

PEOPLE'S POLICE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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Chapter I General Provisions

Article 1 The present Law is enacted in accordance with the Constitution for the purpose of safeguarding State security, maintaining public order, protecting the lawful rights and interests of citizens, strengthening the building of the contingent of the people's police, strictly administering the police, enhancing the quality of the people's police, ensuring the people's police's exercise of their functions and powers according to law, and ensuring the smooth progress of reform, opening up and the socialist modernization drive.

Article 2 Tasks of the people's police are to safeguard State security, maintain public order, protect citizens' personal safety and freedom and their legal property, protect public property, and prevent, stop and punish illegal and criminal activities.

The people's police consist of policemen working in public security organs, State security organs, prisons and organs in charge of reeducation through labor, as well as judicial policemen working in the People's Courts and the People's Procuratorates.

Article 3 People's policemen must rely on the support of the masses, keep close ties with them, listen attentively to their comments and suggestions, accept their supervision, safeguard their interests, and serve them whole-heartedly.

Article 4 People's policemen must take the Constitution and laws as the guiding principles for their activities, be devoted to their duties, be honest and upright and highly disciplined, obey orders, and enforce laws strictly.

Article 5 People's policemen, when carrying out their duties according to law, shall be protected by law.

Chapter II Functions and Powers

Article 6 The people's policemen of public security organs shall, in accordance with the division of responsibilities, perform the following duties according to law:

- (1) to prevent, stop and investigate illegal and criminal activities;
- (2) to maintain public order and stop acts that endanger public order;
- (3) to ensure traffic safety, maintain traffic order and deal with traffic accidents;
- (4) to organize and carry out fire prevention and control and supervise routine fire protection;
- (5) to control firearms and ammunition, and keep under surveillance knives, inflammables, explosives, deadly poisons, radioactive materials and other dangerous articles;
- (6) to administer special trades and professions as provided by laws and regulations;
- (7) to serve as bodyguards for persons specially designated by the State and protect important places and installations;
- (8) to keep under control assemblies, processions and demonstrations;
- (9) to administer affairs of household registration, citizens' nationality, and entry into and exit from the territory, and handle matters concerning aliens' residence and travel within the territory of China;
- (10) to maintain public order along the border (frontier) areas;
- (11) to execute criminal punishment with respect to criminals sentenced to public surveillance, criminal detention, or deprived of political rights and criminals serving sentences outside prison, and to exercise supervision over and inspection of criminals who are granted suspension of execution or parole;
- (12) to supervise and administer the work of protecting the computer information system;
- (13) to guide and supervise the work of security in State organs, public organizations, enterprises, institutions, and major construction projects; and guide mass organizations such as public security committees in their work of maintaining public order and preventing crime; and
- (14) other duties as stipulated by laws and regulations.

Article 7 The people's policemen of public security organs may, according to law, impose compulsory administrative measures or administrative punishments against an individual or

organization that violates the laws or regulations on the maintenance of public order or on the administration of public security.

Article 8 If a person seriously endangers public order or constitutes a threat to public security, the people's policemen of public security organs may forcibly take him away from the scene, detain him in accordance with law, or take other measures as provided by law.

Article 9 In order to maintain public order, the people's policemen of public security organs may, upon producing an appropriate certificate, interrogate and inspect the person suspected of having violated law or committed a crime. After interrogation and inspection, the person may be taken to a public security organ for further interrogation upon approval of this public security organ, if he or she is under any of the following circumstances:

- (1) being accused of a criminal offense;
- (2) being suspected of committing an offense on the scene;
- (3) being suspected of committing an offense and being of unknown identity;
- (4) carrying articles that are probably obtained illegally.

The period of time for holding up the interrogated person shall be not more than 24 hours, counting from the moment he or she is taken into the public security organ. In special cases, it may be extended to 48 hours upon approval by the public security organ at or above the county level, and the interrogation record shall be kept on file. If further interrogation of the person is approved, his or her family or the organization in which he or she works shall be notified without delay. If further interrogation of the person is not approved, he or she shall be released immediately.

If, through further interrogation, a public security organ considers it necessary to detain the interrogated person or adopt other compulsory measures against him or her according to law, a decision shall be made within the period of time as provided in the preceding paragraph. If the decision cannot be made within the period of time as provided in the preceding paragraph, the interrogated person shall be released immediately.

