

**Amendment (VIII) to the Criminal Law of the People's Republic of China[Effective]**  
**中华人民共和国刑法修正案(八) [现行有效]**

<b>Authority:</b>	Standing Committee of the National People's Congress	<b>Document Number:</b>	Order No.41 of the President of the People's Republic of China
<b>Issued:</b>	02-25-2011	<b>Level of Authority:</b>	Laws
<b>Law:</b>	Criminal Law		

of the President of the People's Republic of China

中华人民共和国主席令  
(第四十一号)

Amendment (VIII) to the Criminal Law of the People's Republic of China, as adopted at the meeting of the Standing Committee of the Eleventh National People's Congress of the People's Republic of China on February 25, 2011, is hereby promulgated, and shall come into effect on May 1, 2011.

《中华人民共和国刑法修正案（八）》已由中华人民共和国第十一届全国人民代表大会常务委员会第十次会议于2011年2月25日通过，现予公布，自2011年5月1日起施行。

President of the People's Republic of China: Hu Jintao  
February 25, 2011

中华人民共和国主席 胡锦涛  
2011年2月25日

Amendment (VIII) to the Criminal Law of the People's Republic of China  
Adopted at the 19th Meeting of the Standing Committee of the Eleventh National People's Congress of the People's Republic of China on February 25, 2011)

中华人民共和国刑法修正案（八）  
(2011年2月25日第十一届全国人民代表大会常务委员会第十九次会议通过)

Article is added after Article 17 as Article 17A: "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."

一、在刑法第十七条后增加一条，作为第十七条之一：“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。”

Paragraph is added to Article 38 as paragraph 2: "In light of the crime committed, a convict sentenced to control may also be prohibited from engaging in certain activities, entering certain places or contacting certain persons during the term of execution."

二、在刑法第三十八条中增加一款作为第二款：“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。”

Original paragraph 2 is changed into paragraph 3 and amended as: "Criminals sentenced to control shall be subject to community correction."

原第二款作为第三款，修改为：“对判处管制的犯罪分子，依法实行社区矫正。”

Paragraph is added as paragraph 4: "Whoever violates a restraining order as provided for in paragraph 2 shall be punished in accordance with the Public Security Administrative Punishments of the People's Republic of China."

增加一款作为第四款：“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。”

paragraph is added to Article 49 as paragraph 2: "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."

Article 50 is amended as: "Where a convict is 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 any major meritorious performance, the sentence shall be commuted to imprisonment of 25 years upon expiration of the two-year period; or if it is verified that he has committed any intentional crime, the death penalty shall be executed with the approval of the Supreme People's Court."

Article 51 is amended as: "Where a recidivist or a convict of murder, rape, robbery, abduction, arson, explosion, dissemination of dangerous substances or organized violence who is sentenced to death with a reprieve, the people's court may, in sentencing, decide to put restrictions on commutation of his sentence in light of the actual circumstances of the crime committed."

Paragraph 1 of Article 63 is amended as: "Where there is any circumstance of mitigation of punishment, a convict shall be given a penalty below the statutory penalty; and if there are two or more circumstances of mitigation, the penalty shall be given within the range next lower to the statutory range."

Paragraph 1 of Article 65 is amended as: "Where a convict sentenced to fixed-term imprisonment or a heavier penalty commits again a crime for which a fixed-term imprisonment or a heavier penalty shall be given within five years after finishing serving his sentence or being pardoned, he shall be a recidivist and be given a heavier penalty, unless it is a negligent crime or a crime committed under the age of 18."

Article 66 is amended as: "A convict of jeopardizing the national security, terrorist activities or organized crime of a gangland nature shall be punished as a recidivist for any of such crimes committed again by him at any time after he finishes serving his sentence or is pardoned."

Paragraph 3 is added to Article 67 as paragraph 3: "A criminal suspect who truthfully confesses to his crime may be given a lighter penalty although there is no voluntary surrender as provided in the preceding two paragraphs; and may be given a mitigated penalty if any especially serious consequence is avoided for his truthful confession."

Paragraph 2 of Article 68 is deleted.

Article 69 is amended as: "Where a person is convicted of more than one crime before a final judgment is pronounced, except for death penalty or life imprisonment, the term of criminal penalty to be executed shall be decided in light of the actual circumstances below the sum of terms but not exceeding the maximum term of the heaviest crime."

