|  |  |  |
| --- | --- | --- |
| 发文机关Promulgator | ：: | 全国人民代表大会常务委员会The Standing Committee of the National People's Congress |
| 发布日期Date of Issue | ：: | 2009.08.272009.08.27 |
| 生效日期Effective Date | ：: | 2009.08.272009.08.27 |
| 时效性Effectiveness | ：: | 现行有效Current |
| 文号No.  | ：: | 主席令第十七号Presidential Decree No. 17 |

# 中华人民共和国人民武装警察法

# People's Armed Police Law of the People's Republic of China

中华人民共和国主席令

Order of the President

第 十七 号

No. 17

《中华人民共和国人民武装警察法》已由中华人民共和国第十一届全国人民代表大会常务委员会第十次会议于２００９年８月２７日通过，现予公布，自公布之日起施行。

The People's Armed Police Law of the People's Republic of China, adopted at the 10th Session of the Standing Committee of the 11th National People's Congress of the People's Republic of China on August 27, 2009, is hereby promulgated with immediate effect.

中华人民共和国主席 胡锦涛

President Hu Jintao

２００９年８月２７日

August 27, 2009 EQUITY PURCHASE AGREEMENT

中华人民共和国人民武装警察法

People's Armed Police Law of the People's Republic of China

（２００９年８月２７日第十一届全国人民代表大会常务委员会第十次会议通过）

(Adopted at the 10th session of the Standing Committee of the 11th National People's Congress on August 27, 2009)

目 录

Contents

　　第一章 总 则

Chapter 1 General Provisions

　　第二章 任务和职责

Chapter 2 Tasks and Responsibilities

　　第三章 义务和权利

Chapter 3 Obligations and Rights

　　第四章 保障措施

Chapter 4 Guarantee Measures

　　第五章 监督检查

Chapter 5 Supervision and Inspection

　　第六章 法律责任

Chapter 6 Legal Liabilities

　　第七章 附 则

Chapter 7 Supplementary Provisions

第一章 总 则

Chapter 1 General Provisions

第一条   为了规范和保障人民武装警察部队依法履行职责，维护国家安全和社会稳定，保护公民、法人和其他组织的合法权益，制定本法。

Article 1 For the purposes of regulating and guaranteeing the legal performance of duties by the PAPF, safeguarding national security and social stability, and protecting the legitimate rights and interests of citizens, legal persons and other organizations, these Measures are formulated.

第二条   人民武装警察部队担负国家赋予的安全保卫任务以及防卫作战、抢险救灾、参加国家经济建设等任务。

Article 2 The PAPF shall undertake the tasks of security safeguarding, defense operations, emergency rescue and disaster relief, and participation in the national economic development, as entrusted by the State.

人民武装警察部队是国家武装力量的组成部分。

The People's Armed Police Force is an integral part of the national armed forces.

第三条   人民武装警察部队由国务院、中央军事委员会领导，实行统一领导与分级指挥相结合的体制。

Article 3 The PAPF shall be led by the State Council and the CMC under the system of combining the unified leadership and command hierarchy.

第四条   人民武装警察部队应当遵守宪法和法律，忠于职守，依照本法和其他有关法律的规定履行职责。

Article 4 The PAPF shall abide by the Constitution and laws, be loyal to their duties, and perform their duties in accordance with the provisions stipulated herein and other applicable laws.

人民武装警察部队依法履行职责的行为受法律保护。

The PAPF's legal performance of duties is protected by the law.

第五条   对在执行任务中作出突出贡献的人民武装警察以及协助人民武装警察执行任务有突出贡献的公民、法人和其他组织，依照有关法律、法规的规定给予表彰和奖励。

Article 5 The people's armed policemen that make prominent contributions while performing a task, as well as citizens, legal persons and other organizations that make outstanding contributions in assisting the people's armed policemen in performing a task shall be commended and awarded in accordance with the provisions of relevant laws and regulations.

第六条   人民武装警察部队实行警衔制度，具体办法由国务院、中央军事委员会规定。

Article 6 The PAPF shall apply a system of ranks for armed policemen, and specific measures shall be formulated by the State Council and the Central Military Commission.

