

**Title**            **Criminal Code of the Republic of China**

**Amended Date** 2016.11.30

Part 1 General Provisions

Chapter 1 Application of the Code

Article 1        A conduct is punishable only when expressly so provided by the law at the time of its commission. This also applies to a rehabilitative measure which puts restrictions on personal freedom.

Article 2        When the law is amended after the commission of an offense, the law in force of its commission shall apply; provided that when the amended law is favorable to the offender, the most favorable law shall apply.

For punishment made as a rehabilitative measure that does not involve confiscation or restrictions on personal freedom, the law in force at the time of judgment shall apply.

When a judgment has been finalized with a punishment or a rehabilitative measure but not yet executed or before the end of execution, and the law is amended

to a state with no punishment or rehabilitative measure for the offense, the punishment or the rehabilitative measure shall be remitted.

Article 3 This Code shall apply to an offense committed within the territory of the Republic of China. An offense committed on board a vessel or aircraft of the Republic of China outside the territory of the Republic of China shall be considered an offense committed within the territory of the Republic of China.

Article 4 Where either the conduct or the result of an offense takes place within the territory of the Republic of China, the offense shall be considered as committed within the territory of the Republic of China.

Article 5 This Code shall apply to any of the following offenses outside the territories of the Republic of China:

1. The offense of sedition specified in Article 100.

2. The offense of treason specified in Article 103.
3. The offense of obstructing governmental operation specified in Article 135, 136 or 138.
4. The offenses against public safety specified in Article 185-1 or 185-2.
5. The offenses of counterfeiting currency specified in Article 195 to 199.
6. The offenses of counterfeiting securities specified in Articles 201 to 202.
7. The offenses of forgery specified in Articles 211, 214, 218 or 216, in which only includes using forged official documents as specified in Articles 211, 213 and 214.
8. The drug offenses specified in Chapter 20, except for the offenses of drug abuse or possession of drugs, seeds or application tools or drug.
9. The offenses against personal freedom specified in Articles 296 and 296-1.
10. The offenses of piracy

specified in Articles 333 and 334.

11. The offenses of aggravated fraud specified in Articles 339-4.

Article 6 This Code shall apply to any of the following offenses committed by a public official of the Republic of China outside the territory of the Republic of China :

1.The offenses of malfeasance specified in Articles 121 to 123, 125, 126, 129, 131, 132, or 134.

2.The offense of facilitating escape specified in Article 163.

3.The offenses of forgery specified in Article 213.

4.The offenses of embezzlement specified in Article 336,paragraph 1.

Article 7 This Code shall apply where any national of Republic of China commits an offense which is not specified in one of the two preceding articles but is punishable for not less than 3 years of imprisonment outside the territory of the Republic of China; unless the offense is not punishable by the law of the place

where the offense is committed.

Article 8 The provisions of the preceding article shall apply *mutatis mutandis* to an alien who commits an offense outside the territory of the Republic of China against a national of the Republic of China.

Article 9 An offense is punishable under this Code despite that a finalized judgment has been rendered by a foreign tribunal ; where the punishment has been entirely or partly executed in the foreign country, the execution of the punishment in the Republic of China may be entirely or partly remitted.

Article 10 The term “not less than,” “not more than,” or “within” includes the given figure.  
The term “public official” means the following persons :  
1. Those who empowered with legal function and power serve an organization of the state or a local autonomous body; and engaged in public affairs in

accordance with law.

2.Those who, entrusted by an organ of the state or a local autonomous body, are engaged in the public affairs within the authority of the entrusting organization.

The term “official document” means a document made by a public official in the course of his duty.

The term “serious physical injury” means one of the following listed injuries:

1.Destruction of or seriously damage to the sight of one or both eyes

2.Destruction of or serious damage to the hearing of one or both ears

3.Destruction of or serious damage to the function of speech, taste, or smell

4.Destruction of or serious damage to the function of one or more limbs

5.Destruction of or serious damage to the power of reproduction

6.Other serious injury to body or

to health that is either impossible or difficult to cure (is either not or unlikely curable)

The term sexual intercourse means the following listed sexual acts that are not based on rightful purposes:

1. Insertion of a reproduction organ into the reproduction organ, anus or mouth of another person or an act that makes them connect

2. Insertion of a body part or object other than the reproduction organ into the reproduction organ or anus of another person or an act to make them connect

The term electromagnetic recording means records for computer process made through the use of electronic, magnetic, optical or other similar means.

Article 11 The General Provisions of this Code shall also apply to other laws and to rehabilitative measures that provide criminal punishment and confiscation

unless the punishment is otherwise prescribed in these laws and measures.

## Chapter 2 Criminal Responsibility

Article 12 A conduct is not punishable unless committed intentionally or negligently.

A negligent conduct is punishable only if specifically so provided.

Article 13 A conduct is committed intentionally if the actor knowingly and intentionally causes the accomplishment of the elements of an offense.

A conduct is considered an intentional commission of an offense if the actor is aware that the act will accomplish the elements of the offense and if such accomplishment is not against his will.

Article 14 A conduct is committed negligently if the actor fails, although not intentionally, to exercise his duty of care that he should and could have exercised in the circumstances.

A conduct is considered to have



been committed negligently if the actor is aware that his conduct would, but firmly believes it will not, accomplish the element of an offense.

Article 15 A person who has a legal obligation and is able to prevent the results of the occurrence of an offense but has failed to do so shall be equal to have caused the occurrence of the result by his positive act.