三、在刑法第四十九条中增加一款作为第二款：“审判的时候已满七十五周岁的人，不适用死刑，但特别残忍手段致人死亡的除外。”

四、将刑法第五十条修改为：“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，查证属实的，由最高人民法院核准，执行死刑。“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减刑。”

五、将刑法第六十三条第一款修改为：“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。”

六、将刑法第六十五条第一款修改为：“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。”

七、将刑法第六十六条修改为：“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。”

八、在刑法第六十七条中增加一款作为第三款：“犯罪嫌疑人在侦查阶段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。”

九、删去刑法第六十八条第二款。

十、将刑法第六十九条修改为：“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。”



s than 13 years, if life imprisonment is imposed; or  
s than 25 years if the death penalty with a reprieve imposed on a convict is legally  
ted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is  
ted to imprisonment of 25 years upon expiration of the reprieve period, where the people's  
as put restrictions on commutation of the death penalty with a reprieve according to  
aph 2, Article 50 of this Law.”

cle 81 is amended as: “Where a convict sentenced to fixed-term imprisonment has served  
s than half of the term of his original sentence, or a convict sentenced to life imprisonment  
ually served not less than 13 years of imprisonment, he may be paroled if he earnestly  
as the prison rules, accepts reform through education and shows true repentance and is not  
o commit any crime again. Under special circumstances, with the approval of the Supreme  
s Court, a parole may be granted without regard to the above restrictions on the term

le shall be granted to a recidivist or a convict sentenced to imprisonment of not less than  
s or life imprisonment for murder, rape, robbery, abduction, arson, explosion, dissemination  
rdous substances or organized violent crime.  
a parole decision is made on a convict, the impact of his release on parole on the  
nity where he lives shall be considered.”

cle 85 is amended as: “A convict released on parole shall be subject to community  
on during parole according to law, and if none of the circumstances as set out in Article 86  
law occurs, the original sentence shall be deemed to have been fully served upon  
on of parole, which shall be announced to the public.”

agraph 3 of Article 86 is amended as: “Where a convict released on parole violates any  
on of laws, administrative regulations or the relevant department of the State Council on  
supervision and management during parole, if it does not constitute a new crime, his parole  
e revoked under statutory procedures, and he shall be taken into custody to serve his  
ng term of sentence.”

a paragraph is added to Article 100 as paragraph 2: “Whoever is given a penalty lighter than  
nment of 5 years for a crime committed under the age of 18 shall be exempted from the  
ig obligation as mentioned in the preceding paragraph.”

cle 107 is amended as: “Where any domestic or overseas institution, organization or  
ial provides financial support for the commission of a crime as provided for in Article 102,  
4 or 105 of this Chapter, the directly liable person shall be sentenced to imprisonment of  
e than 5 years, criminal detention, control or deprivation of political rights; or if the  
stances are serious, be sentenced to imprisonment of not less than 5 years.”

“（二）判处无期徒刑的，不能少于十三年；  
“（三）人民法院依照本法第五十条第二款规定  
刑的死刑缓期执行的犯罪分子，缓期执行期满后  
减为无期徒刑的，不能少于二十五年，缓期执行  
后依法减为二十五年有期徒刑的，不能少于二十

十六、将刑法第八十一条修改为：“被判处  
刑的犯罪分子，执行原判刑期二分之一以上，被  
无期徒刑的犯罪分子，实际执行十三年以上，如  
真遵守监规，接受教育改造，确有悔改表现，没  
犯罪的危险的，可以假释。如果有特殊情况，经  
人民法院核准，可以不受上述执行刑期的限制。  
“对累犯以及因故意杀人、强奸、抢劫、绑架、  
爆炸、投放危险物质或者有组织的暴力性犯罪被  
十年以上有期徒刑、无期徒刑的犯罪分子，不得  
释。  
“对犯罪分子决定假释时，应当考虑其假释后对所  
社区的影响。”

十七、将刑法第八十五条修改为：“对假释的  
分子，在假释考验期限内，依法实行社区矫正，  
没有本法第八十六条规定的情形，假释考验期满  
认为原判刑罚已经执行完毕，并公开予以宣告。