Article 10 The people's policemen of public security organs may, in accordance with the relevant regulations of the State, use weapons in case of emergencies such as resisting arrest, rebellion, escaping from prison, grabbing firearms or other acts of violence.

Article 11 In order to stop serious illegal and criminal activities, the people's policemen of public security organs may use police implements in accordance with the relevant regulations of the State.

Article 12 In order to investigate criminal activities, the people's policemen of public security organs may, according to law, execute detention, search, arrest or other compulsory measures.

Article 13 The people's policemen of public security organs may, as required by the urgent need of performing duties, have priority in taking the means of public transport upon producing an appropriate certificate, and have the right of way in case of a traffic block.

As necessitated by investigation of a crime, a public security organ may, when necessary and in accordance with the relevant regulations of the State, have priority in using the means of transport or communications, places or buildings belonging to a State organ, organization, enterprise, institution, or individual, and shall return them to the owner immediately after use and pay an appropriate fee, and shall compensate for the loss, if there is any.

Article 14 The people's policemen of public security organs may take protective measures to restrain a mental patient who seriously endangers public security or other people's personal safety. If it is necessary to send the patient to a designated institution or place for guardianship, the matter shall be reported for approval to the public security organ of a people's government at or above the county level, and his or her guardian shall be notified without delay.

Article 15 The public security organs of the people's governments at or above the county level may, for the purpose of preventing and checking acts that seriously endanger public order, restrict the passage or parking of people or vehicles in certain areas and within certain period of time, and may even exercise traffic control when necessary.

The people's policemen of public security organs may, in accordance with the provisions of the preceding paragraph, take appropriate measures for traffic control.

Article 16 As necessitated by investigation of a crime, public security organs may, in accordance with relevant regulations of the State, take technical reconnaissance measures after strictly following approval formalities.

Article 17 The public security organs of the people's governments at or above the county level may, with the approval of the public security organs at higher levels and the people's governments at the corresponding levels and in light of the specific circumstances, exercise on-the-spot control over emergent events that seriously endanger public order.

The people's policemen of public security organs may, in accordance with the provisions of the preceding paragraph, take necessary measures to disperse the crowds and forcibly take away from the scene or immediately detain the persons who refuse to obey.

Article 18 The people's policemen of State security organs, prisons and organs in charge of reeducation through labor and the judicial policemen of the People's Courts and the People's Procuratorates shall exercise their functions and powers respectively in accordance with the provisions of relevant laws and administrative rules and regulations.

Article 19 People's policemen shall, when in spare time running into emergencies that fall into the scope of their official duties, perform their duties.

Chapter III Obligations and Discipline

Article 20 People's policemen must fulfill the following obligations:

- (1) enforcing law and handling matters impartially;
- (2) playing an exemplary role in observing social ethics;
- (3) being courteous and polite in performing duties; and
- (4) showing respect for the customs and habits of the masses.

Article 21 People's policemen shall immediately come to the rescue when a citizen's safety of the person or property is encroached upon or is in other dangerous situations; they shall, upon request, help citizens in settling their disputes; they shall handle without delay cases reported by citizens.

People's policemen shall take an active part in rescue and relief work as well as in social welfare services.

Article 22 People's policemen may not commit any of the following acts:

(1) to spread statements that damage the prestige of the State; to join illegal organizations; to take part in such activities as assembly, procession and demonstration; and to take part in strikes;

(2) to divulge State secrets or secrets of police work;

(3) to practise fraud, conceal facts of a case, cover up or connive at illegal and criminal activities;

(4) to extort confession by torture or subject criminals to corporal punishment or maltreat them;

(5) to unlawfully deprive other people of, or restrict, their freedom of the person, or illegally search a person, his or her belongings, residence or place.

(6) to extort and racketeer, or to demand or accept bribes;

(7) to beat up another or instigate him to do so;

(8) to illegally impose punishment or collect charges;

(9) to attend dinners or accept presents given by the party concerned or his or her agent;

(10) to engage in profit-making activities or to be employed by any individual or organization;

(11) to neglect his or her duty and fail to perform statutory obligations; or

(12) other acts in violation of law and discipline.

Article 23 People's policemen must be dressed according to relevant regulations, must wear the insignia of the people's police, or hold the certificate of the people's police, maintain serious and neat appearance and bearing and carry themselves with dignity.