If a conduct of a person causes the danger of producing the result of an offense, the person has a legal obligation to prevent the occurrence of the result.

Article 16 Criminal responsibility shall not be excused simply because of ignorance of the law unless there are rightful reasons for being unable to avoid the offense, but the punishment may be reduced according to circumstances.

Article 17 Increased punishment prescribed for a certain specified aggravated result of an offense shall not apply if the actor

cannot be aware of the aggravated result of the offense.

Article 18 An offense committed by a person who is under fourteen years of age is not punishable.

Punishment may be reduced for an offense committed by a person more than the age of fourteen but under the age of eighteen

Punishment may be reduced for an offense committed by a person who was over the age of eighty.

Article 19 An offense is not punishable if it is committed by a person who is mentally disorder or defects and, as a result, is unable or less able to judge his act or lack the ability to act according to his judgment.

The punishment may be reduced for an offense committed for the reasons mentioned in the preceding paragraph or as a result of obvious reduction in the ability of judgment.

Provisions prescribed in the two preceding paragraphs shall not apply to a person who intentionally brings the

handicaps or defects.

Article 20 Punishment may be reduced for an conduct committed by a person who is deaf and dumb.

Article 21 A conduct performed in accordance with law or order is not punishable.

A conduct performed by a public official in line of his duties or on orders of his superior is not punishable unless the official knows that such orders are against the law.

Article 22 A proper conduct performed in the course of due business is not punishable.

Article 23 A conduct performed by a person in defense of his own rights or the rights of another against immediate unlawful aggression thereof is not punishable. If the force of defense is excessive, punishment may be reduced or remitted.

Article 24 A conduct performed by a person to avert imminent danger, otherwise unavoidable to the life, body, freedom, or property of himself or

of another is not punishable. If the measure of averting danger is excessive, punishment may be reduced or remitted.

The provisions of the preceding paragraph relating to averting danger to him do not apply to a person acting under an obligation resulting from his official or business duties.

### Chapter 3 Attempt

Article 25 An attempt is a conduct performed in the commission of an offense that is not accomplished.

An attempt is punishable only if specifically so provided and the punishment may be reduced from that for an accomplished offense.

Article 26 A conduct that is impossible to accomplish the intended offense and is not dangerous is not punishable.

Article 27 If a conduct is performed in the commission of an offense and the actor voluntarily renounces the act or prevents it from producing its result, the punishment shall be reduced or remitted. This

provision shall also apply to a case when the result does not occur but not due to the act of prevention by the actor so long as the actor has done his utmost to prevent it.

The provisions of the preceding paragraph applies to one or multiple joint offenders who voluntarily prevent the occurrence of the result, or who have done their utmost to prevent it but the non-occurrence of the result is not due to the act of prevention.

#### Chapter 4 Principal Offenders and Joint Offenders

Article 28 Each of the two or more persons acting jointly in the commission of an offense is a principal offender.

Article 29 A person who solicits another to have committed an offense is a solicitor.

A solicitor shall be punished according to the punishment prescribed for the solicited offense.

Article 30 A person who aids another in the

commission of a crime is an accessory notwithstanding that the person aided does not know of the assistance.

The punishment prescribed for an accessory may be reduced from that prescribed for the principal offender.

Article 31 A person, who joins, solicits or aids another in an offense established on the basis of personal or other special relationship shall be considered a principal offender or solicitor or accessory but the punishment may be reduced.

If the punishment is to be increased, reduced, or remitted because of personal special relationship, an offender who has no such special relationship shall be given the normally prescribed punishment.

#### Chapter 5 Punishment

Article 32 Punishments are divided into principal and accessory punishments.

Article 33 Principal punishments are of the

following kinds:

1. Death (penalty)

2. Life imprisonment

3. Imprisonment of more than two months and less than fifteen years. If punishment is reduced or increased, such period may be reduced to less than two months or increased to twenty years.

4. Short-term imprisonment of more than one day but less than 60 days. If the punishment is increased, the period may be increased to one hundred and twenty days.

5. Fine of more than one thousand NTD counted by the hundred yuan.

Article 34 (Deleted)

Article 35 The degree of severity of the kinds of principal punishment shall be prescribed according to the provisions of Article 33. Among the punishments of the same kind, the maximum period or the highest amount shall be considered as the most severe. If the maximum periods or amounts are same, the second kind of punishment shall be considered,

in which the minimum period or amount shall be the most severe. If the principal punishment is used as the standard of severity, the provisions of the two previous paragraphs shall be followed. If the principal punishments are same, the standard of severity shall be determined by taking into consideration of the following items:

1. In case of the co-existence of selective and non-selective principal punishments, the non-selective principal punishment shall be considered to be severe.

2. In case of co-existence of punishment of imprisonment in addition thereto a fine and punishment of imprisonment without the addition thereto a fine, the former is considered to be severe.

3. In case that both principal punishments have selective choices or are non-selective, the secondary highest punishment shall be used for determination in



accordance with the provisions of  
the two previous paragraphs

Article 36 Ancillary punishment refers to  
the deprivation of citizen' s  
rights.  
Deprivation of citizen' s rights  
means deprivation of the  
following qualifications:  
1. Qualifications for being a  
public official  
2. Qualification for becoming a  
candidate for public office

Article 37 A sentence of death or life  
imprisonment shall include  
deprivation of citizen' s rights  
for life.  
A sentence to imprisonment for not  
less than one year shall include  
deprivation of citizen' s rights  
for not less than one year but not  
more than ten years if the nature  
of offense makes it necessary to  
deprive the offender of his  
citizen' s rights.  
Deprivation of citizen' s rights  
shall be pronounced at the time of  
judgment.  
Deprivation of citizen' s rights  
shall become effective from the

time of final judgment.

