院层级等因素确定，在省、自治区、直辖市内实行总量控制、动态管理，优先考虑基层人民检察院和案件数量多的人民检察院办案需要。

Article 26 A quota system shall be adopted for procurators. The quota of procurators shall be determined according to the factors such as the number of cases, economic and social development, population, levels of people's procuratorates, etc., to implement total quantity control and dynamic management within a province, autonomous region or municipality directly under the Central Government, with priority given to the case-handling needs of people's procuratorates at the grassroots level and the people's procuratorates with a large number of cases.

检察官员额出现空缺的，应当按照程序及时补充。

If there is a vacancy of the post of procurator, it shall be replenished in time according to the procedures.

最高人民检察院检察官员额由最高人民检察院商有关部门确定。

The quota of procurators of the Supreme People's Procuratorate shall be determined by the Supreme People's Procuratorate through consultation with other relevant departments.

第二十七条   检察官实行单独职务序列管理。

Article 27 Public procurators shall be subject to the management by sequence of separate posts.

检察官等级分为十二级，依次为首席大检察官、一级大检察官、二级大检察官、一级高级检察官、二级高级检察官、三级高级检察官、四级高级检察官、一级检察官、二级检察官、三级检察官、四级检察官、五级检察官。

The grades of procurators are divided into twelve grades, namely, chief procurators, Level 1 procurators, Level 2 procurators, Level 1 senior procurators, Level 2 senior procurators, Level 3 senior procurators, Level 4 senior procurators, Level 1 procurators, Level 2 procurators, Level 3 procurators, Level 4 procurators and Level 5 procurators.

第二十八条   最高人民检察院检察长为首席大检察官。

Article 28 The Procurator-General of the Supreme People's Procuratorate is the Chief Procurator.

第二十九条   检察官等级的确定，以检察官德才表现、业务水平、检察工作实绩和工作年限等为依据。

Article 29 Grades of procurators shall be determined on the basis of their political integrity and ability, their professional competence, their achievements in procuratorial work, their seniority, etc.

检察官等级晋升采取按期晋升和择优选升相结合的方式，特别优秀或者工作特殊需要的一线办案岗位检察官可以特别选升。

Promotion of procurators shall be conducted by combining promotion according to schedule and selection of the best, and special promotion may be granted to procurators at front-line case handling posts who are outstanding or are specially required by their work.

第三十条   检察官的等级设置、确定和晋升的具体办法，由国家另行规定。

Article 30 Specific measures for the establishment and determination of the grades and for the promotion of procurators shall be formulated separately by the State.

第三十一条   初任检察官实行统一职前培训制度。

Article 31 The uniform pre-post training system is applied for procurators to be appointed for the first time.

第三十二条   对检察官应当有计划地进行政治、理论和业务培训。

Article 32 Political, theoretical and professional training for procurators shall be carried out in a planned way.

检察官的培训应当理论联系实际、按需施教、讲求实效。

The training of public procurators shall be based on theory and practice, teach people as needed and stress practical results.

第三十三条   检察官培训情况，作为检察官任职、等级晋升的依据之一。

Article 33 The information on training for public procurators shall be taken as one of the bases for the appointment and promotion of public procurators.

第三十四条   检察官培训机构按照有关规定承担培训检察官的任务。

Article 34 Institutions for training procurators shall, in accordance with the relevant regulations, undertake the task of training procurators.

第三十五条   检察官申请辞职，应当由本人书面提出，经批准后，依照法律规定的程序免除其职务。

Article 35 If a public procurator applies for resignation, he or she shall submit his or her application in writing and he or she shall be removed in accordance with the procedures as provided by law after approval.

第三十六条   辞退检察官应当依照法律规定的程序免除其职务。

Article 36 A public procurator who is dismissed shall be removed from the post in accordance with the procedures as provided by law.

辞退检察官应当按照管理权限决定。辞退决定应当以书面形式通知被辞退的检察官，并列明作出决定的理由和依据。

The decision to dismiss a procurator shall be made within the limits of authorized administration. The public procurator who has been dismissed shall be notified of the decision in writing, and the reasons and basis for making such a decision shall be set out.

第三十七条   检察官从人民检察院离任后两年内，不得以律师身份担任诉讼代理人或者辩护人。

Article 37 A former procurator may not be the law agent or defender as a lawyer within two years after he or she left the post of the People's Procuratorate.