Chapter IV Organization and Administration

Article 24 The State, according to the nature, tasks and characteristics of the work of the people's police, prescribes its organizational structure and post order.

Article 25 The people's police shall practise the system of police ranks according to law.

Article 26 To be a people's policeman, one must meet the following requirements:

(1) to be a citizen who has reached the age of 18;

- (2) to endorse the Constitution of the People's Republic of China;
- (3) to have fine political and professional quality and good conduct;
- (4) to be in good health;
- (5) to have an educational background of senior middle school or above;
- (6) to become a people's policeman out of his or her own volition.

A person who is found in either of the following circumstances may not serve as a people's policeman:

- (1) having been subjected to criminal punishment for commission of a crime or;
- (2) having been discharged from public employment.

Article 27 People's policemen must, as prescribed by the State, be recruited according to qualifications from among those who have passed public examination and strict verification.

Article 28 Persons who hold leading posts of the people's police shall meet the following requirements:

- (1) possessing professional knowledge of law;
- (2) being experienced in political and judicial work and having the necessary capability of organization, administration and command;
- (3) having an educational background of 3-year college education or above;
- (4) having been trained in police schools or academies and having passed the examinations.

Article 29 The State promotes education for the people's police, and carries out in a planned way among the people's policemen education and training in political ideology, the legal system, and police work.

Article 30 The State, according to the nature, tasks and characteristics of the work of the people's police, prescribes the term of service for different jobs and the age limits for holding different posts.

Article 31 Individuals or groups of the people's policemen who have achieved outstanding successes or made significant contributions in work shall be awarded. The awards include: Citation for Meritorious Deeds, Merit Citation Class III, Merit Citation Class II, Merit Citation Class I, and a title of honour.

The people's policemen who have received awards may, according to relevant regulations of the State, be promoted ahead of time in police ranks and may also be given material rewards.

Chapter V Guarantee for Performance of Police Duties

Article 32 People's policemen must execute the decisions and orders of their superior authorities.

If a people's policeman believes that a decision or an order is wrong, he may make comments or suggestions in accordance with relevant regulations, but he may not suspend or alter the implementation of the decision or order; if his suggestions are not adopted, he must obey the decision or order; the superior authorities that made the decision or order shall be responsible for the consequences of execution of such a decision or order.

Article 33 A people's policeman shall have the right to refuse to carry out the orders which go beyond the scope of duty of the people's police as provided by laws and regulations and shall, at the same time, report the matter to the organ at higher levels.

Article 34 When people's policemen perform their duties according to law, citizens and organizations shall give them support and assistance. Acts of citizens and organizations to assist people's policemen in performing their duties according to law shall be protected by law. Whoever makes outstanding achievements in assisting people's policemen to perform their duties shall be commended and awarded.

If a citizen or an organization suffers injuries, death or property losses in assisting people's policemen to perform their duties, compensations shall be made or pensions provided in accordance with the relevant regulations of the State.

Article 35 Whoever refuses or obstructs people's policemen's performance of duties according to law by committing any of the following acts shall be punished for violation of administration of public security:

- (1) to openly insult the people's policemen who are performing duties;
- (2) to obstruct people's policemen from investigating a case and obtaining evidence;
- (3) to refuse the people's policemen who are carrying out pursuit and capture, search, rescue or other tasks to enter the relevant residences or places or obstruct them from doing so;
- (4) to put up obstacles deliberately for the police cars that are carrying out urgent tasks such as providing rescue to people, dealing with emergencies, pursuit and capture or guard duty; or
- (5) to commit other acts to refuse or obstruct people's policemen's performance of duties.

Whoever commits any of the above-mentioned acts by resorting to violence or intimidation, if such act constitutes a crime, shall be investigated for criminal responsibility in accordance with law.

Article 36 The police insignia, uniforms and implements of the people's police shall be manufactured under the unified supervision of the department of public security under the State Council, and controlled by the said department jointly with other relevant State organs. No other individual or organization may illegally manufacture or deal in them.

The police insignia, uniforms, implements and certificates are for the exclusive use of the people's police, no other individual or organization may possess or use them.

If a person violates the provisions of the preceding two paragraphs, the police insignia, uniforms, implements and certificates illegally manufactured, dealt in, possessed or used shall be confiscated and the person shall be detained for a maximum of fifteen days or given

a disciplinary warning by a public security organ or may concurrently be given a penalty of not more than five times the illegal gains; if a crime is constituted, the person shall be investigated for criminal responsibility in accordance with law.