The period of deprivation of citizen' s right pursuant to paragraph 2 of this article shall be calculated from the day of the completion of the execution or the remission of the principal punishment.If a probation is pronounced at the same time, the period shall be calculated from the day of final judgment.

Article 37-1 The period of ancillary punishment starts from the date judgment is finalized. Although the judgment is finalized, the number of days of detention not yet served shall not be included in the period of ancillary punishment.

Article 37-2 Each day an offender is detained prior to the judgment shall be counted as a day of serving imprisonment or short-term imprisonment, or a converted fine determined according to paragraph 6 of Article 42.

Where the days of detention cannot be deducted according to the preceding paragraph, each

detained day may be counted as a day of restriction on personal freedom if he is sentenced to a rehabilitative measure.

#### Chapter 5-1 Confiscation

Article 38 Contraband shall be confiscated, whether it belongs to the offender or not.

A thing used in the commission of or preparation for the commission of an offense or a thing derived from or acquired through the commission of an offense may be confiscated only if it belongs to the offender. If there are special provisions, these special provisions shall be followed.

If a thing specified in the preceding paragraph is provided or obtained by natural persons, legal persons or an unincorporated body other than the offender without proper reasons, it may be confiscated. If there are special provisions, these special provisions shall be followed.

If the whole or a part of a thing specified in the preceding two

paragraphs cannot or shall not be confiscated, the value thereof shall be collected from the offender.(hereinafter referred as “compulsory collection” )

Article 38-1 Proceeds of the crime that belong to the offender shall be confiscated.If there are special provisions, these special provisions shall be followed. Proceeds of the crime obtained by natural persons, legal persons or an unincorporated body other than the offender under one of the following conditions shall be confiscated:

- 1.Knowingly obtain the illegal proceeds from the offender.
- 2.Obtain the illegal proceeds from the offender for free or at a cost that is considerably not reciprocal.
- 3.The party is benefited from illegal act committed by the offender for the said party.

If the entire or partial confiscation mentioned in the preceding two subparagraphs as above was failed or not

appropriate, the value thereof shall be collected from the offender.

The proceeds of crime specified in paragraph 1 and 2 means any property derived from or obtained directly or indirectly, through the commission of an offence..

The proceeds of crime having been legally returned to the victim shall not be confiscated or collected.

Article 38-2 The scope and value of the proceeds of crime specified in the Article 38-1 may be based on an estimation if the valuation is deemed difficult. This also applies to the compulsory collection specified in Article 38.

If the confiscation or compulsory collection specified in the preceding two paragraphs is too harsh, lacks significance to the purport of the criminal code, or whereas the proceeds of crime is little, or is necessary for maintaining the living conditions

of the offender, it may not be pronounced or may be reduced.

Article 38-3 The ownership or other rights of the thing specified in Article 38 and the proceeds of crime specified in Article 38-1 shall be transferred to the government when the judgment on confiscation is finalized.

The third party's ownership of the thing or the proceeds or a claim of an obligation acquired by a crime specified in the preceding paragraph shall remain unchanged. Before the judgment on confiscation specified in the first paragraph is finalized, the transfer of the thing or the proceeds shall be prevented.

Article 39 (Deleted)

Article 40 Confiscation shall be pronounced at the time of the judgment unless there are special provisions. Confiscation of contraband or a thing which may be confiscated independently may be pronounced separately.

If the offender is not prosecuted

or convicted due to facts or legal reasons, the thing specified in paragraphs 2 and 3 of Article 38 and the proceeds of crime specified in items 1 and 2 of Article 38-1 which may be confiscated independently may be pronounced separately.

Article 40-1 (Deleted)

Article 40-2 When multiple confiscations have been pronounced, all of such confiscation judgments shall be executed.

Confiscation exceeding the statute of limitations specified in Article 80 shall not be executed, except for contraband or unless otherwise specified. This also applies to subjects of confiscation outside the territory of the Republic of China and 5 years after the statute of limitations specified in the preceding paragraph has expired. If confiscation has not been executed or punctually executed over 10 years upon the date judgment is finalized, it shall

not be executed.

## Chapter 5-2 Replacement of penalty

Article 41 In an offense that carries a maximum principal punishment of not more than five years' imprisonment, if the offender is sentenced to imprisonment for not more than six months or short-term imprisonment, the punishment may be commuted to a fine at a daily rate of NTD one thousand, two thousand or three thousand. This provision does not apply to the cases in which the commutation of the pronounced punishment as imposed is manifestly of little corrective effect, or the legal order cannot be maintained. If the afore-mentioned commuted fine is not applied, the punishment may be commuted to community service at a rate of a daily rate of six hours. If an offender is pronounced to be imprisoned for less than six months and paragraph 1 is not applicable, the offender may be sentenced to community service according to the proceeding



paragraph.

The previous two paragraphs do not apply to case in which execution is of the punishment is manifestly difficult because of health ,or execution of the punishment as imposed is manifestly difficult, little corrective effect can be expected, or the legal order cannot be maintained.

The periods of community service specified in paragraph 2 and 3 shall not exceed a year.