第二章 任务和职责

Chapter 2 Tasks and Responsibilities

第七条   人民武装警察部队执行下列安全保卫任务：

Article 7 The PAPF shall perform the following tasks of security safeguarding,

（一）国家规定的警卫对象、目标和重大活动的武装警卫；

1. Providing armed protection services to protect the security of objects, targets and important activities designated by the State;

（二）关系国计民生的重要公共设施、企业、仓库、水源地、水利工程、电力设施、通信枢纽的重要部位的武装守卫；

(II) Providing armed protection services for important public facilities, enterprises, warehouses, water sources, water conservancy projects, power facilities and important parts of communication centers which are vital to the national economy and the people's livelihood;

（三）主要交通干线重要位置的桥梁、隧道的武装守护；

(III) Providing armed protection services for bridges and tunnels at important positions on main traffic arteries;

（四）监狱和看守所的外围武装警戒；

(IV) Peripheral armed guards of prisons and detention houses;

（五）直辖市，省、自治区人民政府所在地的市，以及其他重要城市的重点区域、特殊时期的武装巡逻；

(V) Performing armed patrol in the municipalities directly under the Central Government, cities where the people's governments of provinces and autonomous regions are located, and key areas of other important cities, and during special periods;

（六）协助公安机关、国家安全机关、司法行政机关、检察机关、审判机关依法执行逮捕、追捕、押解、押运任务，协助其他有关机关执行重要的押运任务；

(VI) Assisting public security organs, national security organs, judicial administrative organs, procuratorial organs and judicial organs in performing tasks of arrest, pursuit and capture, escort and escort in accordance with the law, and assisting other relevant organs in performing important escort tasks;

（七）参加处置暴乱、骚乱、严重暴力犯罪事件、恐怖袭击事件和其他社会安全事件；

(VII) Taking part in dealing with rebellion, riot, serious violent crime, terrorist attack or any other public security event; or

（八）国家赋予的其他安全保卫任务。

(VIII) Undertaking other tasks of security safeguarding entrusted by the State.

第八条   调动、使用人民武装警察部队执行安全保卫任务，应当坚持严格审批、依法用警的原则。具体的批准权限和程序由国务院、中央军事委员会规定。

Article 8 The practice of moving or using the PAPF to perform tasks of security safeguarding shall be subject to the principles of strict examination and approval and legal use of the police force. Specific authority and procedures for approval shall be stipulated by the State Council and the Central Military Commission.

任何单位或者个人不得违反规定调动、使用人民武装警察部队。对违反规定调动、使用人民武装警察部队的，人民武装警察部队应当拒绝执行，并立即向上级报告。

No entity or individual may move or use the PAPF in violation of the relevant provisions. The PAPF shall refuse to implement any deployment or use of the PAPF in violation of the relevant provisions, and promptly report the same to the authority at a higher level.

第九条   执勤目标单位可以对在本单位担负执勤任务的人民武装警察进行执勤业务指导。

Article 9 The target entity to be guarded by the PAPF may give operational guidance to the people's armed policemen who are on guard duties in such entity.

第十条   人民武装警察部队按照县级以上人民政府公安机关的部署执行安全保卫任务，可以采取以下措施：

Article 10 When performing tasks of security safeguarding as arranged by the public security organ under the people's government at or above the county level, the PAPF may take the following measures,

（一）对进出警戒区域的人员、物品、交通工具进行检查，对按照规定不允许进出的，予以阻止；对强行进出的，采取必要措施予以制止；

1. Inspecting the persons, articles and vehicles entering and leaving the security area, and stopping persons, articles and vehicles that are prohibited under the provisions to enter and leave the security area; and taking necessary measures to stop the forced entry and exit of such persons and vehicles;

（二）在武装巡逻中，经现场指挥员同意，对有违法犯罪嫌疑的人员当场进行盘问并查验其证件，对可疑物品和交通工具进行检查；

(II) With the consent of the commander on the scene, the officers shall interrogate any person suspected of having violated laws or committed a crime, check his/her credentials, and inspect the suspicious articles and vehicles during the armed patrol.

（三）协助执行道路交通管制或者现场管制；

(III) assisting in exercising road traffic control or controlling the scene;

（四）对聚众危害社会秩序或者执勤目标安全的，采取必要措施予以制止、驱散；

(IV) Taking necessary measures to stop or disperse crowds that endanger the social order or the safety of the target guarded; or

（五）根据执行任务的需要，向相关单位和人员了解有关情况或者在现场实施必要的侦察。

(V) Learning relevant information from units and individuals concerned or conducting necessary investigation on the spot when it is necessary for performing the task.

