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| --- | --- | --- |
| 发文机关  Promulgator | ：  : | 全国人民代表大会  National People 's Congress |
| 发布日期  Date of Issue | ：  : | 2017.11.04  2017.11.04 |
| 生效日期  Effective Date | ：  : | 2017.11.04  2017.11.04 |
| 时效性  Effectiveness | ：  : | 现行有效  Current |

# 中华人民共和国刑法（2017修正）

# THE CRIMINAL LAW OF THE PEOPLE’S REPUBLIC OF CHINA (2017 AMENDMENT)

中华人民共和国刑法

Criminal Law of the People’s Republic of China

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第一编 总则

Part I General Provisions

第一章 **刑法**的任务、基本原则和适用范围

Chapter 1 Aim, Basic Principles and Scope of Application of Criminal Law

第一条   【立法宗旨】为了惩罚犯罪，保护人民，根据宪法，结合我国同犯罪作斗争的具体 经验及实际情况，制定本法。

Article 1 [Legislative Purpose] In order to punish crimes and protect the people, this Law is formulated according to the Constitution and in light of the specific experience and actual conditions of our country in fighting against crimes.

第二条   【本法任务】中华人民共和国刑法的任务，是用刑罚同一切犯罪行为作斗争，以保卫国家安全，保卫人民民主专政的政权和社会主义制度，保护国有财产和劳动群众集体所有的财产，保护公民私人所有的财产，保护公民的人身权利、民主权利和其他权利，维护社会秩序、经济秩序，保障社会主义建设事业的顺利进行。

Article 2 The aim of the Criminal Law of the People's Republic of China is to use criminal punishments to fight against all criminal acts in order to safeguard security of the State, to defend the State power of the people's democratic dictatorship and the socialist system, to protect property owned by the State, and property collectively owned by the working people and property privately owned by citizens, to protect citizens' rights of the person and their democratic and other rights, to maintain public and economic order, and to ensure the smooth progress of socialist construction.

第三条   【罪刑法定】法律明文规定为犯罪行为的，依照法律定罪处刑；法律没有明文规定为犯罪行为的，不得定罪处刑。

Article 3 [Statutory Punishment for Crimes] Where the law explicitly provides that an act is a crime, the person shall be convicted and punished in accordance with the law; otherwise, he shall not be convicted or punished.

第四条   【适用刑法人人平等】对任何人犯罪，在适用法律上一律平等。不允许任何人有超越法律的特权。

Article 4 [Equality for All in the Application of the Criminal Law] The law shall be equally applied to any person who commits a crime. No one is allowed to have the privilege of transcending the law.

第五条   【罪责刑相适应】刑罚的轻重，应当与犯罪分子所犯罪行和承担的刑事责任相适应。

Article 5 [Suitability of penalty for crime and liability] The degree of penalty shall be appropriate with the crime committed and the criminal liability to be borne by the offender.

第六条   【属地管辖权】凡在中华人民共和国领域内犯罪的，除法律有特别规定的以外，都适用本法。

Article 6 This Law shall be applicable to anyone who commits a crime within the territory and territorial jurisdiction of the People's Republic of China, except as otherwise specifically provided by law.

凡在中华人民共和国船舶或者航空器内犯罪的，也适用本法。

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

犯罪的行为或者结果有一项发生在中华人民共和国领域内的，就认为是在中华人民共和国领域内犯罪。

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

第七条   【属人管辖权】中华人民共和国公民在中华人民共和国领域外犯本法规定之罪的，适用本法，但是按本法规定的最高刑为三年以下有期徒刑的，可以不予追究。

Article 7 This Law shall be applicable to any citizen of the People's Republic of China who commits a crime prescribed herein outside the territory and territorial waters and space of the People's Republic of China; however, if the maximum punishment to be imposed is fixed-term imprisonment of not more than three years as stipulated herein, he may be exempted from the investigation for his criminal liability.

中华人民共和国国家工作人员和军人在中华人民共和国领域外犯本法规定之罪的，适用本法。

This Law shall be applicable to any State functionary or serviceman who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China.

第八条   【保护管辖权】外国人在中华人民共和国领域外对中华人民共和国国家或者公民犯罪，而按本法规定的最低刑为三年以上有期徒刑的，可以适用本法，但是按照犯罪地的法律不受处罚的除外。

Article 8 [Jurisdiction over protection] This Law may apply to any foreigner who commits a crime outside the territory and territorial waters and space of the People's Republic of China against the State of the People's Republic of China or any of its citizens, for which the minimum punishment stipulated in this Law is fixed-term imprisonment of not less than three years, except that no punishment is imposed according to the laws of the place where the crime is committed.

第九条   【普遍管辖权】对于中华人民共和国缔结或者参加的国际条约所规定的罪行，中华人民共和国在所承担条约义务的范围内行使刑事管辖权的，适用本法。

Article 9 [Universal jurisdiction] This Law shall apply to the crimes stipulated in the international treaties concluded or acceded to by the People's Republic of China, for which the People's Republic of China exercises criminal jurisdiction within the scope of obligations, prescribed in these treaties.

第十条   【对外国刑事判决的消极承认】凡在中华人民共和国领域外犯罪，依照本法应当负刑事责任的，虽然经过外国审判，仍然可以依照本法追究，但是在外国已经受过刑罚处罚的，可以免除或者减轻处罚。

Article 10 Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to this Law he should bear criminal responsibility, may still be investigated for his criminal responsibility according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in the foreign country, he may be exempted from punishment or given a mitigated punishment.

第十一条   【外交代表刑事管辖豁免】享有外交特权和豁免权的外国人的刑事责任，通过外交途径解决。

Article 11 【Criminal Jurisdiction Immunity of Diplomatic Agents】 The criminal liability of foreigners who enjoy diplomatic privileges and immunities shall be resolved through diplomatic channels.

第十二条   【刑法溯及力】中华人民共和国成立以后本法施行以前的行为，如果当时的法律不认为是犯罪的，适用当时的法律；如果当时的法律认为是犯罪的，依照本法总则第四章第八节的规定应当追诉的，按照当时的法律追究刑事责任，但是如果本法不认为是犯罪或者处刑较轻的，适用本法。

Article 12 If an act committed after the establishment of the People's Republic of China and before the implementation of this Law was not deemed a crime under the laws at the time, those laws shall apply. If the act was deemed a crime under the laws in force at the time and is subject to prosecution under the provisions of Section 8, Chapter IV of the General Provisions of this Law, criminal liability shall be investigated in accordance with those laws. However, if according to this Law the act is not deemed a crime or is subject to a lighter punishment, this Law shall apply.

本法施行以前，依照当时的法律已经作出的生效判决，继续有效。

Before the entry into force of this Law, any judgment that has been made and has become effective according to the laws at the time shall remain valid.

第二章 犯罪

Chapter 2 Crimes

第一节 犯罪和刑事责任

Section 1 Crime and Criminal Liability

第十三条   【犯罪概念】一切危害国家主权、领土完整和安全，分裂国家、颠覆人民民主专政的政权和推翻社会主义制度，破坏社会秩序和经济秩序，侵犯国有财产或者劳动群众集体所有的财产，侵犯公民私人所有的财产，侵犯公民的人身权利、民主权利和其他权利，以及其他危害社会的行为，依照法律应当受刑罚处罚的，都是犯罪，但是情节显著轻微危害不大的，不认为是犯罪。

Article 13 [Concept of crimes] A crime refers to any act that endangers the sovereignty, territorial integrity and security of the State, splits the State, subverts the State power of the people's democratic dictatorship and overthrows the socialist system, undermines social and economic order, infringes upon State-owned property or property collectively owned by the working people, infringes upon the private property owned by citizens, infringes upon the citizens' rights of the person, democratic rights and other rights, and any other act that endangers the society and is subject to punishment according to law. However, if the circumstances are obviously minor and the harm done is not serious, the act shall not be considered a crime.

第十四条   【故意犯罪】明知自己的行为会发生危害社会的结果，并且希望或者放任这种结果发生，因而构成犯罪的，是故意犯罪。

Article 14 An intentional crime refers to an act committed by a person who clearly knows that his act will entail harmful consequences to society but who wishes or allows such consequences to occur, thus constituting a crime.

故意犯罪，应当负刑事责任。

Criminal responsibility shall be borne for intentional crimes.

第十五条   【过失犯罪】应当预见自己的行为可能发生危害社会的结果，因为疏忽大意而没有预见，或者已经预见而轻信能够避免，以致发生这种结果的，是过失犯罪。

Article 15 A negligent crime refers to an act committed by a person who should have foreseen that his act would possibly entail harmful consequences to society but who fails to do so due to his negligence or, having foreseen the consequences, readily believes that they can be avoided, so that the consequences do occur.

过失犯罪，法律有规定的才负刑事责任。

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

第十六条   【不可抗力和意外事件】行为在客观上虽然造成了损害结果，但是不是出于故意或者过失，而是由于不能抗拒或者不能预见的原因所引起的，不是犯罪。

Article 16 An act is not a crime if it objectively results in harmful consequences due to irresistible or unforeseeable causes rather than intent or negligence.

第十七条   【刑事责任年龄】已满十六周岁的人犯罪，应当负刑事责任。

Article 17 [Age of Criminal Liability] A person reaching the age of 16 shall bear criminal liability.

已满十四周岁不满十六周岁的人，犯故意杀人、故意伤害致人重伤或者死亡、强奸、抢劫、贩卖毒品、放火、爆炸、投放危险物质罪的，应当负刑事责任。

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

已满十四周岁不满十八周岁的人犯罪，应当从轻或者减轻处罚。

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

因不满十六周岁不予刑事处罚的，责令他的家长或者监护人加以管教；在必要的时候，也可以由政府收容教养。

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 be taken in by the government for rehabilitation.

第十七条之一 【刑事责任年龄】已满七十五周岁的人故意犯罪的，可以从轻或者减轻处罚；过失犯罪的，应当从轻或者减轻处罚。

Article 17a [Age of Criminal Liability] A person attaining the age of 75 may be given a lighter or mitigated penalty if he commits an intentional crime; or shall be given a lighter or mitigated penalty if he commits a negligent crime.

第十八条   【特殊人员的刑事责任能力】精神病人在不能辨认或者不能控制自己行为的时候造成危害结果，经法定程序鉴定确认的，不负刑事责任，但是应当责令他的家属或者监护人严加看管和医疗；在必要的时候，由政府强制医疗。

Article 18 Where a mental patient causes harmful consequences at a time when he is unable to recognize or control his own conduct, if the consequences are appraised and confirmed through statutory procedures, he shall not bear criminal liability, but his family members or guardian shall be ordered to keep him under strict watch and control and arrange for his medical treatment. When necessary, the government may compel him to receive medical treatment.

间歇性的精神病人在精神正常的时候犯罪，应当负刑事责任。

An intermittent mentally ill person who commits a crime when he is mentally normal shall bear criminal responsibility.

尚未完全丧失辨认或者控制自己行为能力的精神病人犯罪的，应当负刑事责任，但是可以从轻或者减轻处罚。

If a mental patient who has not completely lost the ability of recognizing or controlling his own conduct commits a crime, he shall bear criminal responsibility; however, he may be given a lighter or mitigated punishment.

醉酒的人犯罪，应当负刑事责任。

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

第十九条   【又聋又哑的人或盲人犯罪的刑事责任】又聋又哑的人或者盲人犯罪，可以从轻、减轻或者免除处罚。

Article 19 Any deaf-mute or blind person who commits a crime may be given a lighter or mitigated punishment or be exempted from punishment.

第二十条   【正当防卫】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在进行的不法侵害，而采取的制止不法侵害的行为，对不法侵害人造成损害的，属于正当防卫，不负刑事责任。

Article 20 [Justifiable defense] An act that a person commits to stop an unlawful infringement in order to prevent the interests of the State and the public, or his own or other person's rights of the person, property or other rights from being infringed upon by the on-going infringement, thus harming the perpetrator, is justifiable defense, and he shall not bear criminal liability.

正当防卫明显超过必要限度造成重大损害的，应当负刑事责任，但是应当减轻或者免除处罚。

If a person's act of justifiable defense obviously exceeds the limits of necessity and causes serious damage, he shall bear criminal responsibility; however, he shall be given a mitigated punishment or be exempted from punishment.

对正在进行行凶、杀人、抢劫、强奸、绑架以及其他严重危及人身安全的暴力犯罪，采取防卫行为，造成不法侵害人伤亡的，不属于防卫过当，不负刑事责任。

If a person acts in defence against an on-going assault, murder, robbery, rape, kidnap or any other crime of violence that seriously endangers his personal safety, thus causing injury or death to the perpetrator of the unlawful act, it is not undue defence, and he shall not bear criminal responsibility.

第二十一条   【紧急避险】为了使国家、公共利益、本人或者他人的人身、财产和其他权利免受正在发生的危险，不得已采取的紧急避险行为，造成损害的，不负刑事责任。

Article 21 Where a person is compelled to commit an act in an emergency to avert an immediate danger to the interests of the State or the public, or his own or another person's rights of the person, property or other rights, thus causing damage, he shall not bear criminal liability.

紧急避险超过必要限度造成不应有的损害的，应当负刑事责任，但是应当减轻或者免除处罚。

If the act committed by a person in an emergency to avert danger exceeds the limits of necessity and causes undue damage, he shall bear criminal responsibility; however, he shall be given a mitigated punishment or be exempted from punishment.

第一款中关于避免本人危险的规定，不适用于职务上、业务上负有特定责任的人。

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

第二节 犯罪的预备、未遂和中止

Section 2 Preparation for, Attempt at and Discontinuation of a Crime

第二十二条   【犯罪预备】为了犯罪，准备工具、制造条件的，是犯罪预备。

Article 22 Preparation for a crime refers to the preparation of the instruments or the creation of the conditions for a crime.

对于预备犯，可以比照既遂犯从轻、减轻处罚或者免除处罚。

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

第二十三条   【犯罪未遂】已经着手实行犯罪，由于犯罪分子意志以外的原因而未得逞的，是犯罪未遂。

Article 23 [Criminal attempt] A criminal attempt refers to a case where an offender has already started to commit a crime but is prevented from completing it for reasons independent of his will.

对于未遂犯，可以比照既遂犯从轻或者减轻处罚。

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

第二十四条   【犯罪中止】在犯罪过程中，自动放弃犯罪或者自动有效地防止犯罪结果发生的，是犯罪中止。

Article 24 [Discontinuation of a crime] Discontinuation of a crime refers to a case where, in the course of committing a crime, the offender voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring.

对于中止犯，没有造成损害的，应当免除处罚；造成损害的，应当减轻处罚。

An offender who discontinues a crime shall, if no damage is caused, be exempted from punishment or, if any damage is caused, be given a mitigated punishment.

第三节 共同犯罪

Section 3: Joint offence

第二十五条   【共同犯罪的概念】共同犯罪是指二人以上共同故意犯罪。

Article 25 [Definition of joint crime] A joint crime refers to an intentional crime committed by two or more persons jointly.

二人以上共同过失犯罪，不以共同犯罪论处；应当负刑事责任的，按照他们所犯的罪分别处罚。

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

第二十六条   【主犯】组织、领导犯罪集团进行犯罪活动的或者在共同犯罪中起主要作用的，是主犯。

Article 26 [Principal criminal] A principal criminal refers to any person who organizes and leads a criminal group in carrying out criminal activities or plays a principal role in a joint crime.

三人以上为共同实施犯罪而组成的较为固定的犯罪组织，是犯罪集团。

A criminal group refers to a relatively stable criminal organization formed by three or more persons for the purpose of committing crimes jointly.

对组织、领导犯罪集团的首要分子，按照集团所犯的全部罪行处罚。

Any ringleader who organizes or leads a criminal group shall be punished on the basis of all the crimes that the criminal group has committed.

对于第三款规定以外的主犯，应当按照其所参与的或者组织、指挥的全部犯罪处罚。

Any principal criminal not included in Paragraph 3 shall be punished on the basis of all the crimes that he participates in or that he organizes or directs.

第二十七条   【从犯】在共同犯罪中起次要或者辅助作用的，是从犯。

Article 27 An accomplice refers to any person who plays a secondary or auxiliary role in a joint crime.

对于从犯，应当从轻、减轻处罚或者免除处罚。

An accomplice shall be given a lighter or mitigated punishment or be exempted from punishment.

第二十八条   【胁从犯】对于被胁迫参加犯罪的，应当按照他的犯罪情节减轻处罚或者免除处罚。

Article 28 [Accomplice under duress] Anyone who is coerced to participate in a crime shall be given a mitigated punishment or be exempted from punishment according to the circumstances of the crime he commits.

第二十九条   【教唆犯】教唆他人犯罪的，应当按照他在共同犯罪中所起的作用处罚。教唆不满十八周岁的人犯罪的，应当从重处罚。

Article 29 Anyone who instigates another to commit a crime shall be punished according to the role he plays in a joint crime. Anyone who instigates a person under the age of 18 to commit a crime shall be given a heavier punishment.

如果被教唆的人没有犯被教唆的罪，对于教唆犯，可以从轻或者减轻处罚。

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

第四节 单位犯罪

Section 4 unit crime

第三十条   【单位负刑事责任的范围】公司、企业、事业单位、机关、团体实施的危害社会的行为，法律规定为单位犯罪的，应当负刑事责任。

Article 30 Where any company, enterprise, public institution, government organ, or organization commits an act that endangers society, which is prescribed by law as a crime committed by an entity, it shall bear criminal liability.

第三十一条   【单位犯罪的处罚原则】单位犯罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员判处刑罚。本法分则和其他法律另有规定的，依照规定。

Article 31 Where a unit commits a crime, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be given criminal punishment. Where it is otherwise provided for in the Specific Provisions of this Law or in other laws, such provisions shall prevail.

第三章 刑罚

Chapter 3 Punishments

第一节 刑罚的种类

Section 1 Types of Penalties

第三十二条   【主刑和附加刑】刑罚分为主刑和附加刑。

Article 32 [Principal punishments and supplementary punishments] Punishments are divided into principal punishments and supplementary punishments.

第三十三条   【主刑种类】主刑的种类如下：

Article 33 [Principal punishments] The principal punishments are as follows:

（一）管制；

1. Control;

（二）拘役；

2. Criminal detention;

（三）有期徒刑；

(III) fixed-term imprisonment;

（四）无期徒刑；

4. life imprisonment; and

（五）死刑。

(V) The death penalty.

第三十四条   【附加刑种类】附加刑的种类如下：

Article 34 [Types of Additional Penalties] Additional penalties are as follows:

（一）罚金；

1. fines;

（二）剥夺政治权利；

2. deprivation of political rights; and

（三）没收财产。

(III) confiscation of property.

附加刑也可以独立适用。

Additional penalties can also be applied independently.

第三十五条   【驱逐出境】对于犯罪的外国人，可以独立适用或者附加适用驱逐出境。

Article 35 [Deportation] Deportation may be imposed independently or supplementarily to a foreigner who commits a crime.

第三十六条   【赔偿经济损失与民事优先原则】由于犯罪行为而使被害人遭受经济损失的，对犯罪分子除依法给予刑事处罚外，并应根据情况判处赔偿经济损失。

Article 36 [Compensating for economic losses and giving priority to civil affairs] Where a victim suffers economic losses due to a criminal act, the criminal shall, in addition to being given criminal punishment in accordance with the law, be sentenced to compensation for the economic losses in light of the circumstances.

承担民事赔偿责任的犯罪分子，同时被判处罚金，其财产不足以全部支付的，或者被判处没收财产的，应当先承担对被害人的民事赔偿责任。

If a criminal who is liable for civil compensation is sentenced to a fine at the same time but his property is not sufficient to pay both the compensation and the fine, or if he is sentenced to confiscation of property at the same time, he shall, first of all, bear his liability for civil compensation to the victim.

第三十七条   【非刑罚性处置措施】对于犯罪情节轻微不需要判处刑罚的，可以免予刑事处罚，但是可以根据案件的不同情况，予以训诫或者责令具结悔过、赔礼道歉、赔偿损失，或者由主管部门予以行政处罚或者行政处分。

Article 37 [Non-criminal punishment measures] If the circumstances of a person's crime are minor and do not require criminal punishment, he may be exempted from criminal punishment, provided that he may, depending on the different circumstances of the case, be reprimanded or ordered to make a statement of repentance, offer an apology or pay compensation for the losses, or be subjected to administrative penalty or administrative sanctions by the competent department.

第三十七条之一　【禁业规定】因利用职业便利实施犯罪，或者实施违背职业要求的特定义务的犯罪被判处刑罚的，人民法院可以根据犯罪情况和预防再犯罪的需要，禁止其自刑罚执行完毕之日或者假释之日起从事相关职业，期限为三年至五年。

Article 37a [Prohibition of business] If a criminal is sentenced due to a crime committed by taking advantage of his profession or a crime committed in violation of the specific obligations required by his profession, a people's court may, in light of the circumstances of the crime and the need for prevention of further crime, prohibit him from engaging in the relevant profession within a term of three to five years from the date when the criminal penalty ends or the date when he is released on parole.

被禁止从事相关职业的人违反人民法院依照前款规定作出的决定的，由公安机关依法给予处罚；情节严重的，依照本法第三百一十三条的规定定罪处罚。

If a person who is prohibited from engaging in the relevant profession violates the decision of a people's court made in accordance with the preceding paragraph, the person shall be subject to punishment by the public security organ and, if the circumstances are serious, shall be convicted and punished in accordance with Article 313 hereof.

其他法律、行政法规对其从事相关职业另有禁止或者限制性规定的，从其规定。

If there are other prohibitive or restrictive provisions in any other law or administrative regulation on the person's engagement in the relevant profession, such provisions shall prevail.

第二节 管制

Section 2 Control

第三十八条   【管制的期限与执行机关】管制的期限，为三个月以上二年以下。

Article 38 [Term of Control and Enforcing Authority] The term of Control shall be not less than three months but not more than two years.

判处管制，可以根据犯罪情况，同时禁止犯罪分子在执行期间从事特定活动，进入特定区域、场所，接触特定的人。

In light of the crime committed, a convict sentenced to public surveillance may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during the term of execution.

对判处管制的犯罪分子，依法实行社区矫正。

Criminals sentenced to control shall be subject to community correction according to law.

违反第二款规定的禁止令的，由公安机关依照《中华人民共和国治安管理处罚法》的规定处罚。

Whoever violates a restraining order as provided for in paragraph 2 shall be punished in accordance with the Law of the People 's Republic of China on Public Security Administration Punishments.

第三十九条   【被管制罪犯的义务与权利】被判处管制的犯罪分子，在执行期间，应当遵守下列规定：

Article 39 [Obligations and rights of criminals under public surveillance] Criminals sentenced to public surveillance shall observe the following provisions during the term of execution:

（一）遵守法律、行政法规，服从监督；

1. to observe the laws and administrative rules and regulations, and submit to supervision;

（二）未经执行机关批准，不得行使言论、出版、集会、结社、游行、示威自由的权利；

(II) exercise no right of freedom of speech, of the press, of assembly, of association, of procession or of demonstration without the approval of the organ executing the public surveillance;

（三）按照执行机关规定报告自己的活动情况；

(III) report on his own activities as required by the organ executing the public surveillance;

（四）遵守执行机关关于会客的规定；

(IV) observe the regulations for receiving visitors provided by the organ executing the public surveillance; and

（五）离开所居住的市、县或者迁居，应当报经执行机关批准。

(V) report to obtain approval from the executing organ for any departure from the city or county he lives in or for any change in residence.

对于被判处管制的犯罪分子，在劳动中应当同工同酬。

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

第四十条   【管制期满解除】被判处管制的犯罪分子，管制期满，执行机关应即向本人和其所在单位或者居住地的群众宣布解除管制。

Article 40 [Termination upon Expiration of Control] Upon the expiration of control, the executing organ shall immediately announce the termination of control to the criminal sentenced to control and his work unit or the people of the place where he resides.

第四十一条   【管制刑期的计算和折抵】管制的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押一日折抵刑期二日。

Article 41 [Calculation of and Offset Against a Term under Control] A term under control shall be calculated as of the date on which the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be considered two days of the term sentenced.

第三节 拘役

Section 3 Criminal Detention

第四十二条   【拘役的期限】拘役的期限，为一个月以上六个月以下。

Article 42 [Term of Criminal Detention] The term of criminal detention shall be not less than one month but not more than six months.

第四十三条   【拘役的执行】被判处拘役的犯罪分子，由公安机关就近执行。

Article 43 [Execution of Criminal Detention] Where a criminal is sentenced to criminal detention, the sentence shall be executed by the public security organ in the vicinity.

在执行期间，被判处拘役的犯罪分子每月可以回家一天至两天；参加劳动的，可以酌量发给报酬。

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

第四十四条   【拘役刑期的计算和折抵】拘役的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押一日折抵刑期一日。

Article 44 [Calculation of Term of Criminal Detention and Subtraction] A term of criminal detention shall be calculated as of the date on which the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be calculated as one day of the term sentenced.

第四节 有期徒刑、无期徒刑

Section 4 Fixed-term imprisonment and life imprisonment

第四十五条   【有期徒刑的期限】有期徒刑的期限，除本法第五十条、第六十九条规定外，为六个月以上十五年以下。

Article 45 The term of fixed-term imprisonment shall be not less than six months but not more than 15 years, except as stipulated in Articles 50 and 69 of this Law.

第四十六条   【有期徒刑与无期徒刑的执行】被判处有期徒刑、无期徒刑的犯罪分子，在监狱或者其他执行场所执行；凡有劳动能力的，都应当参加劳动，接受教育和改造。

Article 46 Any criminal who is sentenced to fixed-term imprisonment or life imprisonment shall serve his sentence in prison or another place for the execution. Anyone who is able to work shall do so to accept education and reform through labor.

第四十七条   【有期徒刑刑期的计算与折抵】有期徒刑的刑期，从判决执行之日起计算；判决执行以前先行羁押的，羁押一日折抵刑期一日。

Article 47 A term of fixed-term imprisonment is to be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody is to be considered one day of the term sentenced.

第五节 死刑

Section 5 Death Penalty

第四十八条   【死刑、死缓的适用对象及核准程序】死刑只适用于罪行极其严重的犯罪分子。对于应当判处死刑的犯罪分子，如果不是必须立即执行的，可以判处死刑同时宣告缓期二年执行。

Article 48 [Application Objects and Procedures for Approval of Death Sentences and Death Sentences with a Reprieve] Death Sentences shall only apply to criminals who commit extremely serious crimes. If the immediate execution of a criminal punishable by death is not deemed necessary, a two-year suspension of execution may be pronounced simultaneously with the imposition of the death sentence.

死刑除依法由最高人民法院判决的以外，都应当报请最高人民法院核准。死刑缓期执行的，可以由高级人民法院判决或者核准。

All death sentences, except for those that in accordance with law should be decided by the Supreme People's Court, shall be submitted to the Supreme People's Court for verification and approval. Death sentences with a suspension of execution may be decided or approved by a Higher People's Court.

第四十九条   【死刑适用对象的限制】犯罪的时候不满十八周岁的人和审判的时候怀孕的妇女，不适用死刑。

Article 49 A person who has not reached the age of 18 at the time the crime is committed or a woman who is pregnant at the time of trial shall not be sentenced to death.

审判的时候已满七十五周岁的人，不适用死刑，但以特别残忍手段致人死亡的除外。

Death penalty shall not be given to a person attaining the age of 75 at the time of trial, unless he has caused the death of another person by especially cruel means.

第五十条   【死缓变更】判处死刑缓期执行的，在死刑缓期执行期间，如果没有故意犯罪，二年期满以后，减为无期徒刑；如果确有重大立功表现，二年期满以后，减为二十五年有期徒刑；如果故意犯罪，情节恶劣的，报请最高人民法院核准后执行死刑；对于故意犯罪未执行死刑的，死刑缓期执行的期间重新计算，并报最高人民法院备案。

Article 50 [Change in Sentence of Death with a Reprieve] For a criminal sentenced to death with a reprieve, if he does not commit any intentional crime during the period of reprieve, the sentence shall be commuted to life imprisonment upon expiration of the two-year period; if he has indeed rendered major meritorious service, the sentence shall be commuted to fixed-term imprisonment of 25 years upon expiration of the two-year period; if he commits any intentional crime with flagrant circumstances, the death penalty shall be executed upon approval of the Supreme People's Court; if the crime is committed intentionally but the death penalty is not executed, the period of death penalty with reprieve shall be recalculated and the same shall be reported to the Supreme People's Court for record -filing.

对被判处死刑缓期执行的累犯以及因故意杀人、强奸、抢劫、绑架、放火、爆炸、投放危险物质或者有组织的暴力性犯罪被判处死刑缓期执行的犯罪分子，人民法院根据犯罪情节等情况可以同时决定对其限制减刑。

For a recidivist or a convict of murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violence who is sentenced to death with a reprieve, the people's court may, in addition, decide to put restrictions on commutation of his sentence in light of the circumstances of the crime committed.

第五十一条   【死缓期间及减为有期徒刑的刑期计算】死刑缓期执行的期间，从判决确定之日起计算。死刑缓期执行减为有期徒刑的刑期，从死刑缓期执行期满之日起计算。

Article 51 [Calculation of the Period of Suspension of Execution and the Term Commuted to Fixed-term Imprisonment] The period of suspension of execution of death penalty shall be calculated from the date of confirmation of the judgment. The term of a fixed-term imprisonment that is commuted from a death penalty with suspension of execution shall be counted from the date the suspension of execution expires.

第六节 罚金

Section 6 Penalty

第五十二条   【罚金数额的裁量】判处罚金，应当根据犯罪情节决定罚金数额。

Article 52 [Discretion on fine amount] The amount of a fine shall be determined according to the circumstances of the crime.

第五十三条   【罚金的缴纳】罚金在判决指定的期限内一次或者分期缴纳。期满不缴纳的，强制缴纳。对于不能全部缴纳罚金的，人民法院在任何时候发现被执行人有可以执行的财产，应当随时追缴。

Article 53 [Payment of a fine] A fine may be paid in a lump sum or in installments within the time limit specified in the judgment. If a fine is not paid upon expiration, 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.

由于遭遇不能抗拒的灾祸等原因缴纳确实有困难的，经人民法院裁定，可以延期缴纳、酌情减少或者免除。

If a person has true difficulties in paying due to an irresistible disaster or other reasons, the payment of the fine may be postponed, reduced as appropriate or remitted upon ruling by a people's court.

第七节 剥夺政治权利

Section 7 Deprivation of Political Rights

第五十四条   【剥夺政治权利的含义】剥夺政治权利是剥夺下列权利：

Article 54 [Deprivation of political rights] Deprivation of political rights refers to the deprivation of the following rights:

（一）选举权和被选举权；

1. the right to vote and to stand for election;

（二）言论、出版、集会、结社、游行、示威自由的权利；

(II) rights of freedom of speech, of the press, of assembly, of association, of procession and of demonstration;

（三）担任国家机关职务的权利；

3. the right to hold a position in a State organ; and

（四）担任国有公司、企业、事业单位和人民团体领导职务的权利。

(IV) the right to hold a leading position in any State-owned company, enterprise, institution or people's organization.

第五十五条   【剥夺政治权利的期限】剥夺政治权利的期限，除本法第五十七条规定外，为一年以上五年以下。

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

判处管制附加剥夺政治权利的，剥夺政治权利的期限与管制的期限相等，同时执行。

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

第五十六条   【剥夺政治权利的附加、独立适用】对于危害国家安全的犯罪分子应当附加剥夺政治权利；对于故意杀人、强奸、放火、爆炸、投毒、抢劫等严重破坏社会秩序的犯罪分子，可以附加剥夺政治权利。

Article 56 [Supplementary Deprivation of Political Rights and Independent Application] The criminals who endanger national security shall be deprived of political rights as a supplementary punishment; the criminals who seriously undermine the social order by intentional homicide, rape, arson, explosion, poisoning or robbery may be deprived of political rights as a supplementary punishment.

独立适用剥夺政治权利的，依照本法分则的规定。

Where deprivation of political rights is imposed exclusively, the Specific Provisions of this Law shall apply.

第五十七条   【对死刑、无期徒刑罪犯剥夺政治权利的适用】对于被判处死刑、无期徒刑的犯罪分子，应当剥夺政治权利终身。

Article 57 [Application of the Deprivation of Political Rights by Criminals Sentenced to Death or life Imprisonment] A convict sentenced to death or life imprisonment shall be deprived of political rights for life.

在死刑缓期执行减为有期徒刑或者无期徒刑减为有期徒刑的时候，应当把附加剥夺政治权利的期限改为三年以上十年以下。

When a death penalty with a suspension of execution is commuted to a fixed-term imprisonment, or a life imprisonment is commuted to a fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be changed to not less than three years but not more than 10 years.

第五十八条   【剥夺政治权利的刑期计算、效力与执行】附加剥夺政治权利的刑期，从徒刑、拘役执行完毕之日或者从假释之日起计算；剥夺政治权利的效力当然施用于主刑执行期间。

Article 58 A term of deprivation of political rights as a supplementary punishment is to be counted from the date on which imprisonment or criminal detention ends or from the date on which parole begins.

被剥夺政治权利的犯罪分子，在执行期间，应当遵守法律、行政法规和国务院公安部门有关监督管理的规定，服从监督；不得行使本法第五十四条规定的各项权利。

Any criminal who is deprived of his political rights shall, during the period of execution, observe laws, administrative rules and regulations and other regulations governing supervision and control stipulated by the department of public security under the State Council and submit to supervision; he shall not exercise any of the rights listed in Article 54 of this Law.

第八节 没收财产

Section 8 Forfeiture

第五十九条   【没收财产的范围】没收财产是没收犯罪分子个人所有财产的一部或者全部。没收全部财产的，应当对犯罪分子个人及其扶养的家属保留必需的生活费用。

Article 59 [Scope of property confiscated] Confiscation of property refers to part or all of the property personally owned by the criminal. Where confiscation of all the property of a criminal is imposed, the amount necessary for the daily expenses of the criminal himself and the family members supported by him shall be taken out.

在判处没收财产的时候，不得没收属于犯罪分子家属所有或者应有的财产。

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

第六十条   【以没收的财产偿还债务】没收财产以前犯罪分子所负的正当债务，需要以没收的财产偿还的，经债权人请求，应当偿还。

Article 60 Where it is necessary to use part of the confiscated property to repay the legitimate debts that the criminal incurred before his property is confiscated, the debts shall be repaid at the request of the creditors.

第四章 刑罚的具体运用

Chapter 4 Specific Application of Punishments

第一节 量刑

Section 1 Sentencing

第六十一条   【量刑的一般原则】对于犯罪分子决定刑罚的时候，应当根据犯罪的事实、犯罪的性质、情节和对于社会的危害程度，依照本法的有关规定判处。

Article 61 When sentencing a criminal, a punishment shall be meted out according to the facts, nature and circumstances of the crime, the degree of harm done to society and the relevant provisions of this Law.

第六十二条   【从重处罚与从轻处罚】犯罪分子具有本法规定的从重处罚、从轻处罚情节的，应当在法定刑的限度以内判处刑罚。

Article 62 [Heavier punishment and lighter punishment] In the event that the circumstances of a crime require heavier or lighter punishment as stipulated herein, the criminal shall be sentenced to a punishment within the limits of the statutory punishment.

第六十三条   【减轻处罚】犯罪分子具有本法规定的减轻处罚情节的，应当在法定刑以下判处刑罚；本法规定有数个量刑幅度的，应当在法定量刑幅度的下一个量刑幅度内判处刑罚。

Article 63 [Mitigated punishment] Where there is any circumstance of mitigation of punishment, a criminal shall be given a punishment less than the statutory punishment; and where there are two or more ranges of sentencing under this Law, the penalty shall be given within the range next lower to the statutory range.

犯罪分子虽然不具有本法规定的减轻处罚情节，但是根据案件的特殊情况，经最高人民法院核准，也可以在法定刑以下判处刑罚。

In cases where the circumstances of a crime do not warrant a mitigated punishment under the provisions of this Law, however, in the light of the special circumstances of the case, and upon verification and approval of the Supreme People's Court, the criminal may also be sentenced to a punishment less than the prescribed punishment.

第六十四条   【犯罪物品的处理】犯罪分子违法所得的一切财物，应当予以追缴或者责令退赔；对被害人的合法财产，应当及时返还；违禁品和供犯罪所用的本人财物，应当予以没收。没收的财物和罚金，一律上缴国库，不得挪用和自行处理。

Article 64 All money and property illegally obtained by a criminal shall be recovered, or compensation shall be ordered; the lawful property of the victim shall be returned without delay; and contrabands and possessions of the criminal that are used in the commission of the crime shall be confiscated. All the confiscated money and property and fines shall be turned over to the State treasury, and no one may misappropriate or privately dispose of them.

第二节 累犯

Section 2 Recidivists

第六十五条   【一般累犯】被判处有期徒刑以上刑罚的犯罪分子，刑罚执行完毕或者赦免以后，在五年以内再犯应当判处有期徒刑以上刑罚之罪的，是累犯，应当从重处罚，但是过失犯罪和不满十八周岁的人犯罪的除外。

Article 65 [General recidivism] Where a criminal commits another crime punishable by fixed-term imprisonment or heavier penalty within five years after serving his sentence of not less than fixed-term imprisonment or receiving a pardon, he is a recidivist and shall be given a heavier punishment. However, this shall exclude negligent crimes and crimes committed by a person under the age of 18.

前款规定的期限，对于被假释的犯罪分子，从假释期满之日起计算。

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

第六十六条   【特别累犯】危害国家安全犯罪、恐怖活动犯罪、黑社会性质的组织犯罪的犯罪分子，在刑罚执行完毕或者赦免以后，在任何时候再犯上述任一类罪的，都以累犯论处。

Article 66 [Special Recidivism] A criminal who commits any of the above crimes again at any time after serving his sentence or receiving a pardon shall be deemed to have committed a recidivist.

第三节 自首和立功

Section 3 Surrender and Meritorious Service

第六十七条   【自首】犯罪以后自动投案，如实供述自己的罪行的，是自首。对于自首的犯罪分子，可以从轻或者减轻处罚。其中，犯罪较轻的，可以免除处罚。

Article 67 [Voluntary surrender] An offender who voluntarily surrenders after committing the crime and truthfully confesses his crime is voluntary surrender. Any criminal who voluntarily surrenders may be given a lighter or mitigated punishment. The ones whose crimes are relatively minor may be exempted from punishment.

被采取强制措施的犯罪嫌疑人、被告人和正在服刑的罪犯，如实供述司法机关还未掌握的本人其他罪行的，以自首论。

If a criminal suspect or a defendant under compulsory measures or a criminal serving a sentence truthfully confesses his other crimes that the judicial organ does not know, his act shall be regarded as voluntary surrender.

犯罪嫌疑人虽不具有前两款规定的自首情节，但是如实供述自己罪行的，可以从轻处罚；因其如实供述自己罪行，避免特别严重后果发生的，可以减轻处罚。

A criminal suspect who truthfully confesses to his crime may be given a lighter punishment although there is no voluntary surrender as mentioned in the preceding two paragraphs; and may be given a mitigated punishment if any especially serious consequence is avoided for his truthful confession.

第六十八条   【立功】犯罪分子有揭发他人犯罪行为，查证属实的，或者提供重要线索，从而得以侦破其他案件等立功表现的，可以从轻或者减轻处罚；有重大立功表现的，可以减轻或者免除处罚。

Article 68 Where a criminal performs such meritorious services as exposing a criminal act committed by another, which is verified through investigation, or providing important clues for solving other cases, he may be given a lighter or mitigated punishment. If he performs significant meritorious services, he may be given a mitigated punishment or be exempted from punishment.

第四节 数罪并罚

Section 4 Combined Punishment for Several Crimes

第六十九条   【数罪并罚的一般原则】判决宣告以前一人犯数罪的，除判处死刑和无期徒刑的以外，应当在总和刑期以下、数刑中最高刑期以上，酌情决定执行的刑期，但是管制最高不能超过三年，拘役最高不能超过一年，有期徒刑总和刑期不满三十五年的，最高不能超过二十年，总和刑期在三十五年以上的，最高不能超过二十五年。

Article 69 [General principle of combined punishment for several crimes] 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 not more than the sum of the terms for all the crimes but not less than the longest of the terms for the crimes, depending on the circumstances of the crimes. However, the term of control shall not exceed the maximum of three years, the term of criminal detention shall not exceed the maximum of one year, and if the sum of terms of fixed-term imprisonment is less than 35 years, the term shall not exceed 20 years, and if the sum of terms is 35 years or more, the term shall not exceed 25 years.

数罪中有判处有期徒刑和拘役的，执行有期徒刑。数罪中有判处有期徒刑和管制，或者拘役和管制的，有期徒刑、拘役执行完毕后，管制仍须执行。

If, among the crimes, there is a sentence of fixed-term imprisonment or criminal detention, the sentence shall be executed. If, among the crimes, there is any crime for which fixed-term imprisonment and public surveillance are imposed or there is any crime for which criminal detention and public surveillance are imposed, public surveillance shall be applied after the fixed-term imprisonment or criminal detention has been executed.

数罪中有判处附加刑的，附加刑仍须执行，其中附加刑种类相同的，合并执行，种类不同的，分别执行。

If there are accessory penalties imposed for the crimes, the accessory penalties must still be executed. accessory penalties of the same kind shall be executed on a consolidated basis, while those of different kinds shall be executed separately.

第七十条   【判决宣告后发现漏罪的并罚】判决宣告以后，刑罚执行完毕以前，发现被判刑的犯罪分子在判决宣告以前还有其他罪没有判决的，应当对新发现的罪作出判决，把前后两个判决所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。已经执行的刑期，应当计算在新判决决定的刑期以内。

Article 70 If, after a judgment has been pronounced but before the punishment has been completely executed, it is discovered that before the judgment is pronounced the criminal committed another crime for which he is not sentenced, a judgment shall also be rendered for the newly discovered crime; the punishment to be executed shall be determined on the basis of the punishments imposed in the earlier and latest judgments and according to the provisions of Article 69 of this Law. Any portion of the term that has already been served shall count towards fulfilment of the term imposed by the latest judgment.

第七十一条   【判决宣告后又犯新罪的并罚】判决宣告以后，刑罚执行完毕以前，被判刑的犯罪分子又犯罪的，应当对新犯的罪作出判决，把前罪没有执行的刑罚和后罪所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。

Article 71 If, after a judgment has been pronounced but before the punishment has been completely executed, the criminal again commits a crime, another judgment shall be rendered for the newly committed crime; the punishment to be executed shall be determined on the basis of the punishment that remains to be executed for the earlier crime and the punishment imposed for the new crime and according to the provisions of Article 69 of this Law.

第五节 缓刑

Section 5 Probation

第七十二条   【适用条件】对于被判处拘役、三年以下有期徒刑的犯罪分子，同时符合下列条件的，可以宣告缓刑，对其中不满十八周岁的人、怀孕的妇女和已满七十五周岁的人，应当宣告缓刑：

Article 72 [Applicable conditions] Where a convict sentenced to criminal detention or imprisonment of not more than three years meets the following conditions, a probation may be announced, and a probation shall be announced if he is under the age of 18, is pregnant or attains the age of 75:

（一）犯罪情节较轻；

1. The circumstances of the crime are minor;

（二）有悔罪表现；

(II) He shows repentance;

（三）没有再犯罪的危险；

(III) He is not likely to commit any crime again; and

（四）宣告缓刑对所居住社区没有重大不良影响。

(IV) Announcing the probation will not have any major adverse impact on the community where he lives.

宣告缓刑，可以根据犯罪情况，同时禁止犯罪分子在缓刑考验期限内从事特定活动，进入特定区域、场所，接触特定的人。

When probation is announced, in light of the crime committed, the convict may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during probation.

被宣告缓刑的犯罪分子，如果被判处附加刑，附加刑仍须执行。

If a supplementary punishment is imposed on a criminal whose sentence is suspended, the supplementary punishment shall still be executed.

第七十三条   【考验期限】拘役的缓刑考验期限为原判刑期以上一年以下，但是不能少于二个月。

Article 73 [Probation period] The probation period for suspension of criminal detention shall be not less than the term originally decided but not more than one year, provided that it may not be less than two months.