十八、将刑法第八十六条第三款修改为：“  
的犯罪分子，在假释考验期限内，有违反法律、  
法规或者国务院有关部门关于假释的监督管理规  
行为，尚未构成新的犯罪的，应当依照法定程序  
假释，收监执行未执行完毕的刑罚。”

十九、在刑法第一百条中增加一款作为第二  
“犯罪的时候不满十八周岁被判处五年有期徒刑  
的人，免除前款规定的报告义务。”

二十、将刑法第一百零七条修改为：“境内  
构、组织或者个人资助实施本章第一百零二条、  
百零三条、第一百零四条、第一百零五条规定之  
的，对直接责任人员，处五年以下有期徒刑、拘  
管制或者剥夺政治权利；情节严重的，处五年以  
期徒刑。”

Article 109 is amended as: "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 in this country shall be sentenced to imprisonment of not more than 5 years, criminal detention, control or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years. A state functionary knowing any national secret, who flees this country or flees when he is already in this country, shall be given a heavier penalty according to the provision of the preceding paragraph."

A new article is added after Article 133 as Article 133A: "Whoever races a motor vehicle on a public road under such execrable circumstances or drives a motor vehicle on a road while intoxicated shall be sentenced to criminal detention and a fine. Whoever commits any other crime while committing a crime as mentioned in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty."

Paragraph 1 of Article 141 is amended as: "Whoever produces or sells bogus drugs shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if any death is caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years, life imprisonment or death penalty and a fine or forfeiture of property."

Article 143 is amended as: "Whoever produces or sells food not up to the food safety standards which may cause any serious food poisoning accident or any other serious food-borne disease shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine; or if there are especially serious consequences, shall be sentenced to imprisonment of not less than 7 years or life imprisonment and a fine or forfeiture of property."

Article 144 is amended as: "Whoever mixes poisonous or harmful non-food raw materials into food produced or sold or knowingly sells food mixed with poisonous or harmful non-food raw materials shall be sentenced to imprisonment of not more than 5 years and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if any death is caused or there is any other especially serious circumstance, shall be punished according to the provisions of Article 141 of this Law."

Article 151 is amended as: "Whoever smuggles weapons, ammunitions, nuclear materials or

Article 211. Amend Article 109 of the Criminal Law: "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 in this country shall be sentenced to imprisonment of not more than 5 years, criminal detention, control or deprivation of political rights; or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years but not more than 10 years. A state functionary knowing any national secret, who flees this country or flees when he is already in this country, shall be given a heavier penalty according to the provision of the preceding paragraph."

Article 212. Add a new article after Article 133 of the Criminal Law: "Whoever races a motor vehicle on a public road under such execrable circumstances or drives a motor vehicle on a road while intoxicated shall be sentenced to criminal detention and a fine. Whoever commits any other crime while committing a crime as mentioned in the preceding paragraph shall be convicted and punished according to the provisions on the crime with the heavier penalty."

Article 213. Amend Article 141 of the Criminal Law: "Whoever produces or sells bogus drugs shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if any death is caused or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years, life imprisonment or death penalty and a fine or forfeiture of property."

Article 214. Amend Article 143 of the Criminal Law: "Whoever produces or sells food not up to the food safety standards which may cause any serious food poisoning accident or any other serious food-borne disease shall be sentenced to imprisonment of not more than 3 years or criminal detention and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine; or if there are especially serious consequences, shall be sentenced to imprisonment of not less than 7 years or life imprisonment and a fine or forfeiture of property."

Article 215. Amend Article 144 of the Criminal Law: "Whoever mixes poisonous or harmful non-food raw materials into food produced or sold or knowingly sells food mixed with poisonous or harmful non-food raw materials shall be sentenced to imprisonment of not more than 5 years and a fine; if any serious damage is caused to the people's health or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 5 years but not more than 10 years and a fine; or if any death is caused or there is any other especially serious circumstance, shall be punished according to the provisions of Article 141 of this Law."

