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# 全国人民代表大会常务委员会关于《中华人民共和国刑法》第三百四十一条、第三百一十二条的解释

# Interpretation of the Standing Committee of the National People's Congress on Article 341 and Article 312 of the Criminal Law of the People's Republic of China

全国人民代表大会常务委员会关于《中华人民共和国刑法》第三百四十一条、第三百一十二条的解释

Interpretation of the Standing Committee of the National People's Congress on Article 341 and Article 312 of the Criminal 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，讨论了刑法第三百四十一条第一款规定的非法收购国家重点保护的珍贵、濒危野生动物及其制品的含义和收购刑法第三百四十一条第二款规定的非法狩猎的野生动物如何适用刑法有关规定的问题，解释如下:

In light of what is encountered in judicial practice, the Standing Committee of the National People's Congress has discussed the implication of "illegally purchasing precious and endangered species of wildlife under special State protection as well as the products thereof" as specified in Paragraph 1 of Article 341 of the Criminal Law and how the relevant provisions of the Criminal Law apply to the purchase of illegally hunted wildlife as specified in Paragraph 2 of Article 341 of the Criminal Law. The interpretation is given as follows:

知道或者应当知道是国家重点保护的珍贵、濒危野生动物及其制品，为食用或者其他目的而非法购买的，属于刑法第三百四十一条第一款规定的非法收购国家重点保护的珍贵、濒危野生动物及其制品的行为。

If a person knows or should have known that they are precious and endangered species of wildlife under special state protection as well as the products thereof, but still illegally purchases for edible or other purposes, the act falls under the illegal purchase of precious and endangered species of wildlife under special state protection as well as the products thereof, as stipulated in Paragraph 1 of Article 341 of the Criminal Law.

知道或者应当知道是刑法第三百四十一条第二款规定的非法狩猎的野生动物而购买的，属于刑法第三百一十二条第一款规定的明知是犯罪所得而收购的行为。

If a person knows or should have known that they are the illegal hunted wildlife as specified in Paragraph 2 of Article 341 of the Criminal Law but still purchases them, the act falls under the purchase despite knowing that they are obtained through crimes as specified in Paragraph 1 of Article 312 of the Criminal Law.

现予公告。

It is hereby announced.