有期徒刑的缓刑考验期限为原判刑期以上五年以下，但是不能少于一年。

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

缓刑考验期限，从判决确定之日起计算。

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

第七十四条   【累犯不适用缓刑】对于累犯和犯罪集团的首要分子，不适用缓刑。

Article 74 [Probation is not applicable to recidivists] Probation is not applicable to recidivists and ringleaders of criminal gangs.

第七十五条   【缓刑犯应遵守的规定】被宣告缓刑的犯罪分子，应当遵守下列规定：

Article 75 [Provisions for criminals on probation] A criminal whose sentence is suspended shall:

（一）遵守法律、行政法规，服从监督；

1. to observe the laws and administrative rules and regulations, and submit to supervision;

（二）按照考察机关的规定报告自己的活动情况；

(II) to report on his own activities as required by the observing organ;

（三）遵守考察机关关于会客的规定；

(III) observe the regulations for receiving visitors stipulated by the observing organ; and

（四）离开所居住的市、县或者迁居，应当报经考察机关批准。

(IV) report to obtain approval from the observing organ for any departure from the city or county he lives in or for any change in residence.

第七十六条   【缓刑的考验及其积极后果】对宣告缓刑的犯罪分子，在缓刑考验期限内，依法实行社区矫正，如果没有本法第七十七条规定的情形，缓刑考验期满，原判的刑罚就不再执行，并公开予以宣告。

Article 76 [Probation for suspension of sentence and its positive consequences] A convict on probation shall be subject to community correction during probation, and if none of the circumstances as set out in Article 77 hereof occurs, the original sentence shall no longer be executed upon expiration of probation, which shall be announced to the public.

第七十七条   【缓刑的撤销及其处理】被宣告缓刑的犯罪分子，在缓刑考验期限内犯新罪或者发现判决宣告以前还有其他罪没有判决的，应当撤销缓刑，对新犯的罪或者新发现的罪作出判决，把前罪和后罪所判处的刑罚，依照本法第六十九条的规定，决定执行的刑罚。

Article 77 [Revocation of probation and treatment] Where, during the probation period for suspension of sentence, a criminal whose sentence is suspended commits a crime again or it is discovered that before the judgment is pronounced, he has committed another crime for which he is not sentenced, the suspension shall be revoked and another judgment rendered for the newly committed or discovered crime; the punishment to be executed shall be decided on the basis of the punishments for the old crime and the new crime and according to the provisions of Article 69 of this Law.

被宣告缓刑的犯罪分子，在缓刑考验期限内，违反法律、行政法规或者国务院有关部门关于缓刑的监督管理规定，或者违反人民法院判决中的禁止令，情节严重的，应当撤销缓刑，执行原判刑罚。

Where a convict on probation violates any provision of laws, administrative regulations or the relevant department of the State Council on probation supervision and management or violates any restraining order in the judgment of the people's court during probation, if the circumstances are serious, the probation shall be revoked and the original sentence shall be executed.

第六节 减刑

Section 6 Commutation of Punishment

第七十八条   【减刑条件与限度】被判处管制、拘役、有期徒刑、无期徒刑的犯罪分子，在执行期间，如果认真遵守监规，接受教育改造，确有悔改表现的，或者有立功表现的，可以减刑；有下列重大立功表现之一的，应当减刑：

Article 78 [Conditions and limits of commutation] Where a convict sentenced to public surveillance, criminal detention, fixed-term imprisonment or life imprisonment earnestly observes prison regulations, accepts education and reform through labor and shows true repentance or renders meritorious service during the enforcement, his sentence may be commuted; if a convict renders any of the following major meritorious services, his sentence shall be commuted:

（一）阻止他人重大犯罪活动的；

1. having stopped a grave criminal activity of another person;

（二）检举监狱内外重大犯罪活动，经查证属实的；

2. informing against major criminal activities conducted inside or outside prison and verified through investigation;

（三）有发明创造或者重大技术革新的；

(III) having made an invention or a major technical innovation;

（四）在日常生产、生活中舍己救人的；

(IV) having risked his or her life to save others in daily production or life;

（五）在抗御自然灾害或者排除重大事故中，有突出表现的；

(V) performing remarkable services in fighting against natural disasters or curbing major accidents; or

（六）对国家和社会有其他重大贡献的。

(VI) making other major contributions to the country and society.

减刑以后实际执行的刑期不能少于下列期限：

After commutation, the actually executed terms shall not be:

（一）判处管制、拘役、有期徒刑的，不能少于原判刑期的二分之一；

1. less than 1/2 of the original term of criminal penalty, if control, criminal detention or fixed-term imprisonment is imposed;

（二）判处无期徒刑的，不能少于十三年；

2. less than 13 years, if life imprisonment is imposed; or

（三）人民法院依照本法第五十条第二款规定限制减刑的死刑缓期执行的犯罪分子，缓期执行期满后依法减为无期徒刑的，不能少于二十五年，缓期执行期满后依法减为二十五年有期徒刑的，不能少于二十年。

(III) less than 25 years if the death penalty with a reprieve imposed on a criminal is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law.

第七十九条   【减刑程序】对于犯罪分子的减刑，由执行机关向中级以上人民法院提出减刑建议书。人民法院应当组成合议庭进行审理，对确有悔改或者立功事实的，裁定予以减刑。非经法定程序不得减刑。

Article 79 [Procedure for Commutation] For commutation of sentence of a criminal, the enforcement authority shall submit to a People's Court at or above intermediate level a written proposal for commutation of sentence. The People's Court shall form a collegial panel for examination and, if the criminal is found to have shown true repentance or performed meritorious services, issue an order of commutation. No punishment shall be commuted without going through legal procedure.

第八十条   【无期徒刑减刑的刑期计算】无期徒刑减为有期徒刑的刑期，从裁定减刑之日起计算。

Article 80 [Calculation of the Term for Commutation of Life Imprisonment] A term of fixed-term imprisonment that is commuted from life imprisonment is calculated from the date of the ruling of commutation.

第七节 假释

Section 7 Parole

第八十一条   【假释的适用条件】被判处有期徒刑的犯罪分子，执行原判刑期二分之一以上，被判处无期徒刑的犯罪分子，实际执行十三年以上，如果认真遵守监规，接受教育改造，确有悔改表现，没有再犯罪的危险的，可以假释。如果有特殊情况，经最高人民法院核准，可以不受上述执行刑期的限制。

Article 81 [Conditions for application of parole] Where a criminal sentenced to fixed-term imprisonment has served not less than half of the term of his original sentence, or a criminal sentenced to life imprisonment has actually served not less than 13 years of imprisonment, he may be paroled if he earnestly observes prison regulations, accepts education and reform through labor, shows true repentance and is not likely to commit any crime again. Under special circumstances, with the approval of the Supreme People's Court, a parole may be granted without regard to the above restrictions on the term served.

对累犯以及因故意杀人、强奸、抢劫、绑架、放火、爆炸、投放危险物质或者有组织的暴力性犯罪被判处十年以上有期徒刑、无期徒刑的犯罪分子，不得假释。

No parole shall be granted to a recidivist or a convict sentenced to imprisonment of not less than 10 years or life imprisonment for murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violent crime.

对犯罪分子决定假释时，应当考虑其假释后对所居住社区的影响。

When a parole decision is made on a convict, the impact of his release on parole on the community where he lives shall be considered.

第八十二条   【假释的程序】对于犯罪分子的假释，依照本法第七十九条规定的程序进行。非经法定程序不得假释。

Article 82 Parole shall be granted to a criminal through the procedure prescribed in Article 79 of this Law. No parole may be granted without going through legal procedure.

第八十三条   【假释的考验期限】有期徒刑的假释考验期限，为没有执行完毕的刑期；无期徒刑的假释考验期限为十年。

Article 83 The probation period for parole in the case of fixed-term imprisonment shall be equal to the portion of the term that has not been completed; the probation period for parole in the case of life imprisonment shall be 10 years.

假释考验期限，从假释之日起计算。

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

第八十四条   【假释犯应遵守的规定】被宣告假释的犯罪分子，应当遵守下列规定：

Article 84 [Provisions for Criminals on Parole] A convict released on parole shall:

（一）遵守法律、行政法规，服从监督；

1. to observe the laws and administrative rules and regulations, and submit to supervision;

（二）按照监督机关的规定报告自己的活动情况；

2. Report on his own activities as required by the supervising organ;

（三）遵守监督机关关于会客的规定；

(III) observe the regulations for receiving visitors stipulated by the supervising organ; and

（四）离开所居住的市、县或者迁居，应当报经监督机关批准。

(IV) report to obtain approval from the supervising organ for any departure from the city or county he lives in or for any change in residence.

第八十五条   【假释考验及其积极后果】对假释的犯罪分子，在假释考验期限内，依法实行社区矫正，如果没有本法第八十六条规定的情形，假释考验期满，就认为原判刑罚已经执行完毕，并公开予以宣告。

Article 85 [Trial on parole and the positive consequences] A convict released on parole shall be subject to community correction during the probation period for parole, and if he is not under any of the circumstances as set out in Article 86 of this Law, the original sentence shall be deemed to have been fully executed upon the expiration of the probation period for parole, which shall be announced to the public.

第八十六条   【假释的撤销及其处理】被假释的犯罪分子，在假释考验期限内犯新罪，应当撤销假释，依照本法第七十一条的规定实行数罪并罚。

Article 86 Where a criminal who is granted parole commits another crime during the probation period for parole, the parole shall be revoked, and he shall be given a combined punishment for several crimes as provided in Article 71 of this Law.

在假释考验期限内，发现被假释的犯罪分子在判决宣告以前还有其他罪没有判决的，应当撤销假释，依照本法第七十条的规定实行数罪并罚。

If a criminal who is granted parole is discovered to have committed, before the judgment is pronounced, other crimes for which no punishment is imposed, the parole shall be revoked and a combined punishment for several crimes shall be given according to the provisions of Article 70 of this Law.

被假释的犯罪分子，在假释考验期限内，有违反法律、行政法规或者国务院有关部门关于假释的监督管理规定的行为，尚未构成新的犯罪的，应当依照法定程序撤销假释，收监执行未执行完毕的刑罚。

If a criminal who is granted parole, during the probation period for parole, violates laws, administrative rules and regulations or other regulations relating to supervision and control over parole stipulated by the relevant departments of the State Council but the violation does not constitute a new crime, the parole shall be revoked in accordance with legal procedure and he shall be put back into prison to serve the remaining part of criminal punishment.

第八节 时效

Section 8 Prescription

第八十七条   【追诉时效期限】犯罪经过下列期限不再追诉：

Article 87 [Limitation period for prosecution] Crimes shall not be prosecuted if:

（一）法定最高刑为不满五年有期徒刑的，经过五年；

1. five years, when the maximum punishment prescribed is fixed-term imprisonment of less than five years;

（二）法定最高刑为五年以上不满十年有期徒刑的，经过十年；

2. 10 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than five years but less than 10 years;

（三）法定最高刑为十年以上有期徒刑的，经过十五年；

3. 15 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than 10 years; and

（四）法定最高刑为无期徒刑、死刑的，经过二十年。如果二十年以后认为必须追诉的，须报请最高人民检察院核准。

(IV) 20 years, when the maximum punishment prescribed is life imprisonment or death penalty. If after 20 years it is considered necessary to prosecute a crime, the matter shall be submitted to the Supreme People's Procuratorate for examination and approval.

第八十八条   【追诉期限的延长】在人民检察院、公安机关、国家安全机关立案侦查或者在人民法院受理案件以后，逃避侦查或者审判的，不受追诉期限的限制。

Article 88 [Extension of the period for prosecution] No limitation on the period for prosecution shall be imposed with respect to a criminal who escapes from investigation or trial after a People's Procuratorate, public security organ or national security organ files the case or a People's Court accepts the case.

被害人在追诉期限内提出控告，人民法院、人民检察院、公安机关应当立案而不予立案的，不受追诉期限的限制。

No limitation on the period for prosecution shall be imposed with respect to a case which should have been but is not filed by a People's Court, People's Procuratorate or public security organ after the victim brings a charge within the period for prosecution.

第八十九条   【追诉期限的计算与中断】追诉期限从犯罪之日起计算；犯罪行为有连续或者继续状态的，从犯罪行为终了之日起计算。

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

在追诉期限以内又犯罪的，前罪追诉的期限从犯后罪之日起计算。

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

第五章 其他规定

Chapter 5 Miscellaneous

第九十条   【民族自治地方刑法适用的变通】民族自治地方不能全部适用本法规定的，可以由自治区或者省的人民代表大会根据当地民族的政治、经济、文化的特点和本法规定的基本原则，制定变通或者补充的规定，报请全国人民代表大会常务委员会批准施行。

Article 90 [Appropriate Adaptations to Criminal Law in Ethnic Autonomous Areas] Where the provisions of this Law cannot be completely applied in ethnic autonomous areas, the people's congresses of the autonomous regions or the provinces concerned may formulate adaptive or supplementary provisions on the basis of the political, economic and cultural characteristics of the local ethnic groups and the basic principles stipulated herein, and these provisions shall go into effect after they have been submitted to and approved by the Standing Committee of the National People 's Congress.

第九十一条   【公共财产的范围】本法所称公共财产，是指下列财产：

Article 91 For the purpose of the Law, public property refers to the following property:

（一）国有财产；

1. the state-owned property;

（二）劳动群众集体所有的财产；

2. property collectively owned by working people; and

（三）用于扶贫和其他公益事业的社会捐助或者专项基金的财产。

3. public donations or special funds used for elimination of poverty or for other public welfare undertakings.

在国家机关、国有公司、企业、集体企业和人民团体管理、使用或者运输中的私人财产，以公共财产论。

Private property that is being managed, used or transported by State organs, State-owned companies and enterprises, or enterprises owned by collectives, or people's organizations shall be treated as public property.

第九十二条   【公民私人所有财产的范围】本法所称公民私人所有的财产，是指下列财产：

Article 92 "Property privately owned by citizens" as mentioned in this Law refers to:

（一）公民的合法收入、储蓄、房屋和其他生活资料；

1. citizens' lawful earnings, savings, houses and other means of subsistence;

（二）依法归个人、家庭所有的生产资料；

2. any means of production that is under private or family ownership according to law;

（三）个体户和私营企业的合法财产；

3. Property lawfully owned by self-employed workers or private enterprises; and

（四）依法归个人所有的股份、股票、债券和其他财产。

(IV) shares, stocks, bonds and other property that are under private ownership according to law.

第九十三条   【国家工作人员的范围】本法所称国家工作人员，是指国家机关中从事公务的人员。

Article 93 For the purpose of this Law, "State functionaries" refers to persons who perform public service in State organs.

国有公司、企业、事业单位、人民团体中从事公务的人员和国家机关、国有公司、企业、事业单位委派到非国有公司、企业、事业单位、社会团体从事公务的人员，以及其他依照法律从事公务的人员，以国家工作人员论。

Persons who perform public service in State-owned companies or, enterprises, institutions or people's organizations, persons who are assigned by State organs, State-owned companies, enterprises or institutions to companies, enterprises or institutions that are not owned by the State or people's organizations to perform public service and the other persons who perform public service in accordance with law shall all be regarded as State functionaries.

第九十四条   【司法工作人员的范围】本法所称司法工作人员，是指有侦查、检察、审判、监管职责的工作人员。

Article 94 [Scope of Judicial Officers] For the purpose of the Law, the term of "judicial officers" refers to officers responsible for investigation, prosecution, adjudication and supervision and administration.

第九十五条   【重伤】本法所称重伤，是指有下列情形之一的伤害：

Article 95 [Serious Injuries] For the purpose of this Law, "serious injuries" refers to any of the following:

（一）使人肢体残废或者毁人容貌的；

1. injuries resulting in a person's disability or disfigurement;

（二）使人丧失听觉、视觉或者其他器官机能的；

(II) Injuries resulting in a person's loss of his hearing, sight or the function of any other organ; or

（三）其他对于人身健康有重大伤害的。

(III) Other injuries that cause grave harm to a person's physical health.

第九十六条   【违反国家规定之含义】本法所称违反国家规定，是指违反全国人民代表大会及其常务委员会制定的法律和决定，国务院制定的行政法规、规定的行政措施、发布的决定和命令。

Article 96 For purposes of this Law, "violation of State regulations" means violation of the laws enacted or decisions made by the National People's Congress or its Standing Committee and the administrative regulations formulated, the administrative measures adopted and the decisions or orders promulgated by the State Council.

第九十七条   【首要分子的范围】本法所称首要分子，是指在犯罪集团或者聚众犯罪中起组织、策划、指挥作用的犯罪分子。

Article 97 [Scope of Ringleaders] For the purpose of the Law, the ringleader refers to any criminal who plays the role of organizing, plotting or directing in a crime committed by a criminal group or a crowd.

第九十八条   【告诉才处理的含义】本法所称告诉才处理，是指被害人告诉才处理。如果被害人因受强制、威吓无法告诉的，人民检察院和被害人的近亲属也可以告诉。

Article 98 "To be handled only upon complaint" as mentioned in this Law means that a case shall only be handled if the victim brings a complaint. If the victim is unable to bring a complaint because of coercion or intimidation, the People's Procuratorate and the victim's close relatives may bring a complaint.

第九十九条   【以上、以下、以内之界定】本法所称以上、以下、以内，包括本数。

Article 99 The words "above", "below" and "within" used in this Law include the given figure.

第一百条   【前科报告制度】依法受过刑事处罚的人，在入伍、就业的时候，应当如实向有关单位报告自己曾受过刑事处罚，不得隐瞒。

Article 100 [Reporting system of criminal record] Anyone who has been subjected to criminal punishment shall, before being recruited in the army or employed, report to the relevant unit about the fact, and shall not conceal it.

犯罪的时候不满十八周岁被判处五年有期徒刑以下刑罚的人，免除前款规定的报告义务。

Whoever is given a criminal punishment lighter than fixed-term imprisonment of five years for a crime committed under the age of 18 shall be exempted from the reporting obligation as mentioned in the preceding paragraph.

第一百零一条   【总则的效力】本法总则适用于其他有刑罚规定的法律，但是其他法律有特别规定的除外。

Article 101 The General Provisions of this Law shall be applicable to other laws with provisions for criminal punishments, unless otherwise specifically provided for in those laws.

第二编 分则

Part II Rules

第一章 危害国家安全罪

Chapter 1 Crimes of Endangering State Security

第一百零二条   【背叛国家罪】勾结外国，危害中华人民共和国的主权、领土完整和安全的，处无期徒刑或者十年以上有期徒刑。

Article 102 Whoever colludes with a foreign State to endanger the sovereignty, territorial integrity and security of the People's Republic of China shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years.

与境外机构、组织、个人相勾结，犯前款罪的，依照前款的规定处罚。

Whoever commits the crime prescribed in the preceding paragraph in collusion with any organ, organization or individual abroad shall be punished according to the provisions in the preceding paragraph.

第一百零三条   【分裂国家罪】组织、策划、实施分裂国家、破坏国家统一的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 103 [Crimes of splitting the State] In case of organizing, plotting or carrying out the splitting of the State or undermining of national unity, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

【煽动分裂国家罪】煽动分裂国家、破坏国家统一的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利；首要分子或者罪行重大的，处五年以上有期徒刑。

[Inciting to split the State] Whoever incites to split the State or undermine the unity of the State shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; the ringleaders and the others who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

第一百零四条   【武装叛乱、暴乱罪】组织、策划、实施武装叛乱或者武装暴乱的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 104 [Armed rebellion or riot] Among those who organize, plot or carry out Armed rebellion or armed riot, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

策动、胁迫、勾引、收买国家机关工作人员、武装部队人员、人民警察、民兵进行武装叛乱或者武装暴乱的，依照前款的规定从重处罚。

Whoever instigates, coerces, lures or bribes State functionaries or members of the armed forces, the people's police or the people's militia to commit armed rebellion or armed riot shall be given a heavier punishment according to the provisions in the preceding paragraph.

第一百零五条   【颠覆国家政权罪】组织、策划、实施颠覆国家政权、推翻社会主义制度的，对首要分子或者罪行重大的，处无期徒刑或者十年以上有期徒刑；对积极参加的，处三年以上十年以下有期徒刑；对其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 105 [Crime of subverting the State power] Among those who organize, plot or carry out the scheme of subverting the State power or overthrowing the socialist system, the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

【煽动颠覆国家政权罪】以造谣、诽谤或者其他方式煽动颠覆国家政权、推翻社会主义制度的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利；首要分子或者罪行重大的，处五年以上有期徒刑。

[Crime of instigating the subversion of the State power] Whoever incites others by spreading rumors or slanders or any other means to subvert the State power or overthrow the socialist system shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights; and the ringleaders and the others who commit major crimes shall be sentenced to fixed-term imprisonment of not less than five years.

第一百零六条   【与境外勾结的处罚规定】与境外机构、组织、个人相勾结，实施本章第一百零三条、第一百零四条、第一百零五条规定之罪的，依照各该条的规定从重处罚。

Article 106 [Punishment Provisions on Collusion with Overseas Agencies, Organizations or Individuals] Whoever, in collusion with an overseas agency, organization or individual, commits the crime as prescribed in Article 103, 104 or 105 of this Chapter shall be given a heavier punishment according to the provisions stipulated in these Articles respectively.

第一百零七条   【资助危害国家安全犯罪活动罪】境内外机构、组织或者个人资助实施本章第一百零二条、第一百零三条、第一百零四条、第一百零五条规定之罪的，对直接责任人员，处五年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处五年以上有期徒刑。

Article 107 [Provision of funds for criminal activities against national security] Where any domestic or overseas institution, organization or individual provides funds for the commission of any of the crimes specified in Articles 102, 103, 104 and 105 of this Chapter, the person who is directly responsible for the crime 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.

第一百零八条   【投敌叛变罪】投敌叛变的，处三年以上十年以下有期徒刑；情节严重或者带领武装部队人员、人民警察、民兵投敌叛变的，处十年以上有期徒刑或者无期徒刑。

Article 108 Whoever defects to the enemy and turns traitor shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious or if he leads members of the armed forces, the people's police or the people's militia to defect to the enemy and turn traitor, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

第一百零九条   【叛逃罪】国家机关工作人员在履行公务期间，擅离岗位，叛逃境外或者在境外叛逃的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处五年以上十年以下有期徒刑。

Article 109 [Crime of defecting] A State functionary who, in the course of performing his official duties, leaves his post without permission and flees this country or flees when he is already outside this country 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 10 years.

掌握国家秘密的国家工作人员叛逃境外或者在境外叛逃的，依照前款的规定从重处罚。

A State functionary knowing any national secret, who flees this country or flees when he is already outside this country, shall be given a heavier penalty according to the provision of the preceding paragraph.

第一百一十条   【间谍罪】有下列间谍行为之一，危害国家安全的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处三年以上十年以下有期徒刑：

Article 110 [Crime of Espionage] Whoever endangers national security by committing any of the following acts of espionage shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years:

（一）参加间谍组织或者接受间谍组织及其代理人的任务的；

1. joining an espionage organization or accepting a mission assigned by the organization or its agent; or

（二）为敌人指示轰击目标的。

(II) directing the enemy to any bombing or shelling target.

第一百一十一条   【为境外窃取、刺探、收买、非法提供国家秘密、情报罪】为境外的机构、组织、人员窃取、刺探、收买、非法提供国家秘密或者情报的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 111 [The crime of stealing, spying, buying or illegally providing state secrets or intelligence for overseas institutions, organizations or individuals] Whoever steals, spies into, buys or illegally provides state secrets or intelligence for overseas institutions, organizations or individuals 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; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

第一百一十二条   【资敌罪】战时供给敌人武器装备、军用物资资敌的，处十年以上有期徒刑或者无期徒刑；情节较轻的，处三年以上十年以下有期徒刑。

Article 112 [Crime of aiding the enemy] Whoever aids the enemy during wartime by providing him with weapons and equipment or military materials shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

第一百一十三条   【危害国家安全罪适用死刑、没收财产的规定】本章上述危害国家安全罪行中，除第一百零三条第二款、第一百零五条、第一百零七条、第一百零九条外，对国家和人民危害特别严重、情节特别恶劣的，可以判处死刑。

Article 113 [Provisions on the application of death penalty or confiscation of property for crimes of endangering national security] For the crimes of endangering national security mentioned above in this Chapter, with the exception of those provided for in Paragraph 2 of Article 103 and in Articles 105, 107 and 109, the offender may be sentenced to death if the crime has caused particularly serious harm to the State and the people and the circumstances are especially serious.

犯本章之罪的，可以并处没收财产。

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

第二章 危害公共安全罪

Chapter 2 Crimes of Endangering Public Security

第一百一十四条   【放火罪】【决水罪】【爆炸罪】【投放危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

Article 114 【Crime of Arson】【Crime of Digging Water】【Crime of Throwing Dangerous Substances】【Crime of Endangering Public Security by Dangerous Methods】 Crime of Arson, dike, explosion, throwing of substances such as toxic and radioactive substances and pathogens of infectious diseases, or endangering public security by other dangerous methods, without causing serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

第一百一十五条   【放火罪】【决水罪】【爆炸罪】【投放危险物质罪】【以危险方法危害公共安全罪】放火、决水、爆炸以及投放毒害性、放射性、传染病病原体等物质或者以其他危险方法致人重伤、死亡或者使公私财产遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 115 [Crime of arson] [Crime of digging water] [Crime of throwing dangerous substances] [Crime of endangering public security by dangerous methods] Where anyone commits arson, breaches a dike, causes explosion, puts in toxic, radioactive, pathogens of infectious diseases or other substances, or causes serious injury or death to any person or causes heavy losses to public or private property by other dangerous methods, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

【失火罪】【过失决水罪】【过失爆炸罪】【过失投放危险物质罪】【过失以危险方法危害公共安全罪】过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

【Crime of Negligent Digging】【Crime of Negligent Explosion】【Crime of Negligent throwing of hazardous substances】【Crime of Negligent endangering Public Security by Dangerous Methods】 Negligent committing of the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; where the circumstances are minor, the sentence shall be fixed-term imprisonment of not more than three years or criminal detention.

第一百一十六条   【破坏交通工具罪】破坏火车、汽车、电车、船只、航空器，足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险，尚未造成严重后果的，处三年以上十年以下有期徒刑。

Article 116 [Crime of sabotaging means of transport] Whoever sabotages a train, motor vehicle, tram, ship or aircraft to such a dangerous extent as to overturn or destroy it, but with no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

第一百一十七条   【破坏交通设施罪】破坏轨道、桥梁、隧道、公路、机场、航道、灯塔、标志或者进行其他破坏活动，足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险，尚未造成严重后果的，处三年以上十年以下有期徒刑。

Article 117 [Crime of sabotaging traffic facilities] Whoever sabotages a railroad, bridge, tunnel, highway, airport, waterway, lighthouse or sign or conducts any other sabotaging activities to such a dangerous extent as to overturn or destroy it, but with no serious consequences, shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

第一百一十八条   【破坏电力设备罪】【破坏易燃易爆设备罪】破坏电力、燃气或者其他易燃易爆设备，危害公共安全，尚未造成严重后果的，处三年以上十年以下有期徒刑。

Article 118 [Crime of Sabotaging Power Equipment] [Crime of Sabotaging Flammable or Explosive Equipment] Where anyone sabotages power or gas or any other Flammable or Explosive Equipment, endangering public security, but causing no serious consequences, shall be sentenced to fixed-term imprisonment of no less than three years but no more than ten years.

第一百一十九条   【破坏交通工具罪】【破坏交通设施罪】【破坏电力设备罪】【破坏易燃易爆设备罪】破坏交通工具、交通设施、电力设备、燃气设备、易燃易爆设备，造成严重后果的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 119 [Crime of Sabotaging Means of Transport] [Crime of Sabotaging Traffic Facilities] [Crime of Sabotaging Electric Power Equipment] [Crime of Sabotaging Flammable or Explosive Facilities] If there are serious consequences caused by sabotaging means of transport, traffic facilities, electric power facilities, gas equipment, or inflammable or explosive equipment, the offender shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death.

【过失损坏交通工具罪】【过失损坏交通设施罪】【过失损坏电力设备罪】【过失损坏易燃易爆设备罪】过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

[Crime of Damaging Vehicles by Negligence] [Crime of Damaging Traffic Facilities by Negligence] [Crime of Damaging Power Equipment by Negligence] [Crime of Damaging inflammable or explosive equipment by Negligence] Where the crime mentioned in the preceding paragraph is committed by negligence, the sentence shall be fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are minor, the sentence shall be fixed-term imprisonment of not more than three years or criminal detention.

第一百二十条   【组织、领导、参加恐怖组织罪】组织、领导恐怖活动组织的，处十年以上有期徒刑或者无期徒刑，并处没收财产；积极参加的，处三年以上十年以下有期徒刑，并处罚金；其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处罚金。

Article 120 [Crimes of organizing, leading or participating in terrorist organizations] Whoever forms or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, in combination of 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, in combination of fines; other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights, in combination of fines.

犯前款罪并实施杀人、爆炸、绑架等犯罪的，依照数罪并罚的规定处罚。

Whoever, in addition to the crime mentioned in the preceding paragraph, commits other crimes of homicide, explosion or kidnap shall be punished in accordance with the provisions on combined punishment for several crimes.

第一百二十条之一　【帮助恐怖活动罪】资助恐怖活动组织、实施恐怖活动的个人的，或者资助恐怖活动培训的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

Article 120a [Crime of Assisting in Terrorist Activities] Whoever provides funds to any terrorist organization or individual who engages in terrorist activities, or funds trainings for 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 concurrently be sentenced to a fine; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than five years and concurrently be sentenced to a fine or confiscation of property.

为恐怖活动组织、实施恐怖活动或者恐怖活动培训招募、运送人员的，依照前款的规定处罚。

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

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

第一百二十条之二　【准备实施恐怖活动罪】有下列情形之一的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产：

Article 120 bis [Preparation for the crime of terrorist activities] Under any of the following circumstances, the sentence shall be fixed-term imprisonment of no more than 5 years, criminal detention, public surveillance or deprivation of political rights, in combination of fines; if the circumstances are serious, the sentence shall be fixed-term imprisonment of more than 5 years, in combination of fines or confiscation of property:

（一）为实施恐怖活动准备凶器、危险物品或者其他工具的；

1. preparing weapons, dangerous articles or other tools for the implementation of terrorist activities;

（二）组织恐怖活动培训或者积极参加恐怖活动培训的；

2. organizing trainings for terrorist activities or actively participating in trainings for terrorist activities;

（三）为实施恐怖活动与境外恐怖活动组织或者人员联络的；

(III) contacting overseas terrorist organizations or persons for the purpose of carrying out terrorist activities;

（四）为实施恐怖活动进行策划或者其他准备的。

(IV) planning for or making other preparations for the implementation of terrorist activities.

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

Whoever commits any of the acts mentioned in the preceding paragraph, which concurrently constitutes another crime, shall be convicted and punished in accordance with the provisions on heavier punishment.

第一百二十条之三　【宣扬恐怖主义、极端主义、煽动实施恐怖活动罪】以制作、散发宣扬恐怖主义、极端主义的图书、音频视频资料或者其他物品，或者通过讲授、发布信息等方式宣扬恐怖主义、极端主义的，或者煽动实施恐怖活动的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

Article 120 ter [Crime of Propagating Terrorism, Extremism and Inciting the Implementation of Terrorist Activities] Whoever produces or disseminates books, audio or video materials or other materials that propagate terrorism or extremism, or propagate terrorism or extremism through teaching, releasing information or other means, or incites the implementation of 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 concurrently be sentenced to a fine; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than five years and concurrently be sentenced to a fine or confiscation of property.

第一百二十条之四　【利用极端主义破坏法律实施罪】利用极端主义煽动、胁迫群众破坏国家法律确立的婚姻、司法、教育、社会管理等制度实施的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑，并处罚金或者没收财产。

Article 120 quater 【Crimes of Using Extremism to Undermine the Implementation of Laws】 Whoever Using Extremism to incite or coerce the public to undermine the implementation of marriage, judicial, education or social management systems established by national laws shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance, in combination of fines; if the circumstances are serious, the sentence shall be fixed-term imprisonment from three to seven years, in combination of fines; if the circumstances are especially serious, the sentence shall be fixed-term imprisonment of more than seven years, in combination of fines or confiscation of property.

第一百二十条之五　【强制穿戴宣扬恐怖主义、极端主义服饰、标志罪】以暴力、胁迫等方式强制他人在公共场所穿着、佩戴宣扬恐怖主义、极端主义服饰、标志的，处三年以下有期徒刑、拘役或者管制，并处罚金。

Article 120e [Crime of Forcing Others to Wear Clothes or Marks that Advocate Terrorism or Extremism] Whoever forces others to wear or wear clothes or marks in public that promote terrorism or extremism by violence, coercion or otherwise shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently sentenced to a fine.

第一百二十条之六　【非法持有宣扬恐怖主义、极端主义物品罪】明知是宣扬恐怖主义、极端主义的图书、音频视频资料或者其他物品而非法持有，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

Article 120e [Crime of illegally possessing materials that propagate terrorism or extremism] Whoever knowingly illegally possesses books, audio or video materials or other materials that propagate terrorism or extremism with the circumstance being serious shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine.

第一百二十一条   【劫持航空器罪】以暴力、胁迫或者其他方法劫持航空器的，处十年以上有期徒刑或者无期徒刑；致人重伤、死亡或者使航空器遭受严重破坏的，处死刑。

Article 121 [Crime of hijacking aircraft] Whoever hijacks any aircraft by means of violence, coercion or by any other means shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment; any hijacker who causes serious injury to or death of any other person or serious damage to the aircraft shall be sentenced to death.

第一百二十二条   【劫持船只、汽车罪】以暴力、胁迫或者其他方法劫持船只、汽车的，处五年以上十年以下有期徒刑；造成严重后果的，处十年以上有期徒刑或者无期徒刑。

Article 122 [Crime of Hijacking Vessels or Automobiles] Whoever hijacks a vessel or automobile by means of violence, coercion or otherwise shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment.

第一百二十三条   【暴力危及飞行安全罪】对飞行中的航空器上的人员使用暴力，危及飞行安全，尚未造成严重后果的，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上有期徒刑。

Article 123 [Crime of endangering flight safety by using violence] Where any person on an aircraft in flight endangers flight safety but no serious consequence is caused, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if a serious consequence is caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

第一百二十四条   【破坏广播电视设施、公用电信设施罪】破坏广播电视设施、公用电信设施，危害公共安全的，处三年以上七年以下有期徒刑；造成严重后果的，处七年以上有期徒刑。

Article 124 Whoever sabotages any broadcasting, television or public telecommunications facility, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than seven years.

【过失损坏广播电视设施、公用电信设施罪】过失犯前款罪的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑或者拘役。

Whoever negligently commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第一百二十五条   【非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物罪】非法制造、买卖、运输、邮寄、储存枪支、弹药、爆炸物的，处三年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 125 [Crime of illegally manufacturing, trading, transporting, mailing or stocking firearms, ammunitions and explosives] Whoever illegally manufactures, trades, transports, mails or stores firearms, ammunitions and explosives 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.

【非法制造、买卖、运输、储存危险物质罪】非法制造、买卖、运输、储存毒害性、放射性、传染病病原体等物质，危害公共安全的，依照前款的规定处罚。

[Illegal manufacturing, trading, transportation and storage of dangerous substances] Whoever Illegally manufactures, trades, transports or stores toxic, radioactive, infectious pathogens and other substances, thereby endangering public security, shall be punished in accordance with the preceding paragraph.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

第一百二十六条   【违规制造、销售枪支罪】依法被指定、确定的枪支制造企业、销售企业，违反枪支管理规定，有下列行为之一的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑：

Article 126 [Crime of illegally manufacturing and selling guns] If, in violation of the regulations governing control of guns, the enterprises designated or determined pursuant to law for manufacturing or selling guns commit any of the following acts, they shall be fined, and the persons who are directly in charge of the enterprises and other persons who are directly responsible for the act shall be sentenced to fixed-term imprisonment of not more than five years; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment:

（一）以非法销售为目的，超过限额或者不按照规定的品种制造、配售枪支的；

1. to manufacture or sell guns in excess of the quotas or at variance with the variety prescribed, for purposes of illegal sale;

（二）以非法销售为目的，制造无号、重号、假号的枪支的；

(II) to manufacture guns without numbers or with duplicate or false numbers, for purposes of illegal sale; or

（三）非法销售枪支或者在境内销售为出口制造的枪支的。

3. to sell guns illegally, or sell guns in the country that are manufactured for export.

第一百二十七条   【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】盗窃、抢夺枪支、弹药、爆炸物的，或者盗窃、抢夺毒害性、放射性、传染病病原体等物质，危害公共安全的，处三年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 127 [Crime of stealing or forcibly seizing any gun, ammunition, explosive or dangerous substance] Whoever steals or forcibly seizes any gun, ammunition or explosive, or steals or forcibly seizes pathogens of infectious diseases, poisonous or radioactive substances 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.

【抢劫枪支、弹药、爆炸物、危险物质罪】【盗窃、抢夺枪支、弹药、爆炸物、危险物质罪】抢劫枪支、弹药、爆炸物的，或者抢劫毒害性、放射性、传染病病原体等物质，危害公共安全的，或者盗窃、抢夺国家机关、军警人员、民兵的枪支、弹药、爆炸物的，处十年以上有期徒刑、无期徒刑或者死刑。

[Crime of Robbing Guns, Ammunition, Explosives or Dangerous Substances] [Crime of Stealing or Forcibly Seizing Guns, Ammunition, Explosives or Dangerous Substances] Where anyone robs any guns, ammunition or explosives, or robs pathogens of infectious diseases, poisonous or radioactive substances or other substances, thereby endangering public security, or steals or forcibly seizes any guns, ammunition or explosives from State organs, members of the armed forces, the police or the people's militia, he shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death.

第一百二十八条   【非法持有、私藏枪支、弹药罪】违反枪支管理规定，非法持有、私藏枪支、弹药的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上七年以下有期徒刑。

Article 128 [Illegal Possession or Unauthorized Possession of Firearms and Ammunitions] Whoever, in violation of the provisions on control of guns, illegally possesses or unlawfully conceals any guns or ammunitions shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; 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.

【非法出租、出借枪支罪】依法配备公务用枪的人员，非法出租、出借枪支的，依照前款的规定处罚。

[Illegal Leasing and Lending of Guns] If persons who are lawfully equipped with guns for the discharge of official duties illegally lease or loan their guns, they shall be punished in accordance with the provisions of the preceding paragraph.

【非法出租、出借枪支罪】依法配置枪支的人员，非法出租、出借枪支，造成严重后果的，依照第一款的规定处罚。

[Illegal Leasing or Lending of Guns] If persons who are lawfully equipped with guns illegally lease or loan such guns, causing serious consequences, they shall be punished in accordance with the provisions of Paragraph 1.

单位犯第二款、第三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

Where a unit commits the crime mentioned in the second or third paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the first paragraph.

第一百二十九条   【丢失枪支不报罪】依法配备公务用枪的人员，丢失枪支不及时报告，造成严重后果的，处三年以下有期徒刑或者拘役。

Article 129 [Crime of failing to report the loss of guns] If persons who are lawfully equipped with guns for the discharge of official duties lose their guns and fail to report the matter immediately, thereby causing serious consequences, they shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第一百三十条   【非法携带枪支、弹药、管制刀具、危险物品危及公共安全罪】非法携带枪支、弹药、管制刀具或者爆炸性、易燃性、放射性、毒害性、腐蚀性物品，进入公共场所或者公共交通工具，危及公共安全，情节严重的，处三年以下有期徒刑、拘役或者管制。

Article 130 [Crime of endangering public security by illegally carrying guns, ammunition, controlled knives and tools, or explosive, inflammable, radioactive, poisonous or corrosive materials] Whoever illegally enters a public place or gets on a public transportation vehicle with guns, ammunition, controlled knives and tools, thereby endangering public security, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

第一百三十一条   【重大飞行事故罪】航空人员违反规章制度，致使发生重大飞行事故，造成严重后果的，处三年以下有期徒刑或者拘役；造成飞机坠毁或者人员死亡的，处三年以上七年以下有期徒刑。

Article 131 [Crime of serious flight accident] Where any aviation personnel violates the rules and regulations, causing a serious flight accident with serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if an aircraft crash or death of persons is caused, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十二条   【铁路运营安全事故罪】铁路职工违反规章制度，致使发生铁路运营安全事故，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

Article 132 [Crime of Railway Operation Safety Accident] Any railway worker who violates the rules or regulations and thereby causes a railway operation safety accident, if there are serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if there are especially serious consequences, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十三条   【交通肇事罪】违反交通运输管理法规，因而发生重大事故，致人重伤、死亡或者使公私财产遭受重大损失的，处三年以下有期徒刑或者拘役；交通运输肇事后逃逸或者有其他特别恶劣情节的，处三年以上七年以下有期徒刑；因逃逸致人死亡的，处七年以上有期徒刑。

Article 133 [Crime of Causing Traffic Accidents] Whoever violates regulations governing traffic and transportation, causing a serious accident that results in serious injuries or deaths or heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Whoever runs away from the spot after he has caused a traffic accident or is involved in other especially flagrant circumstances shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if his escape results in the death of another person, he shall be sentenced to fixed-term imprisonment of not less than seven years.

第一百三十三条之一 【危险驾驶罪】在道路上驾驶机动车，有下列情形之一的，处拘役，并处罚金：

Article 133a [Crime of Dangerous Driving] Whoever drives a motor vehicle on the road, which falls under any of the following circumstances, shall be sentenced to criminal detention and concurrently sentenced to a fine:

（一）追逐竞驶，情节恶劣的；

(1) chasing with other motor vehicles, which is of grave circumstances;

（二）醉酒驾驶机动车的；

(II) committing drunk-driving;

（三）从事校车业务或者旅客运输，严重超过额定乘员载客，或者严重超过规定时速行驶的；

3. engaging in school bus services or passenger transportation with the carried passengers significantly exceeding the allowable number of passengers or driving at a speed seriously exceeding the prescribed speed per hour;

（四）违反危险化学品安全管理规定运输危险化学品，危及公共安全的。

(IV) endangering public security by transporting hazardous chemicals in violation of the administrative provisions on the safety of hazardous chemicals.

机动车所有人、管理人对前款第三项、第四项行为负有直接责任的，依照前款的规定处罚。

A motor vehicle owner or administrator who is directly liable for any of the acts mentioned in Items 3 and 4 of the preceding paragraph shall be punished in accordance with the provisions in the preceding paragraph.

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

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

第一百三十四条   【重大责任事故罪】在生产、作业中违反有关安全管理的规定，因而发生重大伤亡事故或者造成其他严重后果的，处三年以下有期徒刑或者拘役；情节特别恶劣的，处三年以上七年以下有期徒刑。

Article 134 [Crime of serious liability accident] Where any person violates the provisions on safety management in the course of production or operations, thereby causing an accident involving heavy casualties or any other serious consequence, such person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially flagrant, such person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

【强令违章冒险作业罪】强令他人违章冒险作业，因而发生重大伤亡事故或者造成其他严重后果的，处五年以下有期徒刑或者拘役；情节特别恶劣的，处五年以上有期徒刑。

[Forcing others to take risks against regulations] Whoever forces others to take risks against regulations, thereby causing an accident involving heavy casualties or causing other serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; and if the circumstances are especially flagrant, shall be sentenced to fixed-term imprisonment of not less than five years.