Article 216. Amend Article 151 of the Criminal Law: "Whoever smuggles weapons, ammunitions, nuclear materials or

feit currencies shall be sentenced to imprisonment of not less than 7 years and a fine or  
e of property; if the circumstances are especially serious, shall be sentenced to life  
nment or death penalty and a forfeiture of property; or if the circumstances are minor, shall  
enced to imprisonment of not less than 3 years but not more than 7 years and a fine.  
er smuggles cultural relics, gold, silver or any other noble metal whose export is prohibited  
state or smuggles rare animals whose import and export are prohibited by the state or  
s made thereof shall be sentenced to imprisonment of not less than 5 years but not more  
1 years and a fine; if the circumstances are especially serious, shall be sentenced to  
nment of not less than 10 years or life imprisonment and a forfeiture of property; or if the  
stances are minor, shall be sentenced to imprisonment of not more than 5 years and a fine.  
er smuggles rare plants or products made thereof or other goods or articles whose import  
ort are prohibited by the state shall be sentenced to imprisonment of not more than 5 years  
nal detention and a fine or be sentenced to a fine only; or if the circumstances are serious,  
s sentenced to imprisonment of not less than 5 years and a fine.  
an entity commits a crime as provided for in this Article, the entity shall be sentenced to a  
d its directly responsible person and other directly liable persons shall be punished  
ng to the provisions of this Article.”

agraph 1 of Article 153 is amended as: “Whoever smuggles goods or articles other than  
s mentioned in Articles 151, 152 and 347 shall be punished in light of the graveness of the  
ccording to the following provisions:  
ever smuggles goods or articles to evade a relatively large amount of tax payable, or  
es again after having been given administrative punishment twice for smuggling within a  
all be sentenced to imprisonment of not more than 3 years or criminal detention and a fine  
ss than the evaded amount of tax payable but not more than five times the evaded amount  
ayable.  
ever smuggles goods or articles to evade a huge amount of tax payable or with any other  
circumstance shall be sentenced to imprisonment of not less than 3 years but not more  
1 years and a fine of not less than the evaded amount of tax payable but not more than five  
ie evaded amount of tax payable.  
ever smuggles goods or articles to evade an especially huge amount of tax payable or with  
er especially serious circumstance shall be sentenced to imprisonment of not less than 10  
r life imprisonment and a fine of not less than the evaded amount of tax payable but not  
ian five times the evaded amount of tax payable or a forfeiture of property.”

agraph 1 of Article 157 is amended as: “Whoever provides armed escort for smuggling shall  
n a heavier penalty according to paragraph 1, Article 151 of this law.”

cle 164 is amended as: “Whoever gives any property to a staff member of a company, an  
ise or any other entity for any improper benefit shall be sentenced to imprisonment of not

器、弹药、核材料或者伪造的货币的，处七年以  
期徒刑，并处罚金或者没收财产；情节特别严重  
处无期徒刑或者死刑，并处没收财产；情节较轻  
处三年以上七年以下有期徒刑，并处罚金。

“走私国家禁止出口的文物、黄金、白银和其他贵  
属或者国家禁止进出口的珍贵动物及其制品的，  
年以上十年以下有期徒刑，并处罚金；情节特别  
的，处十年以上有期徒刑或者无期徒刑，并处没  
产；情节较轻的，处五年以下有期徒刑，并处罚  
“走私珍稀植物及其制品等国家禁止进出口的其他  
物、物品的，处五年以下有期徒刑或者拘役，并  
者单处罚金；情节严重的，处五年以上有期徒刑  
处罚金。

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

二十七、将刑法第一百五十三条第一款修改  
“走私本法第一百五十一条、第一百五十二条、第  
四十七条规定以外的货物、物品的，根据情节轻  
分别依照下列规定处罚：

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

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

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

二十八、将刑法第一百五十七条第一款修改  
“武装掩护走私的，依照本法第一百五十一条第  
规定从重处罚。”

二十九、将刑法第一百六十四条修改为：“  
不正当利益，给予公司、企业或者其他单位的工

ian 3 years or criminal detention if the amount of property is relatively large; or be  
ced to imprisonment of not less than 3 years but not more than 10 years and a fine if the  
: of property is huge.

er gives any property to a functionary of a foreign country or an official of an international  
rganization for any improper commercial benefit shall be punished according to the  
on of the preceding paragraph.

an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be  
d on it, and its directly responsible person and other directly liable persons shall be  
ed according to the provision of paragraph 1 of this Article.

r who voluntarily confesses to his bribery before a criminal investigation on him is opened  
given a mitigated penalty or be exempted from penalty.”

