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# 中华人民共和国刑法修正案（六）

# Amendment VI to the Criminal Law of the People's Republic of China

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主席令第五十一号

Presidential Decree No. 51

《中华人民共和国刑法修正案（六）》已由中华人民共和国第十届全国人民代表大会常务委员会第二十二次会议于2006年6月29日通过，现予公布，自公布之日起施行。

The Amendment VI to the Criminal Law of the People's Republic of China, which was adopted at the 22nd meeting of the Standing Committee of the Tenth National People's Congress on June 29, 2006, is hereby promulgated and shall come into force as of the date of its promulgation.

中华人民共和国主席　胡锦涛

President Hu Jintao

2006年6月29日

June 29, 2006

中华人民共和国刑法修正案（六）

Amendment VI to the Criminal Law of the People's Republic of China

（２００６年６月２９日第十届全国人民代表大会常务委员会第二十二次会议通过）

(Adopted at the 22nd Meeting of the Standing Committee of the Tenth National People's Congress on June 29, 2006)

一、将刑法第一百三十四条修改为：“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。

I、 Article 134 is amended as: "Whoever violates the provisions on safety management in production or operations and thereby causes any serious casualty or any other serious consequence shall be sentenced to imprisonment of not more than 3 years or criminal detention; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 3 years but not more than 7 years.

“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。”

"Whoever forces another person to work under hazardous conditions in violation of rules, 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, he shall be sentenced to fixed-term imprisonment of not less than five years."

二、将刑法第一百三十五条修改为：“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。”

II、 Article 135 of the Criminal Law is amended to as: "In case the facilities or conditions for safe work fail to meet the related provisions of the state and lead to any serious accidents of death and injury or any other serious consequences, the directly liable persons -in-charge and other directly liable persons shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention. If the circumstances are particularly serious, he shall be sentenced to three years to seven years of fixed-term imprisonment."

三、在刑法第一百三十五条后增加一条，作为第一百三十五条之一：“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。”

III、 There is an article added to the end of Article 135 as Article 135 (I): "In case any of the provisions on safety management is in violation of holding large-scale mass activities and any serious casualty or any other serious consequence is caused accordingly, the directly liable persons -in-charge and other directly liable persons shall be sentenced to not more than three years of fixed-term imprisonment of or criminal detention. If the circumstances are particularly serious, he shall be sentenced to three years to seven years of fixed-term imprisonment."

四、在刑法第一百三十九条后增加一条，作为第一百三十九条之一：“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。”

IV、 There is an article added to the end of Article 139 as Article 139 (I): "After any safety accident happens, if the person responsible for reporting it fails to report it or makes a false report so that the rescue of the accident is bungled and if the circumstances are serious, he shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention. If the circumstances are particularly serious, he shall be sentenced to not less than three years but not more than seven years in prison."

五、将刑法第一百六十一条修改为：“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。”

V、 Article 161 of the Criminal Law is amended to as: "If any company or enterprise, which has the obligation of information disclosure, provides any financial and accounting report which is false or conceals any important facts to its shareholders and the general public, or fails to disclose any other important information in accordance with the provisions so that serious damages are caused to the interests of the shareholders or any other person, or any other serious circumstances exist, the directly liable persons -in-charge and other directly liable persons shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and/or shall be imposed upon to a fine of not less than 20,000 Yuan but not more than 200,000 Yuan."

六、在刑法第一百六十二条之一后增加一条，作为第一百六十二条之二：“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。”

VI、 There is an article added to the end of Article 162 (I) as Article 162 (II): "If any company or enterprise transfers or disposes of its properties by concealing its properties or undertaking fabricated debts or by any other means or implement false bankruptcy so that serious damages are caused to the interests of the creditors or any other persons, the directly liable persons -in-charge and other directly liable persons shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and/or shall be imposed upon to a fine of not less than 20,000 Yuan but not more than 200,000 Yuan."

七、将刑法第一百六十三条修改为：“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。

VII、 Article 163 of the Criminal Law is amended to as: "If any staff of any company, enterprise or other units ask for or illegally accept properties from other persons taking advantage of job convenience, and seek benefits for other persons, and in case the properties involved is of a relatively large amount, he shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention. If the amount is huge, he shall be sentenced to more than five years of fixed-term imprisonment and 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。

"If the staff of any company, enterprise or any other units, in the course of economic intercourses, accept kickbacks and commission charge in various forms taking advantage of job convenience in violation of the provisions of the state for his personal ownership, he shall be punished in accordance with provisions under 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."