第十一条   人民武装警察执行安全保卫任务，发现有下列情形的人员，经现场指挥员同意，应当及时予以控制并移交公安机关、国家安全机关或者其他有管辖权的机关处理：

Article 11 While performing tasks of security safeguarding, the PAPF, upon the approval of the on-duty commander, shall promptly stop the following individuals if any and transfer them to public security organs, security organs of the State or other organs with jurisdiction for handling,

（一）正在实施犯罪的；

1. the person is committing a crime;

（二）通缉在案的；

2. any person who is wanted for arrest;

（三）违法携带危及公共安全的物品的；

(III) Illegally carrying any article that may endanger the public security;

（四）正在实施危害执勤目标安全行为的。

(IV) an individual committing an act that endangers the safety of the target guarded.

第十二条   人民武装警察因执行安全保卫任务的紧急需要，经出示人民武装警察证件，可以优先乘坐公共交通工具；遇交通阻碍时，优先通行。

Article 12 Where the people's armed policemen are required to perform urgent tasks of security safeguarding, they may have priority in taking the means of public transport, after presenting their own credentials for the people's armed police, and have the right of way in the case of a traffic block.

第十三条   人民武装警察部队因执行安全保卫任务的需要，在特别紧急情况下，经现场最高指挥员出示人民武装警察证件，可以临时使用有关单位或者个人的设备、设施、场地、交通工具以及其他物资，使用后应当及时返还，并支付适当费用；造成损失的，按照国家有关规定给予补偿。

Article 13 Where the PAPF is required to perform tasks of security safeguarding and is faced with particularly urgent circumstances, it may temporarily use relevant entities or individuals' equipment, facilities, venues, transport vehicles and other materials, after the on-duty commander has presented his or her credentials for the PAPF, and shall return the used materials and pay an appropriate fee in a timely manner; where any loss is caused, it shall be compensated for in accordance with the relevant provisions of the State.

第十四条   人民武装警察部队协助公安机关、国家安全机关执行逮捕、追捕任务，根据所协助机关的决定，协助搜查犯罪嫌疑人、被告人、罪犯的人身和住所以及涉嫌藏匿犯罪嫌疑人、被告人、罪犯或者违法物品的场所、交通工具等。

Article 14 Where the PAPF assists public security organs and security organs of the State in performing tasks of arrest and pursuit, it shall assist in conducting body searches of criminal suspects, defendants and criminals, and searching their domiciles and other places or transport vehicles where the criminal suspects, defendants, criminals or illegal articles are suspected to be hidden.

第十五条   人民武装警察执行安全保卫任务使用警械和武器，依照人民警察使用警械和武器的有关法律、行政法规的规定执行。

Article 15 The people's armed policemen shall use police implements and weapons in accordance with the relevant laws and administrative regulations on the people's policemen's use of police implements and weapons, while performing tasks of security safeguarding.

第十六条   人民武装警察部队执行防卫作战、抢险救灾、参加国家经济建设等任务，依照有关法律、行政法规和国务院、中央军事委员会的有关规定执行。

Article 16 The PAPF shall perform tasks of conducting defensive operations, dealing with emergencies, providing disaster relief and participating in the national economic development in accordance with applicable laws and administrative regulations and the provisions of the State Council and the CMC.

第三章 义务和权利

Chapter 3 Obligations and Rights

第十七条   人民武装警察执行任务，应当服从命令、听从指挥，不得滥用职权、玩忽职守。

Article 17 While performing tasks, the people's armed policemen shall obey orders and commands, and shall not abuse their powers or neglect their duties.

第十八条   人民武装警察遇到公民人身、财产安全受到侵犯或者处于其他危难情形，应当及时救助。

Article 18 The people's armed policemen shall provide timely aid when a citizen's personal or property safety is infringed upon or in other dangerous situations.