Article 37 The State ensures the supply of funds needed by the people's police. The funds shall be incorporated respectively into the central and local financial budgets according to the principle of division of powers.

Article 38 The facilities for telecommunications and training and the construction of infrastructures such as traffic, fire control, police stations as well as prisons and organs in charge of reeducation through labour shall be incorporated into the plans of the people's governments at various levels for capital construction and the overall planning for urban and rural construction.

Article 39 The State strengthens the modernization of the people's police equipment, and strive to popularize and apply the advanced achievements in science and technology.

Article 40 The people's police shall practise the wage system of the State public servants, enjoy the police-rank allowances and other allowances and subsidies, as well as the insurance and welfare benefits as prescribed by the State.

Article 41 A people's policeman who is disabled while on duty shall enjoy the same pension and preferential treatment of the State as that of a serviceman who is disabled while on duty.

If a people's policeman dies at his post or dies of an illness, his family members shall enjoy the same pension and preferential treatment of the State as that of a serviceman who dies at his post or dies of an illness.

Chapter VI Supervision over Law Enforcement

Article 42 The people's policemen in performing their duties shall accept supervision by the People's Procuratorates and administrative supervisory organs in accordance with law.

Article 43 The people's police organs at higher levels shall exercise supervision over law enforcement by the police organs at lower levels, and, if the former discovers that the dispositions or decisions made by the latter are wrong, the former shall annul or alter them.

Article 44 The people's policemen in performing duties must conscientiously subject themselves to the supervision of the society and citizens. The rules and regulations formulated by the people's police organs that have a direct bearing on the interests of the public shall be made known to the public.

Article 45 In handling cases of public security, a people's policeman shall withdraw if he is found in any of the following circumstances. The parties concerned and their statutory agents shall also have the right to demand his withdrawal.

- (1) being a party or a close relative of a party in the case;
- (2) he himself or his close relatives have an interest in the case;
- (3) having other relationship with a party in the case, which may affect the impartial settlement of the case.

The withdrawal as stipulated in the preceding paragraph shall be decided by the public security organs concerned.

The withdrawal of a people's policeman in handling a criminal case shall be governed by the Criminal Procedure Law.

Article 46 A citizen or an organization shall have the right to make exposure of or accusation against a people's policeman's violation of law or discipline to a people's police organ, a People's Procuratorate or an administrative supervisory organ. The organ that accepts the exposure or accusation shall investigate and deal with the case without delay and notify the person or organization that made the exposure or accusation of the conclusion of the case.

No person may suppress or retaliate against the citizen or organization that makes an exposure or accusation according to law.

Article 47 Public security organs shall establish a supervisory system to supervise the enforcement of laws and regulations and observance of discipline by the people's policemen of public security organs.

Chapter VII Legal Responsibility

Article 48 A people's policeman who commits any of the acts specified in Article 22 of this Law shall be given an administrative sanction; if a crime is constituted, he shall be investigated for criminal responsibility according to law.

The administrative sanctions include: a disciplinary warning; a demerit recorded, a grave demerit recorded, demotion, dismissal from the post and discharge from public employment. The people's policeman who has been given an administrative sanction may be demoted to a lower police rank or deprived of his police rank in accordance with the relevant regulations of the State.

With respect to a people's policeman who violates discipline, when necessary, measures of suspending his performance of duties or placing him in confinement may be taken.

Article 49 If a people's policeman who, in violation of the regulations, uses a weapon or police implements, thus constituting a crime, he shall be investigated for criminal responsibility according to law; if the case does not constitute a crime, he shall be given an administrative sanction in accordance with the law.

Article 50 If a people's policeman in performing duties infringes upon the lawful rights and interests of a citizen or an organization, thus causing damage thereto, he shall pay damages in accordance with the Law of the People's Republic of China on State Compensation and the provisions of other relevant laws and regulations.

Chapter VIII Supplementary Provisions

Article 51 The Chinese People's Armed Police Forces shall carry out the public security tasks given by the State.

Article 52 This Law shall go into effect as of the date of promulgation. The Regulations of the People's Republic of China on the People's Police promulgated on June 25, 1957 shall be annulled at the same time.