le 199 is amended as: “Whoever commits a crime as provided for in Article 192 shall be  
ced to life imprisonment or death and a forfeiture of property if the amount involved is  
lly huge and especially material losses are caused to the interests of the state or public.”

cle 200 is amended as: “Where an entity commits a crime as provided for in Article 192,  
195 of this Section, a fine shall be imposed on it, and the directly responsible person and  
irectly liable persons shall be sentenced to imprisonment of not more than 5 years or  
l detention and may be sentenced to a fine in addition; if the amount involved is huge or  
any other serious circumstance, shall be sentenced to imprisonment of not less than 5  
ut not more than 10 years and a fine; or if the amount involved is especially huge or there is  
er especially serious circumstance, shall be sentenced to imprisonment of not less than 10  
r life imprisonment and a fine.”

agraph 2 of Article 205 is deleted.

article is added after Article 205 as Article 205A: “Whoever falsely issues any invoice  
ian those as mentioned in Article 205 of this Law shall be sentenced to imprisonment of not  
ian 2 years, criminal detention or control and a fine if the circumstances are serious; or be  
ced to imprisonment of not less than 2 years but not more than 7 years and a fine if the  
stances are especially serious.

an entity commits the crime as provided for in the preceding paragraph, a fine shall be  
d on it, and its directly responsible person and other directly liable persons shall be  
ed according to the provision of the preceding paragraph.”

agraph 2 of Article 206 is deleted.

article is added after Article 210 as Article 210A: “Whoever knowingly holds counterfeit  
s shall be sentenced to imprisonment of not more than 2 years, criminal detention or control

员以财物，数额较大的，处三年以下有期徒刑或  
役；数额巨大的，处三年以上十年以下有期徒刑  
处罚金。

“为谋取不正当商业利益，给予外国公职人员或者  
公共组织官员以财物的，依照前款的规定处罚。

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

“行贿人在被追诉前主动交待行贿行为的，可以  
罚或者免除处罚。”

三十、将刑法第一百九十九条修改为：“犯  
一百九十二条规定之罪，数额特别巨大并且给国  
人民利益造成特别重大损失的，处无期徒刑或者  
刑，并处没收财产。”

三十一、将刑法第二百条修改为：“单位犯  
一百九十二条、第一百九十四条、第一百九十五  
定之罪的，对单位判处罚金，并对其直接负责的  
人员和其他直接责任人员，处五年以下有期徒刑  
拘役，可以并处罚金；数额巨大或者有其他严重  
的，处五年以上十年以下有期徒刑，并处罚金；  
特别巨大或者有其他特别严重情节的，处十年以  
期徒刑或者无期徒刑，并处罚金。”

三十二、删去刑法第二百零五条第二款。

三十三、在刑法第二百零五条后增加一条，  
第二百零五条之一：“虚开本法第二百零五条规  
的其他发票，情节严重的，处二年以下有期徒刑  
役或者管制，并处罚金；情节特别严重的，处二  
上七年以下有期徒刑，并处罚金。

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

三十四、删去刑法第二百零六条第二款。

三十五、在刑法第二百一十条后增加一条，  
第二百一十条之一：“明知是伪造的发票而持有，

ne if the quantity is relatively large; or be sentenced to imprisonment of not less than 2  
ut not more than 7 years and a fine if the quantity is huge.  
an entity commits the crime as provided for in the preceding paragraph, a fine shall be  
d on it, and its directly responsible person and other directly liable persons shall be  
ed according to the provision of the preceding paragraph.”

cle 226 is amended as: “Whoever commits any of the following acts by violence or threat  
e sentenced to imprisonment of not more than 3 years or criminal detention and/or a fine if  
umstances are serious; or be sentenced to imprisonment of not less than 3 years but not  
an 7 years and a fine if the circumstances are especially serious:  
ing any other person to purchase or sell commodities;  
ing any other person to provide or accept services;  
ing any other person to participate in or withdraw from a bidding or audition;  
ing any other person to transfer or acquire stocks or bonds of a corporation or enterprise or  
er asset; or  
ing any other person to participate in or withdraw from a certain business operation.”

e article is added after Article 234 as Article 234A: “Whoever organizes others to sell human  
shall be sentenced to imprisonment of not more than 5 years and a fine; or if the  
stances are serious, be sentenced to imprisonment of not less than 5 years and a fine or  
e of property.