检察官从人民检察院离任后，不得担任原任职检察院办理案件的诉讼代理人或者辩护人，但是作为当事人的监护人或者近亲属代理诉讼或者进行辩护的除外。

A former procurator may not be the law agent or defender in the case handled by the procuratorate he or she belonged to after leaving the post of the People's Procuratorate, unless he or she acts as the guardian or close relative of any party to the case on his or her behalf in litigation or defense.

检察官被开除后，不得担任诉讼代理人或者辩护人，但是作为当事人的监护人或者近亲属代理诉讼或者进行辩护的除外。

After a public procurator is expelled, he or she may not act as an agent ad litem or defender, except in the case of a guardian or close relative of a party to an action, or to represent him or her in litigation.

第三十八条   检察官因工作需要，经单位选派或者批准，可以在高等学校、科研院所协助开展实践性教学、研究工作，并遵守国家有关规定。

Article 38 Public procurators may, to meet the needs of work, be assisted in carrying out practical teaching and research in institutions of higher learning or scientific research institutes upon designation or approval by their units, and shall observe the relevant regulations of the State.

第六章 检察官的考核、奖励和惩戒

Chapter 6 Appraisal, Reward and Punishment of Public Procurators

第三十九条   人民检察院设立检察官考评委员会，负责对本院检察官的考核工作。

Article 39 A People's Procuratorate shall establish a commission for examination and assessment of procurators that is responsible for the assessment of procurators of the procuratorates respectively.

第四十条   检察官考评委员会的组成人员为五至九人。

Article 40 The number of persons on a commission for examination and assessment of public procurators shall be five to nine.

检察官考评委员会主任由本院检察长担任。

The chairman of a commission for examination and assessment of procurators shall be assumed by the chief procurator of the procuratorate it belongs to.

第四十一条   对检察官的考核，应当全面、客观、公正，实行平时考核和年度考核相结合。

Article 41 The appraisal of public procurators shall be comprehensive, objective and fair, and shall be conducted in the light of routine appraisal and annual appraisal.

第四十二条   对检察官的考核内容包括：检察工作实绩、职业道德、专业水平、工作能力、工作作风。重点考核检察工作实绩。

Article 42 The appraisal of procurators shall include their achievements in procuratorial work, their professional ethics, their professional competence, their abilities in work and their style of work. However, emphasis shall be laid on achievements in procuratorial work.

第四十三条   年度考核结果分为优秀、称职、基本称职和不称职四个等次。

Article 43 The results of the annual appraisal shall fall into four grades: excellent, competent, basically competent and incompetent.

考核结果作为调整检察官等级、工资以及检察官奖惩、免职、降职、辞退的依据。

The result of appraisal shall be taken as the basis for adjusting the grade and salary of a public procurator, and for rewarding, punishing, removing, demoting or discharging the public procurator.

第四十四条   考核结果以书面形式通知检察官本人。检察官对考核结果如果有异议，可以申请复核。

Article 44 The procurators themselves shall be informed of the results of appraisal in writing. If a procurator disagrees with the result, he or she may apply for a review.

第四十五条   检察官在检察工作中有显著成绩和贡献的，或者有其他突出事迹的，应当给予奖励。

Article 45 Procurators who have made significant achievements and contributions in procuratorial work, or performed other outstanding deeds shall be rewarded.

第四十六条   检察官有下列表现之一的，应当给予奖励：

Article 46 Procurators who have any of the following achievements to their credit shall be rewarded:

（一）公正司法，成绩显著的；

1. Having achieved notable successes in judicial justice;

（二）总结检察实践经验成果突出，对检察工作有指导作用的；

2. having accumulated rich experience in procuratorial work that may serve as a guide in procuratorial work;

（三）在办理重大案件、处理突发事件和承担专项重要工作中，做出显著成绩和贡献的；

(III) Those who have made remarkable achievements and contributions in handling major cases and emergencies or undertaken important special work;

（四）对检察工作提出改革建议被采纳，效果显著的；

(IV) Having made proposals for the reform of procuratorial work that have been adopted and produced remarkable results;

（五）提出检察建议被采纳或者开展法治宣传、解决各类纠纷，效果显著的；

(V) Having made procuratorial suggestions that have been adopted, or having been used for carrying out publicity on the rule of law or for settling various disputes, with remarkable results;

（六）有其他功绩的。

(VI) having performed other meritorious deeds.