第一百三十五条   【重大劳动安全事故罪】安全生产设施或者安全生产条件不符合国家规定，因而发生重大伤亡事故或者造成其他严重后果的，对直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；情节特别恶劣的，处三年以上七年以下有期徒刑。

Article 135 [Crime of a serious labor safety accident] Where the facilities or conditions for work safety fail to meet relevant State requirements, thereby causing an accident involving heavy casualties or causing other serious consequences, the person directly in charge and the other persons directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; and if the circumstances are especially flagrant, the said persons shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十五条之一 【大型群众性活动重大安全事故罪】举办大型群众性活动违反安全管理规定，因而发生重大伤亡事故或者造成其他严重后果的，对直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；情节特别恶劣的，处三年以上七年以下有期徒刑。

Article 135a [Crime of Major Security Accidents during Large-Scale Mass Activities] Where a large-scale mass activity is held in violation of the security management provisions, thereby causing any serious casualty or any other serious consequence, the person directly in charge and other persons directly liable shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; and if the circumstances are especially flagrant, the said persons shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十六条   【危险物品肇事罪】违反爆炸性、易燃性、放射性、毒害性、腐蚀性物品的管理规定，在生产、储存、运输、使用中发生重大事故，造成严重后果的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

Article 136 [Crime of Causing Accident of Dangerous Goods] Where any serious accident occurs in the production, storage, transportation or use of explosive, inflammable, radioactive, toxic or corrosive materials in violation of the provisions on the control of such materials and causes serious consequences, the sentence shall be fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, the sentence shall be fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十七条   【工程重大安全事故罪】建设单位、设计单位、施工单位、工程监理单位违反国家规定，降低工程质量标准，造成重大安全事故的，对直接责任人员，处五年以下有期徒刑或者拘役，并处罚金；后果特别严重的，处五年以上十年以下有期徒刑，并处罚金。

Article 137 [Crime of Major Project Safety Accidents] Where any of the development units, design units, construction units or project supervision units, in violation of the provisions of the State, lowers the project quality standards, thus causing a major safety accident, the directly responsible persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and concurrently be sentenced to a fine; if the consequences are especially serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and concurrently sentenced to a fine.

第一百三十八条   【教育设施重大安全事故罪】明知校舍或者教育教学设施有危险，而不采取措施或者不及时报告，致使发生重大伤亡事故的，对直接责任人员，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

Article 138 [Crime of causing a major safety accident in educational facilities] If a person who is directly responsible knowingly fails to adopt measures against dangers in school buildings or in educational or teaching facilities or to make a timely report about the matter, causing an accident involving heavy casualties, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十九条   【消防责任事故罪】违反消防管理法规，经消防监督机构通知采取改正措施而拒绝执行，造成严重后果的，对直接责任人员，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

Article 139 [Crime of Negligent Accident in Fire Control] If a person who is directly responsible violates the regulations on fire control and refuses to take measures to set it right as notified by the supervisory organization, thus causing serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第一百三十九条之一 【不报、谎报安全事故罪】在安全事故发生后，负有报告职责的人员不报或者谎报事故情况，贻误事故抢救，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

Article 139a [Crime of failing to report or falsely reporting a security accident] Where, after the occurrence of a security accident, the person responsible for reporting it fails to make such report or makes such false report, thus delaying the rescue for the accident, if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; and 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.

第三章 破坏社会主义市场经济秩序罪

Chapter 3 Crimes of Disrupting the Order of the Socialist Market Economy

第一节 生产、销售伪劣商品罪

Section 1 Crimes of Manufacturing and Selling Fake or Substandard Commodities

第一百四十条   【生产、销售伪劣产品罪】生产者、销售者在产品中掺杂、掺假，以假充真，以次充好或者以不合格产品冒充合格产品，销售金额五万元以上不满二十万元的，处二年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金；销售金额二十万元以上不满五十万元的，处二年以上七年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；销售金额五十万元以上不满二百万元的，处七年以上有期徒刑，并处销售金额百分之五十以上二倍以下罚金；销售金额二百万元以上的，处十五年有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

Article 140 Any producer or seller who mixes impurities into or adulterates the products, or passes a fake product off as a genuine one, a defective product as a high-quality one, or a substandard product off as a standard one, if the amount of earnings from sales is more than 50,000 yuan but less than 200,000 yuan, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also, or shall only, be fined not less than half but not more than two times the amount of earnings from sales; if the amount of earnings from sales is more than 200,000 yuan but less than 500,000 yuan, 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 not less than half but not more than two times the amount of earnings from sales; if the amount of earnings from sales is more than 500,000 yuan but less than 2,000,000 yuan, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the amount of earnings from sales is more than 2,000,000 yuan, he shall be sentenced to fixed-term imprisonment of 15 years or life imprisonment and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

第一百四十一条   【生产、销售假药罪】生产、销售假药的，处三年以下有期徒刑或者拘役，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；致人死亡或者有其他特别严重情节的，处十年以上有期徒刑、无期徒刑或者死刑，并处罚金或者没收财产。

Article 141 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 other serious circumstances are involved, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if death is caused to another person or other especially serious circumstances are involved, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death and shall also be fined or be sentenced to confiscation of property.

本条所称假药，是指依照《中华人民共和国药品管理法》的规定属于假药和按假药处理的药品、非药品。

Fake medicines as mentioned in this Article refer to medicines or any non-medical substances that fall under the category of or are regarded as fake medicines under the Pharmaceutical Administration Law of the People's Republic of China.

第一百四十二条   【生产、销售劣药罪】生产、销售劣药，对人体健康造成严重危害的，处三年以上十年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；后果特别严重的，处十年以上有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

Article 142 Whoever produces or sells inferior drugs, thus causing serious harm to human health, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

本条所称劣药，是指依照《中华人民共和国药品管理法》的规定属于劣药的药品。

Medicines of inferior quality as mentioned in this Article refer to medicines that fall under the category of medicines of inferior quality under the Pharmaceutical Administration Law of the People's Republic of China.

第一百四十三条   【生产、销售不符合安全标准的食品罪】生产、销售不符合食品安全标准的食品，足以造成严重食物中毒事故或者其他严重食源性疾病的，处三年以下有期徒刑或者拘役，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金；后果特别严重的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Article 143 [Production and sale of food not in compliance with the food safety standards] Whoever produces or sells food not in compliance with the food safety standards which is sufficient to cause a serious incident of food poisoning or a 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 be sentenced to confiscation of property.

第一百四十四条   【生产、销售有毒、有害食品罪】在生产、销售的食品中掺入有毒、有害的非食品原料的，或者销售明知掺有有毒、有害的非食品原料的食品的，处五年以下有期徒刑，并处罚金；对人体健康造成严重危害或者有其他严重情节的，处五年以上十年以下有期徒刑，并处罚金；致人死亡或者有其他特别严重情节的，依照本法第一百四十一条的规定处罚。

Article 144 [Crime of manufacturing and selling toxic or harmful food] Whoever mixes the food he manufactures or sells with toxic or harmful non- food raw materials or knowingly sells such food shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; if any serious damage is caused to the people's health or there is any other serious circumstance, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if any death is caused thereby or there is any other especially serious circumstance, he shall be punished according to the provisions of Article 141 of this Law.

第一百四十五条   【生产、销售不符合标准的医用器材罪】生产不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料，或者销售明知是不符合保障人体健康的国家标准、行业标准的医疗器械、医用卫生材料，足以严重危害人体健康的，处三年以下有期徒刑或者拘役，并处销售金额百分之五十以上二倍以下罚金；对人体健康造成严重危害的，处三年以上十年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；后果特别严重的，处十年以上有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

Article 145 [Production and sale of medical apparatus and instruments that do not meet the standards] Whoever produces medical apparatus and instruments or medical hygiene materials that do not conform to the national or trade standards for safeguarding human health or sells such things while clearly knowing the fact, which is harmful enough 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 half but not more than two times of the amount of earnings from 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 half but not more than two times of the amount of earnings from 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 half but not more than two times of the amount of earnings from sales or be sentenced to confiscation of property.

第一百四十六条   【生产、销售不符合安全标准的产品罪】生产不符合保障人身、财产安全的国家标准、行业标准的电器、压力容器、易燃易爆产品或者其他不符合保障人身、财产安全的国家标准、行业标准的产品，或者销售明知是以上不符合保障人身、财产安全的国家标准、行业标准的产品，造成严重后果的，处五年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；后果特别严重的，处五年以上有期徒刑，并处销售金额百分之五十以上二倍以下罚金。

Article 146 [Production and Sale of Products Not in Conformity with the Safety Standards] Whoever produces electrical appliances, pressure containers, inflammable or explosive products or any other products not in conformity with the national or trade standards for safeguarding personal or property safety or knowingly sells such products, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined not less than half but not more than two times the amount of earnings from sales.

第一百四十七条   【生产、销售伪劣农药、兽药、化肥、种子罪】生产假农药、假兽药、假化肥，销售明知是假的或者失去使用效能的农药、兽药、化肥、种子，或者生产者、销售者以不合格的农药、兽药、化肥、种子冒充合格的农药、兽药、化肥、种子，使生产遭受较大损失的，处三年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金；使生产遭受重大损失的，处三年以上七年以下有期徒刑，并处销售金额百分之五十以上二倍以下罚金；使生产遭受特别重大损失的，处七年以上有期徒刑或者无期徒刑，并处销售金额百分之五十以上二倍以下罚金或者没收财产。

Article 147 [Production and Sale of Fake and Substandard Pesticides, Veterinary Drugs, Fertilizers and Seeds] Whoever, in producing fake pesticides, Veterinary Drugs or fake chemical fertilizers, sells pesticides, veterinary drugs, fertilizers or seeds while clearly knowing such products to be fake or no longer effective, or any producer or seller who passes substandard pesticides, veterinary drugs, fertilizers or seeds off as the ones up to standard, thus causing relatively heavy losses to production, 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 half but not more than two times the amount of earnings from sales; if heavy losses are caused to production, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined not less than half but not more than two times the amount of earnings from sales; if especially heavy losses are caused to production, he shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined not less than half but not more than two times the amount of earnings from sales or be sentenced to confiscation of property.

第一百四十八条   【生产、销售不符合卫生标准的化妆品罪】生产不符合卫生标准的化妆品，或者销售明知是不符合卫生标准的化妆品，造成严重后果的，处三年以下有期徒刑或者拘役，并处或者单处销售金额百分之五十以上二倍以下罚金。

Article 148 Whoever produces or sells cosmetics that are not up to hygiene standards or knowingly sells such cosmetics, thus 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 not less than half but not more than two times the amount of earnings from sales.

第一百四十九条   【对生产、销售伪劣商品行为的法条适用】生产、销售本节第一百四十一条至第一百四十八条所列产品，不构成各该条规定的犯罪，但是销售金额在五万元以上的，依照本节第一百四十条的规定定罪处罚。

Article 149 Whoever produces or sells products listed in Articles 141 through 148 of this Section, if the case does not constitute the crime as mentioned in these Articles respectively but more than 50,000 yuan is earned from sales, shall be convicted and punished in accordance with the provisions of Article 140 of this Section.

生产、销售本节第一百四十一条至第一百四十八条所列产品，构成各该条规定的犯罪，同时又构成本节第一百四十条规定之罪的，依照处罚较重的规定定罪处罚。

Whoever produces or sells products listed in Articles 141 through 148 of this Section, if the case constitutes the crime as mentioned in these Articles respectively and also the crime mentioned in Article 140 of this Section, shall be convicted and punished in accordance with the provisions for a heavier punishment.

第一百五十条   【单位犯本节规定之罪的处理】单位犯本节第一百四十条至第一百四十八条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该条的规定处罚。

Article 150 Where a unit commits any of the crimes mentioned in this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

第二节 走私罪

Section 2 crime of smuggling

第一百五十一条   【走私武器、弹药罪】【走私核材料罪】【走私假币罪】走私武器、弹药、核材料或者伪造的货币的，处七年以上有期徒刑，并处罚金或者没收财产；情节特别严重的，处无期徒刑，并处没收财产；情节较轻的，处三年以上七年以下有期徒刑，并处罚金。

Article 151 [Crime of smuggling weapons or ammunition] [Crime of smuggling nuclear materials] [Crime of smuggling counterfeit currency] Whoever smuggles weapons, ammunition, nuclear materials or counterfeit currencies shall be sentenced to fixed-term imprisonment of not less than seven years, in combination of fines or confiscation of property; if the circumstances are especially serious, the offender shall be sentenced to life imprisonment and confiscation of property; if the circumstances are minor, the offender shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, in combination of fines.

【走私文物罪】【走私贵重金属罪】【走私珍贵动物、珍贵动物制品罪】走私国家禁止出口的文物、黄金、白银和其他贵重金属或者国家禁止进出口的珍贵动物及其制品的，处五年以上十年以下有期徒刑，并处罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处没收财产；情节较轻的，处五年以下有期徒刑，并处罚金。

[Crime of smuggling cultural relics] [Crime of smuggling precious metals] [Crime of smuggling precious and rare animals and their products] Where any person smuggles any cultural relics, gold, silver or other precious metals that are prohibited by the State from being exported or any precious and rare animals that are prohibited by the State from being imported and exported as well as their products, the person 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, the person shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and shall also be fined; if the circumstances are minor, the person shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined.

【走私国家禁止进出口的货物、物品罪】走私珍稀植物及其制品等国家禁止进出口的其他货物、物品的，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

[Crime of Smuggling Goods or Articles Banned by the State from Import and Export] Whoever smuggles rare plants or their products or any other goods or articles banned by the State from import or export shall be sentenced to fixed-term imprisonment not more than five years or criminal detention, and/or be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than five years and be fined.

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本条各款的规定处罚。

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

第一百五十二条   【走私淫秽物品罪】以牟利或者传播为目的，走私淫秽的影片、录像带、录音带、图片、书刊或者其他淫秽物品的，处三年以上十年以下有期徒刑，并处罚金；情节严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处三年以下有期徒刑、拘役或者管制，并处罚金。

Article 152 [Crime of Smuggling Pornographic Articles] Whoever, for the purpose of making profits or dissemination, smuggles pornographic movies, videotapes, audio tapes, pictures, books or periodicals or other pornographic articles 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 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; if the circumstances are 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.

【走私废物罪】逃避海关监管将境外固体废物、液态废物和气态废物运输进境，情节严重的，处五年以下有期徒刑，并处或者单处罚金；情节特别严重的，处五年以上有期徒刑，并处罚金。

[Crime of Smuggling Wastes] Whoever, evading Customs supervision and control, transports solid waste, liquid waste or gaseous waste from abroad into the territory of the country, 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.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding two paragraphs respectively.

第一百五十三条   【走私普通货物、物品罪】走私本法第一百五十一条、第一百五十二条、第三百四十七条规定以外的货物、物品的，根据情节轻重，分别依照下列规定处罚：

Article 153 [Crime of smuggling common goods or articles] Whoever smuggles goods or articles other than those as mentioned in Articles 151, 152 and 347 shall, according to the seriousness of the circumstances, be punished in accordance with the following provisions respectively:

（一）走私货物、物品偷逃应缴税额较大或者一年内曾因走私被给予二次行政处罚后又走私的，处三年以下有期徒刑或者拘役，并处偷逃应缴税额一倍以上五倍以下罚金。

(I) Whoever smuggles goods or articles to evade a relatively large amount of tax payable, or smuggles again after having been given administrative punishment twice for smuggling within a year, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also be fined not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

（二）走私货物、物品偷逃应缴税额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处偷逃应缴税额一倍以上五倍以下罚金。

(II) Whoever smuggles goods or articles to evade a huge amount of tax payable or with any other serious circumstance shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable.

（三）走私货物、物品偷逃应缴税额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处偷逃应缴税额一倍以上五倍以下罚金或者没收财产。

(III) Whoever smuggles goods or articles to evade an especially huge amount of tax payable or with any other especially serious circumstance shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine of not less than the evaded amount of tax payable but not more than five times the evaded amount of tax payable or a forfeiture of property.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；情节严重的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are especially serious, they shall be sentenced to fixed-term imprisonment of not less than 10 years.

对多次走私未经处理的，按照累计走私货物、物品的偷逃应缴税额处罚。

Whoever smuggles goods or articles many times, and goes unpunished shall be punished on the basis of the cumulative amount of the payable duties he invades or dodges in smuggling goods or articles.

第一百五十四条   【走私货物、物品罪的特殊形式】下列走私行为，根据本节规定构成犯罪的，依照本法第一百五十三条的规定定罪处罚：

Article 154 [Special Forms of the Crime of Smuggling Goods or Articles] If any of the following smuggling acts constitutes a crime according to the provisions in this Section, the offender shall be convicted and punished according to the provisions of Article 153 of this Law:

（一）未经海关许可并且未补缴应缴税额，擅自将批准进口的来料加工、来件装配、补偿贸易的原材料、零件、制成品、设备等保税货物，在境内销售牟利的；

1. without permission of the Customs and without having paid the overdue payable duties, selling for profits within the territory of the People's Republic of Chinaauthorized imported bonded goods such as materials supplied by foreign clients for processing, parts supplied by them for assembly, or raw or processed materials, parts, finished products or equipment for compensation trade;

（二）未经海关许可并且未补缴应缴税额，擅自将特定减税、免税进口的货物、物品，在境内销售牟利的。

(II) without permission of the Customs and without having paid the overdue payable duties, selling for profits within the territory of the People's Republic of Chinaimported goods or articles specially designated for reduction of or exemption from duties.

第一百五十五条   【以走私罪论处的间接走私行为】下列行为，以走私罪论处，依照本节的有关规定处罚：

Article 155 [Indirect smuggling acts punishable under the crime of smuggling] Any of the following acts shall be punishable under the crime of smuggling in accordance with the relevant provisions of this Section:

（一）直接向走私人非法收购国家禁止进口物品的，或者直接向走私人非法收购走私进口的其他货物、物品，数额较大的；

(I) directly and illegally purchasing from smugglers articles, the import of which is forbidden by the State, or directly and illegally purchasing from smugglers other smuggled goods and articles in and in relatively large quantities or values;

（二）在内海、领海、界河、界湖运输、收购、贩卖国家禁止进出口物品的，或者运输、收购、贩卖国家限制进出口货物、物品，数额较大，没有合法证明的。

2. transporting, purchasing, or selling in inland seas, territorial waters, boundary rivers or boundary lakes articles the import and export of which are forbidden by the State, or transporting, purchasing, or selling, without legal certificates and in and of relatively large quantities or values, goods or articles the import and export of which are restricted by the State.

第一百五十六条   【走私共犯】与走私罪犯通谋，为其提供贷款、资金、帐号、发票、证明，或者为其提供运输、保管、邮寄或者其他方便的，以走私罪的共犯论处。

Article 156 [Accomplices in Smuggling] Whoever conspires with criminals of smuggling and provides them with loans, funds, account numbers, invoices or certificates or with such conveniences as transportation, storage and mailing shall be deemed an accomplice in the crime of smuggling and punished as such.

第一百五十七条   【武装掩护走私、抗拒缉私的规定】武装掩护走私的，依照本法第一百五十一条第一款的规定从重处罚。

Article 157 Whoever shields smuggling with arms or resists the seizure of smuggled goods shall be given a heavier punishment in accordance with Paragraph 1 of Article 151 of this Law.

以暴力、威胁方法抗拒缉私的，以走私罪和本法第二百七十七条规定的阻碍国家机关工作人员依法执行职务罪，依照数罪并罚的规定处罚。

Whoever, by means of violence or threat, resists the seizure of smuggled goods shall be punished for the crime of smuggling and the crime of preventing State functionaries from performing their duties according to law, as stipulated in Article 277 of this Law, and in accordance with the provisions regarding the combined punishment for several crimes.

第三节 妨害对公司、企业的管理秩序罪

Section 3 Crimes of Disrupting the Order of Administration of Companies and Enterprises

第一百五十八条   【虚报注册资本罪】申请公司登记使用虚假证明文件或者采取其他欺诈手段虚报注册资本，欺骗公司登记主管部门，取得公司登记，虚报注册资本数额巨大、后果严重或者有其他严重情节的，处三年以下有期徒刑或者拘役，并处或者单处虚报注册资本金额百分之一以上百分之五以下罚金。

Article 158 [Crime of falsely declaring registered capital] Whoever, when applying for company registration, obtains the registration by deceiving the competent company registration authority through falsely declaring the registered capital with falsified certificates or by other deceptive means shall, if the amount of the falsely registered capital is huge, and the consequences are serious or if there are other serious circumstances, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than one percent but not more than five percent of the registered capital falsely declared.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

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

第一百五十九条   【虚假出资、抽逃出资罪】公司发起人、股东违反公司法的规定未交付货币、实物或者未转移财产权，虚假出资，或者在公司成立后又抽逃其出资，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处虚假出资金额或者抽逃出资金额百分之二以上百分之十以下罚金。

Article 159 Where a sponsor or shareholder of a company, in violation of the provisions of the Company Law, fails to deliver the currency or property in kind or to transfer the property rights, makes a false capital contribution, or surreptitiously withdraws the capital contribution after the company has been established, if to a huge amount, and if the consequences are serious or if there are other serious circumstances, he 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 two percent but not more than 10 percent of the amount of false capital contribution or of the capital contribution surreptitiously withdrawn.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

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

第一百六十条   【欺诈发行股票、债券罪】在招股说明书、认股书、公司、企业债券募集办法中隐瞒重要事实或者编造重大虚假内容，发行股票或者公司、企业债券，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处非法募集资金金额百分之一以上百分之五以下罚金。

Article 160 [Crime of fraud in issuance of stocks or bonds] Whoever issues stocks or corporate or enterprise bonds by concealing important facts or falsifying major information in the prospectus on share offer, subscription forms or measures for offer of corporate or enterprise bonds shall, if the amount involved is huge, and the consequences are serious, or if there are other serious circumstances, 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 percent but not more five percent of the funds illegally raised.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

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

第一百六十一条   【违规披露、不披露重要信息罪】依法负有信息披露义务的公司、企业向股东和社会公众提供虚假的或者隐瞒重要事实的财务会计报告，或者对依法应当披露的其他重要信息不按照规定披露，严重损害股东或者其他人利益，或者有其他严重情节的，对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

Article 161 【Violation in information disclosure or failure to disclose important information】 Where a company or an enterprise which is obligated to disclose information pursuant to the law provides a false financial accounting report or conceals important facts to its shareholders and the public, or fails to disclose other important information which is required to be disclosed pursuant to the law pursuant to the provisions, thus causing serious harm to the interests of its shareholders or other persons, or under other serious circumstances, the person (s) -in-charge who is/are directly accountable and other directly accountable personnel shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or be subject to a fine ranging from RMB20,000 to RMB200,000.

第一百六十二条   【妨害清算罪】公司、企业进行清算时，隐匿财产，对资产负债表或者财产清单作虚伪记载或者在未清偿债务前分配公司、企业财产，严重损害债权人或者其他人利益的，对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

Article 162 Where, in the process of its liquidation, a company or enterprise conceals its property, makes a false account in its balance sheet or inventory of property sheet, or distributes the company or enterprise's property prior to full payment of its debts, thus causing serious harm to the interests of the creditors or others, the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than 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.

第一百六十二条之一 【隐匿、故意销毁会计凭证、会计账簿、财务会计报告罪】隐匿或者故意销毁依法应当保存的会计凭证、会计账簿、财务会计报告，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

Article 162a [Crime of concealing or intentionally destroying accounting vouchers, account books or financial and accounting reports] Whoever conceals or intentionally destroys accounting vouchers, account books or financial and accounting reports that shall be kept 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/or be imposed a fine of not less than CNY20,000 but not more than CNY200,000.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百六十二条之二 【虚假破产罪】公司、企业通过隐匿财产、承担虚构的债务或者以其他方法转移、处分财产，实施虚假破产，严重损害债权人或者其他人利益的，对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

Article 162b Where a company or an enterprise transfers or disposes of its property by means of concealing its property or undertaking fabricated debts or by other means in order to make believe that it has gone bankrupt, thus causing serious harm to the interests of its creditors or other persons, the person directly in charge and the other persons directly responsible 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.

第一百六十三条   【非国家工作人员受贿罪】公司、企业或者其他单位的工作人员利用职务上的便利，索取他人财物或者非法收受他人财物，为他人谋取利益，数额较大的，处五年以下有期徒刑或者拘役；数额巨大的，处五年以上有期徒刑，可以并处没收财产。

Article 163 Where an employee of a company, an 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 the benefits he seeks for such person, if the amount involved is relatively large, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; and if the amount 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.

公司、企业或者其他单位的工作人员在经济往来中，利用职务上的便利，违反国家规定，收受各种名义的回扣、手续费，归个人所有的，依照前款的规定处罚。

Any employee of a company, enterprise or any other unit who, taking advantage of his position in economic activities, accepts rebates or service charges of various descriptions and takes them into his own possession in violation of State regulations shall be punished in accordance with the provisions in the preceding paragraph.

国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前两款行为的，依照本法第三百八十五条、第三百八十六条的规定定罪处罚。

If an employee who is engaged in public service in a State-owned company, enterprise or any other State-owned unit or any person who is assigned by a State-owned company, enterprise, or any other State-owned unit to a company, enterprise or any other unit that is not owned by the State to engage in public service commits any of the acts mentioned in the preceding two paragraphs, he shall be convicted and punished in accordance with the provisions of Articles 385 and 386 of this Law.

第一百六十四条   【对非国家工作人员行贿罪】为谋取不正当利益，给予公司、企业或者其他单位的工作人员以财物，数额较大的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大的，处三年以上十年以下有期徒刑，并处罚金。

Article 164 [Crime of offering bribes to non-state functionaries] Whoever, for the purpose of seeking illegitimate benefits, gives money or property in a relatively large amount to any employee of a company, enterprise or other organization shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and concurrently be sentenced to a fine; 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 concurrently sentenced to a fine.

【对外国公职人员、国际公共组织官员行贿罪】为谋取不正当商业利益，给予外国公职人员或者国际公共组织官员以财物的，依照前款的规定处罚。

[Crime of offering bribes to foreign civil servants or officials of international public organizations] Whoever gives any property to a foreign civil servant or an official of an international public organization for any improper commercial benefit shall be punished under the preceding paragraph.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

行贿人在被追诉前主动交待行贿行为的，可以减轻处罚或者免除处罚。

Any briber who, before he is investigated for criminal responsibility, voluntarily confesses his act of offering bribes may be given a mitigated punishment or exempted from punishment.

第一百六十五条   【非法经营同类营业罪】国有公司、企业的董事、经理利用职务便利，自己经营或者为他人经营与其所任职公司、企业同类的营业，获取非法利益，数额巨大的，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额特别巨大的，处三年以上七年以下有期徒刑，并处罚金。

Article 165 [Crime of illegally operating similar business] If a director or manager of a state-owned company or enterprise, taking advantage of his office, operates for himself or for another the same business as that of the company or enterprise in which he holds office and obtains illegal benefits, and the amount involved is huge, the person 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 is especially huge, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

第一百六十六条   【为亲友非法牟利罪】国有公司、企业、事业单位的工作人员，利用职务便利，有下列情形之一，使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑，并处罚金：

Article 166 [Crime of illegally soliciting interests for relatives and friends] Where an employee of a state-owned company, enterprise or public institution takes advantage of his office and commits any of the following acts and thus causes heavy losses to the interests of the State, he 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:

（一）将本单位的盈利业务交由自己的亲友进行经营的；

1. turning management of the profitable business of his unit over to his relatives or friends;

（二）以明显高于市场的价格向自己的亲友经营管理的单位采购商品或者以明显低于市场的价格向自己的亲友经营管理的单位销售商品的；

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

（三）向自己的亲友经营管理的单位采购不合格商品的。

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

第一百六十七条   【签订、履行合同失职被骗罪】国有公司、企业、事业单位直接负责的主管人员，在签订、履行合同过程中，因严重不负责任被诈骗，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

Article 167 If a person who is directly in charge of a State-owned company, enterprise or institution, when signing or fulfilling a contract, is defrauded due to serious neglect of responsibility and thus causes heavy losses to the interests of the State, he 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.

第一百六十八条   【国有公司、企业、事业单位人员失职罪】 【国有公司、企业、事业单位人员滥用职权罪】国有公司、企业的工作人员，由于严重不负责任或者滥用职权，造成国有公司、企业破产或者严重损失，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

Article 168 Where an employee of a state-owned company or enterprise is seriously irresponsible or misuses his power, thus causing the bankruptcy or heavy losses to the state-owned company or enterprise, he 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.

国有事业单位的工作人员有前款行为，致使国家利益遭受重大损失的，依照前款的规定处罚。

Any employee of a State-owned institution commits any of the crimes mentioned in the preceding paragraph and causes heavy losses of the interests of the State, he shall be punished in accordance with the provisions in the preceding paragraph.

国有公司、企业、事业单位的工作人员，徇私舞弊，犯前两款罪的，依照第一款的规定从重处罚。

Any employee of a State-owned company, enterprise or institution who engages in malpractices for personal gain and commits any of the crimes mentioned in the preceding two paragraphs shall be a given heavier punishment in accordance with the provisions in the first paragraph.

第一百六十九条   【徇私舞弊低价折股、出售国有资产罪】国有公司、企业或者其上级主管部门直接负责的主管人员，徇私舞弊，将国有资产低价折股或者低价出售，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

Article 169 If a person who is directly in charge of a State-owned company or enterprise or the competent department at a higher level practises irregularities for selfish ends by converting State-owned assets into shares at a low price or selling them at a low price and thus causes heavy losses to the interests of the State, he 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.

第一百六十九条之一 【背信损害上市公司利益罪】上市公司的董事、监事、高级管理人员违背对公司的忠实义务，利用职务便利，操纵上市公司从事下列行为之一，致使上市公司利益遭受重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；致使上市公司利益遭受特别重大损失的，处三年以上七年以下有期徒刑，并处罚金：

Article 169a Where a director, supervisor or senior manager of a listed company, in violation of his fiduciary duty to the company, takes advantage of his post to manipulate the listed company to commit any of the following acts, thus causing heavy losses to the interests of the listed company, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or be imposed upon to a fine. If the listed company thus suffers especially heavy losses, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and be imposed upon to a fine:

（一）无偿向其他单位或者个人提供资金、商品、服务或者其他资产的；

1. Providing any fund, commodity, service or any other asset gratuitously to any other unit or individual;

（二）以明显不公平的条件，提供或者接受资金、商品、服务或者其他资产的；

(II) Providing or accepting any fund, commodity, service or any other asset with obviously unfair terms;

（三）向明显不具有清偿能力的单位或者个人提供资金、商品、服务或者其他资产的；

(III) Providing any fund, commodity, service or any other asset to any unit or individual who obviously does not have the ability of repayment;

（四）为明显不具有清偿能力的单位或者个人提供担保，或者无正当理由为其他单位或者个人提供担保的；

(IV) Providing any guarantee to any unit or individual who obviously does not have the ability of repayment, or providing guarantee to any other unit or individual without justifiable reasons;

（五）无正当理由放弃债权、承担债务的；

(V) Waiving any credit or undertaking any debt without justifiable reasons; or

（六）采用其他方式损害上市公司利益的。

(VI) harming the interests of the listed company by other means.

上市公司的控股股东或者实际控制人，指使上市公司董事、监事、高级管理人员实施前款行为的，依照前款的规定处罚。

If the controlling shareholder or actual controller of a listed company instigates any of the directors, supervisors, or senior managers of the company to conduct any of the acts as described in the preceding paragraph, it or he shall be punished in accordance with the provisions of the preceding paragraph.

犯前款罪的上市公司的控股股东或者实际控制人是单位的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

If the controlling shareholder or actual controller of the listed company committing the acts as described in the preceding paragraph is a unit, the unit shall be imposed upon a fine and the directly liable persons -in-charge and any other liable persons shall be punished in accordance with the first paragraph herein.

第四节 破坏金融管理秩序罪

Section 4 Crimes of Disrupting the Order of Financial Administration

第一百七十条   【伪造货币罪】伪造货币的，处三年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

Article 170 Whoever counterfeits currencies 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 categories, 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:

（一）伪造货币集团的首要分子；

1. being a ringleader of a gang engaged in counterfeiting currencies;

（二）伪造货币数额特别巨大的；

2. Having counterfeited currencies in especially huge, amounts; or

（三）有其他特别严重情节的。

(III) being involved in other especially serious circumstances.

第一百七十一条   【出售、购买、运输假币罪】出售、购买伪造的货币或者明知是伪造的货币而运输，数额较大的，处三年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 171 [Crime of selling, buying or transporting counterfeit currency] Whoever sells or buys counterfeit currencies or knowingly transports them shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than three 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, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

【金融工作人员购买假币、以假币换取货币罪】银行或者其他金融机构的工作人员购买伪造的货币或者利用职务上的便利，以伪造的货币换取货币的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处十年以上有期徒刑或者无期徒刑，并处二万元以上二十万元以下罚金或者没收财产；情节较轻的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金。

[Crime of buying counterfeit currency by staff of financial institutions or trading counterfeit currency for real currency] Staff of banks or other financial institutions who buy counterfeit currency or take advantage of their offices to trade counterfeit currency shall be sentenced to fixed-term imprisonment from three to ten years, and be concurrently imposed a fine ranging from 20,000 yuan to 200,000 yuan; if the amount involved is huge and the circumstance is serious, the offender shall be sentenced to fixed-term imprisonment of more than ten years or life imprisonment and be concurrently imposed a fine ranging from 20,000 yuan to 200,000 yuan or be sentenced to confiscation of property; if the circumstance is relatively minor, the offender shall be sentenced to fixed-term imprisonment of less than three years or criminal detention, and/or be concurrently imposed a fine ranging from 10,000 yuan to 100,000 yuan.

伪造货币并出售或者运输伪造的货币的，依照本法第一百七十条的规定定罪从重处罚。

Whoever counterfeits currencies and also sells or transports counterfeit currencies shall be convicted and given a heavier punishment in accordance with the provisions in Article 170 of this Law.

第一百七十二条   【持有、使用假币罪】明知是伪造的货币而持有、使用，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额特别巨大的，处十年以上有期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 172 [Crime of holding or using counterfeit currency] Whoever knowingly holds or uses counterfeit currency will, if the amount involved is relatively large, be sentenced to a fixed-term imprisonment of not more than three years or criminal detention, and/or be imposed a fine ranging from 10,000 yuan to 100,000 yuan; if the amount involved is huge, he will be sentenced to a fixed-term imprisonment of not less than three years and not more than ten years, and be imposed a fine ranging from 20,000 yuan to 200,000 yuan; if the amount involved is extremely huge, he will be sentenced to a fixed-term imprisonment of not less than ten years, and be imposed a fine ranging from 50,000 yuan to 500,000 yuan or be sentenced to confiscation of property.

第一百七十三条   【变造货币罪】变造货币，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

Article 173 [Crime of changing currencies] Whoever alters currencies shall, if the amount involved is relatively large, 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 CNY10,000 but not more than CNY100 ,000; 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 not less than CNY20,000 but not more than CNY200,000.

第一百七十四条   【擅自设立金融机构罪】未经国家有关主管部门批准，擅自设立商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；情节严重的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金。

Article 174 [Crime of establishing financial institutions without authorization] Whoever, without the approval of the relevant competent departments of the State, 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 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

【伪造、变造、转让金融机构经营许可证、批准文件罪】伪造、变造、转让商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的经营许可证或者批准文件的，依照前款的规定处罚。

[Crime of forging, altering or transferring any permit for operation of a financial institution or any approval document] Whoever forges, alters or transfers any permit for operation 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.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

第一百七十五条   【高利转贷罪】以转贷牟利为目的，套取金融机构信贷资金高利转贷他人，违法所得数额较大的，处三年以下有期徒刑或者拘役，并处违法所得一倍以上五倍以下罚金；数额巨大的，处三年以上七年以下有期徒刑，并处违法所得一倍以上五倍以下罚金。

Article 175 [Crime of Relending Loans at a High Interest Rate] Whoever, for the purpose of making profits, fraudulently obtains credit funds from a financial institution and relends the loans to others at a high interest rate shall, if the amount of illegal gains is relatively large, 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 illegal gains; if the amount 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 not less than one time but not more than five times the illegal gains.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

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

第一百七十五条之一 【骗取贷款、票据承兑、金融票证罪】以欺骗手段取得银行或者其他金融机构贷款、票据承兑、信用证、保函等，给银行或者其他金融机构造成重大损失或者有其他严重情节的，处三年以下有期徒刑或者拘役，并处或者单处罚金；给银行或者其他金融机构造成特别重大损失或者有其他特别严重情节的，处三年以上七年以下有期徒刑，并处罚金。

Article 175a [Crime of defrauding loans, acceptance of negotiable instruments and financial bills] Where anyone obtains by fraudulent means loans, acceptance of negotiable instruments, letter of credit, letter of guarantee, etc. from a bank or any other financial institution, thus causing heavy losses to the bank or financial institution or causing other serious circumstances, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or be imposed upon to a fine. If extremely heavy losses are caused to the bank or other financial institution or if 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 be imposed upon to a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百七十六条   【非法吸收公众存款罪】非法吸收公众存款或者变相吸收公众存款，扰乱金融秩序的，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金。

Article 176 [Crime of Illegally Absorbing Public Deposits] Whoever Illegally Absorbs Public Deposits or does so in a disguised manner, 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 not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百七十七条   【伪造、变造金融票证罪】有下列情形之一，伪造、变造金融票证的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；情节严重的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

Article 177 [Crime of forging or altering financial bills] Whoever falls under any of the following circumstances will be sentenced to a fixed-term imprisonment of not more than five years or criminal detention, and/or be imposed a fine ranging from 20,000 yuan to 200,000 yuan; if the circumstances are serious, he will be sentenced to a fixed-term imprisonment of not less than five years and not more than ten years, and be imposed a fine ranging from 50,000 yuan to 500,000 yuan; if the circumstances are especially serious, he will be sentenced to a fixed-term imprisonment of not less than ten years or life imprisonment, and be imposed a fine ranging from 50,000 yuan to 500,000 yuan or be sentenced to confiscation of property:

（一）伪造、变造汇票、本票、支票的；

1. Forging or altering bills of exchange, promissory notes or cheques;

（二）伪造、变造委托收款凭证、汇款凭证、银行存单等其他银行结算凭证的；

(II) forging or altering settlement certificates of a bank such as certificates of entrustment with the receipt of payment, certificates of remittance and deposit receipts;

（三）伪造、变造信用证或者附随的单据、文件的；

(III) forging or altering letters of credit or their attached bills and documents; or

（四）伪造信用卡的。

(IV) forging credit cards.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百七十七条之一 【妨害信用卡管理罪】有下列情形之一，妨害信用卡管理的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数量巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金：

Article 177a [Crime of obstructing administration of credit cards] Whoever commits any of the following acts which obstruct administration of credit cards 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 CNY10,000 but not more than CNY100 ,000; if the amount involved is huge, or if 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 CNY20,000 but not more than CNY200,000:

（一）明知是伪造的信用卡而持有、运输的，或者明知是伪造的空白信用卡而持有、运输，数量较大的；

1. Knowingly holding or transporting forged credit cards, or knowingly holding or transporting forged blank credit cards in relatively large quantities;

（二）非法持有他人信用卡，数量较大的；

(II) illegally holding others' credit cards in relatively large quantities;

（三）使用虚假的身份证明骗领信用卡的；

(III) defrauding credit cards by using false identity certification; or

（四）出售、购买、为他人提供伪造的信用卡或者以虚假的身份证明骗领的信用卡的。

(IV) Selling, buying or providing others forged credit cards or credit cards defrauded by using false identity certification.

【窃取、收买、非法提供信用卡信息罪】窃取、收买或者非法提供他人信用卡信息资料的，依照前款规定处罚。

[Crime of stealing, buying or illegally providing credit card information] In the case of stealing, buying or illegally providing the information of others' credit cards, the violator shall be punished in accordance with the preceding paragraph.

银行或者其他金融机构的工作人员利用职务上的便利，犯第二款罪的，从重处罚。

Any staff member of a bank or any other financial institution who, taking advantage of his position, commits the act mentioned in Subparagraph (2) shall be given a heavier punishment.

第一百七十八条   【伪造、变造国家有价证券罪】伪造、变造国库券或者国家发行的其他有价证券，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 178 [Crime of Forging or Altering State Negotiable Securities] Whoever forges or alters treasury bills or other negotiable securities issued by the State shall, if the amount involved is relatively large, 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 amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

【伪造、变造股票、公司、企业债券罪】伪造、变造股票或者公司、企业债券，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；数额巨大的，处三年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

[Crime of forging or altering stocks or corporate or enterprise bonds] Whoever forges or alters stocks or corporate or enterprise bonds shall, if the amount involved is relatively large, 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 amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding two paragraphs respectively.

第一百七十九条   【擅自发行股票、公司、企业债券罪】未经国家有关主管部门批准，擅自发行股票或者公司、企业债券，数额巨大、后果严重或者有其他严重情节的，处五年以下有期徒刑或者拘役，并处或者单处非法募集资金金额百分之一以上百分之五以下罚金。

Article 179 Whoever issues stocks or corporate or enterprise bonds without approval of the competent departments of the State shall, if the amount involved is huge, and the consequences are serious, or if there are other serious circumstances, 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 percent but not more five percent of the funds illegally raised.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

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

第一百八十条   【内幕交易、泄露内幕信息罪】证券、期货交易内幕信息的知情人员或者非法获取证券、期货交易内幕信息的人员，在涉及证券的发行，证券、期货交易或者其他对证券、期货交易价格有重大影响的信息尚未公开前，买入或者卖出该证券，或者从事与该内幕信息有关的期货交易，或者泄露该信息，或者明示、暗示他人从事上述交易活动，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处违法所得一倍以上五倍以下罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处违法所得一倍以上五倍以下罚金。

Article 180 [Crime of insider trading or divulging insider information] Any person with insider information on securities or futures trading or any person who illegally obtains such information, prior to the publication of the information that concerns security issue, securities or futures trading or that has a vital bearing on the trading prices of securities or futures, buys or sells the said securities, engages in the futures trading which the said insider information concerns, or divulges the said information shall, if the circumstances are serious, 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 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 10 years and shall also be fined not less than one time but not more than five times the illegal gains.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

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

内幕信息、知情人员的范围，依照法律、行政法规的规定确定。

The scope of inside information and the insiders shall be determined in accordance with the laws and administrative regulations.

【利用未公开信息交易罪】证券交易所、期货交易所、证券公司、期货经纪公司、基金管理公司、商业银行、保险公司等金融机构的从业人员以及有关监管部门或者行业协会的工作人员，利用因职务便利获取的内幕信息以外的其他未公开的信息，违反规定，从事与该信息相关的证券、期货交易活动，或者明示、暗示他人从事相关交易活动，情节严重的，依照第一款的规定处罚。

[Crime of trading by using undisclosed information] Where any practitioner of stock exchanges, futures exchanges, securities companies, futures brokerage companies, fund management companies, commercial banks, insurance companies and other financial institutions or any staff member of the relevant regulatory departments or industry associations uses any undisclosed information other than the insider information obtained by taking advantage of his position to engage in the securities or futures trading activities related to such information or explicitly or implicitly advise any other person to engage in the relevant trading activities in violation of the relevant provisions, and the circumstances are serious, he shall be punished in accordance with Paragraph 1.

第一百八十一条   【编造并传播证券、期货交易虚假信息罪】编造并且传播影响证券、期货交易的虚假信息，扰乱证券、期货交易市场，造成严重后果的，处五年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金。

Article 181 [Fabrication and Dissemination of False Information on Securities or Futures Trading] Whoever fabricates and disseminates false information on securities or futures trading, disrupting the securities or futures trading market and causing serious consequences, 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 CNY10,000 but not more than CNY100 ,000.

【诱骗投资者买卖证券、期货合约罪】证券交易所、期货交易所、证券公司、期货经纪公司的从业人员，证券业协会、期货业协会或者证券期货监督管理部门的工作人员，故意提供虚假信息或者伪造、变造、销毁交易记录，诱骗投资者买卖证券、期货合约，造成严重后果的，处五年以下有期徒刑或者拘役，并处或者单处一万元以上十万元以下罚金；情节特别恶劣的，处五年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金。

[Crime of tricking investors into buying or selling securities or futures contracts] Any employee of a stock exchange, futures exchange, securities company or futures brokerage firm or any staff member of the securities association, futures association or securities or futures regulatory authority who intentionally provides false information or forges, alters or destroys trading records in order to trick investors into buying or selling securities or futures contracts, thus causing serious consequences, 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 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

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

第一百八十二条   【操纵证券、期货市场罪】有下列情形之一，操纵证券、期货市场，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处罚金：

Article 182 [Crime of manipulating securities or futures market] Whoever commits any of the following acts by manipulating securities or futures market, 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 10 years and shall also be fined:

（一）单独或者合谋，集中资金优势、持股或者持仓优势或者利用信息优势联合或者连续买卖，操纵证券、期货交易价格或者证券、期货交易量的；

1. Manipulating the trading prices of securities or futures or the trading volume of securities or futures by, independently or in collusion with others, centralizing the advantages in either the holding of funds or shares or the holding of positions, or using the advantages in information to trade jointly or continuously;

（二）与他人串通，以事先约定的时间、价格和方式相互进行证券、期货交易，影响证券、期货交易价格或者证券、期货交易量的；

(II) collaborating with a third party to conduct transactions in securities and futures at a time, price and method agreed upon in advance, thereby affecting the trading price or volume of securities and futures;

（三）在自己实际控制的账户之间进行证券交易，或者以自己为交易对象，自买自卖期货合约，影响证券、期货交易价格或者证券、期货交易量的；

(III) affecting the prices of securities or futures or the volume of trading in securities or futures by conducting securities transactions between the accounts under the actual control of the same person or trading in futures contracts with the same person as the trading object; or

（四）以其他方法操纵证券、期货市场的。

(IV) manipulating the securities or futures markets by any other means.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百八十三条   【职务侵占罪】保险公司的工作人员利用职务上的便利，故意编造未曾发生的保险事故进行虚假理赔，骗取保险金归自己所有的，依照本法第二百七十一条的规定定罪处罚。

Article 183 [Crime of occupational embezzlement] Any employee of an insurance company who, taking advantage of his position, deliberately fabricates the occurrence of an insured accident and falsely settles a fictitious claim, thereby swindling the insured amount of money out of the company and taking it into his own possession, shall be convicted and punished according to the provisions in Article 271 of this Law.