If community service is not executed without reason or is not completely execute within the period, in case to which paragraph applied the pronounced imprisonment or commuted fine shall be executed, in case to which paragraph 3 applied, the pronounced imprisonment shall be executed.

Paid fine or executed hours of community service shall be concerted to days at the rate fixed in the judgment and a fractional part of a day shall be concerted to a day.

In combining punishment for several offenses which is commuted to fines or community service and the punishment to be executed exceeds six months, the preceding paragraph 1 to 4 and 7 shall apply.

In combining punishment for several offenses which is commuted to community service, the periods of execution shall not exceed three years. In case in which the punishment to be executed less than six months the periods of community service shall not exceed one year.

In case in which combined punishment for several offenses is commuted to community service and under the circumstances prescribed in paragraph 6, the punishment to be executed can be commuted to fines when several offenses has been pronounced to be commuted to fines.

Article 42 A fine must be paid in full within two months after judgment has been finalized. If full payment is not made within the two-month period,

a compulsory execution shall be ordered. If the offender cannot afford the payment, the fine shall be commuted to labor service. If his economic or credit condition does not allow him to pay within the prescribed two months, he may be allowed to pay by installments within a year after the expiration of the prescribed period. When one installment is delayed or not paid in full, the convicted may be forced to pay the rest amount of the fine. In this case, the fine may be commuted to labor service. If the afore-mentioned compulsory execution is taken in accordance with the provisions of the preceding paragraph and it is found that the convicted has no property for execution, the fine may directly be commuted to labor service.

The commutation of a fine to labor service shall be calculated at the rate of NTD one thousand, two thousand or three thousand a day but the period of labor service shall not exceed a year.

If the conversion rates for commuting a fine to labor service calculated according to subparagraph 7 of Article 51 are different, the rate for the longest period of labor service shall apply.

If the total amount of a fine calculated by the day exceeds the number of days of a year, the ratio of the total amount to the days of a year shall be used in the calculation and the time limit provided for in the preceding paragraph shall also apply.

The judgment on the fine shall include the conversion rate pursuant to the provisions of the three previous paragraphs.

A fractional part of a day resulting from the commutation of a fine to labor service shall not be considered.

If a payment is made during the period of labor service commuted from a fine, the amount paid shall be converted to days at the rate fixed in the judgment and these days shall be deducted from the

period of labor service  
accordingly.

Article 42-1 Commuting fine to labor may be commuted to social work at the rate of six -hours social work for a day, except one of the following circumstances :

- 1.The period of commuting fines to labor is more than one year.
- 2.The punishment to be executed is an imprisonment for more than six months with fines.
- 3.The execution of social work is manifestly difficult because of health reasons.

The periods of social work specified in the preceding paragraph should not exceed two years.

If social work is not executed without reasons or is not completely executed within the period, commuted labor shall be executed.

The executed hours of social work shall be concerted to days of commuted labor and a fractional part of a day shall be concerted to a day.

Paying fine during the periods of social work shall be concerted to days at the rate fixed in the judgment and shall be deducted from the social work accordingly. Paying fine during the periods specified in paragraph 3 shall be concerted to days at the rate fixed in the judgment and shall be deducted from the commuted labor and social work.

Article 43 A sentence to short-term imprisonment or a fine may be commuted to a reprimand when the motive for committing the offense is clearly excusable from the standpoint of public welfare or justice.

Article 44 When the execution of a punishment commuted to a fine, community service, labor service, or reprimand is completed, the punishment pronounced in the sentence is deemed to have been executed.

Article 45 (Deleted)

Article 46 (Deleted)

Chapter 6 Recidivism

Article 47      A person, who intentionally commits an offense with a minimum punishment of imprisonment within five years after having served a sentence of imprisonment or having been pardoned after serving part of the sentence, is a recidivist. The principal punishment for a recidivist shall be increased up to one half.

A person, who has fully served a forced labor or been remitted after serving part of the labor pursuant to paragraph 2 of Article 98 regarding imprisonment remission for the labor, shall be deemed as a recidivist if he, within five years after having served the labor, intentionally commits an offense with a minimum punishment of imprisonment.

Article 48      After the judgment has been finalized and an offender is found to be a recidivist, his punishment shall be increased in accordance with the provisions of the preceding article unless the fact is revealed after his sentence is fully served or his punishment is

pardoned.

Article 49 Provisions relating to recidivism shall not apply if the prior offense is decided by a foreign tribunal.

#### Chapter 7 Combined Punishment for Several Offenses

Article 50 Punishments for several offenses committed before judgment is finalized shall be combined. This provision does not apply to one of the following circumstances :

1. the punishment which may be commuted to a fine and the punishment which may not be commuted to a fine.
2. the punishment which may be commuted to a fine and the punishment which may not community service
3. the punishment which may community service and the punishment which may not be commuted to a fine.
4. the punishment which may community service and the punishment which may not community service



In the preceding section exists, if the sentenced request the prosecutor to apply to ascertain the sentence execution pursuant, pursuant to Article 51.

Article 51 In combining punishments for multiple offenses, the punishment for each offense shall be pronounced separately and executed in accordance with the following provisions:

1. When multiple death sentences have been pronounced, only one death sentence shall be executed.
2. When the most severe sentence pronounced is the death sentence, no other punishment except fines and ancillary punishments shall be executed.
3. When multiple sentences of life imprisonment have been pronounced, only one life imprisonment sentence shall be executed.
4. When the most severe sentence pronounced is life imprisonment, no other punishment except fines and ancillary punishments shall be executed.