检察官的奖励按照有关规定办理。

Public procurators shall be rewarded in accordance with the relevant regulations.

第四十七条   检察官有下列行为之一的，应当给予处分；构成犯罪的，依法追究刑事责任：

Article 47 A procurator who has committed any of the following acts shall be given sanctions; if the case constitutes a crime, he or she shall be investigated for criminal responsibility in accordance with law:

（一）贪污受贿、徇私枉法、刑讯逼供的；

1. Where he embezzles or takes bribes, bends the law for personal gain, or extorts a confession by torture;

（二）隐瞒、伪造、变造、故意损毁证据、案件材料的；

2. Where the evidence or case materials are concealed, forged, altered or damaged on purpose;

（三）泄露国家秘密、检察工作秘密、商业秘密或者个人隐私的；

(III) Divulging state secrets, procuratorial secrets, trade secrets or personal privacy;

（四）故意违反法律法规办理案件的；

(IV) Intentionally handling a case in violation of laws and regulations;

（五）因重大过失导致案件错误并造成严重后果的；

(V) causing mistakes and serious consequences due to gross negligence;

（六）拖延办案，贻误工作的；

(VI) To delay the handling of a case so as to affect the work adversely;

（七）利用职权为自己或者他人谋取私利的；

(VII) Seeking personal gains for himself or for others by taking advantage of his position;

（八）接受当事人及其代理人利益输送，或者违反有关规定会见当事人及其代理人的；

(VIII) Where the adjudicating personnel accept the transfer of benefits from the parties to the case or their agents, or meet with the parties to the case or their agents in violation of the relevant provisions;

（九）违反有关规定从事或者参与营利性活动，在企业或者其他营利性组织中兼任职务的；

(IX) he/she engages in or participates in profit-making activities in violation of the relevant provisions, or holds a concurrent post in an enterprise or any other profit-making organization;

（十）有其他违纪违法行为的。

10. Having any other disciplinary breach or law.

检察官的处分按照有关规定办理。

Punishment to procurators shall be given in accordance with relevant regulations.

第四十八条   检察官涉嫌违纪违法，已经被立案调查、侦查，不宜继续履行职责的，按照管理权限和规定的程序暂时停止其履行职务。

Article 48 Where a procurator is suspected of any violation of disciplines or laws and has been put on file for investigation or investigation, making it inappropriate to continue to perform duties, the procurator shall be temporarily suspended from performing duties in accordance with the limit of administrative authority and prescribed procedures.

第四十九条   最高人民检察院和省、自治区、直辖市设立检察官惩戒委员会，负责从专业角度审查认定检察官是否存在本法第四十七条第四项、第五项规定的违反检察职责的行为，提出构成故意违反职责、存在重大过失、存在一般过失或者没有违反职责等审查意见。检察官惩戒委员会提出审查意见后，人民检察院依照有关规定作出是否予以惩戒的决定，并给予相应处理。

Article 49 The Supreme People's Procuratorate and the disciplinary commissions for public procurators of the provinces, autonomous regions and municipalities directly under the Central Government shall be responsible for the review and determination of whether public procurators have committed acts in violation of their procuratorial duties as prescribed in Items 4 and 5 of Article 47 of the Law from a professional perspective and issue examination opinions that have constituted intentional acts in violation of duties, gross negligence, general negligence or no violation of duties. After the procurator disciplinary committee puts forward examination opinions, the people's procuratorate shall make a decision on whether to impose a punishment in accordance with the relevant provisions, and impose a corresponding treatment.

检察官惩戒委员会由检察官代表、其他从事法律职业的人员和有关方面代表组成，其中检察官代表不少于半数。

The procurator disciplinary committee shall be composed of representatives of procurators, personnel engaged in other legal professions and representatives from the relevant fields, among which, representatives of procurators shall be not less than half of the total.

最高人民检察院检察官惩戒委员会、省级检察官惩戒委员会的日常工作，由相关人民检察院的内设职能部门承担。

The daily work of the procurator disciplinary committee of the Supreme People's Procuratorate and the provincial procurator disciplinary committee shall be undertaken by the internal functional departments of relevant people's procuratorates.