八、将刑法第一百六十四条第一款修改为：“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；数额巨大的，处三年以上十年以下有期徒刑，并处罚金。”

VIII、 1st paragraph of Article 164 is amended as: "Whoever gives any property to a staff member of a company, an enterprise or any other entity for any improper benefit shall be sentenced to imprisonment of not more than 3 years or criminal detention if the amount of property is relatively large; or be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine if the amount of property is huge."

九、在刑法第一百六十九条后增加一条，作为第一百六十九条之一：“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：

IX、 There is an article added to the end of Article 169 of the Criminal Law as Article 169 (I): "If any director, supervisor or senior manager of a listed company violates his fiduciary duty to the company and manipulate the listed company to pursue any of the following behaviors taking advantage of job convenience, causing any serious loss to the interest of the listed company, he shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and/or shall be imposed upon to a fine. If the listed company thus suffers from a particularly huge loss, he shall be sentenced to not less than three years but not more than seven years in prison, and shall be imposed upon 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；

2. Providing or accepting any fund, commodity, service or any other asset on apparently 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；

3. 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；

4. 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；

5. Waiving any credit or assuming any debt without justifiable reasons; or

“（六）采用其他方式损害上市公司利益的。

6. Damaging the interests of the listed company by any 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 listed 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. "

十、在刑法第一百七十五条后增加一条，作为第一百七十五条之一：“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。

X、 There is an article added to the end of Article 175 as Article 175 (I): "If anyone obtains any loan, acceptance of any instrument, letter of credit, letter of guarantee, etc. by means of deception from any bank or any other financial institution so that any serious loss is caused to the bank or financial institution or any other serious circumstances exist, he shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and/or shall be imposed upon to a fine. If a particularly large loss is caused to the bank or any other financial institution or if there is any other particularly serious circumstance, he shall be sentenced to not less than three years but not more than seven years in prison, and shall 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 an organization commits the crime mentioned in the preceding paragraph, 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 provisions of the preceding paragraph."

十一、将刑法第一百八十二条修改为：“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：

XI、 Article 182 of the Criminal Law is amended to as: "The person who manipulates the securities or futures market, if the circumstances are serious, shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and/or shall be imposed upon to a fine. If the circumstances are particularly serious, he shall be sentenced to not less than five years but not more than 10 years in prison, and shall be imposed upon to a fine, in case any of the following circumstances arises:

“（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；

“(2) 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）在自己实际控制的帐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；

3. Affecting the prices of securities or futures or the trading volume of securities or futures by conducting securities transactions between the accounts under the actual control of his own or by trading with himself for a futures contract; or

“（四）以其他方法操纵证券、期货市场的。

4. 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 an organization commits the crime mentioned in the preceding paragraph, 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 provisions of the preceding paragraph."

十二、在刑法第一百八十五条后增加一条，作为第一百八十五条之一：“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。

XII、 There is an article added to the end of Article 185 as Article 185 (I): "Any commercial bank, stock exchange, futures exchange, securities company, futures brokering company, insurance company, or any other financial institution in violation of its fiduciary duty, utilizes the funds or any other consigned or entrusted property of its clients on itself, if the circumstances are serious, shall be imposed upon a fine, and the directly liable persons -in-charge and other directly liable persons shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and shall be imposed upon to a fine of 30,000 Yuan up to 300,000 Yuan. If the circumstances are particularly serious, he shall be sentenced to not less than three years but not more than 10 years in prison, and shall be imposed upon to a fine of 50,000 Yuan up to 500,000 Yuan.

“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。”

"In case of any public fund management institution such as a social security fund management institution or housing accumulation fund management institution, or any insurance company, insurance asset management company, or securities investment fund management company violates the provisions of the state in its use of funds, the directly liable persons -in-charge as well as other directly liable persons shall be punished in accordance with the provisions of the preceding paragraph."

十三、将刑法第一百八十六条第一款、第二款修改为：“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。

XIII、 Paragraphs I and II of Article 186 of the Criminal Law are amended to as: "If the staff of any bank or other financial institution offers any loan in violation of the provisions of the state and the amount is huge or any serious loss has caused, he 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 10,000 Yuan up to 100,000 Yuan. If the amount is particularly huge or particularly serious losses have been caused, he shall be sentenced to more than five years of fixed-term imprisonment, and shall be imposed upon to a fine of 20,000 Yuan up to 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 staff of any bank or other financial institution in violation of the provisions of the state to grant loans to any of his relatives, shall be punished in accordance with the provisions of the preceding paragraph."