5. When multiple sentences of imprisonment have been pronounced, the period of punishment shall be fixed at not less than the longest period of these punishments and not more than the sum of the periods of these punishments, but shall not exceed thirty years.

6. When multiple sentences of short-term imprisonment have been pronounced, the period of punishment to be executed shall be fixed in accordance with the preceding subparagraph but shall not exceed one hundred and twenty days.

7. When multiple fines have been pronounced, the amount of the fine to be paid shall be fixed at not less than the largest of these fines and not more than the sum of these fines.

8. When multiple deprivations of citizen's rights for a definite period have been pronounced, only the longest one shall be executed.

9. All the punishments fixed in accordance with subparagraphs 5

through 8 shall be executed together; provided the punishments to be executed are imprisonment for not less than three years and a short-term imprisonment, the short-term imprisonment shall not be executed.

Article 52 After the judgment of combined punishments for several offenses has been finalized, a separate decision shall be made for an offense committed before but discovered after the judgment

Article 53 When there exists two or more judgments, the punishments shall be fixed in accordance with the provisions of Article 51 on combining punishments for several offenses.

Article 54 After a judgment of combined punishments has been finalized, if any of these offenses is pardoned, the punishment for the remaining offenses shall be fixed in accordance with the provision of Article 51. When only one offense remains not pardoned, the

punishment shall be executed as pronounced.

Article 55 Where an act constitutes several offenses, only the most severe punishment shall be imposed. The punishment so imposed shall be not less than the minimum principal punishment for the least severe offense.

Article 56 (Deleted)

#### Chapter 8 Sentencing

Article 57 Sentencing shall base on the liability of the offender and take into account all the circumstances, and special attention shall be given to the following items:

1. The motive and purpose of the offense.
2. The stimulation perceived at the moment of committing the offense.
3. The means used for the commission of the offense.
4. The offender's living condition.
5. The disposition of the offender.

6.The education and intelligence of the offender.

7.Relationship between the offender and the victim.

8.The seriousness of the offender' s obligation violation.

9.The danger or damage caused by the offense.

10.The offender' s attitude after committing the offense.

Article 58 When imposing a fine, the financial ability of the offender and the proceeds of the crime shall be considered in addition to the provisions of the preceding article.Where the proceeds exceed the maximum fine, the fine may be increased at discretion within the limit of the proceeds.

Article 59 A punishment may be reduced at discretion if the circumstances of the commission of the offense are so pitiable that even the minimum punishment is considered too severe.

Article 60 Mitigation of punishment may be made at discretion in accordance

with the provisions of the preceding article notwithstanding that an increase or decrease of punishment has been made by law.

Article 61 When one of the following offenses is slight or committed under pitiable circumstances, the punishment may be remitted if the punishment mitigated in accordance with the provisions of Article 59 is still considered to be too severe:

1. the offenses for which the maximum principal punishment is an imprisonment of not more than three years, or a short-term imprisonment, or a fine; except those offenses specified in paragraph 1 of Article 132, Article 143, Article 145, Article 186, paragraph 3 of Article 272, or paragraph 1 of Article 276.

2. the offenses of larceny as specified in Article 320 or 321.

3. the offenses of embezzlement as specified in Article 335 or paragraph 2 of Article 336.

4. the offenses of fraud as

specified in Article 339 or 341.

5.the offenses of breach of trust as specified in Article 242.

6.the offenses of extortion as specified in Article 346.

7.the offenses of receiving stolen property as specified in paragraph 2 of Article 349.

Article 62 If a person voluntarily turns himself in for an offense not yet discovered, the punishment may be reduced provided that there are special provisions.In such a case, these special provisions shall apply.

Article 63 A death penalty or life imprisonment shall not be imposed on an offender who is under the age of eighteen or over the age of eighty.If the punishment prescribed for the offense is death or imprisonment for life, the punishment shall be reduced.

Article 64 A death penalty shall not be increased.  
If a death penalty is reduced, the punishment shall be life imprisonment.

- Article 65 A punishment of life imprisonment shall not be increased.  
If a punishment of life imprisonment is reduced, the punishment shall be imprisonment for a period of not more than twenty years but not less than fifteen years.
- Article 66 If a punishment of imprisonment, short-term imprisonment, or a fine is reduced, the punishment shall be reduced by an amount up to one half. If there is also a provision for remission of the punishment, the punishment may be reduced by an amount up to two-thirds.
- Article 67 Increase or reduction of a punishment of imprisonment or a fine shall apply to both the prescribed maximum and minimum.
- Article 68 Increase or reduction of a punishment of short-term imprisonment shall apply only to the prescribed maximum.
- Article 69 Increase or reduction of two or more principal punishments shall apply to each of the punishment.



- Article 70 Increase or reduction of two or more punishments shall be done progressively.
- Article 71 If a punishment is to be both increased and reduced, the increase shall precede the reduction.  
If there are two or more reductions, reduction in the lesser degree shall precede reduction in the greater degree.
- Article 72 A fractional part of a day or one New Taiwan dollar resulting from an increase or a reduction in punishment shall not be considered.
- Article 73 The provisions concerning the reduction of punishments shall apply *mutatis mutandis* to discretionary reduction of punishments.