【贪污罪】国有保险公司工作人员和国有保险公司委派到非国有保险公司从事公务的人员有前款行为的，依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

[Crime of embezzlement] If an employee of a State-owned insurance company or any person who is assigned by a State-owned insurance company to an insurance company that is not owned by the State to engage in public service commits the act prescribed in the preceding paragraph, he shall be convicted and punished according to the provisions in Articles 382 and 383 of this Law.

第一百八十四条   【非国家工作人员受贿罪】银行或者其他金融机构的工作人员在金融业务活动中索取他人财物或者非法收受他人财物，为他人谋取利益的，或者违反国家规定，收受各种名义的回扣、手续费，归个人所有的，依照本法第一百六十三条的规定定罪处罚。

Article 184 Any employee of a bank or of any other banking institution who in financial activities demands money or property from another person or illegally accepts money or property from another person in return for the benefits secured for such person or, in violation of State regulations, accepts rebates or service charges of various descriptions and takes them into his own possession shall be convicted and punished according to the provisions in Article 163 of this Law.

【受贿罪】国有金融机构工作人员和国有金融机构委派到非国有金融机构从事公务的人员有前款行为的，依照本法第三百八十五条、第三百八十六条的规定定罪处罚。

[Crime of accepting bribes] Where any employee of a State-owned banking institution or any person who is assigned by a State-owned banking institution to a banking institution that is not owned by the State to engage in public service commits the act mentioned in the preceding paragraph, he shall be convicted and punished according to the provisions in Articles 385 and 386 of this Law.

第一百八十五条   【挪用资金罪】商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构的工作人员利用职务上的便利，挪用本单位或者客户资金的，依照本法第二百七十二条的规定定罪处罚。

Article 185 [Crime of misappropriating funds] If any employee of a commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other financial institutions, by taking advantage of his position, misappropriates funds of the unit or any client, he shall be convicted and punished according to Article 272 of this Law.

【挪用公款罪】国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构的工作人员和国有商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他国有金融机构委派到前款规定中的非国有机构从事公务的人员有前款行为的，依照本法第三百八十四条的规定定罪处罚。

[Crime of misappropriating public funds] If any employee of a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other financial institutions or any person who is assigned by a state-owned commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or other financial institutions to an institution that is not owned by the state to engage in public service commits the crime as mentioned in the preceding paragraph, he shall be convicted and punished according to the provisions in Article 384 of this Law.

第一百八十五条之一 【背信运用受托财产罪】商业银行、证券交易所、期货交易所、证券公司、期货经纪公司、保险公司或者其他金融机构，违背受托义务，擅自运用客户资金或者其他委托、信托的财产，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处三万元以上三十万元以下罚金；情节特别严重的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金。

Article 185a [Crime of using entrusted property in breach of trust] Where a commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company or any other financial institution in violation of its fiduciary duty uses the funds or any other entrusted or entrusted property of its clients without authorization, if the circumstances are serious, a fine shall be imposed on the unit, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention 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 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan.

【违法运用资金罪】社会保障基金管理机构、住房公积金管理机构等公众资金管理机构，以及保险公司、保险资产管理公司、证券投资基金管理公司，违反国家规定运用资金的，对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

[Crime of illegally using funds] Where a social security fund management institution, housing provident fund management institution or any other public fund management institution, or an insurance company, insurance asset management company, or securities investment fund management company violates the provisions of the State in the use of funds, the person directly in charge and other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph.

第一百八十六条   【违法发放贷款罪】银行或者其他金融机构的工作人员违反国家规定发放贷款，数额巨大或者造成重大损失的，处五年以下有期徒刑或者拘役，并处一万元以上十万元以下罚金；数额特别巨大或者造成特别重大损失的，处五年以上有期徒刑，并处二万元以上二十万元以下罚金。

Article 186 [Crime of illegally granting loans] If the staff of any bank or other financial institution grants any loan in violation of the provisions of the state and the amount is huge or any serious loss has caused, the staff shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and shall be imposed upon to a fine of not less than 10,000 Yuan but not more than 100,000 Yuan. If the amount is extremely huge or particularly serious losses have been caused, he shall be sentenced to not less than five years of fixed-term imprisonment, and shall be imposed upon to a fine of not less than 20,000 Yuan but not more than 200,000 Yuan.

银行或者其他金融机构的工作人员违反国家规定，向关系人发放贷款的，依照前款的规定从重处罚。

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

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding two paragraphs respectively.

关系人的范围，依照《中华人民共和国商业银行法》和有关金融法规确定。

The range of connections shall be determined in accordance with the provisions in the Law of the People's Republic of China on Commercial Banks and the relevant regulations on banking.

第一百八十七条   【吸收客户资金不入账罪】银行或者其他金融机构的工作人员吸收客户资金不入账，数额巨大或者造成重大损失的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额特别巨大或者造成特别重大损失的，处五年以上有期徒刑，并处五万元以上五十万元以下罚金。

Article 187 [Crime of not entering the funds absorbed from clients into accounts] Where any employee of any bank or any other financial institution accepts the funds of any client without entering the funds into the accounts, and the amount involved is huge or any serious loss has been caused, he shall be sentenced to fixed-term imprisonment or criminal detention of not more than five years, and shall be concurrently imposed a fine of not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is extremely huge or particularly serious losses have been caused, he shall be sentenced to fixed-term imprisonment of not less than five years, and shall be concurrently imposed a fine of not less than 50,000 yuan but not more than 500,000 yuan.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百八十八条   【违规出具金融票证罪】银行或者其他金融机构的工作人员违反规定，为他人出具信用证或者其他保函、票据、存单、资信证明，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上有期徒刑。

Article 188 Any employee of a bank or of any other financial institution who, against regulations, issues to others letters of credit or other letters of guaranty, negotiable instruments, deposit certificates or certificates of financial standing, 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.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百八十九条   【对违法票据承兑、付款、保证罪】银行或者其他金融机构的工作人员在票据业务中，对违反票据法规定的票据予以承兑、付款或者保证，造成重大损失的，处五年以下有期徒刑或者拘役；造成特别重大损失的，处五年以上有期徒刑。

Article 189 Any employee of a bank or of any other banking institution who, in dealing with negotiable instruments, accepts, pays or guarantees a negotiable instrument which is at variance with the provisions in the Law on Negotiable Instruments, thus causing heavy losses, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第一百九十条   【逃汇罪】公司、企业或者其他单位，违反国家规定，擅自将外汇存放境外，或者将境内的外汇非法转移到境外，数额较大的，对单位判处逃汇数额百分之五以上百分之三十以下罚金，并对其直接负责的主管人员和其他直接责任人员处五年以下有期徒刑或者拘役；数额巨大或者有其他严重情节的，对单位判处逃汇数额百分之五以上百分之三十以下罚金，并对其直接负责的主管人员和其他直接责任人员处五年以上有期徒刑。

Article 190 [Crime of evading foreign exchange] Where any company, enterprise or other unit, in violation of State regulations, deposits foreign exchange abroad without authorization or illegally transfers foreign exchange abroad, if the amount involved is relatively large, the unit shall be fined not less than 5 percent but not more than 30 percent of the amount of the foreign exchange evaded, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount involved is huge, or if there are other serious circumstances, the unit shall be fined not less than 5 percent but not more than 30 percent of the amount of the foreign exchange evaded, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not less than five years.

第一百九十一条   【洗钱罪】明知是毒品犯罪、黑社会性质的组织犯罪、恐怖活动犯罪、走私犯罪、贪污贿赂犯罪、破坏金融管理秩序犯罪、金融诈骗犯罪的所得及其产生的收益，为掩饰、隐瞒其来源和性质，有下列行为之一的，没收实施以上犯罪的所得及其产生的收益，处五年以下有期徒刑或者拘役，并处或者单处洗钱数额百分之五以上百分之二十以下罚金；情节严重的，处五年以上十年以下有期徒刑，并处洗钱数额百分之五以上百分之二十以下罚金：

Article 191 [Crime of money laundering] Where any person who is clearly aware that the earnings are obtained from drug-related crimes or from crimes committed by organizations in the nature of criminal syndicate, crimes of terrorism, crimes of smuggling, crimes of corruption or bribery, crimes of disrupting the financial management order, crimes of financial fraud, etc. and the earnings obtained therefrom commits any of the following acts so as to conceal and disguise the source or nature thereof, the earnings obtained from the commission of the aforementioned crimes as well as the earnings obtained therefrom shall be confiscated, and such person shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and/or shall be imposed upon to a fine of not less than 5% but not more than 20% of the amount of money laundered; if the circumstances are serious, such person shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, and shall be imposed upon to a fine of not less than 5% but not more than 20% of the amount of money laundered:

（一）提供资金账户的；

1. Providing capital accounts;

（二）协助将财产转换为现金、金融票据、有价证券的；

(II) Helping exchange property into cash, financial instruments or negotiable securities;

（三）通过转账或者其他结算方式协助资金转移的；

3. Assisting to transfer capital through transferring accounts or any other form of settlement;

（四）协助将资金汇往境外的；

(IV) Assisting to remit funds abroad;

（五）以其他方法掩饰、隐瞒犯罪所得及其收益的来源和性质的。

5. covering up or concealing by any other means the source or nature of proceeds of crime and the proceeds thereof.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than 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 10 years.

第五节 金融诈骗罪

Section 5 Crimes of Financial Fraud

第一百九十二条   【集资诈骗罪】以非法占有为目的，使用诈骗方法非法集资，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 192 [Crime of Fraud in Raising Funds] Where any person illegally raises funds by means of fraud for the purpose of illegal possession, if the amount involved is relatively large, he 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 if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

第一百九十三条   【贷款诈骗罪】有下列情形之一，以非法占有为目的，诈骗银行或者其他金融机构的贷款，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

Article 193 [Crime of loan fraud] Whoever, under any of the following circumstances, swindles the loans from a bank or other financial institution for the purpose of illegal possession will, if the amount involved is relatively large, be sentenced to a fixed-term imprisonment of not more than five years or criminal detention, and be concurrently imposed a fine ranging from 20,000 yuan to 200,000 yuan; if the amount involved is huge or there are other serious circumstances, he will be sentenced to a fixed-term imprisonment of not less than five years and not more than ten years, and be concurrently imposed a fine ranging from 50,000 yuan to 500,000 yuan; if the amount involved is especially huge or there are other especially serious circumstances, he will be sentenced to a fixed-term imprisonment of not less than ten years or life imprisonment, and be concurrently imposed a fine ranging from 50,000 yuan to 500,000 yuan or be sentenced to confiscation of property:

（一）编造引进资金、项目等虚假理由的；

1. fabricating false reasons such as introduction of funds or projects;

（二）使用虚假的经济合同的；

(II) using a false economic contract;

（三）使用虚假的证明文件的；

(III) using a false supporting document;

（四）使用虚假的产权证明作担保或者超出抵押物价值重复担保的；

4. Using a false property right certificate as guaranty or repeatedly using the same mortgaged property as guaranty in excess of its value; or

（五）以其他方法诈骗贷款的。

(V) defrauding loans by any other means.

第一百九十四条   【票据诈骗罪】有下列情形之一，进行金融票据诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

Article 194 [Crime of fraud in bills] Whoever, under any of the following circumstances, engages in financial bills fraud will, if the amount involved is relatively large, be sentenced to a fixed-term imprisonment of not more than five years or criminal detention, and be concurrently imposed a fine ranging from 20,000 yuan to 200,000 yuan; if the amount involved is huge or there are other serious circumstances, he will be sentenced to a fixed-term imprisonment of not less than five years and not more than ten years, and be concurrently imposed a fine ranging from 50,000 yuan to 500,000 yuan; if the amount involved is especially huge or there are other especially serious circumstances, he will be sentenced to a fixed-term imprisonment of not less than ten years or life imprisonment, and be concurrently imposed a fine ranging from 50,000 yuan to 500,000 yuan or be sentenced to confiscation of property:

（一）明知是伪造、变造的汇票、本票、支票而使用的；

1. knowingly using forged or altered bills of exchange, promissory notes or cheques;

（二）明知是作废的汇票、本票、支票而使用的；

(II) knowingly using invalidated bills of exchange, promissory notes or checks;

（三）冒用他人的汇票、本票、支票的；

(III) illegally using another's bills of exchange, promissory notes or cheques;

（四）签发空头支票或者与其预留印鉴不符的支票，骗取财物的；

(IV) signing and issuing a rubber check or a check, on which the seal is not in conformity with the reserved specimen seal, in order to defraud money or property; or

（五）汇票、本票的出票人签发无资金保证的汇票、本票或者在出票时作虚假记载，骗取财物的。

(V) Signing or issuing bills of exchange or promissory notes without funds as a guaranty, in the capacity of a drawer, falsely specifying the particulars thereon at the time of issue, in order to defraud money or property.

【金融凭证诈骗罪】使用伪造、变造的委托收款凭证、汇款凭证、银行存单等其他银行结算凭证的，依照前款的规定处罚。

[Crime of fraud in financial documents] Whoever uses forged or altered settlement certificates of a bank such as certificates of entrustment with the receipt of payment, certificates of remittance and deposit receipts shall be punished in accordance with the provisions of the preceding paragraph.

第一百九十五条   【信用证诈骗罪】有下列情形之一，进行信用证诈骗活动的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

Article 195 [Crime of fraud with letters of credit] Whoever commits fraud with letters of credit in any of the following circumstances 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 if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

（一）使用伪造、变造的信用证或者附随的单据、文件的；

1. Using forged or altered letters of credit or bills and documents attached;

（二）使用作废的信用证的；

2. Using an invalidated letter of credit;

（三）骗取信用证的；

(III) obtaining letters of credit by fraud; or

（四）以其他方法进行信用证诈骗活动的。

(IV) In any other ways.

第一百九十六条   【信用卡诈骗罪】有下列情形之一，进行信用卡诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产：

Article 196 [Crime of Credit Card Fraud] Whoever commits fraud with credit cards in any of the following circumstances shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge or there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined 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 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property:

（一）使用伪造的信用卡，或者使用以虚假的身份证明骗领的信用卡的；

1. using a forged credit card, or using a credit card obtained by using false identity certification;

（二）使用作废的信用卡的；

(II) using invalid credit cards;

（三）冒用他人信用卡的；

(III) illegally using another's credit card; or

（四）恶意透支的。

(IV) overdrawing with ill intentions.

前款所称恶意透支，是指持卡人以非法占有为目的，超过规定限额或者规定期限透支，并且经发卡银行催收后仍不归还的行为。

Overdrawing with ill intentions as mentioned in the preceding paragraph means that 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.

盗窃信用卡并使用的，依照本法第二百六十四条的规定定罪处罚。

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

第一百九十七条   【有价证券诈骗罪】使用伪造、变造的国库券或者国家发行的其他有价证券，进行诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 197 [Crime of Fraud in Negotiable Securities] Whoever commits fraud by using forged or altered treasury bills or any other negotiable securities issued by the State shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

第一百九十八条   【保险诈骗罪】有下列情形之一，进行保险诈骗活动，数额较大的，处五年以下有期徒刑或者拘役，并处一万元以上十万元以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处二万元以上二十万元以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑，并处二万元以上二十万元以下罚金或者没收财产：

Article 198 [Crime of insurance fraud] Whoever, under any of the following circumstances, engages in insurance fraud will, if the amount involved is relatively large, be sentenced to a fixed-term imprisonment of not more than five years or criminal detention, and be concurrently imposed a fine ranging from 10,000 yuan to 100,000 yuan; if the amount involved is huge or there are other serious circumstances, he will be sentenced to a fixed-term imprisonment of not less than five years and not more than ten years, and be concurrently imposed a fine ranging from 20,000 yuan to 200,000 yuan; if the amount involved is especially huge or there are other especially serious circumstances, he will be sentenced to a fixed-term imprisonment of not less than ten years, and be concurrently imposed a fine ranging from 20,000 yuan to 200,000 yuan or be sentenced to confiscation of property:

（一）投保人故意虚构保险标的，骗取保险金的；

1. The insurant deliberately fabricates the objects of insurance to deceive into getting insurance money;

（二）投保人、被保险人或者受益人对发生的保险事故编造虚假的原因或者夸大损失的程度，骗取保险金的；

2. An applicant, an insured or a beneficiary defrauds insurance money by cooking up the cause of an insured accident or overstates the extent of loss;

（三）投保人、被保险人或者受益人编造未曾发生的保险事故，骗取保险金的；

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

（四）投保人、被保险人故意造成财产损失的保险事故，骗取保险金的；

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

（五）投保人、受益人故意造成被保险人死亡、伤残或者疾病，骗取保险金的。

(V) an applicant or a beneficiary defrauds insurance money by deliberately causing the death, injury or sickness of the insured.

有前款第四项、第五项所列行为，同时构成其他犯罪的，依照数罪并罚的规定处罚。

Whoever commits the act listed in sub-paragraph (4) or (5) of the preceding paragraph, which also constitutes another crime, shall be punished in accordance with the provisions on combined punishment for several crimes.

单位犯第一款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑。

Where a unit commits the crime mentioned in the first paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount involved is huge, or if there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the amount involved is especially huge, or if there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years.

保险事故的鉴定人、证明人、财产评估人故意提供虚假的证明文件，为他人诈骗提供条件的，以保险诈骗的共犯论处。

Any expert witness, witness or property assessor of an insured accident who deliberately provides false supporting documents, thus creating the conditions for another to practise defraudation, shall be deemed an accomplice in insurance fraud and punished as such.

第一百九十九条   （根据《中华人民共和国刑法修正案（九）》，本条被删去）

Article 199 (This Article is deleted in accordance with the Amendment IX to the Criminal Law of the People's Republic of China)

第二百条   【单位犯金融诈骗罪的处罚规定】单位犯本节第一百九十二条、第一百九十四条、第一百九十五条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，可以并处罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金。

Article 200 [Punishment Provisions on Crimes of Financial Fraud] Where a unit commits the crime specified in Article 192, 194 or 195 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and may also be fined; if the amount involved is huge, or if 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 if 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.

第六节 危害税收征管罪

Section 6 Crimes of Impairing Administration of Tax Collection

第二百零一条   【逃税罪】纳税人采取欺骗、隐瞒手段进行虚假纳税申报或者不申报，逃避缴纳税款数额较大并且占应纳税额百分之十以上的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大并且占应纳税额百分之三十以上的，处三年以上七年以下有期徒刑，并处罚金。

Article 201 [Tax Evasion Crime] Where a taxpayer files false tax returns or fails to file tax returns by deception or concealment, if the amount of tax evaded is relatively large and accounts for more than 10 percent of payable tax, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and be fined; if the amount is huge and accounts for more than 30 percent of payable tax, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and be fined.

扣缴义务人采取前款所列手段，不缴或者少缴已扣、已收税款，数额较大的，依照前款的规定处罚。

Where any withholding agent fails to pay or fails to pay in full the withheld or collected taxes by cheating or concealment, and the amount is relatively large, he shall be punished under the preceding paragraph.

对多次实施前两款行为，未经处理的，按照累计数额计算。

Where either of the acts described in the preceding two paragraphs is committed many times without punishment, the amount shall be calculated on an accumulated basis.

有第一款行为，经税务机关依法下达追缴通知后，补缴应纳税款，缴纳滞纳金，已受行政处罚的，不予追究刑事责任；但是，五年内因逃避缴纳税款受过刑事处罚或者被税务机关给予二次以上行政处罚的除外。

Where any taxpayer who committed the act as described in paragraph 1 has made up the payable taxes and paid the late fine after the tax authority sent down the notice of tax recovery according to law, and has been administratively punished, he shall not be subject to criminal liability, except one who has been criminally punished in five years for evading tax payment or has been, twice or more, administratively punished by the tax authorities.

第二百零二条   【抗税罪】以暴力、威胁方法拒不缴纳税款的，处三年以下有期徒刑或者拘役，并处拒缴税款一倍以上五倍以下罚金；情节严重的，处三年以上七年以下有期徒刑，并处拒缴税款一倍以上五倍以下罚金。

Article 202 [Crime of Refusal to Pay Tax] Whoever refuses to pay taxes by means of violence or threat 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 he refuses to pay; 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 not less than one time but not more than five times the amount he refuses to pay.

第二百零三条   【逃避追缴欠税罪】纳税人欠缴应纳税款，采取转移或者隐匿财产的手段，致使税务机关无法追缴欠缴的税款，数额在一万元以上不满十万元的，处三年以下有期徒刑或者拘役，并处或者单处欠缴税款一倍以上五倍以下罚金；数额在十万元以上的，处三年以上七年以下有期徒刑，并处欠缴税款一倍以上五倍以下罚金。

Article 203 [The Crime of Evading Overdue Taxes] Where any taxpayers who fail to pay the taxes due and adopt the means of transferring or concealing the properties so that the tax authorities fail to recover the overdue taxes, and where the amount of taxes in arrears is over CNY10, 000 but under CNY100, 000, they shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or shall be imposed a fine of not less than one time but not more than five times of the overdue taxes; where the amount of taxes in arrears is over CNY100, 000, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and shall be imposed a fine of not less than one time but not more than five times of the overdue taxes.

第二百零四条   【骗取出口退税罪】以假报出口或者其他欺骗手段，骗取国家出口退税款，数额较大的，处五年以下有期徒刑或者拘役，并处骗取税款一倍以上五倍以下罚金；数额巨大或者有其他严重情节的，处五年以上十年以下有期徒刑，并处骗取税款一倍以上五倍以下罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处骗取税款一倍以上五倍以下罚金或者没收财产。

Article 204 [Crime of Defrauding Export Tax Refunds] Whoever, by filing false export declaration or by any other deceptive means, defrauds the State of export tax refunds, 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 one time but not more than five times the amount defrauded; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than one time but not more than five times the amount defrauded; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than one time but not more than five times the amount defrauded or be sentenced to confiscation of property.

纳税人缴纳税款后，采取前款规定的欺骗方法，骗取所缴纳的税款的，依照本法第二百零一条的规定定罪处罚；骗取税款超过所缴纳的税款部分，依照前款的规定处罚。

Any taxpayer who, after having paid the taxes, adopts the deceptive means mentioned in the preceding paragraph to obtain a tax refund shall be convicted and punished according to the provisions in Article 201 of this Law, and for the defrauded part that exceeds what he has paid, he shall be punished according to the provisions in the preceding paragraph.

第二百零五条   【虚开增值税专用发票、用于骗取出口退税、抵扣税款发票罪】虚开增值税专用发票或者虚开用于骗取出口退税、抵扣税款的其他发票的，处三年以下有期徒刑或者拘役，并处二万元以上二十万元以下罚金；虚开的税款数额较大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；虚开的税款数额巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 205 [Crime of falsely making out special invoices for value-added tax or other invoices to defraud a tax refund for exports or to offset tax money] Whoever falsely makes out special invoices for value-added tax or other invoices to defraud a tax refund for exports or to offset tax money shall be sentenced to fixed-term imprisonment of not more than three 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 of money involved is relatively large or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount of money involved is huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役；虚开的税款数额较大或者有其他严重情节的，处三年以上十年以下有期徒刑；虚开的税款数额巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑。

Where a unit commits the crime mentioned in this Article, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the amount involved is relatively large or if there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the amount involved is huge, or if there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

虚开增值税专用发票或者虚开用于骗取出口退税、抵扣税款的其他发票，是指有为他人虚开、为自己虚开、让他人为自己虚开、介绍他人虚开行为之一的。

Falsely making out special invoices for value-added tax or any other invoices to defraud a tax refund for exports or to offset tax money refers to any act of falsely making out the said invoices for another, for oneself, or asking another to do so for oneself, or recommending another to do so.

第二百零五条之一 【虚开发票罪】虚开本法第二百零五条规定以外的其他发票，情节严重的，处二年以下有期徒刑、拘役或者管制，并处罚金；情节特别严重的，处二年以上七年以下有期徒刑，并处罚金。

Article 205a [Crime of Falsifying Invoices] Whoever falsely writes invoices other than those specified 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.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第二百零六条   【伪造、出售伪造的增值税专用发票罪】伪造或者出售伪造的增值税专用发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量较大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数量巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 206 [Crime of Forging or Selling Forged Special Invoices for Value-Added Tax] Whoever forges or sells forged special invoices for value-added tax shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the number involved is relatively large or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the number involved is huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

单位犯本条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑、拘役或者管制；数量较大或者有其他严重情节的，处三年以上十年以下有期徒刑；数量巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑。

Where a unit commits the crime mentioned in this Article, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the number involved is relatively large or if there are other serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the number involved is huge, or if there are other especially serious circumstances, they shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

第二百零七条   【非法出售增值税专用发票罪】非法出售增值税专用发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量较大的，处三年以上十年以下有期徒刑，并处五万元以上五十万元以下罚金；数量巨大的，处十年以上有期徒刑或者无期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 207 [Crime of illegally selling special invoices for value-added tax] Anyone who illegally sells special invoices for value-added tax shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the number involved is relatively large, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan; if the number involved is huge, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan or be sentenced to confiscation of property.

第二百零八条   【非法购买增值税专用发票、购买伪造的增值税专用发票罪】非法购买增值税专用发票或者购买伪造的增值税专用发票的，处五年以下有期徒刑或者拘役，并处或者单处二万元以上二十万元以下罚金。

Article 208 [Crime of Illegally Purchasing Exclusive Value-added Tax Invoice or Forged Exclusive Value-added Tax Invoice] Anyone who illegally purchases exclusive value-added tax invoice or forged exclusive value-added tax invoice shall be sentenced to imprisonment for up to five years or criminal detention, and/or be imposed a fine from 20,000 to 200,000 yuan.

非法购买增值税专用发票或者购买伪造的增值税专用发票又虚开或者出售的，分别依照本法第二百零五条、第二百零六条、第二百零七条的规定定罪处罚。

Whoever, in addition to unlawfully purchasing special invoices for value-added tax or purchasing forged special invoices for value-added tax, falsely makes out such invoices or sells them shall be convicted and punished according to the provisions of Article 205, 206 or 207 of this Law respectively.

第二百零九条   【非法制造、出售非法制造的用于骗取出口退税、抵扣税款发票罪】伪造、擅自制造或者出售伪造、擅自制造的可以用于骗取出口退税、抵扣税款的其他发票的，处三年以下有期徒刑、拘役或者管制，并处二万元以上二十万元以下罚金；数量巨大的，处三年以上七年以下有期徒刑，并处五万元以上五十万元以下罚金；数量特别巨大的，处七年以上有期徒刑，并处五万元以上五十万元以下罚金或者没收财产。

Article 209 Whoever forges or makes without authorization any other invoices, which can be used to defraud a tax refund for exports or to offset tax money, or sells such invoices shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan; if the number 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 not less than 50,000 yuan but not more than 500,000 yuan; if the number involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years 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.

【非法制造、出售非法制造的发票罪】伪造、擅自制造或者出售伪造、擅自制造的前款规定以外的其他发票的，处二年以下有期徒刑、拘役或者管制，并处或者单处一万元以上五万元以下罚金；情节严重的，处二年以上七年以下有期徒刑，并处五万元以上五十万元以下罚金。

Whoever forges or manufactures without authorization invoices other than the ones specified in the preceding paragraph or sells such invoices shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance and shall also, or shall only, be fined not less than 10,000 yuan but not more than 50,000 yuan; if the circumstances are 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 not less than 50,000 yuan but not more than 500,000 yuan.

【非法出售用于骗取出口退税、抵扣税款发票罪】非法出售可以用于骗取出口退税、抵扣税款的其他发票的，依照第一款的规定处罚。

Whoever illegally sells any other invoices which may be used to defraud a tax refund for exports or to offset tax shall be punished in accordance with the provisions in the first paragraph.

【非法出售发票罪】非法出售第三款规定以外的其他发票的，依照第二款的规定处罚。

Whoever illegally sells invoices other than the ones specified in the third paragraph shall be punished in accordance with the provisions in the second paragraph.

第二百一十条   【盗窃罪】盗窃增值税专用发票或者可以用于骗取出口退税、抵扣税款的其他发票的，依照本法第二百六十四条的规定定罪处罚。

Article 210 [Crime of Theft] Whoever steals special invoices for value-added tax or other invoices which can be used to defraud a tax refund for exports or to offset tax money shall be convicted and punished in accordance with the provisions in Article 264 of this Law.

【诈骗罪】使用欺骗手段骗取增值税专用发票或者可以用于骗取出口退税、抵扣税款的其他发票的，依照本法第二百六十六条的规定定罪处罚。

【Fraud】 Persons who use fraudulent means to obtain special value-added tax invoices or other invoices which can be used for obtaining fraudulent export tax refund or tax deduction shall be convicted and punished pursuant to the provisions of Article 266 of this Law.

第二百一十之一　【持有伪造的发票罪】明知是伪造的发票而持有，数量较大的，处二年以下有期徒刑、拘役或者管制，并处罚金；数量巨大的，处二年以上七年以下有期徒刑，并处罚金。

Article 210a [Crime of Holding Forged Invoices] Whoever knowingly holds forged invoices shall be sentenced to imprisonment of not more than 2 years, criminal detention or control and a fine if the quantity is relatively large; or be sentenced to imprisonment of not less than 2 years but not more than 7 years and a fine if the quantity is huge.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第二百一十一条   【单位犯危害税收征管罪的处罚规定】单位犯本节第二百零一条、第二百零三条、第二百零四条、第二百零七条、第二百零八条、第二百零九条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该条的规定处罚。

Article 211 Where a unit commits the crime mentioned in Article 201, 203, 204, 207, 208 or 209 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

第二百一十二条   【税收征缴优先原则】犯本节第二百零一条至第二百零五条规定之罪，被判处罚金、没收财产的，在执行前，应当先由税务机关追缴税款和所骗取的出口退税款。

Article 212 [Priority Principle for Tax Collection and Payment] Whoever commits the crime mentioned in Articles 201 through 205 of this Section and is fined or sentenced to confiscation of property shall be so punished after the tax authorities have recovered the taxes evaded and the defrauded tax refund for exports.

第七节 侵犯知识产权罪

Section 7 Intellectual Property Infringement

第二百一十三条   【假冒注册商标罪】未经注册商标所有人许可，在同一种商品上使用与其注册商标相同的商标，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 213 Whoever uses a trademark that is identical with a registered trademark on the same kind of commodities without the permission of the owner of the registered trademark shall, if the circumstances are serious, 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.

第二百一十四条   【销售假冒注册商标的商品罪】销售明知是假冒注册商标的商品，销售金额数额较大的，处三年以下有期徒刑或者拘役，并处或者单处罚金；销售金额数额巨大的，处三年以上七年以下有期徒刑，并处罚金。

Article 214 Whoever knowingly sells commodities bearing counterfeit registered trademarks shall, if the amount of sales is relatively large, 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 of sales 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.

第二百一十五条   【非法制造、销售非法制造的注册商标标识罪】伪造、擅自制造他人注册商标标识或者销售伪造、擅自制造的注册商标标识，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 215 Whoever forges or without authorization of another makes representations of the person's registered trademark or sells such representations shall, if the circumstances are serious, 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.

第二百一十六条   【假冒专利罪】假冒他人专利，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 216 [Crime of counterfeiting patents] Whoever counterfeits the patent of another shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

第二百一十七条   【侵犯著作权罪】以营利为目的，有下列侵犯著作权情形之一，违法所得数额较大或者有其他严重情节的，处三年以下有期徒刑或者拘役，并处或者单处罚金；违法所得数额巨大或者有其他特别严重情节的，处三年以上七年以下有期徒刑，并处罚金：

Article 217 [Crime of copyright infringement] For profit-making purposes, whoever commits any of the following acts of copyright infringement 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 of illegal income is relatively large or if there are other serious circumstances; or 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 of illegal income is huge, or if there are other especially serious circumstances:

（一）未经著作权人许可，复制发行其文字作品、音乐、电影、电视、录像作品、计算机软件及其他作品的；

1. reproducing and distributing a written work, musical work, motion picture, television programme or other visual works, computer software or other works without permission of the copyright owner;

（二）出版他人享有专有出版权的图书的；

2. publishing a book where the exclusive right of publication belongs to another;

（三）未经录音录像制作者许可，复制发行其制作的录音录像的；

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

（四）制作、出售假冒他人署名的美术作品的。

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

第二百一十八条   【销售侵权复制品罪】以营利为目的，销售明知是本法第二百一十七条规定的侵权复制品，违法所得数额巨大的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 218 [Crime of Selling Infringing Duplicates] Whoever, for the purpose of making profits, knowingly sells infringing duplicates as mentioned in Article 217 of this Law shall, if the amount of illegal gains is huge, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

第二百一十九条   【侵犯商业秘密罪】有下列侵犯商业秘密行为之一，给商业秘密的权利人造成重大损失的，处三年以下有期徒刑或者拘役，并处或者单处罚金；造成特别严重后果的，处三年以上七年以下有期徒刑，并处罚金：

Article 219 [Crime of Infringing on Business Secrets] Whoever commits any of the following acts of infringing on Business Secrets and causes heavy losses to the obligee 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:

（一）以盗窃、利诱、胁迫或者其他不正当手段获取权利人的商业秘密的；

1. obtaining an obligee's trade secrets by stealing, luring, coercion or any other illegitimate means;

（二）披露、使用或者允许他人使用以前项手段获取的权利人的商业秘密的；

(II) disclosing, using or allowing another to use the trade secrets obtained from the obligee by the means mentioned in the preceding paragraph; or

（三）违反约定或者违反权利人有关保守商业秘密的要求，披露、使用或者允许他人使用其所掌握的商业秘密的。

(III) in violation of the agreement on or against the obligee's demand for keeping trade secrets, disclosing, using or allowing another person to use the trade secrets he possesses.

明知或者应知前款所列行为，获取、使用或者披露他人的商业秘密的，以侵犯商业秘密论。

Whoever obtains, uses or discloses another's business secrets, which he clearly knows or ought to know falls under the categories of the acts listed in the preceding paragraph, shall be deemed an offender who infringes on business secrets.

本条所称商业秘密，是指不为公众所知悉，能为权利人带来经济利益，具有实用性并经权利人采取保密措施的技术信息和经营信息。

Trade secrets "mentioned in this Article refer to any technology information or business operation information which is unknown to the public, can bring about economic benefits to the obligee, and has practical utility and about which the obligee has adopted secret-keeping measures.

本条所称权利人，是指商业秘密的所有人和经商业秘密所有人许可的商业秘密使用人。

The term "obligee" as mentioned in this Article refers to the owner of commercial secrets and the person who is permitted by the owner to use the commercial secrets.

第二百二十条   【单位犯侵犯知识产权罪的处罚规定】单位犯本节第二百一十三条至第二百一十九条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

Article 220 Where a unit commits the crime mentioned in the Articles from 213 through 219 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

第八节 扰乱市场秩序罪

Section 8 crimes of disruption to market order

第二百二十一条   【损害商业信誉、商品声誉罪】捏造并散布虚伪事实，损害他人的商业信誉、商品声誉，给他人造成重大损失或者有其他严重情节的，处二年以下有期徒刑或者拘役，并处或者单处罚金。

Article 221 [Crimes of Impairing Commercial Reputation or Commodity Reputation] If a person fabricates and spreads falsification to damage another person's Commercial Reputation or Commodity Reputation, which causes heavy losses to the person, or if there are other serious circumstances, the person shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also, or shall only, be fined.

第二百二十二条   【虚假广告罪】广告主、广告经营者、广告发布者违反国家规定，利用广告对商品或者服务作虚假宣传，情节严重的，处二年以下有期徒刑或者拘役，并处或者单处罚金。

Article 222 [Crime of false advertising] Any advertiser, advertisement agent or advertisement publisher who, in violation of the provisions of the State, makes false publicity of commodities or services by taking advantage of advertisement, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention and shall also, or shall only, be fined.

第二百二十三条   【串通投标罪】投标人相互串通投标报价，损害招标人或者其他投标人利益，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 223 Bidders who act in collusion with each other in offering bidding prices and thus jeopardize the interests of bid-inviters or of other bidders, 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.

投标人与招标人串通投标，损害国家、集体、公民的合法利益的，依照前款的规定处罚。

If a bidder and bid-inviter act in collusion with each other in bidding and thus jeopardize the lawful interests of the State, the collective or citizens, they shall be punished according to the provisions of the preceding paragraph.

第二百二十四条   【合同诈骗罪】有下列情形之一，以非法占有为目的，在签订、履行合同过程中，骗取对方当事人财物，数额较大的，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

Article 224 [Crime of contract fraud] Whoever, under any of the following circumstances, defrauds the property of the other party during the course of signing or performing a contract for the purpose of illegal possession shall, if the amount involved is relatively large, 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 if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property:

（一）以虚构的单位或者冒用他人名义签订合同的；

1. signing a contract in the name of a fictitious unit or in the name of another person;

（二）以伪造、变造、作废的票据或者其他虚假的产权证明作担保的；

(II) offering as guaranty forged, altered or invalidated negotiable instruments or any other false property right certificates;

（三）没有实际履行能力，以先履行小额合同或者部分履行合同的方法，诱骗对方当事人继续签订和履行合同的；

(III) while having no ability to fulfil a contract, cajoling the other party into continuing to sign and fulfil a contract by way of fulfilling a contract that involves a small amount of money or fulfilling part of the contract;

（四）收受对方当事人给付的货物、货款、预付款或者担保财产后逃匿的；

(IV) going into hiding after receiving the other party's goods, payment for goods, cash paid in advance or property for guaranty; or

（五）以其他方法骗取对方当事人财物的。

(V) any other acts.

第二百二十四条之一 【组织、领导传销活动罪】组织、领导以推销商品、提供服务等经营活动为名，要求参加者以缴纳费用或者购买商品、服务等方式获得加入资格，并按照一定顺序组成层级，直接或者间接以发展人员的数量作为计酬或者返利依据，引诱、胁迫参加者继续发展他人参加，骗取财物，扰乱经济社会秩序的传销活动的，处五年以下有期徒刑或者拘役，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

Article 224a [Crime of Organizing or Leading Pyramid Selling Activities] Any person who organizes or leads pyramid selling activities under the guise of selling goods, providing services or conducting other business activities, requests participation qualifications by way of paying fees or purchasing goods, services or otherwise, and constitutes a hierarchy according to a certain order, or directly or indirectly uses the number of people recruited as the basis for calculating remuneration or rebating profits, or induces or coerces participants to continue to recruit others to participate in pyramid selling activities, thereby swindling money or property and disrupting the 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.

第二百二十五条   【非法经营罪】违反国家规定，有下列非法经营行为之一，扰乱市场秩序，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处违法所得一倍以上五倍以下罚金；情节特别严重的，处五年以上有期徒刑，并处违法所得一倍以上五倍以下罚金或者没收财产：

Article 225 [Crime of illegal operation] Whoever, in violation of the provisions of the State, commits any of the following illegal operation acts, thus disrupting the market order, 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 illegal gains; 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 not less than one time but not more than five times the illegal gains or be sentenced to confiscation of property:

（一）未经许可经营法律、行政法规规定的专营、专卖物品或者其他限制买卖的物品的；

1. Without permission, dealing in goods that are designated by laws or administrative rules and regulations as goods to be dealt in or sold in a monopoly way or other goods that are restricted in trading;

（二）买卖进出口许可证、进出口原产地证明以及其他法律、行政法规规定的经营许可证或者批准文件的；

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

（三）未经国家有关主管部门批准非法经营证券、期货、保险业务的，或者非法从事资金支付结算业务的；

(III) without the approval of the competent State department, illegally engaging in securities, futures or insurance business or illegally engaging in capital payment and settlement business;

（四）其他严重扰乱市场秩序的非法经营行为。

(IV) other illegal operations that seriously disrupt market order.

第二百二十六条   【强迫交易罪】以暴力、威胁手段，实施下列行为之一，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金：

Article 226 [Crime of coercion trading] Whoever commits any of the following acts by violence or threat shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and concurrently or separately sentenced to a fine if the circumstances are serious; or be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and concurrently sentenced to a fine if the circumstances are especially serious:

（一）强买强卖商品的；

1. Buying or selling commodities by force;

（二）强迫他人提供或者接受服务的；

2. Forcing any other person to provide or accept services;

（三）强迫他人参与或者退出投标、拍卖的；

(III) Forcing any other person to participate in or withdraw from a bidding or auction;

（四）强迫他人转让或者收购公司、企业的股份、债券或者其他资产的；

(IV) Forcing any other person to transfer or acquire stocks or bonds of a company or enterprise or any other asset; or

（五）强迫他人参与或者退出特定的经营活动的。

(V) Forcing any other person to participate in or withdraw from a certain business operation.

第二百二十七条   【伪造、倒卖伪造的有价票证罪】伪造或者倒卖伪造的车票、船票、邮票或者其他有价票证，数额较大的，处二年以下有期徒刑、拘役或者管制，并处或者单处票证价额一倍以上五倍以下罚金；数额巨大的，处二年以上七年以下有期徒刑，并处票证价额一倍以上五倍以下罚金。

Article 227 Whoever forges or scalps forged train or ship tickets, stamps or other negotiable tickets, if the amount 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, or shall only, be fined not less than one time but not more than five times the value of the tickets; if the amount 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 not less than one time but not more than five times the value of the tickets.

【倒卖车票、船票罪】倒卖车票、船票，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处票证价额一倍以上五倍以下罚金。

Whoever scalps train or ship tickets, 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 not less than one time but not more than five times the value of the tickets.

第二百二十八条   【非法转让、倒卖土地使用权罪】以牟利为目的，违反土地管理法规，非法转让、倒卖土地使用权，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处非法转让、倒卖土地使用权价额百分之五以上百分之二十以下罚金。

Article 228 (Crime of Illegal Transfer and Scalping of Land Use Right) Illegal Transfer and scalping of land use right for the purpose of making profits in violation of the land administrative rules and regulations shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or be imposed a fine of not less than 5% but not more than 20% of the amount of the illegal transfer and scalping price; if the circumstances are especially serious, be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and be imposed a fine of not less than 5% but not more than 20% of the amount of the illegal transfer and scalping price.

第二百二十九条   【提供虚假证明文件罪】承担资产评估、验资、验证、会计、审计、法律服务等职责的中介组织的人员故意提供虚假证明文件，情节严重的，处五年以下有期徒刑或者拘役，并处罚金。

Article 229 [Crime of providing false testifying papers] If a member of an intermediary organization, whose duty is to make capital assessment, verification or validation, to do accounting or auditing, or to provide legal service, etc., deliberately provides false testifying papers, if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined.

【提供虚假证明文件罪】前款规定的人员，索取他人财物或者非法收受他人财物，犯前款罪的，处五年以上十年以下有期徒刑，并处罚金。

Any member mentioned in the preceding paragraph who commits the crime prescribed in the preceding paragraph demands money or property from another or illegally accepts money or property from another shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

【出具证明文件重大失实罪】第一款规定的人员，严重不负责任，出具的证明文件有重大失实，造成严重后果的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Any member mentioned in the first paragraph who, grossly neglecting his duty, produces testifying papers that are highly inconsistent with the facts, thus 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.