十四、将刑法第一百八十七条第一款修改为：“银行或者其他金融机构的工作人员吸收客户资金不入帐，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。”

14. 1st paragraph of Article 187 is amended as: "If any staff of any bank or other financial institution accepts the capital of any client without writing it into the accounts, and if the sum is huge or if any serious loss has caused, he shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and shall be imposed upon to a fine 20,000 Yuan up to 200,000 Yuan. If the sum is particularly huge or the losses are particularly serious, he shall be sentenced to five years or more in prison, and shall be imposed upon to a fine of 50,000 Yuan up to 500,000 Yuan."

十五、将刑法第一百八十八条第一款修改为：“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。”

15. 1st paragraph of Article 188 is amended as: "If the staff of any bank or other financial institution in violation of the provisions when issuing any letter of credit, letter of guarantee, instrument, certificate of deposit, certification of credit, etc. for any other person, and if the circumstances are serious, he shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention. If the circumstances are particularly serious, he shall be sentenced to five years or more in prison."

十六、将刑法第一百九十一条第一款修改为：“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：

XVI、 Paragraph I of Article 191 of the Criminal Law is amended as: "If anyone who is clearly aware that the earnings are obtained from drug-related crime, organizational crime of any gangland, terrorist crime, crime of smuggling, crime of corruption or bribery, crime of disrupting the financial management order, crime of financial fraud, etc. as well as that the incomes are generated therefrom, yet commits any of the following acts so as to conceal and disguise the origin or nature thereof, the incomes obtained from the commission of the aforementioned crimes as well as the incomes generated therefrom shall be confiscated, and the criminal shall be sentenced to not more than five years of fixed-term imprisonment or criminal detention, and/or shall be imposed upon to a fine of 5% up to 20% of the amount of laundered money. If the circumstances are serious, he shall be sentenced to not less than five years but not more than ten years in prison, and shall be imposed upon to a fine of 5% up 20% of the amount of laundered money:

“（一）提供资金帐户的；

1. Providing any capital account;

“（二）协助将财产转换为现金、金融票据、有价证券的；

2. helping exchange property into cash, financial instruments or negotiable securities;

“（三）通过转帐或者其他结算方式协助资金转移的；

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

“（四）协助将资金汇往境外的；

4. 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. "

十七、在刑法第二百六十二条后增加一条，作为第二百六十二条之一：“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。”

XVII、 There is an article added to the end of Article 262 of the Criminal Law as Article 262 (I): "Anyone who organizes any disabled person or any minor below the age of 14 by force or coercion to beg, shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention, and shall be imposed upon to a fine. If the circumstances are serious, he shall be sentenced to not less than three years but not more than seven years in prison, and shall be imposed upon to a fine."

十八、将刑法第三百零三条修改为：“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。

XVIII、 Article 303 of the Criminal Law is amended as: "Anyone who, for the purpose of making profits, assembles a crowd to engage in gambling or makes a gambling his profession, shall be sentenced to not more than three years of fixed-term imprisonment criminal detention, or surveillance, and shall be jointly fined.

“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。”

"Anyone who sets up a casino 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 sentence shall be fixed-term imprisonment from 3 to 10 years, in combination of fines."

十九、将刑法第三百一十二条修改为：“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。”

XIX、 Article 312 of the Criminal Law is amended as: "If anyone who is clearly aware that the earnings are obtained through crimes as well as that the incomes are generated therefrom yet conceals, transfers, purchases, or acts as an agent to sell them or conceals or disguises them by any other means, he shall be sentenced to not more than three years of fixed-term imprisonment, criminal detention, or surveillance, and/or shall be imposed upon to a fine. If the circumstances are serious, he shall be sentenced to not less than three years but not more than seven years in prison, and shall be imposed upon to a fine."

二十、在刑法第三百九十九条后增加一条，作为第三百九十九条之一：“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。”

XX、 There is an article added to the end of Article 399 of the Criminal Law as Article 399 (I): "If anyone who undertakes the duties of arbitration in accordance with law makes any wrongful ruling purposely in violation of the facts and laws in the activities of arbitration, in case the circumstances are serious, he shall be sentenced to not more than three years of fixed-term imprisonment or criminal detention. If the circumstances are particularly serious, he shall be sentenced to not less than three years but not more than seven years in prison."

二十一、本修正案自公布之日起施行。

XXI、 This Amendment shall come into force as of the date of promulgation.