#### Chapter 9 Probation

- Article 74 A punishment of imprisonment for not more than two years, short-term imprisonment, or a fine may be suspended for not less than two years but not more than five years of probation from the

day the judgment becomes final if either of the following circumstances exists and probation is considered appropriate:

1. There has been no previous sentence to imprisonment or a more severe punishment pronounced for an intentional offense.

2. There has been no sentence to imprisonment or a more severe punishment for an intentional offense pronounced within five years after completing execution or remission of a previous sentence to imprisonment or a more severe punishment for an intentional offense.

The judge who pronounces the probation may consider the circumstances to order the offender to do the following things:

1. Making an apology to the victim;

2. Writing a statement of repentance;

3. Paying an appropriate amount of compensation to the victim for his property or non-property losses;

4. Disbursing a certain amount to Public Treasury;

5. Doing community service of no less than forty hours and not more than two hundred and forty hours for a designated government department, government institution, legal entity, public welfare organization or group;

6. Carrying out addiction treatment, mental treatment, psychological counseling or other appropriate treatment programs;

7. Granting protective order to the victim;

8. Granting injunction order to prevent repetition of crime.

The situation set forth in the preceding paragraph shall be specified in the written judgment.

Items 3 and 4 of paragraph 2 may be carried out as a compulsory execution.

There is no probation for pronouncement of ancillary punishment, rehabilitative measure, and confiscation.

Article 75 Probation shall be revoked in

either of the following  
circumstances:

1. During the period of probation,  
the offender has intentionally  
committed another crime for which  
he has received a definitive  
sentence to imprisonment more  
than six months.

2. Before the probation, the  
offender has intentionally  
committed to another crime and has  
received a definitive sentence to  
imprisonment more than six  
months.

A motion for revoking the ruling  
of the preceding paragraph shall  
be filed within six months after  
the judgment has become  
finalized.

Article 75-1 After probation is pronounced, it  
may be revoked if there is a need  
to execute the punishment, when  
any of the following  
circumstances appears to prove  
that the pronouncement cannot  
have the expected effect:

1. Before the probation, the  
offender has intentionally  
committed another crime, of which

he has received a definitive sentence to imprisonment more than six months, short-term imprisonment or a fine has become final during the probation period.

2. During the period probation, the offender has intentionally committed another crime, of which he has received a definitive sentence to imprisonment more than six months, short-term imprisonment or a fine has become final during the probation period.

3. During the period of probation, the offender has committed more crime because of negligence and the pronouncement of punishment in the form of imprisonment has become final.

4. The offender has violated the obligations provided for in items 1 through 8 of paragraph 2 of Article 74 and the circumstances are considered serious.

The provisions of paragraph 2 of the previous article shall also apply to the circumstances of item

1 through item 3.

Article 76 If probation has not been revoked, the sentence shall forfeit its validity after the expiration of the period of probation, but this provision shall not apply to revocation of probation made under paragraph 2 of Article 75 and paragraph 2 of Article 75-1.

#### Chapter 10 Parole

Article 77 If there is evidence of repentance during the execution of imprisonment, a parole may be granted upon application by the prison authority to the Ministry of Justice after twenty-five years of a sentence to life imprisonment or after one half of a sentence to imprisonment or after two-thirds of the imprisonment of for an recidivist has been served.

The provisions of the preceding paragraph shall not apply to the following circumstances:

1. The execution of a sentence to imprisonment has not been reached six months.

2.The recidivist of an offense that carries a principal punishment of minimal five-year imprisonment intentionally commits in five years after completing the execution of the punishment or after being pardoned after the execution of part of the punishment an offense that carries a minimum principal punishment of not less than five years.

3.The offender of the crime listed in Article 91-1 who, after being counseled or treated during the execution of the punishment, is founded through appraisal or evaluation as having not remarkably reduced the danger of repeating the offense.

The number of days of detention exceeds one year before the sentence to life imprisonment becomes definitive shall be taken into account in item 1.

Article 78 During the period of parole, if the offender has committed another offense that carries an imprisonment or a more severe

punishment, the parole shall be revoked within six months after the judgment is announced. However, this shall not apply to an offense committed three years after completing the parole period.

The number of days spent out of prison after the revocation of a parole shall not be calculated as part of the period of the punishment of imprisonment.

Article 79 If a parole has not been revoked after twenty years of parole for the offenders of life imprisonment or during the remaining portion of sentence for the offenders of imprisonment, the unexecuted portion of the sentence shall be considered to have been executed. This shall not apply to a parole revoked in accordance to paragraph 1 of Article 78.

The period served in execution of a punishment, detention, or other restriction on freedom for another crime during the period of parole shall not be included in



the calculation of the period of punishment. However, this shall not apply to the period of restriction on freedom made according to law before the final judgment of non-prosecution or acquittal is announced.

Article 79-1 In case of the execution of two or more imprisonment punishments, the minimum periods of execution provided for in Article 77 shall be combined in calculation. If the combined execution is life imprisonment, provisions for the parole of life imprisonment shall apply. A parole may also be granted if the combined imprisonment exceeds forty years and the execution has been continually served more than twenty years. However, this shall not apply to a case prescribed in item 2 of paragraph 2 of Article 77. A parole made in accordance with paragraph 1 of calculation of combined execution of punishment shall include the period provided for in paragraph 1 of the preceding article.

If the combined period exceeds twenty years, the provisions of paragraph 1 of the preceding article for parole of the punishment of life-imprisonment shall apply to it mutatis mutandis.