er removes any other person's organ without such other person's consent, removes any  
f a person under the age of 18 or forces or deceives any other person into donating any  
hall be convicted and punished according to the provisions of Articles 234 and 232 of this

er removes a dead person's organ against the person's will before his death or removes a  
erson's organ against the will of the person's near relatives in violation of the provisions of  
e provided that there is no consent from the person before his death shall be convicted and  
ed according to the provision of Article 302 of this Law.”

cle 244 is amended as: “Whoever forces any other person to work by violence, threat or  
on of personal freedom shall be sentenced to imprisonment of not more than 3 years or  
l detention and a fine; or if the circumstances are serious, be sentenced to imprisonment of  
; than 3 years but not more than 10 years and a fine.

er knowingly recruits or transports a workforce for any other person to commit the act as  
ed in the preceding paragraph or otherwise assists in forcing any other person to work  
e punished according to the provision of the preceding paragraph.

an entity commits a crime as provided for in the preceding two paragraphs, a fine shall be  
d on it, and its directly responsible person and other directly liable persons shall be

较大的，处二以下有期徒刑、拘役或者管制，  
罚金；数量巨大的，处二年以上七年以下有期徒  
并处罚金。

“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  
罚。”

三十六、将刑法第二百二十六条修改为：“以  
力、威胁手段，实施下列行为之一，情节严重的  
三以下有期徒刑或者拘役，并处或者单处罚金  
节特别严重的，处三年以上七年以下有期徒刑，  
罚金：

“（一）强买强卖商品的；

“（二）强迫他人提供或者接受服务的；

“（三）强迫他人参与或者退出投标、拍卖的；

“（四）强迫他人转让或者收购公司、企业的股份  
券或者其他资产的；

“（五）强迫他人参与或者退出特定的经营活动的

三十七、在刑法第二百三十四条后增加一条  
为第二百三十四条之一：“组织他人出卖人体器官  
处五年以下有期徒刑，并处罚金；情节严重的，  
年以上有期徒刑，并处罚金或者没收财产。

“未经本人同意摘取其器官，或者摘取不满十八  
人的器官，或者强迫、欺骗他人捐献器官的，依  
法第二百三十四条、第二百三十二条的规定定罪  
罚。

“违背本人生前意愿摘取其尸体器官，或者本人  
表示同意，违反国家规定，违背其近亲属意愿摘  
尸体器官的，依照本法第三百零二条的规定定罪  
罚。”

三十八、将刑法第二百四十四条修改为：“以  
力、威胁或者限制人身自由的方法强迫他人劳动  
处三以下有期徒刑或者拘役，并处罚金；情节  
的，处三年以上十年以下有期徒刑，并处罚金。

“明知他人实施前款行为，为其招募、运送人员  
或者其他协助强迫他人劳动行为的，依照前款的规定  
罚。

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

and according to the provision of paragraph 1 of this Article.”

Article 264 is amended as: “Whoever steals a relatively large amount of public or private property, commits thefts many times, commits a burglary or carries a lethal weapon to steal or pickpocket, shall be sentenced to imprisonment of not more than 3 years, criminal detention or control and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property.”

Article 274 is amended as: “Whoever extorts a relatively large amount of public or private property or extorts public or private property many times shall be sentenced to imprisonment of not more than 3 years, criminal detention or control and/or a fine; if the amount involved is huge or there is any other serious circumstance, shall be sentenced to imprisonment of not less than 3 years but not more than 10 years and a fine; or if the amount involved is especially huge or there is any other especially serious circumstance, shall be sentenced to imprisonment of not less than 10 years and a fine.”

A new article is added after Article 276 as Article 276A: “Whoever evades payment of a relatively large amount of labor remunerations by transferring property or escaping and hiding or refuses to pay even though ordered by the relevant government department to pay, shall be sentenced to imprisonment of not more than 3 years or criminal detention and/or a fine; and if there are serious circumstances, shall be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.

If an entity commits the crime as provided for in the preceding paragraph, a fine shall be imposed on it, and its directly responsible person and other directly liable persons shall be sentenced according to the provision of the preceding paragraph.

If an entity commits an act as mentioned in the preceding two paragraphs without serious circumstances but pays labor remunerations before a public prosecution is instituted and assumes corresponding compensatory liability according to law may be given a mitigated penalty or exempted from penalty.”