第十九条   人民武装警察不得有下列行为：

Article 19 The people's armed policemen shall not commit any of the following acts,

（一）非法剥夺、限制他人人身自由，非法搜查他人的身体、物品、交通工具、住所、场所；

1. illegally deprive or restrict others' personal freedom, illegally conduct body searches of others, or illegally search others' articles, transport vehicles, domiciles and venues;

（二）包庇、纵容违法犯罪活动；

(II) to cover up or connive at illegal and criminal activities;

（三）泄露国家秘密、军事秘密；

3. to divulge State or military secrets;

（四）其他违法违纪行为。

(IV) other acts in violation of laws or discipline.

第二十条   人民武装警察执行任务，应当按照规定着装，持有人民武装警察证件。

Article 20 The people's armed policemen shall be dressed in accordance with the provisions and hold the credentials for the people's armed policemen while performing tasks.

第二十一条   人民武装警察应当举止文明，礼貌待人，遵守社会公德，尊重公民的宗教信仰和风俗习惯。

Article 21 The people's armed policemen shall behave civilized, be polite, abide by social ethics and respect citizens' religious beliefs, customs and habits.

第二十二条   人民武装警察享有《中华人民共和国国防法》和有关法律、行政法规规定的现役军人的权益。

Article 22 The people's armed policemen shall enjoy the rights and interests granted to servicemen as provided in the Law of the People's Republic of China on National Defense and applicable laws and administrative regulations.

人民武装警察因执行任务伤亡的，按照国家有关军人抚恤优待的规定给予抚恤优待。

In the event that a people's armed policeman is injured or dies when performing a mission, he or she shall be granted pension and preferential treatment according to the provisions of the State on pensions and preferential treatments for servicemen.

第四章 保障措施

Chapter 4 Guarantee Measures

第二十三条   为了保障人民武装警察部队执行安全保卫任务，国务院有关部门、县级以上地方人民政府及其有关部门应当及时向人民武装警察部队总部、驻本行政区域的人民武装警察部队通报有关社会治安形势以及突发事件的情况。

Article 23 For the purposes of securing the PAPF's efforts in performing tasks of security safeguarding, the related departments of the State Council, the local people's governments at or above the county level, and their related departments shall promptly notify the headquarters of the PAPF and the PAPF stationed in their administrative regions of the situations concerning public security and the particulars on emergencies.

第二十四条   人民武装警察部队执行安全保卫任务，公民、法人和其他组织应当给予必要的支持和协助。

Article 24 Citizens, legal persons and other organizations of the PAPF shall give necessary support and assistance while performing tasks of security safeguarding.

公民、法人和其他组织对人民武装警察部队执行安全保卫任务给予协助的行为受法律保护。

The act of a citizen, legal person or other organization to assist the PAPF in performing tasks of security safeguarding is protected by the law.

第二十五条   公民、法人和其他组织协助人民武装警察部队执行任务造成人身伤亡和财产损失的，按照国家有关规定给予抚恤优待和补偿。

Article 25 Any citizen, legal person or other organization that suffers injury, death or property losses while assisting the PAPF in performing its tasks shall be granted a pension, preferential treatment and compensation in accordance with the relevant provisions of the State.

第二十六条   人民武装警察部队执行国家赋予的安全保卫任务及相关建设所需经费，列入中央和县级以上地方财政预算，按照国家有关规定给予保障。

Article 26 Funds needed by the PAPF to perform tasks of security safeguarding and carry out relevant construction activities as entrusted by the State shall be included in the central and local financial budgets at or above the county level, and be secured in accordance with the relevant provisions of the State.

第二十七条   执勤目标单位及其上级主管部门应当按照国家有关规定，为担负执勤任务的人民武装警察部队提供执勤设施、生活设施等必要的保障。

Article 27 The target entity to be guarded by the PAPF as well as its superior authority shall, in accordance with the relevant provisions of the State, provide the PAPF shouldering tasks of performing guard duties with indispensable facilities for performing guard duties, living facilities and other necessary guarantees.

第二十八条   在有毒、粉尘、辐射、噪声等严重污染或者高温、低温、缺氧以及其他恶劣环境下的执勤目标单位执行安全保卫任务的人民武装警察，享有与执勤目标单位工作人员同等的保护条件和福利补助，并由执勤目标单位或者其上级主管部门给予保障。

Article 28 The people's armed policemen who perform tasks of security safeguarding for the guarded target entity where they are exposed to poisons, dust, radiation, noise and other severe pollutants, or high temperature, low temperature, oxygen-deficiency or any other harsh environment shall enjoy the same protection conditions and welfare subsidies as those of employees in such target entity. The guarded target entity or its superior authority shall ensure such conditions and subsidies.