第二百三十条   【逃避商检罪】违反进出口商品检验法的规定，逃避商品检验，将必须经商检机构检验的进口商品未报经检验而擅自销售、使用，或者将必须经商检机构检验的出口商品未报经检验合格而擅自出口，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 230 Whoever, in violation of the provisions in the Law on Import and Export Commodity Inspection, evades commodity inspection and markets or uses import commodities that are subject to inspection by the commodity inspection authorities but are not declared for such inspection, or exports commodities that are subject to inspection by the commodity inspection authorities but are not proved up to standard through declaration for such inspection, 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.

第二百三十一条   【单位犯扰乱市场秩序罪的处罚规定】单位犯本节第二百二十一条至第二百三十条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

Article 231 Where a unit commits any of the crimes mentioned in the Articles from 221 through 230 of this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

第四章 侵犯公民人身权利、民主权利罪

Chapter 4 Crimes of Infringing on Citizens' Right of the Person and Democratic Rights

第二百三十二条   【故意杀人罪】故意杀人的，处死刑、无期徒刑或者十年以上有期徒刑；情节较轻的，处三年以上十年以下有期徒刑。

Article 232 [Intentional homicide] Whoever intentionally commits homicide shall be sentenced to death, life imprisonment or fixed-term imprisonment of not less than 10 years; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

第二百三十三条   【过失致人死亡罪】过失致人死亡的，处三年以上七年以下有期徒刑；情节较轻的，处三年以下有期徒刑。本法另有规定的，依照规定。

Article 233 Whoever negligently causes death to another person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than three years. Where this Law provides otherwise, such provisions shall prevail.

第二百三十四条   【故意伤害罪】故意伤害他人身体的，处三年以下有期徒刑、拘役或者管制。

Article 234 [Intentional Injury] Whoever intentionally inflicts injury upon another person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

犯前款罪，致人重伤的，处三年以上十年以下有期徒刑；致人死亡或者以特别残忍手段致人重伤造成严重残疾的，处十年以上有期徒刑、无期徒刑或者死刑。本法另有规定的，依照规定。

Whoever commits the crime mentioned in the preceding paragraph, thus causing severe injury to another person, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if he causes death to the person or, by resorting to especially cruel means, causes severe injury to the person, reducing the person to utter disability, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death. Where this Law provides otherwise, such provisions shall prevail.

第二百三十四条之一 【组织出卖人体器官罪】组织他人出卖人体器官的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金或者没收财产。

Article 234a [Crime of organizing to sell human organ] Whoever organizes others to sell human organ shall be sentenced to imprisonment of not more than 5 years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years and a fine or forfeiture of property.

未经本人同意摘取其器官，或者摘取不满十八周岁的人的器官，或者强迫、欺骗他人捐献器官的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

Whoever removes any other person's organ without such other person's consent, removes any organ of a person under the age of 18 or forces or deceives any other person into donating any organ shall be convicted and punished according to the provisions of Articles 234 and 232 of this Law.

违背本人生前意愿摘取其尸体器官，或者本人生前未表示同意，违反国家规定，违背其近亲属意愿摘取其尸体器官的，依照本法第三百零二条的规定定罪处罚。

Whoever removes a dead person's organ against the person's will before his death or removes a dead person's organ against the will of the person's close relatives in violation of the provisions of the state provided that there is no consent from the person before his death shall be convicted and punished according to the provision of Article 302 of this Law.

第二百三十五条   【过失致人重伤罪】过失伤害他人致人重伤的，处三年以下有期徒刑或者拘役。本法另有规定的，依照规定。

Article 235 Whoever negligently injures another person and causes severe injury to the person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. Where this Law provides otherwise, such provisions shall prevail.

第二百三十六条   【强奸罪】以暴力、胁迫或者其他手段强奸妇女的，处三年以上十年以下有期徒刑。

Article 236 [Crime of rape] 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.

奸淫不满十四周岁的幼女的，以强奸论，从重处罚。

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

强奸妇女、奸淫幼女，有下列情形之一的，处十年以上有期徒刑、无期徒刑或者死刑：

Whoever rapes a woman or has sexual intercourse 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 10 years, life imprisonment or death:

（一）强奸妇女、奸淫幼女情节恶劣的；

1. The circumstances being flagrant;

（二）强奸妇女、奸淫幼女多人的；

2. Raping a number of women or girls under the age of 14;

（三）在公共场所当众强奸妇女的；

(III) raping a woman before the public in a public place;

（四）二人以上轮奸的；

(IV) raping a woman with one or more persons in succession; or

（五）致使被害人重伤、死亡或者造成其他严重后果的。

(V) causing serious injury or death to the victim or any other serious consequences.

第二百三十七条   【强制猥亵、侮辱罪】以暴力、胁迫或者其他方法强制猥亵他人或者侮辱妇女的，处五年以下有期徒刑或者拘役。

Article 237 Whoever acts indecently against another person or insults a woman by violence, coercion or any other forcible means shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

聚众或者在公共场所当众犯前款罪的，或者有其他恶劣情节的，处五年以上有期徒刑。

Whoever gathers a number of people to commit the crime mentioned in the preceding paragraph or commits the crime before the public in a public place or falls under other flagrant circumstances shall be sentenced to fixed-term imprisonment of not less than five years.

【猥亵儿童罪】猥亵儿童的，依照前两款的规定从重处罚。

[Child molestation crime] Whoever molests a child shall be given a heavier punishment in accordance with the provisions of the preceding two paragraphs.

第二百三十八条   【非法拘禁罪】非法拘禁他人或者以其他方法非法剥夺他人人身自由的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。具有殴打、侮辱情节的，从重处罚。

Article 238 [Crime of illegal detention] Whoever illegally detains another person or unlawfully deprives the personal freedom of another person by any other means shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights. If he resorts to battery or humiliation, he shall be given a heavier punishment.

犯前款罪，致人重伤的，处三年以上十年以下有期徒刑；致人死亡的，处十年以上有期徒刑。使用暴力致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

Whoever commits the crime mentioned in the preceding paragraph and causes serious injury to the victim shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if he causes death to the victim, he shall be sentenced to fixed-term imprisonment of not less than 10 years. If he causes injury, disability or death to the victim by violence, he shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law.

为索取债务非法扣押、拘禁他人的，依照前两款的规定处罚。

Whoever unlawfully detains or confines another person in order to get payment of a debt shall be punished in accordance with the provisions of the preceding two paragraphs.

国家机关工作人员利用职权犯前三款罪的，依照前三款的规定从重处罚。

Any functionary of a State organ who commits any of the crimes mentioned in the preceding three paragraphs by taking advantage of his functions and powers shall be given a heavier punishment in accordance with the provisions in the preceding three paragraphs correspondingly.

第二百三十九条   【绑架罪】以勒索财物为目的绑架他人的，或者绑架他人作为人质的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处五年以上十年以下有期徒刑，并处罚金。

Article 239 [Crime of Kidnapping] 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 concurrently sentenced to a fine or confiscation of property; if the circumstances are minor, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years and concurrently sentenced to a fine.

犯前款罪，杀害被绑架人的，或者故意伤害被绑架人，致人重伤、死亡的，处无期徒刑或者死刑，并处没收财产。

Whoever, in addition to any crime mentioned in the preceding paragraph, kills the kidnapped person or intentionally injures the kidnapped person, thereby causing serious injury or death to the kidnapped person, he shall be sentenced to life imprisonment or death and also to confiscation of property.

以勒索财物为目的偷盗婴幼儿的，依照前两款的规定处罚。

Whoever steals an infant for extortion shall be punished under the preceding two paragraphs.

第二百四十条   【拐卖妇女、儿童罪】拐卖妇女、儿童的，处五年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节特别严重的，处死刑，并处没收财产：

Article 240 [Crime of abducting and trafficking in women and children] Whoever abducts and traffics in a woman or child 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 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; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property:

（一）拐卖妇女、儿童集团的首要分子；

1. being a ringleader of a gang engaged in abducting and trafficking in women and children;

（二）拐卖妇女、儿童三人以上的；

(II) abducting and trafficking in three or more women and/or children;

（三）奸淫被拐卖的妇女的；

(III) raping the woman who is abducted and trafficked in;

（四）诱骗、强迫被拐卖的妇女卖淫或者将被拐卖的妇女卖给他人迫使其卖淫的；

(IV) enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution;

（五）以出卖为目的，使用暴力、胁迫或者麻醉方法绑架妇女、儿童的；

(V) kidnapping a woman or child by means of violence, coercion or anesthesia for the purpose of selling the victim;

（六）以出卖为目的，偷盗婴幼儿的；

(VI) stealing a baby or an infant for the purpose of selling the victim;

（七）造成被拐卖的妇女、儿童或者其亲属重伤、死亡或者其他严重后果的；

(VII) Causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or

（八）将妇女、儿童卖往境外的。

(VIII) selling a woman or a child abroad.

拐卖妇女、儿童是指以出卖为目的，有拐骗、绑架、收买、贩卖、接送、中转妇女、儿童的行为之一的。

By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.

第二百四十一条   【收买被拐卖的妇女、儿童罪】收买被拐卖的妇女、儿童的，处三年以下有期徒刑、拘役或者管制。

Article 241 [Crime of buying abducted women or children] Whoever buys an abducted woman or child shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

收买被拐卖的妇女，强行与其发生性关系的，依照本法第二百三十六条的规定定罪处罚。

Whoever buys an abducted woman and forces her to have sexual intercourse with him shall be convicted and punished in accordance with the provisions of Article 236 of this Law.

收买被拐卖的妇女、儿童，非法剥夺、限制其人身自由或者有伤害、侮辱等犯罪行为的，依照本法的有关规定定罪处罚。

Whoever buys an abducted woman or child and illegally deprives the victim of his or her personal freedom or restricts his or her personal freedom, or commits any criminal acts such as harming and humiliating the victim, shall be convicted and punished in accordance with the relevant provisions of this Law.

收买被拐卖的妇女、儿童，并有第二款、第三款规定的犯罪行为的，依照数罪并罚的规定处罚。

Whoever buys an abducted woman or child and commits the criminal act as specified in the second or third paragraph of this Article shall be punished in accordance with the provisions on combined punishment for several crimes.

收买被拐卖的妇女、儿童又出卖的，依照本法第二百四十条的规定定罪处罚。

Whoever buys an abducted woman or child and sells the victim afterwards shall be convicted and punished in accordance with the provisions of Article 240 of this Law.

收买被拐卖的妇女、儿童，对被买儿童没有虐待行为，不阻碍对其进行解救的，可以从轻处罚；按照被买妇女的意愿，不阻碍其返回原居住地的，可以从轻或者减轻处罚。

Whoever buys an abducted woman or child but does not maltreat the child nor obstruct his or her rescue may be given a lighter punishment; or does not obstruct the woman from returning to her original place of residence as she wishes may be given a lighter or mitigated punishment.

第二百四十二条   【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员解救被收买的妇女、儿童的，依照本法第二百七十七条的规定定罪处罚。

Article 242 [Crime of disrupting public service] Whoever obstructs functionaries of a State organ from rescuing a sold woman or child by violence or threat shall be convicted and punished according to the provisions of Article 277 of this Law.

【聚众阻碍解救被收买的妇女、儿童罪】聚众阻碍国家机关工作人员解救被收买的妇女、儿童的首要分子，处五年以下有期徒刑或者拘役；其他参与者使用暴力、威胁方法的，依照前款的规定处罚。

[Crime of assembling a crowd to obstruct the rescue of bought women or children] The ringleader who assembles a crowd to obstruct the rescue of bought women or children by functionaries of a State organ shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; the other participants using violence or threat shall be punished in accordance with the preceding paragraph.

第二百四十三条   【诬告陷害罪】捏造事实诬告陷害他人，意图使他人受刑事追究，情节严重的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上十年以下有期徒刑。

Article 243 [Crime of Falsely Incriminating or Framing] Whoever invents stories to implicate another person with the intention of having the person investigated for criminal responsibility, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

国家机关工作人员犯前款罪的，从重处罚。

Any functionary of a State organ who commits the crime mentioned in the preceding paragraph shall be given a heavier punishment.

不是有意诬陷，而是错告，或者检举失实的，不适用前两款的规定。

The provisions of the preceding two paragraphs shall not apply to cases of unintentional false charge, mistaken complaint or unfounded accusation.

第二百四十四条   【强迫劳动罪】以暴力、威胁或者限制人身自由的方法强迫他人劳动的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

Article 244 [Crime of forcing others to work] Whoever compels others to work by violence, threat or restriction of personal freedom shall be sentenced to fixed-term imprisonment of no more than 3 years or criminal detention, in combination of fines; if the circumstances are serious, the sentence shall be fixed-term imprisonment from 3 to 10 years, in combination of fines.

明知他人实施前款行为，为其招募、运送人员或者有其他协助强迫他人劳动行为的，依照前款的规定处罚。

Whoever knowingly recruits or transports a workforce for any other person to commit the act as mentioned in the preceding paragraph or otherwise assists in forcing any other person to work shall be punished according to the provision of the preceding paragraph.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

第二百四十四条之一 【雇用童工从事危重劳动罪】违反劳动管理法规，雇用未满十六周岁的未成年人从事超强度体力劳动的，或者从事高空、井下作业的，或者在爆炸性、易燃性、放射性、毒害性等危险环境下从事劳动，情节严重的，对直接责任人员，处三年以下有期徒刑或者拘役，并处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 244a [Employment of Child Laborers to Engage in Heavy Labor] Where any entity, in violation of the regulations on labor management, employs a minor under the age of 16 to engage in physical labor of ultra-intensity, or engages in work high above the ground or in underground, or engages in work under explosive, inflammable, radioactive, toxic and other dangerous circumstances, if the circumstances are serious, the person who is directly liable shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and a fine shall be imposed concurrently; 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 a fine shall be imposed concurrently.

有前款行为，造成事故，又构成其他犯罪的，依照数罪并罚的规定处罚。

Whoever commits the act mentioned in the preceding paragraph, which results in an accident and at the same time constitutes another crime, shall be punished in accordance with the provisions on combined punishment for several crimes.

第二百四十五条   【非法搜查罪】【非法侵入住宅罪】非法搜查他人身体、住宅，或者非法侵入他人住宅的，处三年以下有期徒刑或者拘役。

Article 245 [Crime of illegal search] [Crime of illegally entering residence] Whoever illegally searches another person's body or residence or illegally enters another person's residence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

司法工作人员滥用职权，犯前款罪的，从重处罚。

Any judicial officer who abuses his power and commits the crime mentioned in the preceding paragraph shall be given a heavier punishment.

第二百四十六条   【侮辱罪】【诽谤罪】以暴力或者其他方法公然侮辱他人或者捏造事实诽谤他人，情节严重的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 246 [Crime of humiliation] Whoever, by violence or other methods, publicly humiliates another person or invent stories to defame him, 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.

前款罪，告诉的才处理，但是严重危害社会秩序和国家利益的除外。

The crime mentioned in the preceding paragraph shall be handled only upon complaint, except where serious harm is done to public order or to the interests of the State.

通过信息网络实施第一款规定的行为，被害人向人民法院告诉，但提供证据确有困难的，人民法院可以要求公安机关提供协助。

Where a victim files a complaint with a people's court for an act prescribed in Paragraph 1 and committed through information network but it is truly difficult for the victim to provide evidence, the people's court may require the public security organ to provide assistance.

第二百四十七条   【刑讯逼供罪】【暴力取证罪】司法工作人员对犯罪嫌疑人、被告人实行刑讯逼供或者使用暴力逼取证人证言的，处三年以下有期徒刑或者拘役。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。

Article 247 【Crime of extorting confessions by torture】 Any judicial officer who extorts confessions from a criminal suspect or defendant by torture or extorts testimony from a witness by violence shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of Article 234 or 232 of this Law.

第二百四十八条   【虐待被监管人罪】监狱、拘留所、看守所等监管机构的监管人员对被监管人进行殴打或者体罚虐待，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上十年以下有期徒刑。致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪从重处罚。

Article 248 [Maltreatment of prisoners] Any policeman or other officer of an institution of confinement like a prison, a detention house or a custody house who beats a prisoner or maltreats him by subjecting him to corporal punishment, if the circumstances are serious shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years. If he causes injury, disability or death to the victim, he shall be convicted and given a heavier punishment in accordance with the provisions of Article 234 or 232 of this Law.

监管人员指使被监管人殴打或者体罚虐待其他被监管人的，依照前款的规定处罚。

Any policeman or other officer who instigates a person held in custody to beat or maltreat another person held in custody by subjecting him to corporal punishment, the policeman or officer shall be punished in accordance with the provisions of the preceding paragraph.

第二百四十九条   【煽动民族仇恨、民族歧视罪】煽动民族仇恨、民族歧视，情节严重的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节特别严重的，处三年以上十年以下有期徒刑。

Article 249 [Crime of inciting national hatred or discrimination] Where such hatred or discrimination is incited, if the circumstances are serious, the sentence shall be fixed-term imprisonment of no more than 3 years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are especially serious, the sentence shall be fixed-term imprisonment from 3 to 10 years.

第二百五十条   【出版歧视、侮辱少数民族作品罪】在出版物中刊载歧视、侮辱少数民族的内容，情节恶劣，造成严重后果的，对直接责任人员，处三年以下有期徒刑、拘役或者管制。

Article 250 [Crime of Publishing Discriminating or Insulting Works of Minority Nationalities] Where publications contain any content discriminating or insulting any minority nationalities, if the circumstances are flagrant and the consequences are serious, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

第二百五十一条   【非法剥夺公民宗教信仰自由罪】【侵犯少数民族风俗习惯罪】国家机关工作人员非法剥夺公民的宗教信仰自由和侵犯少数民族风俗习惯，情节严重的，处二年以下有期徒刑或者拘役。

Article 251 [Crime of Illegally Depriving a Citizen of the Freedom of Religious Belief] [Crime of Infringing upon the Customs and Habits of Ethnic Minorities] Where a staff member of a state organ illegally deprives a citizen of his or her freedom of religious belief or infringes upon the Customs and Habits of an Ethnic Minority, if the circumstances are serious, he or she shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

第二百五十二条   【侵犯通信自由罪】隐匿、毁弃或者非法开拆他人信件，侵犯公民通信自由权利，情节严重的，处一年以下有期徒刑或者拘役。

Article 252 [Crime of Infringement of Freedom of Correspondence] Whoever conceals, destroys or illegally opens another person's letter, thereby infringing upon the citizen's right to freedom of correspondence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than one year or criminal detention.

第二百五十三条   【私自开拆、隐匿、毁弃邮件、电报罪】邮政工作人员私自开拆或者隐匿、毁弃邮件、电报的，处二年以下有期徒刑或者拘役。

Article 253 [Crime of opening, concealing or destroying without authorization mail or telegrams] Postal personnel who open without authorization or conceal or destroy mail or telegrams shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

犯前款罪而窃取财物的，依照本法第二百六十四条的规定定罪从重处罚。

Whoever steals money or property by committing the crime mentioned in the preceding paragraph shall be convicted and given a heavier punishment in accordance with the provisions of Article 264 of this Law.

第二百五十三条之一 【侵犯公民个人信息罪】违反国家有关规定，向他人出售或者提供公民个人信息，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 253a [Crime of Infringing Citizens' Personal Information] Whoever, in violation of the relevant provisions of the State, sells or provides others with citizens' Personal Information, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or 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 be fined.

违反国家有关规定，将在履行职责或者提供服务过程中获得的公民个人信息，出售或者提供给他人的，依照前款的规定从重处罚。

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

窃取或者以其他方法非法获取公民个人信息的，依照第一款的规定处罚。

Whoever illegally obtains the above-mentioned information by theft or otherwise shall be punished in accordance with the provisions of Paragraph 1.

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

Where an organization commits any of the crimes mentioned in the preceding three paragraphs, it shall be fined, and the persons directly in charge of the organization and other persons directly liable shall be punished in accordance with the respective provisions of the preceding three paragraphs.

第二百五十四条   【报复陷害罪】国家机关工作人员滥用职权、假公济私，对控告人、申诉人、批评人、举报人实行报复陷害的，处二年以下有期徒刑或者拘役；情节严重的，处二年以上七年以下有期徒刑。

Article 254 [Crimes of retaliation and frame-up] Where any functionary of a State organ abuses his power or uses his public office for private ends to retaliate and frame complainants, petitioners, critics or persons who report against him, he shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years.

第二百五十五条   【打击报复会计、统计人员罪】公司、企业、事业单位、机关、团体的领导人，对依法履行职责、抵制违反会计法、统计法行为的会计、统计人员实行打击报复，情节恶劣的，处三年以下有期徒刑或者拘役。

Article 255 Any leading member of a company, enterprise, institution, State organ or people's organization who retaliates against the accountants or statisticians who perform their functions and duties according to law and resist any acts violating the Accounting Law or the Statistics Law, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第二百五十六条   【破坏选举罪】在选举各级人民代表大会代表和国家机关领导人员时，以暴力、威胁、欺骗、贿赂、伪造选举文件、虚报选举票数等手段破坏选举或者妨害选民和代表自由行使选举权和被选举权，情节严重的，处三年以下有期徒刑、拘役或者剥夺政治权利。

Article 256 [Crime of disrupting elections] Whoever, in the election of the deputies to the people's congresses at various levels and the leading members of State organs, disrupts elections or obstructs the voters and deputies from freely exercising their right to vote and to stand for election by such means as violence, threat, deception, bribery, falsification of electoral documents or false report of ballots, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or deprivation of political rights.

第二百五十七条   【暴力干涉婚姻自由罪】以暴力干涉他人婚姻自由的，处二年以下有期徒刑或者拘役。

Article 257 [Crime of interfering in the freedom of marriage by violence] Whoever uses violence to interfere in another person's freedom of marriage shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

犯前款罪，致使被害人死亡的，处二年以上七年以下有期徒刑。

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

第一款罪，告诉的才处理。

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

第二百五十八条   【重婚罪】有配偶而重婚的，或者明知他人有配偶而与之结婚的，处二年以下有期徒刑或者拘役。

Article 258 Whoever has a spouse and commits bigamy or knowingly marries a person who has a spouse shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

第二百五十九条   【破坏军婚罪】明知是现役军人的配偶而与之同居或者结婚的，处三年以下有期徒刑或者拘役。

Article 259 [Crime of sabotaging marriage] Whoever knowingly cohabits with or marries a person who is the spouse of an active serviceman shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

利用职权、从属关系，以胁迫手段奸淫现役军人的妻子的，依照本法第二百三十六条的规定定罪处罚。

Whoever, by taking advantage of his functions and powers or the subordinate relationship, have sexual intercourse with the wife of an active serviceman by means of coercion shall be convicted and punished in accordance with the provisions of Article 236 of this Law.

第二百六十条   【虐待罪】虐待家庭成员，情节恶劣的，处二年以下有期徒刑、拘役或者管制。

Article 260 [Crime of maltreatment] Whoever maltreats a member of his family, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

犯前款罪，致使被害人重伤、死亡的，处二年以上七年以下有期徒刑。

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

第一款罪，告诉的才处理，但被害人没有能力告诉，或者因受到强制、威吓无法告诉的除外。

The crime mentioned in Paragraph 1 of this Article shall be handled only upon the filing of a complaint, except where the victim has no ability to file a complaint or it is impossible for the victim to file a complaint due to being compelled or threatened.

第二百六十条之一　【虐待被监护、看护人罪】对未成年人、老年人、患病的人、残疾人等负有监护、看护职责的人虐待被监护、看护的人，情节恶劣的，处三年以下有期徒刑或者拘役。

Article 260a [Crime of maltreating a person under guardianship or care] If any person who is responsible for guardianship or care of a minor, old person, sick person, or disabled person maltreats the person under guardianship or care and the circumstances are serious, the person who commits the maltreatment shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

有第一款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

Whoever commits the act mentioned in Paragraph 1, which concurrently constitutes another crime, shall be convicted and punished in accordance with the provisions on heavier punishment.

第二百六十一条   【遗弃罪】对于年老、年幼、患病或者其他没有独立生活能力的人，负有扶养义务而拒绝扶养，情节恶劣的，处五年以下有期徒刑、拘役或者管制。

Article 261 [Crime of abandonment] Whoever refuses to fulfill his duty to support an aged person, minor, sick person or any other person who cannot live independently, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

第二百六十二条   【拐骗儿童罪】拐骗不满十四周岁的未成年人，脱离家庭或者监护人的，处五年以下有期徒刑或者拘役。

Article 262 [Crime of abducting children] Whoever abducts a minor under the age of 14, thereby separating the child from his family or guardian, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

第二百六十二条之一 【组织残疾人、儿童乞讨罪】以暴力、胁迫手段组织残疾人或者不满十四周岁的未成年人乞讨的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 262a [Crime of organizing disabled persons or children to go begging] Where any person organizes a disabled person or a minor below the age of 14 to go begging by violence or coercion, the person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and be fined; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and be fined.

第二百六十二条之二 【组织未成年人进行违反治安管理活动罪】组织未成年人进行盗窃、诈骗、抢夺、敲诈勒索等违反治安管理活动的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 262b [Crime of Organizing Minors to Conduct Activities in Violation of Security Administration] Where any entity organizes minors to conduct activities in violation of security administration, such as theft, fraud, snatch or extortion, it shall be sentenced to fixed-term imprisonment not more than three years or criminal detention, and be fined; or if the circumstances are serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

第五章 侵犯财产罪

Chapter 5 Crimes of Property Infringement

第二百六十三条   【抢劫罪】以暴力、胁迫或者其他方法抢劫公私财物的，处三年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑、无期徒刑或者死刑，并处罚金或者没收财产：

Article 263 [Crime of Robbery] Whoever robs public or private property by violence, coercion or other methods 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, life imprisonment or death and shall also be fined or be sentenced to confiscation of property:

（一）入户抢劫的；

1. intruding into another person's residence to rob;

（二）在公共交通工具上抢劫的；

2. robbing on board the means of public transportation;

（三）抢劫银行或者其他金融机构的；

3. robbing a bank or any other banking institution;

（四）多次抢劫或者抢劫数额巨大的；

4. committing robbery repeatedly or robbing a huge, sum of money;

（五）抢劫致人重伤、死亡的；

(V) causing serious injury or death to another person in the course of robbery;

（六）冒充军警人员抢劫的；

(VI) impersonating a serviceman or policeman in robbing;

（七）持枪抢劫的；

(VII) robbing with a gun;

（八）抢劫军用物资或者抢险、救灾、救济物资的。

(VIII) robbing military materials or the materials for emergency rescue, disaster relief or social relief.

第二百六十四条   【盗窃罪】盗窃公私财物，数额较大的，或者多次盗窃、入户盗窃、携带凶器盗窃、扒窃的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Article 264 [Crime of Theft] Whoever steals a relatively large amount of public or private property, or commits theft repeatedly, enters a residence with a dangerous weapon, or pickpockets shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine; if the amount involved is huge, or if there are other serious circumstances, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and concurrently sentenced to a fine; if the amount involved is especially huge, or if there are other especially serious circumstances, the person shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and concurrently sentenced to a fine or confiscation of property.

第二百六十五条   【盗窃罪】以牟利为目的，盗接他人通信线路、复制他人电信码号或者明知是盗接、复制的电信设备、设施而使用的，依照本法第二百六十四条的规定定罪处罚。

Article 265 [Crime of theft] Whoever, for the purpose of making profits, stealthily connects his telecommunications line with that of another person, duplicates another person's telecommunications code or number or uses the telecommunication equipment or device while clearly knowing that it is stealthily connected with another person's or duplicated shall be convicted and punished in accordance with the provisions of Article 264 of this Law.

第二百六十六条   【诈骗罪】诈骗公私财物，数额较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。本法另有规定的，依照规定。

Article 266 [Fraud] Whoever swindles public or private money or property, if the amount 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 is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if the amount is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or be sentenced to confiscation of property. Where this Law provides otherwise, such provisions shall prevail.

第二百六十七条   【抢夺罪】抢夺公私财物，数额较大的，或者多次抢夺的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Article 267 [Crime of forcible seizure] Whoever forcibly seizes a relatively large amount of public or private property, or seizes it many times, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine; if the amount involved is huge or there are other serious circumstances, the sentence shall be fixed-term imprisonment of not less than three years but not more than ten years and concurrently sentenced to a fine; if the amount involved is especially huge or there are other especially serious circumstances, the sentence shall be fixed-term imprisonment of not less than ten years or life imprisonment and concurrently sentenced to a fine or confiscation of property.

携带凶器抢夺的，依照本法第二百六十三条的规定定罪处罚。

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

第二百六十八条   【聚众哄抢罪】聚众哄抢公私财物，数额较大或者有其他严重情节的，对首要分子和积极参加的，处三年以下有期徒刑、拘役或者管制，并处罚金；数额巨大或者有其他特别严重情节的，处三年以上十年以下有期徒刑，并处罚金。

Article 268 [Crime of Gathering People to Forcibly Rob] Where people are gathered to forcibly rob public or private money or property, if the amount is relatively large or if there are other serious circumstances, the ringleaders and active participants 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 amount is huge, or there are other especially serious circumstances, 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.

第二百六十九条   【转化的抢劫罪】犯盗窃、诈骗、抢夺罪，为窝藏赃物、抗拒抓捕或者毁灭罪证而当场使用暴力或者以暴力相威胁的，依照本法第二百六十三条的规定定罪处罚。

Article 269 Where an offender commits the crime of theft, fraud or forcible seizure of money or property and uses violence on the spot or threatens to use violence in order to conceal the booty, resist arrest or destroy the criminal evidence, he shall be convicted and punished in accordance with Article 263 of this Law.

第二百七十条   【侵占罪】将代为保管的他人财物非法占为己有，数额较大，拒不退还的，处二年以下有期徒刑、拘役或者罚金；数额巨大或者有其他严重情节的，处二年以上五年以下有期徒刑，并处罚金。

Article 270 [Crime of embezzlement] Whoever unlawfully takes possession of another person's money or property under his custody and refuses to return it, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or be fined; if the amount is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than two years but not more than five years and shall also be fined.

将他人的遗忘物或者埋藏物非法占为己有，数额较大，拒不交出的，依照前款的规定处罚。

Whoever unlawfully takes possession of an object, which another person has forgotten about or buried, and refuses to hand it over, if the amount is relatively large, shall be punished in accordance with the provisions of the preceding paragraph.

本条罪，告诉的才处理。

This crime shall be handled only upon complaint.

第二百七十一条   【职务侵占罪】公司、企业或者其他单位的人员，利用职务上的便利，将本单位财物非法占为己有，数额较大的，处五年以下有期徒刑或者拘役；数额巨大的，处五年以上有期徒刑，可以并处没收财产。

Article 271 Any employee of a company, enterprise or any other unit who, taking advantage of his position, unlawfully takes possession of the money or property of his own unit, if the amount is relatively large, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the amount 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.

国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的，依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

If an employee who is engaged in public service in a State-owned company, enterprise or any other State-owned unit or any person who is assigned by a State-owned company, enterprise, or any other State-owned unit to a company, enterprise or any other unit that is not owned by the State to engage in public service commits the act mentioned in the preceding paragraph, he shall be convicted and punished in accordance with the provisions of Articles 382 or 383 of this Law.

第二百七十二条   【挪用资金罪】公司、企业或者其他单位的工作人员，利用职务上的便利，挪用本单位资金归个人使用或者借贷给他人，数额较大、超过三个月未还的，或者虽未超过三个月，但数额较大、进行营利活动的，或者进行非法活动的，处三年以下有期徒刑或者拘役；挪用本单位资金数额巨大的，或者数额较大不退还的，处三年以上十年以下有期徒刑。

Article 272 Any employee of a company, enterprise or any other unit who, taking advantage of his position, misappropriates the funds of his own unit for personal use or for lending them to another person, if the amount is relatively large and the funds are not repaid at the expiration of three months, or if the funds are repaid at the expiration of three months but the amount involved is relatively large and the funds are used for profit-making activities or for illegal activities, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; and if the amount involved is huge, or if it is relatively large but is not returned, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

国有公司、企业或者其他国有单位中从事公务的人员和国有公司、企业或者其他国有单位委派到非国有公司、企业以及其他单位从事公务的人员有前款行为的，依照本法第三百八十四条的规定定罪处罚。

If an employee who is engaged in public service in a State-owned company, enterprise or any other State-owned unit or any person who is assigned by a State-owned company, enterprise, or any other State-owned unit to a company, enterprise or any other unit that is not owned by the State to engage in public service commits the act mentioned in the preceding paragraph, he shall be convicted and punished in accordance with the provisions of Article 384 of this Law.

第二百七十三条   【挪用特定款物罪】挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物，情节严重，致使国家和人民群众利益遭受重大损害的，对直接责任人员，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

Article 273 [Crime of misappropriating specific funds and materials] In the case of misappropriation of funds or materials that are used for disaster relief, emergency rescue, flood prevention, special care for disabled servicemen and the families of revolutionary martyrs and servicemen, aid to the poor, migration and social relief, if the circumstances are serious and major harm is caused to the interests of the State and the masses, the person who is directly responsible for the misappropriation 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.

第二百七十四条   【敲诈勒索罪】敲诈勒索公私财物，数额较大或者多次敲诈勒索的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑，并处罚金。

Article 274 [Crime of Extortion] Whoever extorts a relatively large amount of public or private property or extorts public or private property many times shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine; if the amount involved is huge or there are other serious circumstances, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and concurrently sentenced to a fine; if the amount involved is especially huge or there are other especially serious circumstances, the person shall be sentenced to fixed-term imprisonment of not less than ten years and concurrently sentenced to a fine.

第二百七十五条   【故意毁坏财物罪】故意毁坏公私财物，数额较大或者有其他严重情节的，处三年以下有期徒刑、拘役或者罚金；数额巨大或者有其他特别严重情节的，处三年以上七年以下有期徒刑。

Article 275 [Crime of intentionally damaging or destroying property] Whoever intentionally destroys or damages public or private property, if the amount involved is relatively large or if there are other serious circumstances, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or be fined; if the amount involved is huge, or if 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.

第二百七十六条   【破坏生产经营罪】由于泄愤报复或者其他个人目的，毁坏机器设备、残害耕畜或者以其他方法破坏生产经营的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上七年以下有期徒刑。

Article 276 Anyone who, for purposes of giving vent to spite or retaliating or out of other personal motives, destroys or damages machines or equipment, cruelly injures or slaughters farm animals or sabotages production and business operation by other means, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; 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.

第二百七十六条之一 【拒不支付劳动报酬罪】以转移财产、逃匿等方法逃避支付劳动者的劳动报酬或者有能力支付而不支付劳动者的劳动报酬，数额较大，经政府有关部门责令支付仍不支付的，处三年以下有期徒刑或者拘役，并处或者单处罚金；造成严重后果的，处三年以上七年以下有期徒刑，并处罚金。

Article 276a [Crime of refusing to pay labor remunerations] Where a person evades payment of a relatively large amount of labor remunerations by transferring property, escaping and hiding or refuses to pay a relatively large amount of labor remunerations though capable, and still refuses to pay even after being ordered by the relevant government department to pay, such person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and/or be imposed with a fine. If there are serious consequences, such person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years, and be imposed with a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

有前两款行为，尚未造成严重后果，在提起公诉前支付劳动者的劳动报酬，并依法承担相应赔偿责任的，可以减轻或者免除处罚。

Whoever commits an act as mentioned in the preceding two paragraphs without serious consequences but pays labor remunerations before a public prosecution is instituted and assumes the corresponding compensatory liability according to law may be given a mitigated penalty or exempted from penalty.

第六章 妨害社会管理秩序罪

Chapter 6 Crimes of Disrupting the Order of Social Administration

第一节 扰乱公共秩序罪

Section 1 Crime of disturbing public order

第二百七十七条   【妨害公务罪】以暴力、威胁方法阻碍国家机关工作人员依法执行职务的，处三年以下有期徒刑、拘役、管制或者罚金。

Article 277 [Crime of interference with official duties] Whoever by violence or threat, obstructs a functionary of a State organ from performing his functions in accordance with the law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

以暴力、威胁方法阻碍全国人民代表大会和地方各级人民代表大会代表依法执行代表职务的，依照前款的规定处罚。

Whoever by means of violence or threat, obstructs a deputy to the National People's Congress or a deputy to a local people's congress at any level from carrying out his functions as a deputy according to law shall be punished in accordance with the provisions of the preceding paragraph.

在自然灾害和突发事件中，以暴力、威胁方法阻碍红十字会工作人员依法履行职责的，依照第一款的规定处罚。

Whoever during natural calamities or emergencies obstructs, by means of violence or threat, the workers of the Red Cross Society from performing their functions and duties according to law shall be punished in accordance with the provisions of the first paragraph.

故意阻碍国家安全机关、公安机关依法执行国家安全工作任务，未使用暴力、威胁方法，造成严重后果的，依照第一款的规定处罚。

Whoever intentionally obstructs officers of a State security organ or a public security organ from maintaining State security in accordance with law and causes serious consequences, though without resort to violence or threat, shall be punished in accordance with the provisions of the first paragraph.

暴力袭击正在依法执行职务的人民警察的，依照第一款的规定从重处罚。

Whoever assaults by violence the people's police in the course of performing their duties in accordance with the law shall be given a heavier punishment in accordance with the provisions of the first paragraph.

第二百七十八条   【煽动暴力抗拒法律实施罪】煽动群众暴力抗拒国家法律、行政法规实施的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；造成严重后果的，处三年以上七年以下有期徒刑。

Article 278 [Crime of instigating violent resistance against the implementation of laws] Where anyone instigates people to resist by violence the implementation of the laws and administrative regulations of the State, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第二百七十九条   【招摇撞骗罪】冒充国家机关工作人员招摇撞骗的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

Article 279 [Crime of cheating and bluffing] Whoever impersonates a functionary of a State organ to cheat and bluff shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

冒充人民警察招摇撞骗的，依照前款的规定从重处罚。

Whoever impersonates a people's policeman to go about and deceive people shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

第二百八十条   【伪造、变造、买卖国家机关公文、证件、印章罪】【盗窃、抢夺、毁灭国家机关公文、证件、印章罪】伪造、变造、买卖或者盗窃、抢夺、毁灭国家机关的公文、证件、印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

Article 280 [Crime of forging, altering, buying or selling official documents, certificates or seals of state organs] [Crime of stealing, forcibly seizing or destroying official documents, certificates or seals of state organs] Whoever forges, alters, buys, sells, or steals, forcibly seizes or destroys official documents, certificates or seals of state organs shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights and concurrently be sentenced to a fine; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and concurrently be sentenced to a fine.

【伪造公司、企业、事业单位、人民团体印章罪】伪造公司、企业、事业单位、人民团体的印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金。

Whoever forges the seals of a company, an enterprise, an institution or a 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 concurrently be sentenced to a fine.

【伪造、变造、买卖身份证件罪】伪造、变造、买卖居民身份证、护照、社会保障卡、驾驶证等依法可以用于证明身份的证件的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

[Crime of forging, altering, buying or selling identity certificates] Whoever forges, alters, buys or sells identity cards, passports, social security cards, driving licenses and other certificates that can be used to prove one's identity in accordance with the law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights and concurrently be sentenced to a fine; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and concurrently be sentenced to a fine.

第二百八十条之一　【使用虚假身份证件、盗用身份证件罪】在依照国家规定应当提供身份证明的活动中，使用伪造、变造的或者盗用他人的居民身份证、护照、社会保障卡、驾驶证等依法可以用于证明身份的证件，情节严重的，处拘役或者管制，并处或者单处罚金。

Article 280a [Crime of using a false identity certificate or stealing identity certificate] Whoever uses a forged, altered or stolen resident identity card, passport, social security card, driving license or any other certificate of others that may be used to prove one's identity in accordance with the law in the activities in which the identity certificate shall be provided in accordance with the provisions of the State with serious circumstances shall be sentenced to criminal detention or public surveillance and concurrently or separately sentenced to a fine.

有前款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

Whoever commits any of the acts mentioned in the preceding paragraph, which concurrently constitutes another crime, shall be convicted and punished in accordance with the provisions on heavier punishment.

第二百八十一条   【非法生产、买卖警用装备罪】非法生产、买卖人民警察制式服装、车辆号牌等专用标志、警械，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

Article 281 [Crime of Illegally Producing, Buying or Selling Police Equipment] Whoever Illegally Produces, Buys or Sells People's Police uniforms, number plates of vehicles and other police insignia or police implements, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第二百八十二条   【非法获取国家秘密罪】以窃取、刺探、收买方法，非法获取国家秘密的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上七年以下有期徒刑。

Article 282 [Crime of Illegally Obtaining State Secrets] Whoever illegally obtains State secrets by stealing, spying or buying shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

【非法持有国家绝密、机密文件、资料、物品罪】非法持有属于国家绝密、机密的文件、资料或者其他物品，拒不说明来源与用途的，处三年以下有期徒刑、拘役或者管制。

[Crime of illegally possessing top secret or confidential documents, materials or articles] Whoever unlawfully possesses documents, materials or other articles classified as top secret or confidential state secrets but refuses to explain their sources and purposes shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

第二百八十三条   【非法生产、销售专用间谍器材、窃听、窃照专用器材罪】非法生产、销售专用间谍器材或者窃听、窃照专用器材的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 283 [Crime of illegally manufacturing or selling special espionage equipment or devices or those for eavesdropping or secret photographing] Whoever illegally manufactures or sells such equipment or devices shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine. If the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and concurrently sentenced to a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第二百八十四条   【非法使用窃听、窃照专用器材罪】非法使用窃听、窃照专用器材，造成严重后果的，处二年以下有期徒刑、拘役或者管制。

Article 284 [Crime of Unlawfully Using Devices Dedicated to Eavesdropping or Secret Photographing] Where any person unlawfully uses devices dedicated to eavesdropping or secret photographing, thereby causing serious consequences, he shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

第二百八十四之一　【组织考试作弊罪】在法律规定的国家考试中，组织作弊的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

284A [Crime of Organizing Cheating in the Examination] Whoever organizes cheating in a national examination prescribed by the law shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and concurrently or separately sentenced to a fine; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and concurrently sentenced to a fine.

为他人实施前款犯罪提供作弊器材或者其他帮助的，依照前款的规定处罚。

Whoever provides cheating devices or other assistance for others to commit the crime prescribed in the preceding paragraph shall be punished in accordance with the provisions of the preceding paragraph.

【非法出售、提供试题、答案罪】为实施考试作弊行为，向他人非法出售或者提供第一款规定的考试的试题、答案的，依照第一款的规定处罚。

[Illegal Sale or Provision of Examination Questions or Answers] Whoever illegally sells or provides others with the examination questions or answers stipulated in Paragraph 1 for the purpose of conducting cheating in the examination shall be punished in accordance with the provisions of Paragraph 1.

【代替考试罪】代替他人或者让他人代替自己参加第一款规定的考试的，处拘役或者管制，并处或者单处罚金。

[Examination Substitution] Whoever takes in another's name or has another person take in his name on an examination specified in Paragraph 1 shall be sentenced to criminal detention or public surveillance and concurrently or separately sentenced to a fine.

第二百八十五条   【非法侵入计算机信息系统罪】违反国家规定，侵入国家事务、国防建设、尖端科学技术领域的计算机信息系统的，处三年以下有期徒刑或者拘役。

Article 285 Whoever, in violation of State regulations, invades a computer information system in the fields of State affairs, national defense construction or sophisticated science and technology shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

【非法获取计算机信息系统数据、非法控制计算机信息系统罪】违反国家规定，侵入前款规定以外的计算机信息系统或者采用其他技术手段，获取该计算机信息系统中存储、处理或者传输的数据，或者对该计算机信息系统实施非法控制，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

[Illegal Acquisition of Computer Information System Data and Illegal Control of Computer Information System] Whoever, in violation of the provisions of the State, intrudes into a computer information system other than that specified in the preceding paragraph or uses other technical means to obtain the data stored, processed or transmitted in the computer information system or exercise illegal control over the computer information system shall, if the circumstances are serious, 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.

【提供侵入、非法控制计算机信息系统程序、工具罪】提供专门用于侵入、非法控制计算机信息系统的程序、工具，或者明知他人实施侵入、非法控制计算机信息系统的违法犯罪行为而为其提供程序、工具，情节严重的，依照前款的规定处罚。

[Provision of Programs or Tools for Intruding into or Illegally Controlling Computer Information Systems] Where any person provides programs or tools specially for intruding into or illegally controlling a computer information system or provides programs or tools for a person knowing that such person commits the criminal act of intruding into or illegally controlling a computer information system, and the circumstances are serious, the person shall be punished under the preceding paragraph.