Article 293 is amended as: “Whoever disrupts the social order by committing any of the following provocative and disturbing acts shall be sentenced to imprisonment of not more than 5 years, criminal detention or control:

(一) Insulting any other person at will, with execrable circumstances;

(二) Stalking, intercepting, reviling or intimidating any other person, with execrable circumstances;

(三) Blocking or demanding forcibly or vandalizing or occupying at will public or private property, with execrable circumstances; or

定处罚。”

三十九、将刑法第二百六十四条修改为：“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。”

四十、将刑法第二百七十四条修改为：“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。”

四十一、在刑法第二百七十六条后增加一条，作为第二百七十六条之一：“以转移财产、逃匿等方式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仍不支付的，处三年以下有期徒刑或者拘役，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。

“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。

“有前款行为，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。”

四十二、将刑法第二百九十三条修改为：“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：

“（一）随意殴打他人，情节恶劣的；

“（二）追逐、拦截、辱骂、恐吓他人，情节恶劣的；

“（三）强拿硬要或者任意损毁、占用公私财物，情节严重的；

ing trouble in a public place, which causes a serious disorder of the public place.  
er assembles other people to commit the acts as mentioned in the preceding paragraph  
mes, which seriously disrupt the social order, shall be sentenced to imprisonment of not  
in 5 years but not more than 10 years and may be fined in addition.”

cle 294 is amended as: “Whoever organizes or leads an organization of a gangland nature  
e sentenced to imprisonment of not less than 7 years and a forfeiture of property; whoever  
r participates in an organization of a gangland nature shall be sentenced to imprisonment of  
s than 3 years but not more than 7 years and may be sentenced to a fine or forfeiture of  
y in addition; whoever otherwise gets involved in an organization of a gangland nature shall  
enced to imprisonment of not more than 3 years, criminal detention, control or deprivation  
cal rights and may be fined in addition.

ber of an overseas gangland organization who recruits members of the organization within  
itory of the People's Republic of China shall be sentenced to imprisonment of not less than  
but not more than 10 years.

ite functionary who harbors an organization of a gangland nature or connives at such an  
ation's illegal or criminal activities shall be sentenced to imprisonment of not more than 5  
or if the circumstances are serious, be sentenced to imprisonment of not less than 5 years.  
er also commits any other crime while committing a crime as mentioned in the preceding  
aragraphs shall be punished according to the provisions on the joinder of penalties for plural

anization of a gangland nature shall have all of the following characteristics:

latively stable criminal organization is formed with a relatively large number of members,  
re are specific organizers or leaders and basically fixed core members.

conomic interests are gained by organized illegal or criminal activities or other means, and it  
tain financial strength to support its activities.

violence, threat or other means, it commits organized illegal or criminal activities many times  
vil, bully and cruelly injure or kill people.

ominates a certain area by committing illegal or criminal activities or taking advantage of the  
ng or connivance by the state functionaries, forming an illegal control or significant influence  
tain area or sector, which seriously disrupts the economic and social order.”

cle 295 is amended as: “Whoever teaches methods for committing a crime shall be  
ced to imprisonment of not more than 5 years, criminal detention or control; if the  
stances are serious, be sentenced to imprisonment of not less than 5 years but not more  
1 years; or if the circumstances are especially serious, be sentenced to imprisonment of not  
in 10 years or life imprisonment.”

agraph 1 of Article 328 is amended as: “Whoever robs any site of ancient culture or ancient  
r a historical, artistic or scientific value shall be sentenced to imprisonment of not less than 3  
ut not more than 10 years and a fine; if the circumstances are minor, be sentenced to

“（四）在公共场所起哄闹事，造成公共场所秩序  
混乱的。

“纠集他人多次实施前款行为，严重破坏社会秩序  
处五年以上十年以下有期徒刑，可以并处罚金。”

四十三、将刑法第二百九十四条修改为：“  
领导黑社会性质的组织的，处七年以上有期徒刑  
处没收财产；积极参加的，处三年以上七年以下  
徒刑，可以并处罚金或者没收财产；其他参加的  
三年以下有期徒刑、拘役、管制或者剥夺政治权  
可以并处罚金。