In the execution of the remaining portion of a prison sentence after the revocation of parole, execution of punishment for another offense shall start after the life imprisonment has been executed for twenty-five years and a imprisonment has been executed in full, and to this case the provisions for combined calculation of the period of execution provided for in paragraph 1 shall not apply.

## Chapter 11 Statute of Limitations

Article 80 Prosecution is barred by limitation if not exercised within the following periods:  
1. Thirty years for an offense that carries the maximum principal punishment of death or imprisonment for life or for not less than ten years.

2. Twenty years for an offense that carries the maximum principal punishment of imprisonment for not less than three years and the maximum punishment for less than ten years.

3. Ten years for an offense that carries the maximum principal punishment of imprisonment for not less than one year but not more than three years.

4. Five years for an offense that carries the maximum principal punishment of imprisonment for less than a year, short-term imprisonment, or a fine.

These periods specified in the preceding paragraph shall commence from the day on which the offense is committed; provided that the offense is of a continuing nature, when the period shall commence from the last day on which the offense is completed.

Article 81 (Deleted)

Article 82 The period of limitation of prosecution shall be determined by the principal punishment

notwithstanding that such punishment shall be increased or reduced by law.

Article 83 The period of limitation of prosecution shall be terminated with the initiation of prosecution. This shall also apply to the suspension of investigation by law or to a case that the offender has escaped and has been put on the wanted list. During the termination of limitation, the cause for termination is considered to have ended if any of the following conditions appears:

1. After the court decision is determined on turning down the prosecution or on terminating private prosecution on procedural grounds.
2. When the trial proceedings cannot commence or continue according to law or because the offender was wanted and the interruption has reached one-fourth of the period prescribed in the various items of paragraph 1 of Article 80

3. According to the second half of paragraph 1 to terminate the investigation or want the offender, the period of termination or wanting has been reached one-fourth of the period prescribed in the various items of paragraph 1 of Article 80. The period of the preceding paragraphs shall be counted from the day of the end of the cause for interruption together with the day prior to the interruption.

Article 84 Execution is barred by the statute of limitations if it is not carried out within the following statutory periods:

1. Forty years for an offense for which the pronounced sentence is death, life imprisonment, or imprisonment for not more than ten years;

2. Thirty years for an offense for which the pronounced sentence is imprisonment for not less than three years but not more than ten years;

3. Fifteen years for an offense for which the pronounced sentence is

imprisonment for not less than one year but not more than three years;

4. Seven years for an offense for which the pronounced sentence is imprisonment for less than one year, short-term imprisonment, or a fine.

The statutory periods provided for in the preceding paragraph shall commence from the day judgment becomes final but if rehabilitative measures precede the execution of criminal punishment, the statutory period shall commence from the completion date of implementing rehabilitative measures.

Article 85 The period of limitation of execution shall be interrupted by the execution of punishment. The same shall apply when the period is interrupted and the execution cannot be continued due to the following conditions:

1. The execution is interrupted according to law.
2. The criminal has escaped and been put on the wanted list or has

escaped during the period of execution and as a result the execution cannot be continually carried on.

3. The criminal is subjected to restriction of freedom on another legal reason.

When the cause for interruption continues to exist and the period of this interruption has reached one-fourth of the period prescribed in paragraph 1 of Article 84, the cause of interruption shall be considered to have vanished.

The period of limitation of the first paragraph shall commence from the day when the cause of interruption vanishes and shall be counted together with the pre-interruption period.

## Chapter 12 Rehabilitative Measures

Article 86 Any person who is not punished because he is under the age of fourteen may be ordered to enter a reformatory to receive reformatory education.

If punishment is reduced because a person is under the age of

eighteen, he may, after execution or remission of punishment, be ordered to enter a reformatory to receive reformatory education. But, if the sentence is imprisonment of less than three years, short-term imprisonment, or a fine, he may be so ordered before the execution of the punishment.

The period of reformatory education shall not exceed three years. But if the execution has exceeded six months and it is believed that continuing execution is unnecessary, the court may remit the punishment.

Article 87 A person is not punished for a cause prescribed in paragraph 1 of Article 19, he may be committed to a suitable establishment for custodial protection provided that the circumstances are sufficient to make it believe that he might repeat the offense or against public safety.

If a person has the circumstances prescribed in paragraph 2 of Article 19 and Article 20 and the



circumstances are likely to make it believe that he might repeat the offense or against public safety, he may be committed to a suitable establishment for custodial protection after the execution or remission of the punishment. This custodial protection may be done before the execution of punishment if necessary.

The period of custodial protection prescribed in the previous two paragraphs shall be less than five years, but the court may order remission of the punishment during the execution provided that it believes the execution needs not to be continued.

Article 88 Any person addicted to drugs may be committed to a suitable establishment for compulsory treatment before the execution of punishment.

The period for the compulsory cure prescribed in the preceding paragraph is less than one year. The court may remit the

execution if it believes the execution need not be continued.

Article 89 If a person commits an offense while intoxicated he may, before execution of punishment, be committed to a suitable establishment for compulsory cure if there is reason sufficient to believe that he is addicted to alcohol and he is in the danger of commit the offense again. The period for the compulsory cure prescribed in the preceding paragraph shall be less than one year, but the court may remit the execution if it believes there is no need to continue the execution.

Article 90 Any person who is a habitual criminal or commits an offense because of habits of loitering or vagrancy, before execution of punishment, shall be committed to a labor establishment to perform compulsory labor. The period for compulsory labor prescribed in the preceding paragraph shall be three years. But the court may remit the execution if, after the execution

for one and half year, it believes there is no need to continue the execution.