第五十条   检察官惩戒委员会审议惩戒事项时，当事检察官有权申请有关人员回避，有权进行陈述、举证、辩解。

Article 50 When a procurator disciplinary committee deliberates on a disciplinary matter, the procurators concerned have the right to apply for the withdrawal of the relevant person, and have the right to make statements, adduce evidence and defend themselves.

第五十一条   检察官惩戒委员会作出的审查意见应当送达当事检察官。当事检察官对审查意见有异议的，可以向惩戒委员会提出，惩戒委员会应当对异议及其理由进行审查，作出决定。

Article 51 The examination opinions given by the procurator disciplinary committee shall be served on the procurator concerned. The procurator concerned who has any objection to the examination opinions may raise the objection to the Disciplinary Commission, which shall examine the objection and the reasons therefor and make a decision.

第五十二条   检察官惩戒委员会审议惩戒事项的具体程序，由最高人民检察院商有关部门确定。

Article 52 The specific procedures for the procurator disciplinary committee to deliberate on disciplinary matters shall be determined by the Supreme People's Procuratorate through consultation with the relevant departments.

第七章 检察官的职业保障

Chapter 7 Job Guarantee for Procurators

第五十三条   人民检察院设立检察官权益保障委员会，维护检察官合法权益，保障检察官依法履行职责。

Article 53 People's procuratorates shall establish a commission for the protection of procurators' rights and interests to safeguard the legitimate rights and interests of procurators and ensure that procurators perform their duties in accordance with the law.

第五十四条   除下列情形外，不得将检察官调离检察业务岗位：

Article 54 No procurators may be transferred from their procuratorial posts except in the following circumstances:

（一）按规定需要任职回避的；

1. Being required to be withdrawn from assuming posts;

（二）按规定实行任职交流的；

(II) practicing the exchange of posts according to the provisions;

（三）因机构调整、撤销、合并或者缩减编制员额需要调整工作的；

(III) having to be transferred due to restructuring of institutions, cancellation, merger or reduction of size of staff;

（四）因违纪违法不适合在检察业务岗位工作的；

(IV) being unfit for the post of procuratorial work for violation of discipline or law; or

（五）法律规定的其他情形。

(V) Other circumstances stipulated by the law arise.

第五十五条   任何单位或者个人不得要求检察官从事超出法定职责范围的事务。

Article 55 No entity or individual may require any procurator to engage in any affairs beyond the scope of his/her statutory duties.

对任何干涉检察官办理案件的行为，检察官有权拒绝并予以全面如实记录和报告；有违纪违法情形的，由有关机关根据情节轻重追究有关责任人员、行为人的责任。

A procurator shall have the right to refuse to accept, and fully and truthfully record and report, any act of interfering with the handling of a case by a procurator; if, in violation of discipline or law, a procurator is found to have committed such an act, the relevant authorities shall, in light of the seriousness of the case, investigate the responsibility of the person or person who is held responsible for the act.

第五十六条   检察官的职业尊严和人身安全受法律保护。

Article 56 The professional dignity and personal safety of procurators shall be protected by law.

任何单位和个人不得对检察官及其近亲属打击报复。

No unit or individual may retaliate against procurators or their close relatives.

对检察官及其近亲属实施报复陷害、侮辱诽谤、暴力侵害、威胁恐吓、滋事骚扰等违法犯罪行为的，应当依法从严惩治。

Any procurators or their close relatives who commit illegal or criminal acts such as retaliation, frame-up, insult or slander, violence, threat, intimidation or harassment shall be severely punished in accordance with the law.

第五十七条   检察官因依法履行职责遭受不实举报、诬告陷害、侮辱诽谤，致使名誉受到损害的，人民检察院应当会同有关部门及时澄清事实，消除不良影响，并依法追究相关单位或者个人的责任。

Article 57 If a procurator is falsely reported, maliciously accused, framed or insulted or defamed when performing his or her duties in accordance with the law, causing damage to his or her reputation, the people's procuratorate shall, in concert with the relevant departments, clarify the facts in a timely manner to eliminate adverse effects, and hold the relevant entities or individuals liable in accordance with the law.

第五十八条   检察官因依法履行职责，本人及其近亲属人身安全面临危险的，人民检察院、公安机关应当对检察官及其近亲属采取人身保护、禁止特定人员接触等必要保护措施。

Article 58 Where the personal safety of a procurator and his or her close relatives is threatened due to his or her performance of duties in accordance with the law, the people's procuratorates and public security organs shall take necessary protective measures for procurators and their close relatives such as personal protection and prohibiting certain persons from contacting them.