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

Where an organization commits any of the crimes mentioned in the preceding three paragraphs, it shall be fined, and the persons directly in charge of the organization and other persons directly liable shall be punished in accordance with the respective provisions of the preceding three paragraphs.

第二百八十六条   【破坏计算机信息系统罪】违反国家规定，对计算机信息系统功能进行删除、修改、增加、干扰，造成计算机信息系统不能正常运行，后果严重的，处五年以下有期徒刑或者拘役；后果特别严重的，处五年以上有期徒刑。

Article 286 [Crime of Destroying Computer Information System] Whoever, in violation of State regulations, cancels, alters, increases or jams the functions of a computer information system, thereby making it impossible for the system to operate normally, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

违反国家规定，对计算机信息系统中存储、处理或者传输的数据和应用程序进行删除、修改、增加的操作，后果严重的，依照前款的规定处罚。

Whoever, in violation of State regulations, cancels, alters or increases the data stored in or handled or transmitted by a computer information system or its application program, if the consequences are serious, shall be punished in accordance with the provisions of the preceding paragraph.

故意制作、传播计算机病毒等破坏性程序，影响计算机系统正常运行，后果严重的，依照第一款的规定处罚。

Whoever intentionally creates or spreads destructive programs such as the computer virus, thus affecting the normal operation of the computer system, if the consequences are serious, shall be punished in accordance with the provisions of the first paragraph.

单位犯前三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

第二百八十六条之一　【拒不履行信息网络安全管理义务罪】网络服务提供者不履行法律、行政法规规定的信息网络安全管理义务，经监管部门责令采取改正措施而拒不改正，有下列情形之一的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金：

Article 286a [Refusal of Performance of Information Network Security Management Obligations] Where a network service provider fails to perform the information network security management obligations as provided by laws and administrative regulations, and refuses to make corrections as ordered by the regulatory authorities, which falls under any of the following circumstances, the network service provider shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine:

（一）致使违法信息大量传播的；

1. resulting in the spread of illegal information in a large amount;

（二）致使用户信息泄露，造成严重后果的；

(II) resulting in the disclosure of user information, thus causing serious consequences;

（三）致使刑事案件证据灭失，情节严重的；

3. resulting in the loss of evidence of criminal cases with serious circumstances;

（四）有其他严重情节的。

(IV) having other serious circumstances.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

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

第二百八十七条   【利用计算机实施犯罪的提示性规定】利用计算机实施金融诈骗、盗窃、贪污、挪用公款、窃取国家秘密或者其他犯罪的，依照本法有关规定定罪处罚。

Article 287 Where a person commits the crime of financial fraud, theft, embezzlement, misappropriation of public funds, theft of State secrets or any other crime by using a computer, he shall be convicted and punished in accordance with the relevant provisions of this Law.

第二百八十七条之一　【非法利用信息网络罪】利用信息网络实施下列行为之一，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金：

Article 287a [Crime of Illegal Use of Information Networks] Whoever commits any of the following acts by using information networks with serious circumstances shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and concurrently or separately sentenced to a fine:

（一）设立用于实施诈骗、传授犯罪方法、制作或者销售违禁物品、管制物品等违法犯罪活动的网站、通讯群组的；

1. setting up websites or communication groups that are used for committing fraud, teaching others how to commit a crime, making or selling prohibited articles or controlled articles or committing other illegal and criminal activities;

（二）发布有关制作或者销售毒品、枪支、淫秽物品等违禁物品、管制物品或者其他违法犯罪信息的；

(II) releasing the information on production and sale of drugs, guns, pornographic materials or any other prohibited or controlled articles or on other illegal and criminal activities; and

（三）为实施诈骗等违法犯罪活动发布信息的。

(III) releasing the information for the commission of fraud or any other illegal or criminal activities.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

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

第二百八十七条之二　【帮助信息网络犯罪活动罪】明知他人利用信息网络实施犯罪，为其犯罪提供互联网接入、服务器托管、网络存储、通讯传输等技术支持，或者提供广告推广、支付结算等帮助，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 287bis [Crime of Assisting in Information Network Crimes] Where any person who knows that another person uses information network to commit a crime, but still provides the latter with Internet access, server hosting, network storage, communication transmission and other technical support, or provides advertising, payment and settlement and other assistance, if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and concurrently or separately sentenced to a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

有前两款行为，同时构成其他犯罪的，依照处罚较重的规定定罪处罚。

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

第二百八十八条   【扰乱无线电通讯管理秩序罪】违反国家规定，擅自设置、使用无线电台（站），或者擅自使用无线电频率，干扰无线电通讯秩序，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 288 [Crime of disrupting the management order of radio communications] Whoever, in violation of the provisions of the State, sets up or uses a radio station or uses radio frequency without authorization to disrupt the management 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 concurrently or separately sentenced to a fine; if the circumstances are especially serious, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and concurrently sentenced to a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第二百八十九条   【故意伤害罪】【故意杀人罪】【抢劫罪】聚众“打砸抢”，致人伤残、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。毁坏或者抢走公私财物的，除判令退赔外，对首要分子，依照本法第二百六十三条的规定定罪处罚。

Article 289 [Intentional Injury] [Intentional Homicide] [Robbery] Where people are gathered to commit "beating, smashing or looting", causing injury, disability or death to a person, the offenders shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law. If public or private money or property is destroyed, damaged, or forcibly taken, the offenders shall be ordered to return the money or property or make compensation and, in addition, the ringleaders shall be convicted and punished in accordance with the provisions of Article 263 of this Law.

第二百九十条   【聚众扰乱社会秩序罪】聚众扰乱社会秩序，情节严重，致使工作、生产、营业和教学、科研、医疗无法进行，造成严重损失的，对首要分子，处三年以上七年以下有期徒刑；对其他积极参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 290 [Crime of assembling crowds to disturb social order] Where any crowd is gathered to disturb social order in serious circumstances, making it impossible for work, production, business operation, teaching, scientific research or medical treatment to go on and causing serious losses, the ringleaders shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; the active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

【聚众冲击国家机关罪】聚众冲击国家机关，致使国家机关工作无法进行，造成严重损失的，对首要分子，处五年以上十年以下有期徒刑；对其他积极参加的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

[Gathering People to Attack State Organs] Where people are gathered to attack State organs, making it impossible for the State organs to conduct their work and causing heavy losses, the ringleaders shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; the active participants shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

【扰乱国家机关工作秩序罪】多次扰乱国家机关工作秩序，经行政处罚后仍不改正，造成严重后果的，处三年以下有期徒刑、拘役或者管制。

[Crime of disrupting the work order of State organs] Whoever disturbs the work order of State organs many times and refuses to make corrections after being imposed administrative punishments, which results in serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

【组织、资助非法聚集罪】多次组织、资助他人非法聚集，扰乱社会秩序，情节严重的，依照前款的规定处罚。

[Crime of organizing or financing illegal gathering] Where any person repeatedly organizes or funds others' illegal gathering, which disturbs the social order, if the circumstances are serious, the person shall be punished in accordance with the preceding paragraph.

第二百九十一条   【聚众扰乱公共场所秩序、交通秩序罪】聚众扰乱车站、码头、民用航空站、商场、公园、影剧院、展览会、运动场或者其他公共场所秩序，聚众堵塞交通或者破坏交通秩序，抗拒、阻碍国家治安管理工作人员依法执行职务，情节严重的，对首要分子，处五年以下有期徒刑、拘役或者管制。

Article 291 [Crime of Gathering People to Disturb Order at Public Places or Traffic Order] Where people are gathered to disturb order at stations, wharves, civil airports, marketplaces, parks, cinemas, exhibition halls, sports grounds or other public places, or to block traffic or undermine traffic order, or resist or obstruct public security administrators of the State from carrying out their duties according to law, if the circumstances are serious, the ringleaders shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

第二百九十一条之一 【投放虚假危险物质罪】【编造、故意传播虚假恐怖信息罪】投放虚假的爆炸性、毒害性、放射性、传染病病原体等物质，或者编造爆炸威胁、生化威胁、放射威胁等恐怖信息，或者明知是编造的恐怖信息而故意传播，严重扰乱社会秩序的，处五年以下有期徒刑、拘役或者管制；造成严重后果的，处五年以上有期徒刑。

Article 291a [Crime of Casting False Hazardous Substances] [Crime of Fabricating and Deliberately Spreading False Terrorist Information] Whoever spreads false substances such as explosive, toxic and radioactive substances and pathogens of infectious diseases, fabricates terrorist information including explosive, biological and chemical threats and radioactive threats, or intentionally 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 the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than five years.

【编造、故意传播虚假信息罪】编造虚假的险情、疫情、灾情、警情，在信息网络或者其他媒体上传播，或者明知是上述虚假信息，故意在信息网络或者其他媒体上传播，严重扰乱社会秩序的，处三年以下有期徒刑、拘役或者管制；造成严重后果的，处三年以上七年以下有期徒刑。

[Crime of Fabricating or Intentionally Disseminating False Information] Whoever fabricates false situations of danger, epidemic diseases, disasters and situations for police, disseminates the same on information networks or other media, or intentionally disseminates the same while clearly knowing that it is false, thereby seriously disturbing public order, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第二百九十二条   【聚众斗殴罪】聚众斗殴的，对首要分子和其他积极参加的，处三年以下有期徒刑、拘役或者管制；有下列情形之一的，对首要分子和其他积极参加的，处三年以上十年以下有期徒刑：

Article 292 Where people are gathered to engage in affrays, the ringleaders and the active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; the ringleaders and the active participants who fall under any of the following categories, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years:

（一）多次聚众斗殴的；

(1) gathering people to engage in affrays repeatedly;

（二）聚众斗殴人数多，规模大，社会影响恶劣的；

(II) the number of people gathered to engage in affrays is large and so is the scale, thus bringing about a bad effect on society;

（三）在公共场所或者交通要道聚众斗殴，造成社会秩序严重混乱的；

(III) gathering people to engage in affrays in public places or on vital traffic lines and causing serious public disorder; or

（四）持械聚众斗殴的。

(IV) gathering people to engage in affrays with weapons.

聚众斗殴，致人重伤、死亡的，依照本法第二百三十四条、第二百三十二条的规定定罪处罚。

Where people are gathered to engage in affrays, thus causing serious injury or death to a person, he shall be convicted and punished in accordance with the provisions of Article 234 or 232 of this Law.

第二百九十三条   【寻衅滋事罪】有下列寻衅滋事行为之一，破坏社会秩序的，处五年以下有期徒刑、拘役或者管制：

Article 293 [Crime of picking quarrels and provoking troubles] Whoever commits any of the following acts of picking quarrels and provoking troubles, thus disrupting public order, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance:

（一）随意殴打他人，情节恶劣的；

1. Beating another person at will and to a flagrant extent;

（二）追逐、拦截、辱骂、恐吓他人，情节恶劣的；

2. chasing, intercepting, reviling or intimidating any other person, with execrable circumstances;

（三）强拿硬要或者任意损毁、占用公私财物，情节严重的；

3. forcibly taking or demanding, willfully damaging, destroying or occupying public or private property to a serious extent; or

（四）在公共场所起哄闹事，造成公共场所秩序严重混乱的。

(IV) Making trouble in a public place, which causes a serious disorder of the public place.

纠集他人多次实施前款行为，严重破坏社会秩序的，处五年以上十年以下有期徒刑，可以并处罚金。

Whoever assembles other people to commit the acts as mentioned in the preceding paragraph many times, which seriously disrupt the social order, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and may be fined in addition.

第二百九十四条   【组织、领导、参加黑社会性质组织罪】组织、领导黑社会性质的组织的，处七年以上有期徒刑，并处没收财产；积极参加的，处三年以上七年以下有期徒刑，可以并处罚金或者没收财产；其他参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，可以并处罚金。

Article 294 Whoever organizes or leads an organization of a gangland nature shall be sentenced to fixed-term imprisonment of not less than seven years and concurrently be sentenced to confiscation of property; whoever actively participates in an organization of a gangland nature shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and may concurrently be sentenced to a fine or 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 concurrently be sentenced to a fine.

【入境发展黑社会组织罪】境外的黑社会组织的人员到中华人民共和国境内发展组织成员的，处三年以上十年以下有期徒刑。

A member of an overseas gangland organization who recruits members within the territory of the People's Republic of China shall be sentenced to imprisonment of not less than 3 years but not more than 10 years.

【包庇、纵容黑社会性质组织罪】国家机关工作人员包庇黑社会性质的组织，或者纵容黑社会性质的组织进行违法犯罪活动的，处五年以下有期徒刑；情节严重的，处五年以上有期徒刑。

[Shielding or conniving at the crime of organization of a gangland nature] Any functionary of a State organ who shields an organization of a gangland nature or connives at such organization's 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.

犯前三款罪又有其他犯罪行为的，依照数罪并罚的规定处罚。

Whoever also commits any other crime while committing a crime as mentioned in the preceding three paragraphs shall be punished according to the provisions on the joinder of penalties for plural crimes.

黑社会性质的组织应当同时具备以下特征：

An organization of a gangland nature shall have all of the following characteristics:

（一）形成较稳定的犯罪组织，人数较多，有明确的组织者、领导者，骨干成员基本固定；

1. a relatively stable criminal organization is formed with a relatively large number of members, and there are specific organizers or leaders and basically fixed core members.

（二）有组织地通过违法犯罪活动或者其他手段获取经济利益，具有一定的经济实力，以支持该组织的活动；

(II) Economic interests are gained by organized illegal or criminal activities or other means, and it has certain financial strength to support its activities.

（三）以暴力、威胁或者其他手段，有组织地多次进行违法犯罪活动，为非作恶，欺压、残害群众；

(III) By violence, threat or other means, it commits organized illegal or criminal activities many times to do evil, bully and cruelly injure or kill people.

（四）通过实施违法犯罪活动，或者利用国家工作人员的包庇或者纵容，称霸一方，在一定区域或者行业内，形成非法控制或者重大影响，严重破坏经济、社会生活秩序。

(IV) It dominates a certain area by committing illegal or criminal activities or taking advantage of the harboring or connivance by the state functionaries, forming an illegal control or significant influence in a certain area or sector, which seriously disrupts the economic and social order.

第二百九十五条   【传授犯罪方法罪】传授犯罪方法的，处五年以下有期徒刑、拘役或者管制；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

Article 295 Whoever teaches methods for committing 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 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

第二百九十六条   【非法集会、游行、示威罪】举行集会、游行、示威，未依照法律规定申请或者申请未获许可，或者未按照主管机关许可的起止时间、地点、路线进行，又拒不服从解散命令，严重破坏社会秩序的，对集会、游行、示威的负责人和直接责任人员，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 296 [Crime of Illegal Assembly, Procession or Demonstration] Where an assembly, a procession or a demonstration is held with no application made in accordance with the provisions of law or no permission granted for the application or where it is held not in accordance with the time for start and stop, venue and routes permitted by the competent authorities, and the order of dismission is disobeyed and public order seriously disrupted, the persons who are in charge and the persons who are directly responsible for the assembly, procession or demonstration shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

第二百九十七条   【非法携带武器、管制刀具、爆炸物参加集会、游行、示威罪】违反法律规定，携带武器、管制刀具或者爆炸物参加集会、游行、示威的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 297 [Crime of Illegally Carrying Weapons, Controlled Knives and Explosives to Participate in an Assembly, Procession or Demonstration] Whoever, in violation of the provisions of the law, participates in an assembly, procession or demonstration by carrying weapons, controlled knives or explosives shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

第二百九十八条   【破坏集会、游行、示威罪】扰乱、冲击或者以其他方法破坏依法举行的集会、游行、示威，造成公共秩序混乱的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 298 [Crime of sabotaging an assembly, procession or demonstration] Whoever disturbs, breaks into or disrupts by any other means an assembly, procession or demonstration held in compliance with law, thus causing public disorder, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

第二百九十九条   【侮辱国旗、国徽罪】在公共场合，故意以焚烧、毁损、涂划、玷污、践踏等方式侮辱中华人民共和国国旗、国徽的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 299 [Crime of Desecrating the National Flag and National Emblem] Whoever desecrates the National Flag or the National Emblem of the People's Republic of China by intentionally burning, mutilating, scrawling on, defiling or trampling upon it in a public place shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

在公共场合，故意篡改中华人民共和国国歌歌词、曲谱，以歪曲、贬损方式奏唱国歌，或者以其他方式侮辱国歌，情节严重的，依照前款的规定处罚。

Whoever deliberately tampers with the lyrics or music of the National Anthem of the People's Republic of China, plays or sings the National Anthem in a distorted or disparaged way, or desecrates the National Anthem in other ways in a public place will, if the circumstances are serious, be punished under the provisions of the preceding paragraph.

第三百条   【组织、利用会道门、邪教组织、利用迷信破坏法律实施罪】组织、利用会道门、邪教组织或者利用迷信破坏国家法律、行政法规实施的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节较轻的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利，并处或者单处罚金。

Article 300 [Crime of organizing or using superstitious sects or secret societies, weird religious organizations, or using superstition to undermine the implementation of laws] Whoever forms or uses superstition to undermine the implementation of the laws and administrative regulations of the State shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and concurrently be sentenced to a fine; if the circumstances are especially serious, the person shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and concurrently be sentenced to a fine or confiscation of property; if the circumstances are minor, the person shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights and concurrently or separately be sentenced to a fine.

【组织、利用会道门、邪教组织、利用迷信致人重伤、死亡罪】组织、利用会道门、邪教组织或者利用迷信蒙骗他人，致人重伤、死亡的，依照前款的规定处罚。

[The crime of causing serious injury or death to a person by organizing or using superstitious sects or secret societies, weird religious organizations, or using superstition] Whoever organizes or uses superstition to cheat another person, causing serious injury or death to the person, shall be punished in accordance with the preceding paragraph.

犯第一款罪又有奸淫妇女、诈骗财物等犯罪行为的，依照数罪并罚的规定处罚。

Whoever, in addition to any of the crimes mentioned in Paragraph 1, rapes a woman, swindles money or property or commits other criminal acts shall be punished in accordance with the provisions on combined punishment for several crimes.

第三百零一条   【聚众淫乱罪】聚众进行淫乱活动的，对首要分子或者多次参加的，处五年以下有期徒刑、拘役或者管制。

Article 301 Where people are gathered to engage in licentious activities, the ringleaders and the persons who repeatedly take part in such activities shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance.

【引诱未成年人聚众淫乱罪】引诱未成年人参加聚众淫乱活动的，依照前款的规定从重处罚。

[Crime of luring minors to join a crowd to engage in promiscuous activities] Whoever lures minors to join a crowd to engage in promiscuous activities shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

第三百零二条   【盗窃、侮辱、故意毁坏尸体、尸骨、骨灰罪】盗窃、侮辱、故意毁坏尸体、尸骨、骨灰的，处三年以下有期徒刑、拘役或者管制。

Article 302 [The crime of stealing, insulting or intentionally destroying corpses, skeletons or ashes] Whoever steals, insults or intentionally destroys corpses, skeletons or ashes shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

第三百零三条   【赌博罪】以营利为目的，聚众赌博或者以赌博为业的，处三年以下有期徒刑、拘役或者管制，并处罚金。

Article 303 [Crime of gambling] 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.

【开设赌场罪】开设赌场的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

[Crime of running a gambling house] Whoever runs a gambling house shall be sentenced to fixed-term imprisonment of no more than 3 years, criminal detention or public surveillance, in combination of fines; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment from 3 to 10 years, in combination of fines.

第三百零四条   【故意延误投递邮件罪】邮政工作人员严重不负责任，故意延误投递邮件，致使公共财产、国家和人民利益遭受重大损失的，处二年以下有期徒刑或者拘役。

Article 304 Any postal worker who, grossly neglecting his duty, intentionally delays the delivery of mail, thus causing grave losses to public money or property or to the interests of the State or the people, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

第二节 妨害司法罪

Section 2 Crimes of Disrupting Justice

第三百零五条   【伪证罪】在刑事诉讼中，证人、鉴定人、记录人、翻译人对与案件有重要关系的情节，故意作虚假证明、鉴定、记录、翻译，意图陷害他人或者隐匿罪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

Article 305 [Perjury Crime] If, in criminal proceedings, a witness, expert witness, recorder or interpreter intentionally gives false testimony or makes a false expert evaluation, record or translation concerning the circumstances that have an important bearing on a case, in order to frame another person or conceal criminal evidence, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; 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.

第三百零六条   【辩护人、诉讼代理人毁灭证据、伪造证据、妨害作证罪】在刑事诉讼中，辩护人、诉讼代理人毁灭、伪造证据，帮助当事人毁灭、伪造证据，威胁、引诱证人违背事实改变证言或者作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

Article 306 [Defenders or agents ad litem who destroy evidence, falsify evidence, or obstruct the giving of evidence] Where, in criminal proceedings, a defender or agent ad litem destroys or falsifies evidence, helps a party destroy or falsify evidence, or intimidates or lures a witness into changing his testimony in defiance of the facts or give false testimony, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; 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.

辩护人、诉讼代理人提供、出示、引用的证人证言或者其他证据失实，不是有意伪造的，不属于伪造证据。

Where a witness's testimony or other evidence provided, shown or quoted by a defender or agent is inconsistent with the facts but is not forged intentionally, it shall not be regarded as forgery of evidence.

第三百零七条   【妨害作证罪】以暴力、威胁、贿买等方法阻止证人作证或者指使他人作伪证的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

Article 307 [Crime of obstructing testimony] Whoever, by violence, threat, bribery or any other means, obstructs a witness from giving testimony or instigates another person to give false testimony shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; 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.

【帮助毁灭、伪造证据罪】帮助当事人毁灭、伪造证据，情节严重的，处三年以下有期徒刑或者拘役。

[Assisting in the destruction or falsification of evidence] Whoever helps a party destroy or falsify evidence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

司法工作人员犯前两款罪的，从重处罚。

Any judicial officer who commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.

第三百零七条之一　【虚假诉讼罪】以捏造的事实提起民事诉讼，妨害司法秩序或者严重侵害他人合法权益的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 307a [Crime of false litigation] Whoever brings a civil lawsuit based on fabricated facts, thus obstructing judicial order or seriously infringing the legitimate 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 concurrently or separately sentenced to a fine; if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and concurrently be sentenced to a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

有第一款行为，非法占有他人财产或者逃避合法债务，又构成其他犯罪的，依照处罚较重的规定定罪从重处罚。

Whoever commits the act mentioned in Paragraph 1, which concurrently constitutes another crime by illegal encroachment on another's property or evasion of legitimate debts, shall be convicted and punished in accordance with the provisions on heavier punishment.

司法工作人员利用职权，与他人共同实施前三款行为的，从重处罚；同时构成其他犯罪的，依照处罚较重的规定定罪从重处罚。

Any judicial officer who makes use of his power and commits jointly with others any act mentioned in the preceding three paragraphs shall be given a heavier punishment; if the act concurrently constitutes another crime, the judicial officer shall be convicted and punished in accordance with the provisions on heavier punishment.

第三百零八条   【打击报复证人罪】对证人进行打击报复的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

Article 308 [Crime of retaliating against witnesses] Whoever retaliates against a witness shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; 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.

第三百零八条之一　【泄露不应公开的案件信息罪】司法工作人员、辩护人、诉讼代理人或者其他诉讼参与人，泄露依法不公开审理的案件中不应当公开的信息，造成信息公开传播或者其他严重后果的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

Article 308a [Crime of disclosing case information that shall not be disclosed] Any judicial officer, defender, agent ad litem or any other litigation participant who divulges any information that shall not be disclosed in a case not tried publicly in accordance with the law, which results in the dissemination of the information among the public or any other serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently or separately sentenced to a fine.

有前款行为，泄露国家秘密的，依照本法第三百九十八条的规定定罪处罚。

Whoever commits the act mentioned in the preceding paragraph and divulges State secrets shall be convicted and punished in accordance with the provisions of Article 398 hereof.

【披露、报道不应公开的案件信息罪】公开披露、报道第一款规定的案件信息，情节严重的，依照第一款的规定处罚。

[Crime of disclosing or reporting case information that shall not be disclosed] If the case information stipulated in Paragraph 1 is disclosed or reported publicly and the circumstances are serious, the offender shall be punished in accordance with Paragraph 1.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

第三百零九条   【扰乱法庭秩序罪】有下列扰乱法庭秩序情形之一的，处三年以下有期徒刑、拘役、管制或者罚金：

Article 309 [Crime of disturbing court order] Whoever falls under any of the following circumstances of disturbing court order shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or a fine:

（一）聚众哄闹、冲击法庭的；

1. assembling a crowd to make an uproar or charging into the courtroom;

（二）殴打司法工作人员或者诉讼参与人的；

(II) beating up judicial officers or litigation participants;

（三）侮辱、诽谤、威胁司法工作人员或者诉讼参与人，不听法庭制止，严重扰乱法庭秩序的；

3. humiliating, slandering, or intimidating judicial officers or litigation participants, and refusing to stop such acts despite being ordered to do so by the court, thus seriously disrupting the order of the courtroom; and

（四）有毁坏法庭设施，抢夺、损毁诉讼文书、证据等扰乱法庭秩序行为，情节严重的。

(IV) committing any other acts that disrupt the order of the courtroom such as destroying courtroom facilities and forcibly seizing or damaging litigation documents or evidence with serious circumstances.

第三百一十条   【窝藏、包庇罪】明知是犯罪的人而为其提供隐藏处所、财物，帮助其逃匿或者作假证明包庇的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

Article 310 Whoever knowingly provides a hiding place, money or property to a criminal, or helps the criminal escape or gives false testimony to protect the criminal shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

犯前款罪，事前通谋的，以共同犯罪论处。

Conspirators to a crime mentioned in the preceding paragraph shall be regarded as joint offenders and punished as such.

第三百一十一条   【拒绝提供间谍犯罪、恐怖主义犯罪、极端主义犯罪证据罪】明知他人有间谍犯罪或者恐怖主义、极端主义犯罪行为，在司法机关向其调查有关情况、收集有关证据时，拒绝提供，情节严重的，处三年以下有期徒刑、拘役或者管制。

Article 311 [Refusal to Provide Evidence Against the Crime of Espionage, Terrorism or Extremism] Whoever, while clearly knowing that another person has committed the crime of espionage, or the crime of terrorism or extremism, refuses to provide relevant information or evidence when the judicial organ investigates the situation thereof or collects such evidence, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

第三百一十二条   【掩饰、隐瞒犯罪所得、犯罪所得收益罪】明知是犯罪所得及其产生的收益而予以窝藏、转移、收购、代为销售或者以其他方法掩饰、隐瞒的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 312 Whoever knowingly conceals, transfers, purchases, helps to sell, or covers up or conceals by any other means the gains derived from crimes or the proceeds thereof 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.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百一十三条   【拒不执行判决、裁定罪】对人民法院的判决、裁定有能力执行而拒不执行，情节严重的，处三年以下有期徒刑、拘役或者罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 313 Whoever has the ability to execute the judgment or ruling 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 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.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百一十四条   【非法处置查封、扣押、冻结的财产罪】隐藏、转移、变卖、故意毁损已被司法机关查封、扣押、冻结的财产，情节严重的，处三年以下有期徒刑、拘役或者罚金。

Article 314 Whoever conceals, transfers, sells or intentionally destroys or damages the property sealed up, distrained or frozen by judicial organs, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or be fined.

第三百一十五条   【破坏监管秩序罪】依法被关押的罪犯，有下列破坏监管秩序行为之一，情节严重的，处三年以下有期徒刑：

Article 315 [Crimes of Disrupting the Order of Supervision and Control] Where a criminal held in custody according to law commits any of the following acts, thus disrupting the order of supervision and control, if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than three years:

（一）殴打监管人员的；

1. Beating a prison policeman or any other officer;

（二）组织其他被监管人破坏监管秩序的；

(II) organizing another person held in custody to disrupt the order of prison administration;

（三）聚众闹事，扰乱正常监管秩序的；

3. gathering persons held in custody to stir up trouble, thus disrupting the normal order of prison administration; or

（四）殴打、体罚或者指使他人殴打、体罚其他被监管人的。

(IV) beating or subjecting another person held in custody to corporal punishment or instigating another person to do so.

第三百一十六条   【脱逃罪】依法被关押的罪犯、被告人、犯罪嫌疑人脱逃的，处五年以下有期徒刑或者拘役。

Article 316 [Crime of escaping] Any criminal, defendant or criminal suspect who escapes after being held in custody according to law shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

【劫夺被押解人员罪】劫夺押解途中的罪犯、被告人、犯罪嫌疑人的，处三年以上七年以下有期徒刑；情节严重的，处七年以上有期徒刑。

[Crime of Seizing Persons under Escort] Where anyone robs any criminal, defendant or criminal suspect under escort, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than seven years.

第三百一十七条   【组织越狱罪】组织越狱的首要分子和积极参加的，处五年以上有期徒刑；其他参加的，处五年以下有期徒刑或者拘役。

Article 317 Ringleaders who organize a jailbreak and the active participants shall be sentenced to fixed-term imprisonment of not less than five years; other participants shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

【暴动越狱罪】【聚众持械劫狱罪】暴动越狱或者聚众持械劫狱的首要分子和积极参加的，处十年以上有期徒刑或者无期徒刑；情节特别严重的，处死刑；其他参加的，处三年以上十年以下有期徒刑。

[Crime of instigating a riot to escape from prison] [Crime of assembling a crowd to rescue a prison with weapons] Ringleaders who instigate a riot to escape from prison or assemble a crowd to raid a prison with weapons and the active participants shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment; if the circumstances are especially serious, they shall be sentenced to death; other participants shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

第三节 妨害国（边）境管理罪

Section 3 Crimes of Disrupting Control of National Border (Frontier)

第三百一十八条   【组织他人偷越国（边）境罪】组织他人偷越国（边）境的，处二年以上七年以下有期徒刑，并处罚金；有下列情形之一的，处七年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

Article 318 [Making Arrangements for Other Persons to Illegally Cross the National Border (Frontier)] Whoever makes arrangements for other persons to illegally cross the National Border (Frontier) shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years and shall also be fined; if he falls under any of the following categories, 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:

（一）组织他人偷越国（边）境集团的首要分子；

1. being a ringleader of a group that makes arrangements for other persons to illegally cross the national border (frontier);

（二）多次组织他人偷越国（边）境或者组织他人偷越国（边）境人数众多的；

(II) repeatedly making arrangements for other persons to illegally cross the national border (frontier), or making arrangements for a large number of persons to do so;

（三）造成被组织人重伤、死亡的；

(III) causing serious injury or death to the persons for whom he makes arrangements to illegally cross the national border (frontier);

（四）剥夺或者限制被组织人人身自由的；

(IV) depriving or restricting personal freedom of the persons for whom he makes arrangements to illegally cross the national border (frontier);

（五）以暴力、威胁方法抗拒检查的；

(V) resisting inspection by means of violence or threat;

（六）违法所得数额巨大的；

(VI) the sum of illegal earnings being huge; or

（七）有其他特别严重情节的。

(VII) being involved in other especially serious circumstances.

犯前款罪，对被组织人有杀害、伤害、强奸、拐卖等犯罪行为，或者对检查人员有杀害、伤害等犯罪行为的，依照数罪并罚的规定处罚。

Whoever, in addition to the crime mentioned in the preceding paragraph, kills, injures, rapes, or abducts and sells the persons for whom he makes arrangements to illegally cross the national border (frontier) or commits other criminal acts against them or kills, injures or commits other criminal acts against the inspectors shall be punished in accordance with the provisions on combined punishment for several crimes.

第三百一十九条   【骗取出境证件罪】以劳务输出、经贸往来或者其他名义，弄虚作假，骗取护照、签证等出境证件，为组织他人偷越国（边）境使用的，处三年以下有期徒刑，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

Article 319 [Crime of defrauding exit documents] Whoever, in the name of export of labor service, economic exchange, trade, etc., practices fraud to obtain the passport, visa or other exit documents for the purpose of making arrangements for other persons to illegally cross the national border (frontier) shall be sentenced to fixed-term imprisonment of not more than three years 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.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百二十条   【提供伪造、变造的出入境证件罪】【出售出入境证件罪】为他人提供伪造、变造的护照、签证等出入境证件，或者出售护照、签证等出入境证件的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

Article 320 [Crime of providing forged or altered exit and entry documents] [Crime of selling exit and entry documents] Anyone who provides others with forged or altered passports, visas or other exit and entry documents or sells passports, visas or other exit and entry documents shall be sentenced to imprisonment of not more than five years and a fine; or if the circumstances are serious, be sentenced to imprisonment of not less than five years and a fine.

第三百二十一条   【运送他人偷越国（边）境罪】运送他人偷越国（边）境的，处五年以下有期徒刑、拘役或者管制，并处罚金；有下列情形之一的，处五年以上十年以下有期徒刑，并处罚金：

Article 321 [Crime of Transporting Other Persons to Illegally Cross the National Border (Frontier)] Whoever transports other persons to illegally cross the National Border (Frontier) shall be sentenced to fixed-term imprisonment of not more than five 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 five years but not more than ten years and shall also be fined:

（一）多次实施运送行为或者运送人数众多的；

1. Repeatedly transporting persons to illegally cross the national border (frontier), or transporting a large number of persons;

（二）所使用的船只、车辆等交通工具不具备必要的安全条件，足以造成严重后果的；

2. the vessels, vehicles or other means of transportation employed not meeting the necessary safety conditions to such an extent that it would cause serious consequences;

（三）违法所得数额巨大的；

3. the sum of illegal earnings being huge; or

（四）有其他特别严重情节的。

(IV) being involved in other especially serious circumstances.

在运送他人偷越国（边）境中造成被运送人重伤、死亡，或者以暴力、威胁方法抗拒检查的，处七年以上有期徒刑，并处罚金。

Whoever in transporting other persons to illegally cross the national border (frontier) causes serious injury or death to the persons being transported or resists inspection by means of violence or threat shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

犯前两款罪，对被运送人有杀害、伤害、强奸、拐卖等犯罪行为，或者对检查人员有杀害、伤害等犯罪行为的，依照数罪并罚的规定处罚。

Whoever, in addition to any of the crimes mentioned in the preceding two paragraphs, kills, injures, rapes, or abducts and sells the persons being transported or commits other criminal acts against them or kills, injures or commits other criminal acts against the inspectors shall be punished in accordance with the provisions on combined punishment for several crimes.

第三百二十二条   【偷越国（边）境罪】违反国（边）境管理法规，偷越国（边）境，情节严重的，处一年以下有期徒刑、拘役或者管制，并处罚金；为参加恐怖活动组织、接受恐怖活动培训或者实施恐怖活动，偷越国（边）境的，处一年以上三年以下有期徒刑，并处罚金。

Article 322 [Crime of Illegally Crossing the National Border (Frontier)] Where a person, in violation of the laws and regulations on administration of the national border (frontier), illegally crosses the national border (frontier), if the circumstances are serious, the person shall be sentenced to fixed-term imprisonment of not more than one year, criminal detention or public surveillance, in combination of fines; if a person illegally crosses the national border (frontier) for the purpose of participating in or receiving training for terrorist activities or carrying out terrorist activities, the person shall be sentenced to fixed-term imprisonment of not less than one year but not more than three years, in combination of fines.

第三百二十三条   【破坏界碑、界桩罪】【破坏永久性测量标志罪】故意破坏国家边境的界碑、界桩或者永久性测量标志的，处三年以下有期徒刑或者拘役。

Article 323 Whoever intentionally damages the boundary tablets, boundary markers or permanent surveying markers along the national border shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第四节 妨害文物管理罪

Section 4 Crimes Impairing Control of Cultural Relics

第三百二十四条   【故意损毁文物罪】故意损毁国家保护的珍贵文物或者被确定为全国重点文物保护单位、省级文物保护单位的文物的，处三年以下有期徒刑或者拘役，并处或者单处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

Article 324 [Crime of intentionally damaging or destroying cultural relics] Anyone who intentionally damages or destroys valuable cultural relics under State protection or the major sites designated to be protected at the national or provincial level for their historical and cultural value 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 10 years and shall also be fined.

【故意损毁名胜古迹罪】故意损毁国家保护的名胜古迹，情节严重的，处五年以下有期徒刑或者拘役，并处或者单处罚金。

[Intentional Damaging of Scenic Spots or Historic Sites] Whoever intentionally damages or destroys any scenic spot or historic site under State protection, 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.

【过失损毁文物罪】过失损毁国家保护的珍贵文物或者被确定为全国重点文物保护单位、省级文物保护单位的文物，造成严重后果的，处三年以下有期徒刑或者拘役。

[Crime of Negligently Damaging Cultural Relics] Whoever negligently damages valuable cultural relics under State protection or the major sites designated to be protected at the national or provincial level for their historical and cultural value, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第三百二十五条   【非法向外国人出售、赠送珍贵文物罪】违反文物保护法规，将收藏的国家禁止出口的珍贵文物私自出售或者私自赠送给外国人的，处五年以下有期徒刑或者拘役，可以并处罚金。

Article 325 [Crime of Illegally Selling or Donating Valuable Cultural Relics to Foreigners] Where, in violation of the laws and regulations on protection of cultural relics, a person sells or presents as a gift to a foreigner without authorization any valuable cultural relic in his collection, the export of which is prohibited by the State, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and may also be fined.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百二十六条   【倒卖文物罪】以牟利为目的，倒卖国家禁止经营的文物，情节严重的，处五年以下有期徒刑或者拘役，并处罚金；情节特别严重的，处五年以上十年以下有期徒刑，并处罚金。

Article 326 [Crime of Scalping Cultural Relics] Anyone who, for the purpose of making profits, resells the cultural relics prohibited by the State from being dealt in, 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 the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years, and shall also be fined.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百二十七条   【非法出售、私赠文物藏品罪】违反文物保护法规，国有博物馆、图书馆等单位将国家保护的文物藏品出售或者私自送给非国有单位或者个人的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役。

Article 327 [Crime of Illegally Selling or Privately Donating Cultural Relics] Where, in violation of the regulations on protection of cultural relics, a State-owned museum, library or other institution sells or privately presents the Cultural Relics in its collection, under State protection, to a non-State-owned institution or individual, a fine shall be imposed on the unit, and the person directly in charge and the other persons directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第三百二十八条   【盗掘古文化遗址、古墓葬罪】盗掘具有历史、艺术、科学价值的古文化遗址、古墓葬的，处三年以上十年以下有期徒刑，并处罚金；情节较轻的，处三年以下有期徒刑、拘役或者管制，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产：

Article 328 [Crime of Excavating and Robbing Sites of Ancient Culture or Ancient Tombs] 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 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 categories, 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:

（一）盗掘确定为全国重点文物保护单位和省级文物保护单位的古文化遗址、古墓葬的；

1. excavating and robbing a site of ancient culture or ancient tomb which is designated as major sites to be protected for their historical and cultural value at the national level or at the provincial level;

（二）盗掘古文化遗址、古墓葬集团的首要分子；

(II) Being the ringleader of a gang engaged in excavating and robbing sites of ancient culture or ancient tombs;

（三）多次盗掘古文化遗址、古墓葬的；

(III) Having robbed sites of ancient culture and ancient tombs many times; or

（四）盗掘古文化遗址、古墓葬，并盗窃珍贵文物或者造成珍贵文物严重破坏的。

(IV) Excavating a site of ancient culture or ancient tomb and robbing valuable cultural relics therein, or causing serious damage to such relics.

【盗掘古人类化石、古脊椎动物化石罪】盗掘国家保护的具有科学价值的古人类化石和古脊椎动物化石的，依照前款的规定处罚。

[Crime of excavating and robbing fossils of paleoanthropoids or paleovertebrates] Whoever excavates and robs fossils of paleoanthropoids or paleovertebrates of scientific value which is under State protection shall be punished in accordance with the provisions of the preceding paragraph.

第三百二十九条   【抢夺、窃取国有档案罪】抢夺、窃取国家所有的档案的，处五年以下有期徒刑或者拘役。

Article 329 [Crime of forcibly seizing or stealing State-owned archives] Whoever forcibly seizes or steals archives owned by the State shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

【擅自出卖、转让国有档案罪】违反档案法的规定，擅自出卖、转让国家所有的档案，情节严重的，处三年以下有期徒刑或者拘役。

[Crime of selling or transferring state-owned archives without authorization] Whoever, in violation of the provisions of the Archives Law, sells or transfers State-owned archives without authorization, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

有前两款行为，同时又构成本法规定的其他犯罪的，依照处罚较重的规定定罪处罚。

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

第五节 危害公共卫生罪

Section 5 Crimes of Endangering Public Health

第三百三十条   【妨害传染病防治罪】违反传染病防治法的规定，有下列情形之一，引起甲类传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑：

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

（一）供水单位供应的饮用水不符合国家规定的卫生标准的；

1. failure on the part of a water supply unit to supply drinking water in conformity with the hygienic standards set by the State;

（二）拒绝按照卫生防疫机构提出的卫生要求，对传染病病原体污染的污水、污物、粪便进行消毒处理的；

2. Refusal to give disinfection treatment, according to the sanitary requirements proposed by the heath and anti-epidemic agencies, to sewage, wastes or feces contaminated with the pathogen of infectious diseases; or

（三）准许或者纵容传染病病人、病原携带者和疑似传染病病人从事国务院卫生行政部门规定禁止从事的易使该传染病扩散的工作的；

(III) approving or conniving at the employment of patients of infectious diseases, pathogen carriers or suspected patients of infectious diseases at jobs, which they are prohibited from taking by the health administration department under the State Council because of the likelihood of causing the spread of infectious diseases; or

（四）拒绝执行卫生防疫机构依照传染病防治法提出的预防、控制措施的。

(IV) refusal to execute the preventive and control measures proposed by the health and anti-epidemic agencies according to the Law on Prevention and Treatment of Infectious Diseases.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

甲类传染病的范围，依照《中华人民共和国传染病防治法》和国务院有关规定确定。

The scope of A Class infectious diseases shall be determined in accordance with the Law of the People's Republic of China on the Prevention and Treatment of Infectious Diseases and relevant regulations of the State Council.

第三百三十一条   【传染病菌种、毒种扩散罪】从事实验、保藏、携带、运输传染病菌种、毒种的人员，违反国务院卫生行政部门的有关规定，造成传染病菌种、毒种扩散，后果严重的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

Article 331 [Crime of Spreading Bacterial and Virus Strains of Infectious Diseases] Any person engaged in the experimentation, storage, carrying or transportation of bacterial and virus strains of infectious diseases who, in violation of the relevant provisions of the health administration department under the State Council, causes the spread of the bacterial and virus strains of an infectious disease, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第三百三十二条   【妨害国境卫生检疫罪】违反国境卫生检疫规定，引起检疫传染病传播或者有传播严重危险的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 332 Whoever, in violation of the provisions on frontier health and quarantine, causes the spread or a grave danger of the spread of a quarantinable infectious disease shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百三十三条   【非法组织卖血罪】【强迫卖血罪】非法组织他人出卖血液的，处五年以下有期徒刑，并处罚金；以暴力、威胁方法强迫他人出卖血液的，处五年以上十年以下有期徒刑，并处罚金。

Article 333 Whoever illegally arranges for another person to sell blood shall be sentenced to fixed-term imprisonment of not more than five years and shall also be fined; whoever compels another person to sell blood by violence or threat shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined.

有前款行为，对他人造成伤害的，依照本法第二百三十四条的规定定罪处罚。

Whoever commits an act mentioned in the preceding paragraph, thus causing injury to another person, shall be convicted and punished in accordance with the provisions of Article 234 of this Law.

第三百三十四条   【非法采集、供应血液、制作、供应血液制品罪】非法采集、供应血液或者制作、供应血液制品，不符合国家规定的标准，足以危害人体健康的，处五年以下有期徒刑或者拘役，并处罚金；对人体健康造成严重危害的，处五年以上十年以下有期徒刑，并处罚金；造成特别严重后果的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Article 334 [Crime of Illegally Collecting or Supplying Blood or Making or Supplying Blood Products] Where the Crime of Illegally Collecting or Supplying blood or making or supplying blood products does not meet the standards prescribed by the State, which is enough to endanger human health, the person shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if serious harm is caused to human health, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if especially serious consequences are caused, the person shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or be sentenced to confiscation of property.