“境外的黑社会组织的人员到中华人民共和国境  
组织成员的，处三年以上十年以下有期徒刑。

“国家机关工作人员包庇黑社会性质的组织，或  
黑社会性质的组织进行违法犯罪活动的，处五年  
有期徒刑；情节严重的，处五年以上有期徒刑。

“犯前三款罪又有其他犯罪行为的，依照数罪并  
定处罚。

“黑社会性质的组织应当同时具备以下特征：

“（一）形成较稳定的犯罪组织，人数较多，有明  
组织者、领导者，骨干成员基本固定；

“（二）有组织地通过违法犯罪活动或者其他手段  
经济利益，具有一定的经济实力，以支持该组织  
活动；

“（三）以暴力、威胁或者其他手段，有组织地  
行违法犯罪活动，为非作恶，欺压、残害群众；

“（四）通过实施违法犯罪活动，或者利用国家  
员的包庇或者纵容，称霸一方，在一定区域或者  
内，形成非法控制或者重大影响，严重破坏经济  
会生活秩序。”

四十四、将刑法第二百九十五条修改为：“  
罪方法的，处五年以下有期徒刑、拘役或者管制  
节严重的，处五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。”

四十五、将刑法第三百二十八条第一款修改  
“盗掘具有历史、艺术、科学价值的古文化遗址、  
葬的，处三年以上十年以下有期徒刑，并处罚金

ment of not more than 3 years, criminal detention or control and a fine; or under any of the following circumstances, be sentenced to imprisonment of not less than 10 years or life imprisonment and a fine or forfeiture of property:

(一) 盗掘任何 site of ancient culture or ancient tomb which has been determined as a key cultural relic under the protection of the state or a cultural relic under the protection of a province; (二) 盗掘 a ringleader of a group of robbers of sites of ancient culture and ancient tombs; (三) 盗掘 robbed sites of ancient culture and ancient tombs many times; or (四) 盗掘 a site of ancient culture or ancient tomb of valuable cultural relics or causing severe damage to valuable cultural relics.”

Article 338 is amended as: “Whoever, in violation of the state provisions, discharges, dumps or disposes of any radioactive waste, any waste containing pathogens of any infectious disease, any toxic substance or any other hazardous substance, which has caused serious environmental pollution, shall be sentenced to imprisonment of not more than 3 years or criminal detention and/or fine; or if there are especially serious consequences, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.”

Paragraph 1 of Article 343 is amended as: “Whoever, in violation of the Mineral Resources Law, engages in mining without a mining permit, enters a mining area under state planning, a mining area of great value to the national economy or a mining area of any other person to engage in mining without approval, or engages in mining of a special mineral which is subject to protective management according to the state provisions without approval shall be sentenced to imprisonment of not more than 3 years, criminal detention or control and/or a fine if the circumstances are not serious; or if the circumstances are especially serious, be sentenced to imprisonment of not less than 3 years but not more than 7 years and a fine.”

Paragraph 3 of Article 358 is amended as: “Whoever recruits or transports persons for an enterprise or other of prostitution or otherwise assists in organizing prostitution 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 but not more than 10 years and a fine.”

Article 408 is added after Article 408 as Article 408A: “Where a state functionary with food safety supervision and management functions abuses his powers or neglects his duties, if any food safety accident or other serious consequence is caused, he shall be sentenced to imprisonment of not more than 5 years or criminal detention; or if any especially serious consequence is caused, be sentenced to imprisonment of not less than 5 years but not more than 10 years.”

If the crime as provided for in the preceding paragraph is committed by the state functionary in committing falsehood for personal gains, a heavier penalty shall be imposed on him.”

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：

“（一）盗掘确定为全国重点文物保护单位和省级重点文物保护单位的古文化遗址、古墓葬的；（二）盗掘古文化遗址、古墓葬集团的首要分子；（三）多次盗掘古文化遗址、古墓葬的；（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。”

四十六、将刑法第三百三十八条修改为：“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。”

四十七、将刑法第三百四十三条第一款修改为：“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。”

四十八、将刑法第三百五十八条第三款修改为：“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。”

四十九、在刑法第四百零八条后增加一条，作为第四百零八条之一：“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。“徇私舞弊犯前款罪的，从重处罚。”

s Amendment shall come into force on May 1, 2011.

五十、本修正案自 2011 年 5 月 1 日起施行

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