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# 全国人民代表大会常务委员会关于《中华人民共和国刑事诉讼法》第七十九条第三款的解释

# Interpretation of the Standing Committee of the National People's Congress on Paragraph 3 of Article 79 of the Criminal Procedure Law of the People's Republic of China

全国人民代表大会常务委员会关于《中华人民共和国刑事诉讼法》第七十九条第三款的解释

Interpretation of the Standing Committee of the National People's Congress on Paragraph 3 of Article 79 of the Criminal Procedure Law of the People's Republic of China

(2014年4月24日第十二届全国人民代表大会常务委员会第八次会议通过)

(Adopted at the 8th session of the Standing Committee of the 12th National People's Congress on 24 April 2014)

全国人民代表大会常务委员会根据司法实践中遇到的情况，讨论了刑事诉讼法第七十九条第三款关于违反取保候审、监视居住规定情节严重可以逮捕的规定，是否适用于可能判处徒刑以下刑罚的犯罪嫌疑人、被告人的问题，解释如下:

In light of what is encountered in judicial practice, the Standing Committee of the National People's Congress has discussed whether the provision of "a criminal suspect or defendant who seriously violates the provisions on bail or residential surveillance may be arrested", Paragraph 3 of Article 79 of the Criminal Procedure Law, applies to a criminal suspect or defendant who may be sentenced to a punishment lighter than a fixed-term imprisonment. The interpretation is given as follows:

根据刑事诉讼法第七十九条第三款的规定，对于被取保候审、监视居住的可能判处徒刑以下刑罚的犯罪嫌疑人、被告人，违反取保候审、监视居住规定，严重影响诉讼活动正常进行的，可以予以逮捕。

In accordance with Paragraph 3 of Article 79 of the Criminal Procedure Law, if a criminal suspect or defendant who is released on bail pending trial or under residential surveillance and may be subject to a punishment lighter than imprisonment violates the provisions on release on bail pending trial or residential surveillance, thus seriously affecting the normal litigation activities, he may be arrested.

现予公告。

It is hereby announced.