【采集、供应血液、制作、供应血液制品事故罪】经国家主管部门批准采集、供应血液或者制作、供应血液制品的部门，不依照规定进行检测或者违背其他操作规定，造成危害他人身体健康后果的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

[Crime of causing an accident in collecting, supplying, making or supplying blood products] Where a department that is approved by the competent department of the State for collecting or supplying blood or making or supplying blood products does not carry out testing as required or violates other operating procedure, thus harming another person's health, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

第三百三十五条   【医疗事故罪】医务人员由于严重不负责任，造成就诊人死亡或者严重损害就诊人身体健康的，处三年以下有期徒刑或者拘役。

Article 335 [Medical accident crime] Where a medical worker causes death or severe damage to the health of the person seeking medical service due to his gross neglect of duty, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第三百三十六条   【非法行医罪】未取得医生执业资格的人非法行医，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；严重损害就诊人身体健康的，处三年以上十年以下有期徒刑，并处罚金；造成就诊人死亡的，处十年以上有期徒刑，并处罚金。

Article 336 [Illegal Practice of Medicine] Where a person who has not obtained the qualification for practising medicine illegally practises medicine, if the circumstances are serious, 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; if severe harm is caused to the health of the person seeking medical service, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if death is caused, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined.

【非法进行节育手术罪】未取得医生执业资格的人擅自为他人进行节育复通手术、假节育手术、终止妊娠手术或者摘取宫内节育器，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；严重损害就诊人身体健康的，处三年以上十年以下有期徒刑，并处罚金；造成就诊人死亡的，处十年以上有期徒刑，并处罚金。

[Crime of illegally performing contraceptive operations] Where a person who has not obtained the qualification for practising medicine arbitrarily performs contraceptive reversal operations, false contraceptive operations, operations for terminating gestation or removing intrauterine devices for others, if the circumstances are serious, 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; if severe harm is caused to the health of the person seeking medical service, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined; if death is caused, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall also be fined.

第三百三十七条   【妨害动植物防疫、检疫罪】违反有关动植物防疫、检疫的国家规定，引起重大动植物疫情的，或者有引起重大动植物疫情危险，情节严重的，处三年以下有期徒刑或者拘役，并处或者单处罚金。

Article 337 [Crime of Interfering with Animal and Plant Epidemic Prevention and Quarantine] Whoever, in violation of the provisions of the State on animal and plant epidemic prevention and quarantine, causes a serious animal or plant epidemic or the danger of a serious animal or plant epidemic shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第六节 破坏环境资源保护罪

Section 6 Crimes of Damaging the Protection of Environment and Resources

第三百三十八条   【污染环境罪】违反国家规定，排放、倾倒或者处置有放射性的废物、含传染病病原体的废物、有毒物质或者其他有害物质，严重污染环境的，处三年以下有期徒刑或者拘役，并处或者单处罚金；后果特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 338 [Crime of Polluting the Environment] Whoever, in violation of the provisions of the State, discharges, dumps or disposes of any radioactive waste, any waste containing pathogens of any infectious disease, any toxic substance or any other harmful substance, which has caused serious environmental pollution, 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.

第三百三十九条   【非法处置进口的固体废物罪】违反国家规定，将境外的固体废物进境倾倒、堆放、处置的，处五年以下有期徒刑或者拘役，并处罚金；造成重大环境污染事故，致使公私财产遭受重大损失或者严重危害人体健康的，处五年以上十年以下有期徒刑，并处罚金；后果特别严重的，处十年以上有期徒刑，并处罚金。

Article 339 [Crime of illegally disposing of imported solid wastes] Whoever, in violation of the State provisions, dumps, piles up or treats solid wastes from abroad shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined; if a major environmental pollution accident is caused, which leads to heavy losses of public or private property or serious harm to human health, 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 consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than ten years and shall also be fined.

【擅自进口固体废物罪】未经国务院有关主管部门许可，擅自进口固体废物用作原料，造成重大环境污染事故，致使公私财产遭受重大损失或者严重危害人体健康的，处五年以下有期徒刑或者拘役，并处罚金；后果特别严重的，处五年以上十年以下有期徒刑，并处罚金。

[Crime of Importing Solid Waste without Authorization] Where any person imports solid waste as raw material without the permission of the relevant competent department under the State Council, causing a major environmental pollution accident which leads to heavy losses of public or private property or serious harm to human health, such person shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and shall also be fined; if the consequences are especially serious, such person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and shall also be fined.

以原料利用为名，进口不能用作原料的固体废物、液态废物和气态废物的，依照本法第一百五十二条第二款、第三款的规定定罪处罚。

Whoever, under the pretext of using it as raw material, imports solid waste, liquid waste or gaseous waste that cannot be used as such shall be convicted and punished in accordance with the provisions of the second and the third paragraph of Article 152 of this Law.

第三百四十条   【非法捕捞水产品罪】违反保护水产资源法规，在禁渔区、禁渔期或者使用禁用的工具、方法捕捞水产品，情节严重的，处三年以下有期徒刑、拘役、管制或者罚金。

Article 340 [Illegal Fishing of Aquatic Products] Whoever, in violation of the laws or regulations on protection of aquatic resources, catches aquatic products in an area or during a season closed to fishing, or uses prohibited fishing gear or methods for the purpose, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

第三百四十一条   【非法猎捕、杀害珍贵、濒危野生动物罪】【非法收购、运输、出售珍贵、濒危野生动物、珍贵、濒危野生动物制品罪】非法猎捕、杀害国家重点保护的珍贵、濒危野生动物的，或者非法收购、运输、出售国家重点保护的珍贵、濒危野生动物及其制品的，处五年以下有期徒刑或者拘役，并处罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金；情节特别严重的，处十年以上有期徒刑，并处罚金或者没收财产。

Article 341 [Crime of illegally hunting or killing rare and endangered species of wildlife] [Crime of illegally purchasing, transporting or selling rare and endangered species of wildlife or products thereof] If anyone illegally hunts or kills rare and endangered species of wildlife under special state protection or illegally purchases, transports or sells such species of wildlife as well as products thereof, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, and shall 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 10 years and shall be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years and shall be fined or shall be sentenced to confiscation of property.

【非法狩猎罪】违反狩猎法规，在禁猎区、禁猎期或者使用禁用的工具、方法进行狩猎，破坏野生动物资源，情节严重的，处三年以下有期徒刑、拘役、管制或者罚金。

[Crime of Illegal Hunting] Whoever, in violation of the laws and regulations on hunting, hunts wildlife in an area or during a season closed to hunting or uses prohibited hunting gear or methods for the purpose, thus damaging wildlife resources, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

第三百四十二条   【非法占用农用地罪】违反土地管理法规，非法占用耕地、林地等农用地，改变被占用土地用途，数量较大，造成耕地、林地等农用地大量毁坏的，处五年以下有期徒刑或者拘役，并处或者单处罚金。

Article 342 [Crime of Illegal Occupation of Agricultural Land] Whoever, in violation of the regulations on land administration, unlawfully occupies cultivated land, forestland or other agricultural land, and changes the use of the occupied land, if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined.

第三百四十三条   【非法采矿罪】违反矿产资源法的规定，未取得采矿许可证擅自采矿，擅自进入国家规划矿区、对国民经济具有重要价值的矿区和他人矿区范围采矿，或者擅自开采国家规定实行保护性开采的特定矿种，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 343 [Crime of Illegal Mining] Whoever, in violation of the Mineral Resources Law, mines without a mining license, enters and mines in a mining area that is embraced in State plans or a mining area that is of great value to the national economy or a mining area of any other person without authorization, 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 concurrently or separately sentenced to 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 concurrently sentenced to a fine.

【破坏性采矿罪】违反矿产资源法的规定，采取破坏性的开采方法开采矿产资源，造成矿产资源严重破坏的，处五年以下有期徒刑或者拘役，并处罚金。

[Crime of Destructive Mining] Anyone who, in violation of the provisions of the Mineral Resources Law, mines mineral resources in a destructive way, thus causing serious damage to mineral resources, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also be fined.

第三百四十四条   【非法采伐、毁坏国家重点保护植物罪】【非法收购、运输、加工、出售国家重点保护植物、国家重点保护植物制品罪】违反国家规定，非法采伐、毁坏珍贵树木或者国家重点保护的其他植物的，或者非法收购、运输、加工、出售珍贵树木或者国家重点保护的其他植物及其制品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 344 [Crime of illegally felling or destroying plants under special state protection] [Crime of illegally purchasing, transporting, processing or selling plants under special state protection and products thereof] If anyone, in violation of the provisions of the State, illegally fells or destroys rare trees or other plants under special state protection, or illegally purchases, transports, processes or sells rare trees or other plants under special state protection and the products thereof, 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 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.

第三百四十五条   【盗伐林木罪】盗伐森林或者其他林木，数量较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数量巨大的，处三年以上七年以下有期徒刑，并处罚金；数量特别巨大的，处七年以上有期徒刑，并处罚金。

Article 345 [Crime of Stealing Timber] Whoever stealthily 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; 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.

【滥伐林木罪】违反森林法的规定，滥伐森林或者其他林木，数量较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；数量巨大的，处三年以上七年以下有期徒刑，并处罚金。

[Crime of denudation of forest] Whoever, in violation of the provisions of the Forestry 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.

【非法收购、运输盗伐、滥伐的林木罪】非法收购、运输明知是盗伐、滥伐的林木，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

[Crime of Illegally Purchasing or Transporting Unlawfully Felled Trees] Whoever unlawfully purchases or transports trees, bamboo, etc. which he clearly knows are unlawfully 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.

盗伐、滥伐国家级自然保护区内的森林或者其他林木的，从重处罚。

Whoever stealthily or arbitrarily fells trees, bamboo, etc. in forest or woods, of nature reserves at the national level shall be given a heavier punishment.

第三百四十六条   【单位犯破坏环境资源罪的处罚规定】单位犯本节第三百三十八条至第三百四十五条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照本节各该条的规定处罚。

Article 346 [Punishment Provisions on Units Committing the Crime of Damaging Environmental Resources] Where an entity commits any of the crimes mentioned in Articles 338 through 345 of this Section, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be punished in accordance with the provisions of these Articles respectively.

第七节 走私、贩卖、运输、制造毒品罪

Section 7 Crime of Smuggling, Trafficking in, Transporting and Manufacturing Drugs

第三百四十七条   【走私、贩卖、运输、制造毒品罪】走私、贩卖、运输、制造毒品，无论数量多少，都应当追究刑事责任，予以刑事处罚。

Article 347 [Crime of Smuggling, Trafficking in, Transporting or Manufacturing Narcotic Drugs] Whoever smuggles, sells, transports or manufactures narcotic drugs, regardless of the quantity involved, shall be investigated for criminal responsibility and given criminal punishment.

走私、贩卖、运输、制造毒品，有下列情形之一的，处十五年有期徒刑、无期徒刑或者死刑，并处没收财产：

Whoever smuggles, traffics in, transports or manufactures narcotic drugs and falls under any of the following categories, shall be sentenced to fixed-term imprisonment of 15 years, life imprisonment or death and also to confiscation of property:

（一）走私、贩卖、运输、制造鸦片一千克以上、海洛因或者甲基苯丙胺五十克以上或者其他毒品数量大的；

1. persons who smuggle, traffic in, transport or manufacture opium of not less than 1,000 grams, heroin or methylaniline of not less than 50 grams or other narcotic drugs of large quantities;

（二）走私、贩卖、运输、制造毒品集团的首要分子；

2. ringleaders of gangs engaged in smuggling, trafficking in, transporting or manufacturing narcotic drugs;

（三）武装掩护走私、贩卖、运输、制造毒品的；

3. persons who shield with arms the smuggling, trafficking in, transporting or manufacturing of narcotic drugs;

（四）以暴力抗拒检查、拘留、逮捕，情节严重的；

(IV) Persons who violently resist inspection, detention or arrest to a serious extent; or

（五）参与有组织的国际贩毒活动的。

(V) persons involved in organized international drug trafficking.

走私、贩卖、运输、制造鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的，处七年以上有期徒刑，并处罚金。

Whoever smuggles, traffics in, transports or manufactures opium of not less than 200 grams but less than 1,000 grams, or heroin or methylaniline of not less than 10 grams but less than 50 grams or any other narcotic drugs of relatively large quantities shall be sentenced to fixed-term imprisonment of not less than seven years and shall also be fined.

走私、贩卖、运输、制造鸦片不满二百克、海洛因或者甲基苯丙胺不满十克或者其他少量毒品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Whoever smuggles, traffics in, transports or manufactures opium of less than 200 grams, or heroin or methylaniline of less than 10 grams or any other narcotic drugs of small quantities 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.

单位犯第二款、第三款、第四款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

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

利用、教唆未成年人走私、贩卖、运输、制造毒品，或者向未成年人出售毒品的，从重处罚。

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

对多次走私、贩卖、运输、制造毒品，未经处理的，毒品数量累计计算。

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

第三百四十八条   【非法持有毒品罪】非法持有鸦片一千克以上、海洛因或者甲基苯丙胺五十克以上或者其他毒品数量大的，处七年以上有期徒刑或者无期徒刑，并处罚金；非法持有鸦片二百克以上不满一千克、海洛因或者甲基苯丙胺十克以上不满五十克或者其他毒品数量较大的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 348 [Illegal possession of Narcotic Drugs] Whoever illegally possesses opium of not less than 1,000 grams, heroin or methylaniline of not less than 50 grams or any other narcotic drugs of large quantities shall be sentenced to fixed-term imprisonment of not less than seven years or life imprisonment and shall also be fined; whoever illegally possesses opium of not less than 200 grams but less than 1,000 grams, heroin or methylaniline of not less than 10 grams but less than 50 grams or any other narcotic drugs of relatively large quantities shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public 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.

第三百四十九条   【包庇毒品犯罪分子罪】【窝藏、转移、隐瞒毒品、毒赃罪】包庇走私、贩卖、运输、制造毒品的犯罪分子的，为犯罪分子窝藏、转移、隐瞒毒品或者犯罪所得的财物的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

Article 349 [Crime of Harboring Offenders of Narcotic Drugs] [Crime of Harboring, Transferring or Concealing Narcotic Drugs or Narcotic Proceeds] Where a person shields an offender who smuggles, sells, transports or manufactures narcotic drugs, if he hires, transfers or conceals, for the offender, narcotic drugs or the pecuniary and other gains from such criminal activities, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

【包庇毒品犯罪分子罪】缉毒人员或者其他国家机关工作人员掩护、包庇走私、贩卖、运输、制造毒品的犯罪分子的，依照前款的规定从重处罚。

[Crime of Shielding Criminals of Narcotic Drugs] Anti-drug officers or functionaries of any other State organ who shield or cover up an offender who smuggles, sells, transports or manufactures narcotic drugs shall be given a heavier punishment in accordance with the preceding paragraph.

犯前两款罪，事先通谋的，以走私、贩卖、运输、制造毒品罪的共犯论处。

Conspirators to the crimes mentioned in the preceding two paragraphs shall be regarded as joint offenders in the crime of smuggling, trafficking in, transporting or manufacturing of narcotic drugs and punished as such.

第三百五十条   【非法生产、买卖、运输制毒物品、走私制毒物品罪】违反国家规定，非法生产、买卖、运输醋酸酐、乙醚、三氯甲烷或者其他用于制造毒品的原料、配剂，或者携带上述物品进出境，情节较重的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，处七年以上有期徒刑，并处罚金或者没收财产。

Article 350 [Crime of Illegally Manufacturing, Buying, Selling or Transporting Drug-making Materials or Smuggling Drug-making Materials] Whoever, in violation of the regulations of the State, illegally manufactures, buys, sells or transports or carries into or out of the country acetic anhydride, ether, chloroform or any other raw material or elixir used in the manufacture of narcotic drugs, 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.

明知他人制造毒品而为其生产、买卖、运输前款规定的物品的，以制造毒品罪的共犯论处。

Whoever produces, sells, purchases or transports the substances mentioned in the preceding paragraph for another person, while clearly knowing that the person manufactures narcotic drugs, shall be regarded as a joint offender in the crime of manufacturing narcotic drugs and punished as such.

单位犯前两款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前两款的规定处罚。

Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding two paragraphs respectively.

第三百五十一条   【非法种植毒品原植物罪】非法种植罂粟、大麻等毒品原植物的，一律强制铲除。有下列情形之一的，处五年以下有期徒刑、拘役或者管制，并处罚金：

Article 351 [Crime of Illegally Cultivating Mother Plants of Narcotic Drugs] If any person cultivates the mother plants of narcotic drugs such as opium poppy and marijuana, he or she shall be forced to uproot them. Whoever falls under any of the following categories shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined:

（一）种植罂粟五百株以上不满三千株或者其他毒品原植物数量较大的；

1. Cultivating opium poppy of not less than 500 plants but less than 3,000 plants or any mother plants of other narcotic drugs in relatively large quantities;

（二）经公安机关处理后又种植的；

2. cultivating any mother plants of narcotic drugs again after being dealt with by the public security organ; or

（三）抗拒铲除的。

(III) Resisting the uprooting of such plants.

非法种植罂粟三千株以上或者其他毒品原植物数量大的，处五年以上有期徒刑，并处罚金或者没收财产。

Whoever illegally cultivates opium poppy of not less than 3,000 plants or any mother plants of other narcotic drugs in large quantities 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.

非法种植罂粟或者其他毒品原植物，在收获前自动铲除的，可以免除处罚。

Persons who illegally cultivate opium poppy or any mother plants of other narcotic drugs but voluntarily uproot them before harvest may be exempted from punishment.

第三百五十二条   【非法买卖、运输、携带、持有毒品原植物种子、幼苗罪】非法买卖、运输、携带、持有未经灭活的罂粟等毒品原植物种子或者幼苗，数量较大的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

Article 352 [Crime of Illegally Buying, Selling, Transporting, Carrying or Possessing the Seeds or Seedlings of Mother Plants of Narcotic Drugs] Whoever illegally buys, sells, transports, carries or possesses a relatively large quantity of the seeds or seedlings of mother plants of narcotic drugs, such as the opium poppy, which have not been inactivated, 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.

第三百五十三条   【引诱、教唆、欺骗他人吸毒罪】引诱、教唆、欺骗他人吸食、注射毒品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 353 [Crime of luring, aiding and abetting, or cheating others into drug ingestion or injection] Whoever lures, aids and abets, or cheats another person into drug ingestion or injection 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.

【强迫他人吸毒罪】强迫他人吸食、注射毒品的，处三年以上十年以下有期徒刑，并处罚金。

[Crime of forcing others to take or inject drugs] Whoever forces others to take or inject drugs shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall also be fined.

引诱、教唆、欺骗或者强迫未成年人吸食、注射毒品的，从重处罚。

Whoever lures, aids and abets or cheats a minor into drug ingestion or injection or forces a minor to ingest or inject narcotic drugs shall be given a heavier punishment.

第三百五十四条   【容留他人吸毒罪】容留他人吸食、注射毒品的，处三年以下有期徒刑、拘役或者管制，并处罚金。

Article 354 [Crime of providing shelter for other person to take or inject drugs] Whoever provides shelter for other person to take or inject drugs shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and concurrently be sentenced to a fine.

第三百五十五条   【非法提供麻醉药品、精神药品罪】依法从事生产、运输、管理、使用国家管制的麻醉药品、精神药品的人员，违反国家规定，向吸食、注射毒品的人提供国家规定管制的能够使人形成瘾癖的麻醉药品、精神药品的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。向走私、贩卖毒品的犯罪分子或者以牟利为目的，向吸食、注射毒品的人提供国家规定管制的能够使人形成瘾癖的麻醉药品、精神药品的，依照本法第三百四十七条的规定定罪处罚。

Article 355 [Crime of Illegally Providing Narcotic Drugs or Psychotropic Substances] If any person, in violation of the provisions of the State, provides narcotic drugs or psychotropic substances that can make people addicted to their use and are controlled under State regulations to a person who ingests or injects narcotic drugs, he 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. If they provide offenders engaged in drug smuggling or trafficking with State-controlled narcotic and psychotropic substances that can make people addicted to their use and are controlled under State regulations, for the purpose of profit, provide narcotic and psychotropic substances to persons who ingest or inject narcotic drugs shall be convicted and punished in accordance with the provisions of Article 347 of this Law.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百五十六条   【毒品犯罪的再犯】因走私、贩卖、运输、制造、非法持有毒品罪被判过刑，又犯本节规定之罪的，从重处罚。

Article 356 [Recidivism in Drug-Related Crimes] Any person who was punished for the crime of smuggling, trafficking in, transporting, manufacturing or illegally possessing narcotic drugs commits again any of the crimes specified in this Section shall be given a heavier punishment.

第三百五十七条   【毒品的范围及毒品数量的计算】本法所称的毒品，是指鸦片、海洛因、甲基苯丙胺（冰毒）、吗啡、大麻、可卡因以及国家规定管制的其他能够使人形成瘾癖的麻醉药品和精神药品。

Article 357 [Scope and Quantity of Narcotic Drugs] The term "narcotic drugs" as used in this Law means opium, heroin, methylaniline (ice), morphine, marijuana, cocaine and other narcotic and psychotropic substances that can make people addicted to their use and are controlled under State regulations.

毒品的数量以查证属实的走私、贩卖、运输、制造、非法持有毒品的数量计算，不以纯度折算。

The quantity of drugs shall be calculated based on the verified amount of smuggled, trafficked in, transported, manufactured or illegally possessed drugs, and shall not be converted according to the purity.

第八节 组织、强迫、引诱、容留、介绍卖淫罪

Section 8 Crime of organizing, forcing, luring, harboring or introducing prostitution

第三百五十八条   【组织卖淫罪】【强迫卖淫罪】组织、强迫他人卖淫的，处五年以上十年以下有期徒刑，并处罚金；情节严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Article 358 【Crime of Forcing Others to Engage in Prostitution】 Where any person arranges for or forces others to engage in prostitution, he/she shall be sentenced to fixed-term imprisonment from five to ten years, in combination of fines; if the circumstances are serious, he/she shall be sentenced to fixed-term imprisonment of more than ten years or life imprisonment, in combination of fines or confiscation of property.

组织、强迫未成年人卖淫的，依照前款的规定从重处罚。

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

犯前两款罪，并有杀害、伤害、强奸、绑架等犯罪行为的，依照数罪并罚的规定处罚。

Whoever, in addition to either of the crimes mentioned in the preceding two paragraphs, kills, injures, rapes, or abducts the persons whom he makes arrangements for or forces to engage in prostitution shall be punished in accordance with the provisions on combined punishment for several crimes.

【协助组织卖淫罪】为组织卖淫的人招募、运送人员或者有其他协助组织他人卖淫行为的，处五年以下有期徒刑，并处罚金；情节严重的，处五年以上十年以下有期徒刑，并处罚金。

[Crime of assisting in organizing prostitution] Where any person recruits or transports persons or otherwise assists in organizing prostitution, he/she shall be sentenced to fixed-term imprisonment of not more than five years, in combination of fines; if the circumstances are serious, he/she shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, in combination of fines.

第三百五十九条   【引诱、容留、介绍卖淫罪】引诱、容留、介绍他人卖淫的，处五年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处五年以上有期徒刑，并处罚金。

Article 359 Whoever lures, shelters or introduces any other person or persons to engage in prostitution 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/she shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

【引诱幼女卖淫罪】引诱不满十四周岁的幼女卖淫的，处五年以上有期徒刑，并处罚金。

[Crime of luring young girls into prostitution] Whoever lures a young girl under the age of 14 into prostitution shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

第三百六十条   【传播性病罪】明知自己患有梅毒、淋病等严重性病卖淫、嫖娼的，处五年以下有期徒刑、拘役或者管制，并处罚金。

Article 360 [Crime of Spreading Venereal Diseases] Any person who knows clearly that he or she is suffering from serious venereal diseases such as syphilis and gonorrhea engages in prostitution or whoring shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance and shall also be fined.

第三百六十一条   【特定单位的人员组织、强迫、引诱、容留、介绍卖淫的处理规定】旅馆业、饮食服务业、文化娱乐业、出租汽车业等单位的人员，利用本单位的条件，组织、强迫、引诱、容留、介绍他人卖淫的，依照本法第三百五十八条、第三百五十九条的规定定罪处罚。

Article 361 Any employee of a unit in the trade of hotels, in the catering, cultural and entertainment or taxi services who, by taking advantage of his or her work unit, arranges for, forces or lures another person to engage in prostitution or provides shelter for prostitution or procures other persons to engage in prostitution, shall be convicted and punished in accordance with the provisions of Articles 358 and 359 of this Law.

前款所列单位的主要负责人，犯前款罪的，从重处罚。

If the chief leading member of any of the units listed above commits the crime mentioned in the preceding paragraph, he or she shall be given a heavier punishment.

第三百六十二条   【包庇罪】旅馆业、饮食服务业、文化娱乐业、出租汽车业等单位的人员，在公安机关查处卖淫、嫖娼活动时，为违法犯罪分子通风报信，情节严重的，依照本法第三百一十条的规定定罪处罚。

Article 362 [Shields] Where any employee of a unit in the trade of hotels, in the catering or entertainment services, or in the taxi services, informs law-breakers of a public security organ's plan to ferret out or deal with activities of prostitution or whoring, if the circumstances are serious, he shall be convicted and punished in accordance with Article 310 of this Law.

第九节 制作、贩卖、传播淫秽物品罪

Section 9 crime of producing, selling, or disseminating obscene material

第三百六十三条   【制作、复制、出版、贩卖、传播淫秽物品牟利罪】以牟利为目的，制作、复制、出版、贩卖、传播淫秽物品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金；情节特别严重的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Article 363 Whoever, for the purpose of making profits, produces, duplicates, publishes, sells or disseminates pornographic articles 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 10 years and shall also be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment, and shall also be fined or be sentenced to confiscation of property.

【为他人提供书号出版淫秽书刊罪】为他人提供书号，出版淫秽书刊的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；明知他人用于出版淫秽书刊而提供书号的，依照前款的规定处罚。

Whoever provides book numbers for another person to publish pornographic books or periodicals 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 knowingly provides books numbers to another person who will use them for publishing pornographic books or periodicals shall be punished in accordance with the provisions of the preceding paragraph.

第三百六十四条   【传播淫秽物品罪】传播淫秽的书刊、影片、音像、图片或者其他淫秽物品，情节严重的，处二年以下有期徒刑、拘役或者管制。

Article 364 Whoever disseminates pornographic materials including books, periodicals, movies, video-audio tapes and pictures, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years, criminal detention or public surveillance.

【组织播放淫秽音像制品罪】组织播放淫秽的电影、录像等音像制品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

Whoever arranges for shows of pornographic audio-video products including movies and video-tapes 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 10 years and shall also be fined.

制作、复制淫秽的电影、录像等音像制品组织播放的，依照第二款的规定从重处罚。

Whoever produces or duplicates pornographic audio-video products including movies and video-tapes and arranges for their show shall be given a heavier punishment in accordance with the provisions of Paragraph 2.

向不满十八周岁的未成年人传播淫秽物品的，从重处罚。

Whoever disseminates pornographic materials to a minor under the age of 18 shall be given a heavier punishment.

第三百六十五条   【组织淫秽表演罪】组织进行淫秽表演的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上十年以下有期徒刑，并处罚金。

Article 365 [Crime of Arranging for Obscene Performances] Whoever arranges for pornographic performances 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 10 years and shall also be fined.

第三百六十六条   【单位犯本节规定之罪的处罚】单位犯本节第三百六十三条、第三百六十四条、第三百六十五条规定之罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该条的规定处罚。

Article 366 Where a unit commits any of the crimes mentioned in this Section, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the Articles respectively.

第三百六十七条   【淫秽物品的范围】本法所称淫秽物品，是指具体描绘性行为或者露骨宣扬色情的诲淫性的书刊、影片、录像带、录音带、图片及其他淫秽物品。

Article 367 [Scope of Pornographic Materials] For the purpose of this Law, pornographic materials refer to obscene books, periodicals, movies, video-and audio- tapes, pictures, etc. that explicitly portray sexual behavior or undisguisedly publicize pornographic materials.

有关人体生理、医学知识的科学著作不是淫秽物品。

Scientific works on human physiology and medical knowledge are not obscene materials.

包含有色情内容的有艺术价值的文学、艺术作品不视为淫秽物品。

Literary and artistic works of artistic value that contain erotic content shall not be regarded as obscene articles.

第七章 危害国防利益罪

Chapter 7 Crimes of Impairing the Interests of National Defense

第三百六十八条   【阻碍军人执行职务罪】以暴力、威胁方法阻碍军人依法执行职务的，处三年以下有期徒刑、拘役、管制或者罚金。

Article 368 [Crime of obstructing a serviceman from performing his duties] Whoever by violence or threat obstructs a serviceman from performing his duties in accordance with the law shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, or public surveillance or be fined.

【阻碍军事行动罪】故意阻碍武装部队军事行动，造成严重后果的，处五年以下有期徒刑或者拘役。

[Crime of obstructing military operations] Whoever intentionally obstructs military operations of armed forces, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

第三百六十九条   【破坏武器装备、军事设施、军事通信罪】破坏武器装备、军事设施、军事通信的，处三年以下有期徒刑、拘役或者管制；破坏重要武器装备、军事设施、军事通信的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 369 [Crime of sabotaging weapons or equipment, military installations or military communications] 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 major 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 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

【过失损坏武器装备、军事设施、军事通信罪】过失犯前款罪，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

[Crime of Negligently Damaging Weapons or Equipment, Military Facilities or Military Communication] Whoever commits the crime mentioned in the preceding paragraph through negligence, thus causing serious consequences, 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.

战时犯前两款罪的，从重处罚。

Whoever in wartime commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.

第三百七十条   【故意提供不合格武器装备、军事设施罪】明知是不合格的武器装备、军事设施而提供给武装部队的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 370 [Crime of knowingly providing substandard weapons or equipment and military facilities] Whoever knowingly provides substandard weapons or equipment or military facilities to the armed forces 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, life imprisonment or death.

【过失提供不合格武器装备、军事设施罪】过失犯前款罪，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

[Crime of Negligently Providing Substandard Weapons or Equipment and Military Facilities] Whoever commits the crime mentioned in the preceding paragraph through negligence, thus causing serious consequences, 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.

单位犯第一款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照第一款的规定处罚。

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

第三百七十一条   【聚众冲击军事禁区罪】聚众冲击军事禁区，严重扰乱军事禁区秩序的，对首要分子，处五年以上十年以下有期徒刑；对其他积极参加的，处五年以下有期徒刑、拘役、管制或者剥夺政治权利。

Article 371 [Crime of Assembling People to Assault Military Restricted Zones] Where people are gathered to assault Military Restricted Zones, thus severely disturbing the order of the military restricted zones, the ringleaders shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; other active participants shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights.

【聚众扰乱军事管理区秩序罪】聚众扰乱军事管理区秩序，情节严重，致使军事管理区工作无法进行，造成严重损失的，对首要分子，处三年以上七年以下有期徒刑；对其他积极参加的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利。

[Crime of Assembling Crowds to Disrupt the Order of Military Administrative Zones] Where anyone assembles crowds to disrupt the order of military administrative zones, if the circumstances are so serious that work in the military administrative zones cannot be carried on 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 active participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights.

第三百七十二条   【冒充军人招摇撞骗罪】冒充军人招摇撞骗的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

Article 372 Whoever impersonates a serviceman to go about and deceive people shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

第三百七十三条   【煽动军人逃离部队罪】【雇用逃离部队军人罪】煽动军人逃离部队或者明知是逃离部队的军人而雇用，情节严重的，处三年以下有期徒刑、拘役或者管制。

Article 373 [Crime of instigating military personnel to desert from the army] [Crime of employing military personnel who desert from the army] Where any military personnel instigates military personnel to desert from the army or knowingly employs any military personnel who has deserted from the army, if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

第三百七十四条   【接送不合格兵员罪】在征兵工作中徇私舞弊，接送不合格兵员，情节严重的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

Article 374 [Crime of accepting or sending unqualified recruits] Whoever engages in malpractices for selfish ends in conscription work, accepting or sending unqualified recruits, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第三百七十五条   【伪造、变造、买卖武装部队公文、证件、印章罪】【盗窃、抢夺武装部队公文、证件、印章罪】伪造、变造、买卖或者盗窃、抢夺武装部队公文、证件、印章的，处三年以下有期徒刑、拘役、管制或者剥夺政治权利；情节严重的，处三年以上十年以下有期徒刑。

Article 375 [Crime of forging, altering, buying or selling official documents, certificates or seals of the armed forces] [Crime of stealing or forcibly seizing official documents, certificates or seals of the armed forces] Whoever forges, alters, buys, sells, steals or forcibly seizes official documents, certificates or seals of the armed forces shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

【非法生产、买卖武装部队制式服装罪】非法生产、买卖武装部队制式服装，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金。

[Crime of Illegally Manufacturing, Buying or Selling Uniforms of the Armed Forces] Whoever Illegally Manufacturing, Buying or Selling 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 concurrently or separately sentenced to a fine.

【伪造、盗窃、买卖、非法提供、非法使用武装部队专用标志罪】伪造、盗窃、买卖或者非法提供、使用武装部队车辆号牌等专用标志，情节严重的，处三年以下有期徒刑、拘役或者管制，并处或者单处罚金；情节特别严重的，处三年以上七年以下有期徒刑，并处罚金。

[Crime of Forging, Stealing, Buying, Selling, Illegally Providing or Illegally Using Special Signs of the Armed Forces] Whoever forges, steals, buys, sells, illegally provides or uses special signs such as license plates of vehicles of the Armed Forces shall, if the circumstances are serious, be sentenced to fixed-term imprisonment not more than three years, criminal detention or public surveillance, and/or be fined; or if the circumstances are especially serious, shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and be fined.

单位犯第二款、第三款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照各该款的规定处罚。

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

第三百七十六条   【战时拒绝、逃避征召、军事训练罪】预备役人员战时拒绝、逃避征召或者军事训练，情节严重的，处三年以下有期徒刑或者拘役。

Article 376 [Crime of refusing or escaping conscription or military training in wartime] Any reservist who refuses or escapes conscription or military training in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

【战时拒绝、逃避服役罪】公民战时拒绝、逃避服役，情节严重的，处二年以下有期徒刑或者拘役。

[Crime of refusing or evading military service in wartime] Any citizen who refuses or evades military service in wartime, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

第三百七十七条   【战时故意提供虚假敌情罪】战时故意向武装部队提供虚假敌情，造成严重后果的，处三年以上十年以下有期徒刑；造成特别严重后果的，处十年以上有期徒刑或者无期徒刑。

Article 377 Whoever intentionally provides false information about the enemy to the armed forces during wartime, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

第三百七十八条   【战时造谣扰乱军心罪】战时造谣惑众，扰乱军心的，处三年以下有期徒刑、拘役或者管制；情节严重的，处三年以上十年以下有期徒刑。

Article 378 [Crime of fabricating rumors to disturb the morale of troops in wartime] Whoever fabricates rumors to mislead others and disturb the morale of troops in wartime shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; 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.

第三百七十九条   【战时窝藏逃离部队军人罪】战时明知是逃离部队的军人而为其提供隐蔽处所、财物，情节严重的，处三年以下有期徒刑或者拘役。

Article 379 [Crime of Harboring Deserted Servicemen in Wartime] Whoever during wartime knowingly provides shelter, money or property to a deserted serviceman, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第三百八十条   【战时拒绝、故意延误军事订货罪】战时拒绝或者故意延误军事订货，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上有期徒刑。

Article 380 [Crime of refusing or intentionally delaying military orders in wartime] In the event of refusal or intentionally delaying military orders in wartime, if the circumstances are serious, the entity shall be fined, and its directly responsible person and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are serious, they shall be sentenced to fixed-term imprisonment of not less than five years.

第三百八十一条   【战时拒绝军事征收、征用罪】战时拒绝军事征收、征用，情节严重的，处三年以下有期徒刑或者拘役。

Article 381 [Crime of Refusing Military Expropriation or Requisition in Wartime] Whoever, during Wartime, refuses military expropriation or requisition, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第八章 贪污贿赂罪

Chapter 8 Crimes of Corruption and Bribery

第三百八十二条   【贪污罪】国家工作人员利用职务上的便利，侵吞、窃取、骗取或者以其他手段非法占有公共财物的，是贪污罪。

Article 382 [Crime of embezzlement] Any state functionary who, by taking advantage of his office, appropriates, steals, swindles public money or property or by other means illegally take it into his own possession shall be guilty of embezzlement.

受国家机关、国有公司、企业、事业单位、人民团体委托管理、经营国有财产的人员，利用职务上的便利，侵吞、窃取、骗取或者以其他手段非法占有国有财物的，以贪污论。

Any person authorized by State organs, State-owned companies, enterprises, institutions or people's organizations to administer and manage State-owned property who, by taking advantage of his office, appropriates, steals, swindles the said property or by other means illegally take it into his own possession shall be regarded as being guilty of embezzlement.

与前两款所列人员勾结，伙同贪污的，以共犯论处。

Whoever conspires with the person mentioned in the preceding two paragraphs to engage in embezzlement shall be regarded as joint offenders in the crime and punished as such.

第三百八十三条   【贪污罪的处罚规定】对犯贪污罪的，根据情节轻重，分别依照下列规定处罚：

Article 383 [Provisions on the punishment of the crime of embezzlement] With respect to the crime of embezzlement, punishment shall be given in light of the seriousness of the circumstances and in accordance with the following provisions:

（一）贪污数额较大或者有其他较重情节的，处三年以下有期徒刑或者拘役，并处罚金。

(I) Whoever embezzles a relatively large amount or falls under other relatively serious circumstances shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and concurrently sentenced to a fine.

（二）贪污数额巨大或者有其他严重情节的，处三年以上十年以下有期徒刑，并处罚金或者没收财产。

(II) whoever embezzles a huge amount or falls under other serious circumstances shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and concurrently sentenced to a fine or confiscation of property.

（三）贪污数额特别巨大或者有其他特别严重情节的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；数额特别巨大，并使国家和人民利益遭受特别重大损失的，处无期徒刑或者死刑，并处没收财产。

(III) whoever embezzles an especially huge amount or falls under other especially serious circumstances shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment and concurrently sentenced to a fine or confiscation of property; if he embezzles an especially huge amount, which causes especially serious loss to the interests of the State and the people, he shall be sentenced to life imprisonment or death penalty and concurrently sentenced to confiscation of property.

对多次贪污未经处理的，按照累计贪污数额处罚。

Whoever repeatedly commits the crime of embezzlement and goes unpunished shall be punished on the basis of the cumulative amount of money he has embezzled.

犯第一款罪，在提起公诉前如实供述自己罪行、真诚悔罪、积极退赃，避免、减少损害结果的发生，有第一项规定情形的，可以从轻、减轻或者免除处罚；有第二项、第三项规定情形的，可以从轻处罚。

Whoever commits a crime mentioned in Paragraph 1 and truthfully confesses his crime, shows true repentance, and gives up the embezzled money of his own accord before prosecution is brought, thus avoiding the occurrence of or reducing the harmful consequences may be given a lighter or mitigated punishment or be exempted from punishment if there is circumstance prescribed in Item 1, or, if there is circumstance prescribed in Item 2 or 3, may be given a lighter punishment.

犯第一款罪，有第三项规定情形被判处死刑缓期执行的，人民法院根据犯罪情节等情况可以同时决定在其死刑缓期执行二年期满依法减为无期徒刑后，终身监禁，不得减刑、假释。

Whoever, committing the crime mentioned in Paragraph 1 while falling under the circumstances prescribed in Item 3, is sentenced to death penalty with probation, a people's court may, according to the circumstances of crime and other circumstances, decide at the same time that, upon the commutation of life imprisonment after the expiration of the two-year probation in accordance with the law, such criminal shall be imprisoned for life without any other commutation or release on parole.

第三百八十四条   【挪用公款罪】国家工作人员利用职务上的便利，挪用公款归个人使用，进行非法活动的，或者挪用公款数额较大、进行营利活动的，或者挪用公款数额较大、超过三个月未还的，是挪用公款罪，处五年以下有期徒刑或者拘役；情节严重的，处五年以上有期徒刑。挪用公款数额巨大不退还的，处十年以上有期徒刑或者无期徒刑。

Article 384 [Crime of misappropriation of public funds] The crime of misappropriation of public funds by a state functionary by taking advantage of his office for personal use or illegal activities, or the misappropriation of a relatively large amount of public funds for profit-making activities, or the misappropriation of a relatively large amount of public funds and failure to return it within three months shall be committed, and the offender shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, if the circumstances are serious. Whoever misappropriates a huge, amount of public funds and fails to return it shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

挪用用于救灾、抢险、防汛、优抚、扶贫、移民、救济款物归个人使用的，从重处罚。

Whoever misappropriates for his own use funds or materials allocated for disaster relief, emergency rescue, flood prevention and control, special care for disabled servicemen and the families of revolutionary martyrs and servicemen, aid to the poor, migration and social relief shall be given a heavier punishment.

第三百八十五条   【受贿罪】国家工作人员利用职务上的便利，索取他人财物的，或者非法收受他人财物，为他人谋取利益的，是受贿罪。

Article 385 [Crime of accepting bribes] Any state functionary who, by taking advantage of his position, extorts money or property from another person, or illegally accepts another person's money or property in return for securing benefits for the person shall be guilty of accepting bribes.

国家工作人员在经济往来中，违反国家规定，收受各种名义的回扣、手续费，归个人所有的，以受贿论处。

Any State functionary who, in economic activities, violates State regulations by accepting rebates or service charges of various descriptions and taking them into his own possession shall be regarded as guilty of acceptance of bribes and punished for it.

第三百八十六条   【受贿罪的处罚规定】对犯受贿罪的，根据受贿所得数额及情节，依照本法第三百八十三条的规定处罚。索贿的从重处罚。

Article 386 Whoever has committed the crime of acceptance of bribes shall, according to the amount of money or property accepted and the seriousness of the circumstances, be punished in accordance with Article 383 of this Law. Heavier penalties for demanding bribes.

第三百八十七条   【单位受贿罪】国家机关、国有公司、企业、事业单位、人民团体，索取、非法收受他人财物，为他人谋取利益，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役。

Article 387 [Acceptance of Bribes by Entities] Where a state organ, state-owned company, enterprise, public institution or people's organization extorts from another person or illegally accepts another person's money or property in return for securing benefits for the person, if the circumstances are serious, the entity shall be fined, and its directly responsible person and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

前款所列单位，在经济往来中，在帐外暗中收受各种名义的回扣、手续费的，以受贿论，依照前款的规定处罚。

Any of the units mentioned in the preceding paragraph that, in economic activities, secretly accepts off-the-book rebates or service charges of various descriptions shall be regarded as guilty of acceptance of bribes and punished in accordance with the provisions of the preceding paragraph.

第三百八十八条   【受贿罪】国家工作人员利用本人职权或者地位形成的便利条件，通过其他国家工作人员职务上的行为，为请托人谋取不正当利益，索取请托人财物或者收受请托人财物的，以受贿论处。

Article 388 [Crime of accepting bribes] Where a state functionary seeks illegitimate benefits for an entrusting person through performance of duties by other state functionaries by taking advantage of his/her functions and powers or position, and extorts property from the entrusting person or accepts the property from the entrusting person, it will be deemed that the state functionary has accepted bribes.

第三百八十八条之一 【利用影响力受贿罪】国家工作人员的近亲属或者其他与该国家工作人员关系密切的人，通过该国家工作人员职务上的行为，或者利用该国家工作人员职权或者地位形成的便利条件，通过其他国家工作人员职务上的行为，为请托人谋取不正当利益，索取请托人财物或者收受请托人财物，数额较大或者有其他较重情节的，处三年以下有期徒刑或者拘役，并处罚金；数额巨大或者有其他严重情节的，处三年以上七年以下有期徒刑，并处罚金；数额特别巨大或者有其他特别严重情节的，处七年以上有期徒刑，并处罚金或者没收财产。

Article 388 [Crime of accepting bribes by taking advantage of influence] Where any close relative of a state functionary or any other person who has a close relationship with the said state functionary seeks illegal benefits for a requester through the performance of the said state functionary's duty, or through the performance of another state functionary by taking advantage of the authority or position of the said state functionary, and extorts money or property from the requester or accepts money or property from the requester, if the amount involved is relatively large or if 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 be fined; if the amount involved is huge, or if 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 be fined; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than seven years, and shall be fined or be sentenced to confiscation of property.