第五十九条   检察官实行与其职责相适应的工资制度，按照检察官等级享有国家规定的工资待遇，并建立与公务员工资同步调整机制。

Article 59 A salary system commensurate with the functions and duties of public procurators shall be carried out. Public procurators shall, in accordance with the grades of public procurators, enjoy the salary as prescribed by the State, and a mechanism of adjustment shall be established at the same time as the salary of public servants.

检察官的工资制度，根据检察工作特点，由国家另行规定。

The salary system regarding procurators shall, in light of the characteristics of procuratorial work, be formulated separately by the State.

第六十条   检察官实行定期增资制度。

Article 60 The system under which the salaries of procurators are increased regularly shall be practised.

经年度考核确定为优秀、称职的，可以按照规定晋升工资档次。

The salary grade of a public procurator who has been confirmed through annual appraisal as being excellent or competent may be raised in accordance with relevant provisions.

第六十一条   检察官享受国家规定的津贴、补贴、奖金、保险和福利待遇。

Article 61 Public procurators shall enjoy allowances, subsidies, bonuses, insurance and welfare benefits as prescribed by the State.

第六十二条   检察官因公致残的，享受国家规定的伤残待遇。检察官因公牺牲、因公死亡或者病故的，其亲属享受国家规定的抚恤和优待。

Article 62 A public procurator who is disabled while performing official duties shall enjoy the benefits for the injured and disabled as prescribed by the State. If a procurator dies while performing official duties or dies while performing official duties, his or her relatives shall enjoy pensions and preferential treatment prescribed by the State.

第六十三条   检察官的退休制度，根据检察工作特点，由国家另行规定。

Article 63 The retirement system regarding procurators shall, in light of the characteristics of procuratorial work, be formulated separately by the State.

第六十四条   检察官退休后，享受国家规定的养老金和其他待遇。

Article 64 After retirement public procurators shall enjoy the pension and other benefits as prescribed by the State.

第六十五条   对于国家机关及其工作人员侵犯本法第十一条规定的检察官权利的行为，检察官有权提出控告。

Article 65 If a State organ or any of its functionaries commits an act infringing upon the rights of a public procurator as provided by Article 11 of this Law, the public procurator shall have the right to make a complaint.

第六十六条   对检察官处分或者人事处理错误的，应当及时予以纠正；造成名誉损害的，应当恢复名誉、消除影响、赔礼道歉；造成经济损失的，应当赔偿。对打击报复的直接责任人员，应当依法追究其责任。

Article 66 Where a sanction given to a procurator or a mistake in the handling of personnel affairs is made, it shall be put right without delay; if it has damaged the procurator's reputation, his or her reputation shall be rehabilitated, the ill effects shall be eliminated and an apology shall be made; if it has caused financial losses to the procurator, compensations shall be made. The persons who are directly responsible for retaliation shall be investigated for responsibility according to law.

第八章 附 则

Chapter 8 Supplementary Provisions

第六十七条   国家对初任检察官实行统一法律职业资格考试制度，由国务院司法行政部门商最高人民检察院等有关部门组织实施。

Article 67 The State institutes a uniform judicial examination system for persons to be appointed public procurators for the first time, and the judicial administration department under the State Council shall, after consultation with the Supreme People's Procuratorate and other relevant departments, organize the implementation of the said system.

第六十八条   人民检察院的检察官助理在检察官指导下负责审查案件材料、草拟法律文书等检察辅助事务。

Article 68 Procurator assistants of people's procuratorates shall, under the direction of procurators, take charge of reviewing case files, drafting legal documents and other assistant affairs.

人民检察院应当加强检察官助理队伍建设，为检察官遴选储备人才。

People's procuratorates shall strengthen the building of assistant procurators teams and select and reserve talents for procurators.

第六十九条   有关检察官的权利、义务和管理制度，本法已有规定的，适用本法的规定；本法未作规定的，适用公务员管理的相关法律法规。

Article 69 The provisions of this Law shall be applicable to the rights, duties and management system related to public procurators if there are provisions in this Law; otherwise, the laws and regulations governing the management of public servants shall apply.

第七十条   本法自2019年10月1日起施行。

Article 70 This Law shall come into force on October 1, 2019.