

AMENDMENT V TO THE CRIMINAL LAW OF THE PEOPLE'S REPUBLIC OF CHINA

(Adopted at the 14th Meeting of the Standing Committee of the Tenth National People's Congress on February 28, 2005)

1. One article is added after Article 177 as Article 177(a), which reads: "Whoever commits one of the following acts which hamper the administration of credit cards shall be sentenced to fix-term imprisonment of not more than three years or criminal detention and shall in addition, or shall only, be fined not less than RMB 10,000 yuan but not more than 100,000 yuan; if the amount involved is huge or if there are other serious circumstances, he shall be sentenced to fix-term imprisonment of not less than three years but not more than 10 years and shall, in addition, be fined not less than 20,000 yuan but not more than 200, 000 yuan:

"(1) knowingly holding or transporting forged credit cards, or knowingly holding or transporting forged blank credit cards in relatively large quantities;"

"(2) illegally holding other persons' credit cards in relatively large quantities;"

"(3) obtaining credit cards by using false identity certification;" and

"(4) selling, buying, or providing other persons with, forged credit cards or credit cards obtained by using false identity certification."

"Whoever steals, buys or illegally provides information and materials about other persons' credit cards shall be punished in accordance with the provisions of the preceding paragraph."

"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."

2. Article 196 is revised to read: "Whoever commits fraud by means of a credit card in any of the following ways 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, in addition, 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, in addition, 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, in addition, be fined not less than 50,000 yuan but not more than 500,000 yuan or his property shall be confiscated:

"(1) using a forged credit card, or using a credit card obtained by using false identity certification;"

"(2) using an invalidated credit card;"

"(3) illegally using another person's credit card;" and

"(4) overdrawing with ill intentions."

"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."

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

3. One paragraph is added to Article 369 as the second paragraph and this Article is revised to read: "Whoever sabotages weapons or equipment, military installations or military telecommunications 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 telecommunications 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."

"Whoever unintentionally commits the crime mentioned in the preceding paragraph, 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."

"Whoever in wartime commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment."

4. This Amendment shall go into effect as of the date of promulgation.