离职的国家工作人员或者其近亲属以及其他与其关系密切的人，利用该离职的国家工作人员原职权或者地位形成的便利条件实施前款行为的，依照前款的规定定罪处罚。

Where any state functionary who has left his position, any close relative of him or any other person who has a close relationship with him commits the act as prescribed in the preceding paragraph by taking advantage of the former authority or position of the said state functionary, he shall be convicted and punished under the preceding paragraph.

第三百八十九条   【行贿罪】为谋取不正当利益，给予国家工作人员以财物的，是行贿罪。

Article 389 [Crime of offering bribes] Whoever, for the purpose of seeking illegitimate benefits, gives money or property to a state functionary shall be guilty of offering bribes.

在经济往来中，违反国家规定，给予国家工作人员以财物，数额较大的，或者违反国家规定，给予国家工作人员以各种名义的回扣、手续费的，以行贿论处。

Whoever, in economic activities, violates State regulations by giving a relatively large amount of money or property to a State functionary or by giving him rebates or service charges of various descriptions shall be regarded as guilty of offering bribes and punished for it.

因被勒索给予国家工作人员以财物，没有获得不正当利益的，不是行贿。

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

第三百九十条   【行贿罪的处罚规定】对犯行贿罪的，处五年以下有期徒刑或者拘役，并处罚金；因行贿谋取不正当利益，情节严重的，或者使国家利益遭受重大损失的，处五年以上十年以下有期徒刑，并处罚金；情节特别严重的，或者使国家利益遭受特别重大损失的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产。

Article 390 [Punishment Provisions on the Crime of Offering Bribes] Whoever commits the crime of offering bribes shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention, in combination of fines; if he seeks illegitimate interests by offering bribes and 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, in combination of fines; 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, in combination of fines or confiscation of property.

行贿人在被追诉前主动交待行贿行为的，可以从轻或者减轻处罚。其中，犯罪较轻的，对侦破重大案件起关键作用的，或者有重大立功表现的，可以减轻或者免除处罚。

Any briber who, before he is investigated for criminal liability, voluntarily confesses his act of offering bribes may be given a lighter or mitigated punishment. Specifically, if the circumstances of crime are relatively minor, playing a critical role in detecting a major case or if he performs any major meritorious services, he may be given a mitigated punishment or be exempted from punishment.

第三百九十条之一　【对有影响力的人行贿罪】为谋取不正当利益，向国家工作人员的近亲属或者其他与该国家工作人员关系密切的人，或者向离职的国家工作人员或者其近亲属以及其他与其关系密切的人行贿的，处三年以下有期徒刑或者拘役，并处罚金；情节严重的，或者使国家利益遭受重大损失的，处三年以上七年以下有期徒刑，并处罚金；情节特别严重的，或者使国家利益遭受特别重大损失的，处七年以上十年以下有期徒刑，并处罚金。

Article 390a [Crime of offering bribes to influential people] Where anyone, for the purpose of seeking illegitimate benefits, offers bribes to any close relative of a state functionary or any other person who has a close relationship with the state functionary, or to any state functionary who has left his post or any of his close relatives or any other person who has a close relationship with the state functionary, he shall be sentenced to fixed-term imprisonment not more than three years or criminal detention, and shall be fined; if the circumstances are serious, or if heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment not less than three years but not more than seven years, and shall be fined; if the circumstances are especially serious, or if especially heavy losses are caused to the interests of the state, he shall be sentenced to fixed-term imprisonment not less than seven years but not more than ten years, and shall be fined.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处罚金。

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

第三百九十一条   【对单位行贿罪】为谋取不正当利益，给予国家机关、国有公司、企业、事业单位、人民团体以财物的，或者在经济往来中，违反国家规定，给予各种名义的回扣、手续费的，处三年以下有期徒刑或者拘役，并处罚金。

Article 391 [Crime of offering bribes to organizations] Whoever, for the purpose of securing illegitimate benefits, gives money or property to a State organ, State-owned company, enterprise, public institution or people's organization or, in economic activities, violates State regulations by giving rebates or service charges of various descriptions shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and concurrently sentenced to a fine.

单位犯前款罪的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，依照前款的规定处罚。

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph.

第三百九十二条   【介绍贿赂罪】向国家工作人员介绍贿赂，情节严重的，处三年以下有期徒刑或者拘役，并处罚金。

Article 392 [Introduction of Bribery] 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 concurrently sentenced to a fine.

介绍贿赂人在被追诉前主动交待介绍贿赂行为的，可以减轻处罚或者免除处罚。

Any person who introduces a bribe but voluntarily confesses the act before he is investigated for criminal liability may be given a mitigated punishment or be exempted from punishment.

第三百九十三条   【单位行贿罪】单位为谋取不正当利益而行贿，或者违反国家规定，给予国家工作人员以回扣、手续费，情节严重的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员，处五年以下有期徒刑或者拘役，并处罚金。因行贿取得的违法所得归个人所有的，依照本法第三百八十九条、第三百九十条的规定定罪处罚。

Article 393 [Crime of offering bribes by entities] Where an entity offers bribes for the purpose of seeking illegitimate benefits or, in violation of the state provisions, gives rebates or service charges to a state functionary, if the circumstances are serious, the entity shall be fined, and its directly responsible person and other directly liable persons shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and concurrently be sentenced to a fine. Any person who takes into his own possession the illegal gains derived from bribing shall be convicted and punished in accordance with the provisions of Articles 389 and 390 of this Law.

第三百九十四条   【贪污罪】国家工作人员在国内公务活动或者对外交往中接受礼物，依照国家规定应当交公而不交公，数额较大的，依照本法第三百八十二条、第三百八十三条的规定定罪处罚。

Article 394 [Crime of corruption] Any State functionary who, in his activities of domestic public service or in his contacts with foreigners, accepts gifts and does not hand them over to the State as is required by State regulations, if the amount involved is relatively large, shall be convicted and punished in accordance with the provisions of Articles 382 and 383 of this Law.

第三百九十五条   【巨额财产来源不明罪】国家工作人员的财产、支出明显超过合法收入，差额巨大的，可以责令该国家工作人员说明来源，不能说明来源的，差额部分以非法所得论，处五年以下有期徒刑或者拘役；差额特别巨大的，处五年以上十年以下有期徒刑。财产的差额部分予以追缴。

Article 395 Where any property or expenditure of any state functionary obviously exceeds his legitimate income, and the difference is huge, he shall be ordered to explain the sources. If he fails to do so, the difference shall be determined as illegal income, and he shall be sentenced to fixed-term imprisonment not more than five years or criminal detention; or if the difference is extremely huge, shall be sentenced to fixed-term imprisonment not less than five years but not more than ten years. The difference of the property shall be recovered.

【隐瞒境外存款罪】国家工作人员在境外的存款，应当依照国家规定申报。数额较大、隐瞒不报的，处二年以下有期徒刑或者拘役；情节较轻的，由其所在单位或者上级主管机关酌情给予行政处分。

[Concealing overseas deposits] State functionaries shall declare their overseas deposits in accordance with State provisions. Whoever has a relatively large amount of such savings and does not declare them to the State shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention; if the circumstances are relatively minor, he shall be given administrative sanctions at the discretion of his work unit or of the competent authorities at a higher level.

第三百九十六条   【私分国有资产罪】国家机关、国有公司、企业、事业单位、人民团体，违反国家规定，以单位名义将国有资产集体私分给个人，数额较大的，对其直接负责的主管人员和其他直接责任人员，处三年以下有期徒刑或者拘役，并处或者单处罚金；数额巨大的，处三年以上七年以下有期徒刑，并处罚金。

Article 396 [Crime of illegally dividing state-owned assets] Where any state organ, state-owned company, enterprise, public institution or people's organization violates state provisions and illegally divides state-owned assets in the name of the unit among all the individuals, and the amount involved is relatively large, the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined; if the amount involved is huge, 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.

【私分罚没财物罪】司法机关、行政执法机关违反国家规定，将应当上缴国家的罚没财物，以单位名义集体私分给个人的，依照前款的规定处罚。

[Private distribution of confiscated properties] Any judicial organ or administrative law enforcement organ that, in violation of the provisions of the state, divides up in private any confiscated properties that shall be turned over to the state to an individual in the name of the organ, shall be punished in accordance with the preceding paragraph.

第九章 渎职罪

Chapter 9 crime of dereliction of duty

第三百九十七条   【滥用职权罪】【玩忽职守罪】国家机关工作人员滥用职权或者玩忽职守，致使公共财产、国家和人民利益遭受重大损失的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。本法另有规定的，依照规定。

Article 397 【Crime of Abuse of Power】 Where a functionary of a State organ abuses his power or neglects his duty, thus causing heavy losses to public money or property or the interests of the State and the people, 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. Where this Law provides otherwise, such provisions shall prevail.

国家机关工作人员徇私舞弊，犯前款罪的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。本法另有规定的，依照规定。

Any functionary of a State organ who engages in malpractices for personal gain and commits the crime mentioned in the preceding paragraph 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 10 years. Where this Law provides otherwise, such provisions shall prevail.

第三百九十八条   【故意泄露国家秘密罪】【过失泄露国家秘密罪】国家机关工作人员违反保守国家秘密法的规定，故意或者过失泄露国家秘密，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

Article 398 Any functionary of a State organ who, in violation of the provisions of the Law on Guarding State Secrets, intentionally or negligently divulges State secrets, 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.

非国家机关工作人员犯前款罪的，依照前款的规定酌情处罚。

Any person who is not a functionary of a State organ commits the crime mentioned in the preceding paragraph shall, in the light of the circumstances, be punished in accordance with the provisions of the preceding paragraph.

第三百九十九条   【徇私枉法罪】司法工作人员徇私枉法、徇情枉法，对明知是无罪的人而使他受追诉、对明知是有罪的人而故意包庇不使他受追诉，或者在刑事审判活动中故意违背事实和法律作枉法裁判的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

Article 399 [Bending the law for selfish ends by bending the law for selfish ends] 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 knows to be innocent or intentionally protects from investigation for criminal responsibility a person he knows to be guilty or, intentionally running counter to the facts and law, twists the law when rendering judgments or orders in criminal proceedings 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 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years.

【民事、行政枉法裁判罪】在民事、行政审判活动中故意违背事实和法律作枉法裁判，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。

[Civil and Administrative Crimes of Perverting the Law in Adjudication] Whoever, in civil or administrative proceedings, intentionally runs counter to the facts and law and twists the law when rendering judgments or orders, 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.

【执行判决、裁定失职罪】【执行判决、裁定滥用职权罪】在执行判决、裁定活动中，严重不负责任或者滥用职权，不依法采取诉讼保全措施、不履行法定执行职责，或者违法采取诉讼保全措施、强制执行措施，致使当事人或者其他人的利益遭受重大损失的，处五年以下有期徒刑或者拘役；致使当事人或者其他人的利益遭受特别重大损失的，处五年以上十年以下有期徒刑。

【Crime of Dereliction of Duty in Enforcement of Judgments or Rulings】 Where a party is seriously irresponsible or abuses his power in enforcement of judgments or rulings, and does not take preservation measures in litigation according to law or perform his statutory enforcement duties, or illegally takes preservation measures in litigation or takes compulsory enforcement measures, thus causing heavy losses to the interests of the parties or others, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; and if especially heavy losses are caused to the interests of the parties or others, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

司法工作人员收受贿赂，有前三款行为的，同时又构成本法第三百八十五条规定之罪的，依照处罚较重的规定定罪处罚。

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

第三百九十九条之一 【枉法仲裁罪】依法承担仲裁职责的人员，在仲裁活动中故意违背事实和法律作枉法裁决，情节严重的，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上七年以下有期徒刑。

Article 399a [Crime of Perverting the Law in Arbitration] Where any of the personnel that undertakes the duties of arbitration according to the law intentionally runs counter to the facts and laws and makes any wrongful ruling in the course of arbitration, 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.

第四百条   【私放在押人员罪】司法工作人员私放在押的犯罪嫌疑人、被告人或者罪犯的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

Article 400 [Crime of releasing from custody personnel without authorization] Any judicial officer who releases a criminal suspect, defendant or criminal held in custody without authorization shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years 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.

【失职致使在押人员脱逃罪】司法工作人员由于严重不负责任，致使在押的犯罪嫌疑人、被告人或者罪犯脱逃，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上十年以下有期徒刑。

[Crime of escaping a person held in custody due to gross neglect of duty] Any judicial officer who, through his gross neglect of duty, makes it possible for a criminal suspect, defendant or criminal held in custody to escape, if the consequences are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

第四百零一条   【徇私舞弊减刑、假释、暂予监外执行罪】司法工作人员徇私舞弊，对不符合减刑、假释、暂予监外执行条件的罪犯，予以减刑、假释或者暂予监外执行的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

Article 401 [Crime of Granting Commutation, Parole, or Temporary Service Outside Prison by Practicing Favoritism] Any judicial officer who, Practicing Favoritism and Engaging in Irregularities, grants Commutation, Parole, or Temporary Service Outside Prison to a criminal who does not meet the conditions for Commutation, Parole, or Temporary Service Outside Prison shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; 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.

第四百零二条   【徇私舞弊不移交刑事案件罪】行政执法人员徇私舞弊，对依法应当移交司法机关追究刑事责任的不移交，情节严重的，处三年以下有期徒刑或者拘役；造成严重后果的，处三年以上七年以下有期徒刑。

Article 402 [Crime of Bending the Law for Personal Gain but Not Transferring Criminal Cases] Any administrative law enforcement officer who engages in malpractices for personal gain and does not transfer a person that should be transferred to a judicial organ according to the law to be investigated for criminal liability, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if there are serious consequences, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第四百零三条   【滥用管理公司、证券职权罪】国家有关主管部门的国家机关工作人员，徇私舞弊，滥用职权，对不符合法律规定条件的公司设立、登记申请或者股票、债券发行、上市申请，予以批准或者登记，致使公共财产、国家和人民利益遭受重大损失的，处五年以下有期徒刑或者拘役。

Article 403 Any functionary of a relevant competent department of the State who, engaging in malpractices for personal gain and abusing his power, approves an application for the incorporation and registration of a company or an application for the issue and listing of shares or bonds submitted by a company that does not meet the conditions provided by law, thus causing heavy losses to public money or property and the interests of the State and the people, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

上级部门强令登记机关及其工作人员实施前款行为的，对其直接负责的主管人员，依照前款的规定处罚。

Where the higher-level authority forcefully orders the registrationauthority and its personnel to take the actions stipulated in thepreceding paragraph, the person in charge who is directly responsibleshall be punished according to the provisions in the preceding paragraph.

第四百零四条   【徇私舞弊不征、少征税款罪】税务机关的工作人员徇私舞弊，不征或者少征应征税款，致使国家税收遭受重大损失的，处五年以下有期徒刑或者拘役；造成特别重大损失的，处五年以上有期徒刑。

Article 404 [The Crime of Practising Favoritism by Not Levying or Under-Levying Taxes] Where a staff member of the tax administration practices favoritism by not levying or underlevying the tax payable, thus causing heavy losses to the tax revenue of the state, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if especially heavy losses are caused, he shall be sentenced to fixed-term imprisonment of not less than five years.

第四百零五条   【徇私舞弊发售发票、抵扣税款、出口退税罪】税务机关的工作人员违反法律、行政法规的规定，在办理发售发票、抵扣税款、出口退税工作中，徇私舞弊，致使国家利益遭受重大损失的，处五年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处五年以上有期徒刑。

Article 405 [Crime of Selling Invoices, Offsetting Taxes and Making Export Rebates by Engaging in Malpractices for Personal Gain] Any tax official who, in violation of the provisions of law and administrative regulations, engages in malpractices for personal gain in selling invoices, offsetting taxes and making export rebates and thus causes heavy losses to the interests of the State shall be sentenced to fixed-term imprisonment of not more than five 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 five years.

【违法提供出口退税证罪】其他国家机关工作人员违反国家规定，在提供出口货物报关单、出口收汇核销单等出口退税凭证的工作中，徇私舞弊，致使国家利益遭受重大损失的，依照前款的规定处罚。

[Illegal Provision of Export Tax Refund Certificates] Any functionary of other state organs who, in violation of the provisions of the State, engages in malpractices for personal gain in providing certificates for export tax refund such as the declaration forms for exports and the verification and writing-off forms for export proceeds, thus causing heavy losses to the interests of the State, shall be punished in accordance with the provisions of the preceding paragraph.

第四百零六条   【国家机关工作人员签订、履行合同失职被骗罪】国家机关工作人员在签订、履行合同过程中，因严重不负责任被诈骗，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役；致使国家利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

Article 406 Any official of a State organ who, in concluding or performing a contract, is defrauded due to his gross neglect of duty, thus 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.

第四百零七条   【违法发放林木采代许可证罪】林业主管部门的工作人员违反森林法的规定，超过批准的年采伐限额发放林木采伐许可证或者违反规定滥发林木采伐许可证，情节严重，致使森林遭受严重破坏的，处三年以下有期徒刑或者拘役。

Article 407 Any functionary of a competent forestry department who, in violation of the provisions of the Forestry Law, issues forest tree felling licenses in excess of the approved annual felling quotas or, in violation of the regulations, arbitrarily issues forest tree felling licenses, if to such an extent as to cause serious damage to the forest, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第四百零八条   【环境监管失职罪】负有环境保护监督管理职责的国家机关工作人员严重不负责任，导致发生重大环境污染事故，致使公私财产遭受重大损失或者造成人身伤亡的严重后果的，处三年以下有期徒刑或者拘役。

Article 408 [Crime of Negligence in Environmental Supervision] Any functionary of a State organ who is responsible for environmental protection, supervision and management, through his gross neglect of duty, causes a serious environmental pollution accident, which results in heavy losses of public or private property or the grave consequences of injuries or deaths of persons, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第四百零八条之一 【食品监管渎职罪】负有食品安全监督管理职责的国家机关工作人员，滥用职权或者玩忽职守，导致发生重大食品安全事故或者造成其他严重后果的，处五年以下有期徒刑或者拘役；造成特别严重后果的，处五年以上十年以下有期徒刑。

Article 408a [Crime of Malpractice by Food Supervision] Where a functionary of a State organ who is responsible for food safety supervision and management abuses his power or neglects his duty, thus causing a major food safety accident or other serious consequences, he shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

徇私舞弊犯前款罪的，从重处罚。

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

第四百零九条   【传染病防治失职罪】从事传染病防治的政府卫生行政部门的工作人员严重不负责任，导致传染病传播或者流行，情节严重的，处三年以下有期徒刑或者拘役。

Article 409 [Crime of Negligence in Preventing and Treating Infectious Diseases] Any functionary of an administrative department for public health who is engaged in preventing and treating infectious diseases, through his gross neglect of duty, causes the spread or epidemic of an infectious disease, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第四百一十条   【非法批准征收、征用、占用土地罪】【非法低价出让国有土地使用权罪】国家机关工作人员徇私舞弊，违反土地管理法规，滥用职权，非法批准征收、征用、占用土地，或者非法低价出让国有土地使用权，情节严重的，处三年以下有期徒刑或者拘役；致使国家或者集体利益遭受特别重大损失的，处三年以上七年以下有期徒刑。

Article 410 [Crime of Illegal Approval of Expropriation, Requisition or Occupation of Land] Any functionary of a State organ who, engaging in malpractices for personal gain, and in violation of the regulations on land administration and abusing his power, illegally approves the expropriation, requisition or occupation of land, or illegally assigns the right to use of state-owned land at a low price, if the circumstances are serious, 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 or the collective, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第四百一十一条   【放纵走私罪】海关工作人员徇私舞弊，放纵走私，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上有期徒刑。

Article 411 Any customs officer who, engaging in malpractices for personal gain, connives at smuggling, 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.

第四百一十二条   【商检徇私舞弊罪】国家商检部门、商检机构的工作人员徇私舞弊，伪造检验结果的，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上十年以下有期徒刑。

Article 412 Any officer of the department in charge of commodity inspection at the national or local level who, engaging in malpractices for personal gain, falsifies inspection results, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

【商检失职罪】前款所列人员严重不负责任，对应当检验的物品不检验，或者延误检验出证、错误出证，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役。

Any officer as mentioned in the preceding paragraph who, through his gross neglect of duty, fails to inspect the commodities that should be inspected, delays the inspection or the issuance of a certificate or issues a false certificate, thus 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.

第四百一十三条   【动植物检疫徇私舞弊罪】动植物检疫机关的检疫人员徇私舞弊，伪造检疫结果的，处五年以下有期徒刑或者拘役；造成严重后果的，处五年以上十年以下有期徒刑。

Article 413 [Crime of Malpractice in Animal and Plant Quarantine] Any officer of an animal and plant quarantine organ who, engaging in Malpractice for personal gain, forges a quarantine result, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years.

【动植物检疫失职罪】前款所列人员严重不负责任，对应当检疫的检疫物不检疫，或者延误检疫出证、错误出证，致使国家利益遭受重大损失的，处三年以下有期徒刑或者拘役。

Any officer as mentioned in the preceding paragraph who, grossly neglecting his duty in quarantine inspection, fails to conduct quarantine inspection of the objects that should be inspected, delays the performance of quarantine inspection or the issuance of certificates, or issues false certificates, thus 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.

第四百一十四条   【放纵制售伪劣商品犯罪行为罪】对生产、销售伪劣商品犯罪行为负有追究责任的国家机关工作人员，徇私舞弊，不履行法律规定的追究职责，情节严重的，处五年以下有期徒刑或者拘役。

Article 414 Any functionary of a State organ who, being responsible for investigating the offences such as production and sale of fake or substandard commodities, engages in malpractices for personal gain and does not perform his duty of investigation as is required by law, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

第四百一十五条   【办理偷越国（边）境人员出入境证件罪】【放行偷越国（边）境人员罪】负责办理护照、签证以及其他出入境证件的国家机关工作人员，对明知是企图偷越国（边）境的人员，予以办理出入境证件的，或者边防、海关等国家机关工作人员，对明知是偷越国（边）境的人员，予以放行的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上七年以下有期徒刑。

Article 415 [Crime of Handling Exit and Entry Documents of Persons Illegally Crossing the National Border (Frontier)] Where a staff member of a State organ who is responsible for handling passports, visas or other exit and entry documents, knowingly grants an exit and entry document to a person attempting to illegally cross the National Border (Frontier), or a staff member of a State organ such as the frontier authorities or customs office releases a person knowingly illegally crossing the National Border (Frontier), he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; 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.

第四百一十六条   【不解救被拐卖、绑架妇女、儿童罪】对被拐卖、绑架的妇女、儿童负有解救职责的国家机关工作人员，接到被拐卖、绑架的妇女、儿童及其家属的解救要求或者接到其他人的举报，而对被拐卖、绑架的妇女、儿童不进行解救，造成严重后果的，处五年以下有期徒刑或者拘役。

Article 416 [Crime of Not Rescuing Women and Children] Where any functionary of a State organ who is charged with the functions and responsibilities to rescue a woman or child who is abducted, sold or kidnapped fails to rescue a woman or child after receiving a request for rescue by the victim or by his or her family members or a report thereon made by any other person, thus causing serious consequences, he or she shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

【阻碍解救被拐卖、绑架妇女、儿童罪】负有解救职责的国家机关工作人员利用职务阻碍解救的，处二年以上七年以下有期徒刑；情节较轻的，处二年以下有期徒刑或者拘役。

[Crime of obstructing the rescue of a woman or a child who is abducted and trafficked or kidnapped] Any functionary of a State organ charged with functions and responsibilities who, by taking advantage of his office, obstructs the rescue effort shall be sentenced to fixed-term imprisonment of not less than two years but not more than seven years; if the circumstances are minor, he shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

第四百一十七条   【帮助犯罪分子逃避处罚罪】有查禁犯罪活动职责的国家机关工作人员，向犯罪分子通风报信、提供便利，帮助犯罪分子逃避处罚的，处三年以下有期徒刑或者拘役；情节严重的，处三年以上十年以下有期徒刑。

Article 417 [Helping criminals escape punishment] Where a functionary of a State organ who has the duty of investigating and prohibiting criminal activities divulges information or provides convenience to criminals so as to help them escape punishment, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; 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.

第四百一十八条   【招收公务员、学生徇私舞弊罪】国家机关工作人员在招收公务员、学生工作中徇私舞弊，情节严重的，处三年以下有期徒刑或者拘役。

Article 418 [Crime of Engaging in Malpractice in Recruiting Civil Servants or Students] Where any functionary of a state organ practices Malpractice for personal gain in recruiting civil servants or students, if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第四百一十九条   【失职造成珍贵文物损毁、流失罪】国家机关工作人员严重不负责任，造成珍贵文物损毁或者流失，后果严重的，处三年以下有期徒刑或者拘役。

Article 419 [Crime of Damaging or Losing Precious Cultural Relics due to Dereliction of Duty] Where a staff member of a state organ is seriously irresponsible and causes damage to or loss of precious cultural relics, if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第十章 军人违反职责罪

Chapter 10 Crimes of Servicemen's Transgression of Duties

第四百二十条   【军人违反职责罪的概念】军人违反职责，危害国家军事利益，依照法律应当受刑罚处罚的行为，是军人违反职责罪。

Article 420 [Definition of the crime of serviceman's breach of duty] Any act committed by a serviceman in violation of his duty that endangers the military interests of the State and should therefore be subject to criminal punishment in accordance with the law shall constitute a crime of a serviceman's breach of duty.

第四百二十一条   【战时违抗命令罪】战时违抗命令，对作战造成危害的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 421 Any serviceman who disobeys orders during wartime, thereby jeopardizing a military operation, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

第四百二十二条   【隐瞒、谎报军情罪】【拒传、假传军令罪】故意隐瞒、谎报军情或者拒传、假传军令，对作战造成危害的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 422 [Crime of concealing or falsely reporting military information] [Crime of intentionally concealing or falsely reporting military information or refusal to report military order or falsely reporting military order, which endangers military operations, shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

第四百二十三条   【投降罪】在战场上贪生怕死，自动放下武器投降敌人的，处三年以上十年以下有期徒刑；情节严重的，处十年以上有期徒刑或者无期徒刑。

Article 423 Any serviceman who cares for nothing but saving his skin on the battlefield voluntarily lays down his arms and surrenders to the enemy shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

投降后为敌人效劳的，处十年以上有期徒刑、无期徒刑或者死刑。

Any serviceman who, after surrendering to the enemy, works for the enemy shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

第四百二十四条   【战时临阵脱逃罪】战时临阵脱逃的，处三年以下有期徒刑；情节严重的，处三年以上十年以下有期徒刑；致使战斗、战役遭受重大损失的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 424 Any serviceman who deserts from the battlefield 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 10 years; if heavy losses are caused to a battle or campaign, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

第四百二十五条   【擅离、玩忽军事职守罪】指挥人员和值班、值勤人员擅离职守或者玩忽职守，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

Article 425 Any person in command or on duty who leaves his post without permission or neglects his duties, thereby causing serious consequences, 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.

战时犯前款罪的，处五年以上有期徒刑。

Whoever in wartime commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than five years.

第四百二十六条   【阻碍执行军事职务罪】以暴力、威胁方法，阻碍指挥人员或者值班、值勤人员执行职务的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。战时从重处罚。

Article 426 [The crime of obstructing the performance of military duties] Whoever, by violence or threat, obstructs a commander or a person on duty from performing his duties 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 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment. Heavier punishment will be applied in wartime.

第四百二十七条   【指使部属违反职责罪】滥用职权，指使部属进行违反职责的活动，造成严重后果的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。

Article 427 Any officer who abuses his power and instigates his subordinates to act in violation of his duties, thereby causing serious consequences, 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 10 years.

第四百二十八条   【违令作战消极罪】指挥人员违抗命令，临阵畏缩，作战消极，造成严重后果的，处五年以下有期徒刑；致使战斗、战役遭受重大损失或者有其他特别严重情节的，处五年以上有期徒刑。

Article 428 Any commander who disobeys an order, or flinches before a battle or is inactive in a military operation, thereby causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years; if heavy losses are caused to a battle or campaign or if there are other especially serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years.

第四百二十九条   【拒不救援友邻部队罪】在战场上明知友邻部队处境危急请求救援，能救援而不救援，致使友邻部队遭受重大损失的，对指挥人员，处五年以下有期徒刑。

Article 429 [Crime of Refusing to Rescue Friendly Forces] Any commander on a battlefield who is in a position to rescue the friendly forces he knows are in a critical situation but fails to do so upon request, thus causing heavy losses to the friendly forces, shall be sentenced to fixed-term imprisonment of not more than five years.

第四百三十条   【军人叛逃罪】在履行公务期间，擅离岗位，叛逃境外或者在境外叛逃，危害国家军事利益的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上有期徒刑。

Article 430 Any serviceman who, in the course of performing his duties, leaves his post without permission and flees this country or flees when he is already outside this country, thus endangering the military interests of the State, 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.

驾驶航空器、舰船叛逃的，或者有其他特别严重情节的，处十年以上有期徒刑、无期徒刑或者死刑。

Any serviceman who, piloting an aircraft or a vessel, defects, or if there are other especially serious circumstances involved, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

第四百三十一条   【非法获取军事秘密罪】以窃取、刺探、收买方法，非法获取军事秘密的，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑。

Article 431 [Crime of Illegally Obtaining Military Secrets] Whoever illegally obtains military secrets by stealing, spying or buying 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 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.

【为境外窃取、刺探、收买、非法提供军事秘密罪】为境外的机构、组织、人员窃取、刺探、收买、非法提供军事秘密的，处十年以上有期徒刑、无期徒刑或者死刑。

[The crime of stealing, spying, buying or illegally providing military secrets for overseas agencies, organizations or individuals] Whoever steals, spies into, buys or illegally provides military secrets for overseas agencies, organizations or individuals shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death.

第四百三十二条   【故意泄露军事秘密罪】【过失泄露军事秘密罪】违反保守国家秘密法规，故意或者过失泄露军事秘密，情节严重的，处五年以下有期徒刑或者拘役；情节特别严重的，处五年以上十年以下有期徒刑。

Article 432 [Crime of Intentionally Divulging Military Secrets] Where any person, in violation of the laws and regulations on protection of State secrets, intentionally or negligently divulges Military Secrets, if the circumstances are serious, such person shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are especially serious, such person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

战时犯前款罪的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

Whoever during wartime commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment.

第四百三十三条   【战时造谣惑众罪】战时造谣惑众，动摇军心的，处三年以下有期徒刑；情节严重的，处三年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑或者无期徒刑。

Article 433 [Crime of fabricating rumors to mislead others during wartime] Whoever during wartime fabricates rumors to mislead others and undermine army morale 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.

第四百三十四条   【战时自伤罪】战时自伤身体，逃避军事义务的，处三年以下有期徒刑；情节严重的，处三年以上七年以下有期徒刑。

Article 434 Whoever during wartime injures himself in order to evade his military obligation 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 seven years.

第四百三十五条   【逃离部队罪】违反兵役法规，逃离部队，情节严重的，处三年以下有期徒刑或者拘役。

Article 435 [Crime of deserting the armed forces] Whoever, in violation of the military service law, deserts from the armed forces, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

战时犯前款罪的，处三年以上七年以下有期徒刑。

Whoever in wartime commits the crime mentioned in the preceding paragraph shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第四百三十六条   【武器装备肇事罪】违反武器装备使用规定，情节严重，因而发生责任事故，致人重伤、死亡或者造成其他严重后果的，处三年以下有期徒刑或者拘役；后果特别严重的，处三年以上七年以下有期徒刑。

Article 436 [Crime of Causing Accidents with Weapons and Equipment] Where anyone violates the provisions on use of weapons and equipment, if the circumstances are serious, and a liability accident occurs thereby, causing serious injury or death to any person or any other serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第四百三十七条   【擅自改变武器装备编配用途罪】违反武器装备管理规定，擅自改变武器装备的编配用途，造成严重后果的，处三年以下有期徒刑或者拘役；造成特别严重后果的，处三年以上七年以下有期徒刑。

Article 437 [Crime of Arbitrarily Changing the Prescribed Uses of Weaponry] Where anyone, in violation of the provisions on management of weaponry, changes the prescribed uses of weaponry without authorization, thus causing serious consequences, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

第四百三十八条   【盗窃、抢夺武器装备、军用物资罪】盗窃、抢夺武器装备或者军用物资的，处五年以下有期徒刑或者拘役；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 438 [Crime of stealing or forcibly seizing weapons, equipment or military supplies] Whoever steals or forcibly seizes weapons, equipment or military supplies 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, life imprisonment or death.

盗窃、抢夺枪支、弹药、爆炸物的，依照本法第一百二十七条的规定处罚。

Whoever steals or forcibly seizes firearms, ammunition or explosives shall be punished in accordance with the provisions of Article 127 of this Law.

第四百三十九条   【非法出卖、转让武器装备罪】非法出卖、转让军队武器装备的，处三年以上十年以下有期徒刑；出卖、转让大量武器装备或者有其他特别严重情节的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 439 [Crime of Illegally Selling or Transferring Weapons and Equipment] Whoever illegally sells or transfers military weapons and equipment shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; if a large amount of weapons and equipment is sold or transferred or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than ten years, life imprisonment or death.

第四百四十条   【遗弃武器装备罪】违抗命令，遗弃武器装备的，处五年以下有期徒刑或者拘役；遗弃重要或者大量武器装备的，或者有其他严重情节的，处五年以上有期徒刑。

Article 440 [Crime of abandoning weapons and equipment] Whoever, in violation of an order, abandons weapons or equipment shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if he abandons important or a large amount of weapons or equipment or if there are other serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years.

第四百四十一条   【遗失武器装备罪】遗失武器装备，不及时报告或者有其他严重情节的，处三年以下有期徒刑或者拘役。

Article 441 [Crime of losing weaponry] Whoever loses weaponry but fails to report the matter immediately, or if there are other serious circumstances involved, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention.

第四百四十二条   【擅自出卖、转让军队房地产罪】违反规定，擅自出卖、转让军队房地产，情节严重的，对直接责任人员，处三年以下有期徒刑或者拘役；情节特别严重的，处三年以上十年以下有期徒刑。

Article 442 [Crime of Selling or Transferring Military Real Estate without Authorization] Where, in violation of the provisions, selling or transferring military real estate without authorization is serious, the person who is directly responsible for the offence 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 ten years.

第四百四十三条   【虐待部属罪】滥用职权，虐待部属，情节恶劣，致人重伤或者造成其他严重后果的，处五年以下有期徒刑或者拘役；致人死亡的，处五年以上有期徒刑。

Article 443 [Maltreatment of Subordinates] Any person who abuses his power and maltreats a subordinate, if the circumstances are so flagrant that the victim is seriously injured or if there are other serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if he causes death of the victim, he shall be sentenced to fixed-term imprisonment of not less than five years.

第四百四十四条   【遗弃伤病军人罪】在战场上故意遗弃伤病军人，情节恶劣的，对直接责任人员，处五年以下有期徒刑。

Article 444 Where a wounded or sick serviceman is deliberately abandoned on a battlefield, if the circumstances are flagrant, the persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five years.

第四百四十五条   【战时拒不救治伤病军人罪】战时在救护治疗职位上，有条件救治而拒不救治危重伤病军人的，处五年以下有期徒刑或者拘役；造成伤病军人重残、死亡或者有其他严重情节的，处五年以上十年以下有期徒刑。

Article 445 [Crime of refusing to rescue and treat wounded or sick servicemen in wartime] Regarding the post for rescue and treatment in wartime, any serviceman who refuses to rescue and treat a critically sick or wounded serviceman but is able to do so shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if he causes serious disability or death of the wounded or sick serviceman or if there are other serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

第四百四十六条   【战时残害居民、掠夺居民财物罪】战时在军事行动地区，残害无辜居民或者掠夺无辜居民财物的，处五年以下有期徒刑；情节严重的，处五年以上十年以下有期徒刑；情节特别严重的，处十年以上有期徒刑、无期徒刑或者死刑。

Article 446 [Crime of cruelly injuring or pillaging residents' money or property during wartime] Any serviceman who, during wartime, cruelly injures innocent residents in an area of military operation or plunders their money or property 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 but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

第四百四十七条   【私放俘虏罪】私放俘虏的，处五年以下有期徒刑；私放重要俘虏、私放俘虏多人或者有其他严重情节的，处五年以上有期徒刑。

Article 447 [Crime of Releasing Prisoners of War without Authorization] Whoever sets free a prisoner of war without authorization shall be sentenced to fixed-term imprisonment of not more than five years; if he, without authorization, sets free an important prisoner of war or a number of prisoners of war or if there are other serious circumstances involved, he shall be sentenced to fixed-term imprisonment of not less than five years.

第四百四十八条   【虐待俘虏罪】虐待俘虏，情节恶劣的，处三年以下有期徒刑。

Article 448 [Crime of mistreating prisoners of war] Whoever maltreats prisoners of war, if the circumstances are flagrant, shall be sentenced to fixed-term imprisonment of not more than three years.

第四百四十九条   【战时缓刑】在战时，对被判处三年以下有期徒刑没有现实危险宣告缓刑的犯罪军人，允许其戴罪立功，确有立功表现时，可以撤销原判刑罚，不以犯罪论处。

Article 449 During wartime, any serviceman who commits a crime and is sentenced to fixed-term imprisonment of not more than three years with a reprieve pronounced may be allowed to atone for his crime by performing meritorious deeds. If he truly performs meritorious deeds, the original sentence may be rescinded, and he shall not be regarded as a criminal.

第四百五十条   【本章适用的主体范围】本章适用于中国人民解放军的现役军官、文职干部、士兵及具有军籍的学员和中国人民武装警察部队的现役警官、文职干部、士兵及具有军籍的学员以及执行军事任务的预备役人员和其他人员。

Article 450 [Scope of subjects to which this Chapter applies] This Chapter shall apply to officers, civilian staff, soldiers in active service and cadets with military status of the Chinese People's Liberation Army, police officers, civilian staff and soldiers in active service and cadets with military status of the Chinese People's Armed Police, and reservists and other persons performing military tasks.

第四百五十一条   【战时的概念】本章所称战时，是指国家宣布进入战争状态、部队受领作战任务或者遭敌突然袭击时。

Article 451 The term "wartime" as used in this Chapter means the time when the State declares the state of war, the armed forces receive tasks of operations or when the enemy launches a surprise attack.

部队执行戒严任务或者处置突发性暴力事件时，以战时论。

The time when the armed forces execute martial law tasks or handle sudden incidents of violence shall be regarded as wartime.

附则

Supplementary Provisions

第四百五十二条   【施行日期】本法自1997年10月1日起施行。

Article 452 This Law shall go into effect as of October 1, 1997.

列于本法附件一的全国人民代表大会常务委员会制定的条例、补充规定和决定，已纳入本法或者已不适用，自本法施行之日起，予以废止。

The regulations, supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress, as listed in Appendix I of this Law, which have been incorporated into this Law or are no longer applicable, shall be invalidated as of the date this Law goes into effect.

列于本法附件二的全国人民代表大会常务委员会制定的补充规定和决定予以保留。其中，有关行政处罚和行政措施的规定继续有效；有关刑事责任的规定已纳入本法，自本法施行之日起，适用本法规定。

The supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress, as listed in Appendix II of this Law, shall be retained. Among them the provisions on administrative penalty and administrative measures shall remain in force; however, since the provisions on criminal responsibility have been incorporated into this Law, the relevant provisions of this Law shall prevail as of the date this Law goes into effect.

附件一

APPENDIX I

全国人民代表大会常务委员会制定的下列条例、补充规定和决定，已纳入本法或者已不适用，自本法施行之日起，予以废止：

The following regulations, supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress which have been incorporated into this Law or are no longer applicable shall be invalidated as of the date this Law goes into effect:

1．中华人民共和国惩治军人违反职责罪暂行条例

1. Interim Regulations of the People's Republic of China on Punishment of Servicemen Who Commit Crimes Contrary to Their Duties

2．关于严惩严重破坏经济的罪犯的决定

2. Decision Regarding the Severe Punishment of Criminals Who Seriously Sabotage the Economy

3．关于严惩严重危害社会治安的犯罪分子的决定

3. Decision Regarding the Severe Punishment of Criminals Who Seriously Endanger Public Security

4．关于惩治走私罪的补充规定

4. Supplementary Provisions Concerning the Punishment of the Crimes of Smuggling

5．关于惩治贪污罪贿赂罪的补充规定

5. Supplementary Provisions Concerning the Punishment of the Crimes of Corruption and Bribery

6．关于惩治泄露国家秘密犯罪的补充规定

6. Supplementary Provisions Concerning the Punishment of the Crimes of Divulging State Secrets

7．关于惩治捕杀国家重点保护的珍贵、濒危野生动物犯罪的补充规定

7. Supplementary Provisions Concerning the Punishment of the Crimes of Catching or Killing Precious and Endangered Species of Wildlife Under Special State Protection

8．关于惩治侮辱中华人民共和国国旗国徽罪的决定

8. Decision Regarding the Punishment of the Crimes of Desecrating the National Flag and the National Emblem of the People's Republic of China

9．关于惩治盗掘古文化遗址古墓葬犯罪的补充规定

9. Supplementary Provisions Concerning the Punishment of the Crime of Excavating and Robbing Sites of Ancient Culture or Ancient Tombs

10．关于惩治劫持航空器犯罪分子的决定

10. Decision Regarding the Punishment of the Criminals for Aircraft Hijacking

11．关于惩治假冒注册商标犯罪的补充规定

11. Supplementary Provisions Regarding Punishing Crimes of Counterfeiting Registered Trademarks

12．关于惩治生产、销售伪劣商品犯罪的决定

12. Decision on Punishment of the Crimes of Production and Sale of Fake or Substandard Commodities

13．关于惩治侵犯著作权的犯罪的决定

13. Decision Regarding the Punishment of the Crime of Infringement of Copyright

14．关于惩治违反公司法的犯罪的决定

14. Decision Concerning Punishment of Crimes against the Company Law

15．关于处理逃跑或者重新犯罪的劳改犯和劳教人员的决定

15. Decision Regarding the Handling of Prisoners Undergoing Reform Through Labor and Persons Undergoing Rehabilitation Through Labor Who Escape or Commit New Crimes

附件二

Appendix 2

全国人民代表大会常务委员会制定的下列补充规定和决定予以保留，其中，有关行政处罚和行政措施的规定继续有效；有关刑事责任的规定已纳入本法，自本法施行之日起，适用本法规定：

The following supplementary provisions and decisions enacted by the Standing Committee of the National People's Congress shall be retained. Among them the provisions on administrative penalty and administrative measures shall remain in force; since the provisions on criminal responsibility have been incorporated into this Law, the relevant provisions of this Law shall prevail as of the date this Law goes into effect:

1．关于禁毒的决定

1. Decision on Drug Control

2．关于惩治走私、制作、贩卖、传播淫秽物品的犯罪分子的决定

2. Decision on the Punishment of Criminals Who Smuggle, Produce, Sell or Disseminate Pornographic Materials

3．关于严惩拐卖、绑架妇女、儿童的犯罪分子的决定

3. Decision Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children

4．关于严禁卖淫嫖娼的决定

4. Decision on the Strict Prohibition against Prostitution and Whoring

5．关于惩治偷税、抗税犯罪的补充规定

5. Supplementary Provisions Concerning the Imposition of Punishment in Respect of Offenses of Tax Evasion and Refusal to Pay Tax

6．关于严惩组织、运送他人偷越国（边）境犯罪的补充规定

6. Supplementary Provisions on the Severe Punishment of the Crimes of Organizing or Transporting Other Person (s) To illegally cross the National Border (Frontier)

7．关于惩治破坏金融秩序犯罪的决定

7. Decision on Punishment of Crimes of Disrupting Financial Order

8．关于惩治虚开、伪造和非法出售增值税专用发票犯罪的决定

8. Decision on Punishing the Crime of Falsifying, Forging or Illegally Selling Value-added Tax Special Invoices