第二十九条   人民武装警察部队应当根据执行任务的需要，加强对所属人民武装警察的教育和训练，提高依法执行任务的能力。

Article 29 The PAPF shall intensify education and training of its people's armed policemen and improve the ability to legally perform tasks, depending on the requirements of performing tasks.

第五章 监督检查

Chapter 5 Supervision and Inspection

第三十条   人民武装警察执行任务，应当接受人民政府及其有关部门以及公民、法人和其他组织的监督。

Article 30 The people's armed policemen, while performing tasks, shall subject themselves to the supervision of the people's government as well as its related departments, and citizens, legal persons and other organizations.

公民、法人和其他组织对人民武装警察的违法违纪行为，有权向县级以上人民政府及其有关部门或者人民武装警察部队检举、控告。

Citizens, legal persons and other organizations shall have the right to report or accuse the people's armed policemen of acts which violate laws or discipline to the people's governments at or above the county level as well as their related departments or to the PAPF.

第三十一条   县级以上人民政府及其有关部门接到公民、法人和其他组织对人民武装警察违法违纪行为的检举、控告，或者发现人民武装警察在执行任务中有违法违纪行为的，应当及时通报人民武装警察部队。

Article 31 The people's governments at or above the county level as well as their related departments shall promptly notify the PAPF if they receive the report or accusation concerning the people's armed policemen's acts in violation of laws or discipline or find that the people's armed policemen have committed any acts in violation of laws or discipline while performing tasks.

第三十二条   人民武装警察部队接到公民、法人和其他组织的检举、控告，或者接到县级以上人民政府及其有关部门对人民武装警察违法违纪行为的情况通报后，应当及时查处。

Article 32 The PAPF, after receiving the report or accusation from any citizen, legal person or other organization, or a notification from the people's government at or above the county level as well as its related departments about the people's armed policemen's acts in violation of laws or discipline, shall investigate and deal with such acts without delay.

第三十三条   人民武装警察部队应当对所属人民武装警察执行法律、行政法规和遵守纪律的情况进行监督检查。

Article 33 The PAPF shall supervise and inspect its people's armed policemen's efforts in implementing laws and administrative regulations and observing disciplines.

第六章 法律责任

Chapter 6 Legal Liabilities

第三十四条   人民武装警察在执行任务中，不履行职责或者违抗上级决定、命令的，违反规定使用警械、武器的，或者有本法第十九条所列行为之一的，按照中央军事委员会的有关规定给予纪律处分；构成犯罪的，依法追究刑事责任。

Article 34 Where a people's armed policeman fails to perform his or her duties, disobeys decisions or orders of his or her superior, uses police implements or weapons in violation of provisions, or commits any act specified in Article 19 herein, he or she shall be subject to disciplinary sanctions in accordance with the relevant provisions of the CMC; where a crime is constituted, his or her criminal liability shall be pursued according to the law.

第三十五条   违反规定调动、使用人民武装警察部队的，对直接负责的主管人员和其他直接责任人员，依法给予处分。

Article 35 Where the PAPF is deployed or used in violation of the relevant provisions, the person directly in charge and other directly liable persons will be punished according to the law.

第三十六条   公民、法人或者其他组织妨碍人民武装警察依法执行任务，有违反治安管理行为的，由公安机关依法给予治安管理处罚；构成犯罪的，依法追究刑事责任。

Article 36 Where a citizen, legal person or other organization obstructs the people's armed policemen from performing their tasks in accordance with the law and commits an act against the public security administration, the public security organ shall impose a penalty for the violation of public security administration in accordance with the law; if a crime is constituted, criminal liability shall be pursued in accordance with the law.

第七章 附 则

Chapter 7 Supplementary Provisions

第三十七条   人民武装警察部队执行戒严任务，依照《中华人民共和国戒严法》的有关规定执行。

Article 37 The PAPF shall perform martial law tasks in accordance with the relevant provisions of the Martial Law of the People's Republic of China.

第三十八条   本法自公布之日起施行。

Article 38 This Law shall go into effect as of the date of promulgation.