The court may allow an extension of compulsory labor before the period of execution expires if necessary, but the extension shall be limited to once and the period of extension shall not exceed one and a half years.

Article 91 Any person committing offence referred to Article 285 of this Code may be ordered to a suitable establishment for compulsory treatment.

The compulsory treatment prescribed in the preceding paragraph shall be done before the execution of punishment, and the period of this treatment is covered to the criminal's recovery.

Article 91-1 Any person committing an offense specified in Articles 221 to 227, 228, 229 , 230, 234, item 2 of paragraph 2 of Article 332, item 2 of Article 334, and item 1of paragraph 2 of Article 348 and its special laws and has one of the

following conditions may be ordered to a suitable establishment for compulsory treatment:

1.To be found through appraisal and evaluation during the period of receiving counseling or cure and before the expiration of the execution as having the danger of committing the offense again.

2.To be found through appraisal and evaluation while receiving physical and mental cure or counseling education under the provisions of other separate law as having the danger of committing the offense again.

During the period of the execution specified in the preceding paragraph, appraisal and evaluation shall be performed annually until the danger of recommitting the offense has been remarkably reduced to see whether it is necessary to stop the cure.

Article 92 The measures prescribed in Articles 86 through 90 may, according to circumstances of the case, be replaced by protective

measure.

The period for protective measure specified in the preceding paragraph shall not exceed three years. If in effective, it may be revoked at any time the original measure enforced.

Article 93 Any person who is on probation may be placed under protective measures during the period of suspension but under one of the following circumstances he shall be subjected to probation:

1. Commission of the offense prescribed in Article 91-1
2. Execution of the provisions of items 5 to 8, paragraph 2, Article 74

When released from a prison on parole, he shall be subjected to protective measures.

Article 94 (Deleted)

Article 95 Any alien receiving sentence more than imprisonment may, after execution or remission of punishment, be deported.

Article 96 Rehabilitative measures shall be pronounced at the time of the

judgment, but this shall not apply if it is otherwise prescribed in this Code or other laws.

Article 97 (Deleted)

Article 98 If rehabilitative measures announced under paragraph 2 of Article 86 and paragraph 2 of Article 87 call for execution of imprisonment first, the court may remit the execution if it believes that this is unnecessary after the punishment is executed or remitted. In a case which calls for execution of rehabilitative measures first, the court, after having executed the measures or remitted part of the measures, may remit the whole or part of the periods of imprisonment if it believes that the execution is unnecessary.

If the rehabilitative measures are announced in pursuance to paragraph 1 of Article 88, paragraph 1 of Article 89, paragraph 1 of paragraph 90, or paragraph 2 of Article 91, the court, after having executed the measures or remitted part of the

measures, may remit the whole or part of the periods of imprisonment if it believes that the execution is unnecessary. The remission of execution prescribed in the two preceding paragraphs shall be limited to imprisonment or short-term imprisonment.

Article 99 If the execution of the rehabilitative measures have not begun or if the execution has not been continued for three years from the day that they shall have been executed, the execution shall not be permitted unless the court believes that the cause for the announced rehabilitative measures has continued to exist. The execution shall not be performed if it has not been begun or continued for seven years.

## Part 2 Specific Offenses

### Chapter 1 Civil Disturbance

Article 100 Any person by violence or threats committing an overt act with intent to destroy the organization of the State, seize

State territory, or, using illegal means, change the Constitution or overthrow the Government shall be sentenced to imprisonment for not less than seven years; the ringleader shall be sentenced to life imprisonment.

Any person preparing to commit the offense specified in the preceding paragraph shall be sentenced to imprisonment not less than six months but not more than five years.

Article 101 Any person with force committing an offense specified in paragraph 1 of the preceding article shall be sentenced to life imprisonment or imprisonment not less than seven years; a ringleader shall be sentenced to death or life imprisonment.

Any person preparing or conspiring to commit an offense specified in the preceding paragraph shall be sentenced to imprisonment of not less than one year but not more than seven years.



Article 102 Any person committing an offense specified in paragraph 2 of Article 100 or paragraph 2 of Article 101 and voluntarily turning himself in for trial shall have his punishment reduced or remitted.

## Chapter 2 Treason

Article 103 Any person colluding with a foreign state or its agent with intent that such state or other state start war against the Republic of China shall be sentenced to death or life imprisonment.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Article 104 Any person colluding with a foreign state or its agent with intent to subject territory of the Republic of China to such state or

other state shall be sentenced to death or life imprisonment.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Article 105 Any citizen of the Republic of China serving in the armed forces of an enemy or joining the enemy's fight with arms against the Republic of China or against an ally of the Republic of China shall be sentenced to death or life imprisonment.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Article 106 Any person during a war with a foreign state or while the war is about to start aids the enemy or causes injury to the military interests of the Republic of China or an ally of the Republic of China shall be sentenced to life imprisonment or imprisonment not less than seven years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not more than five years.

Article 107 Any person committing an offense specified in paragraph 1 of the preceding article under one of the following circumstances shall be sentenced to death or life imprisonment:

1. Surrendering armed forces to an enemy or surrendering, destroying, damaging, or otherwise rendering useless the following: strategic point, naval base, military post, military

vessel or aircraft, or another military place or structure; arms, ammunition, money, provisions or other war materials for the use of the military of the Republic of China; bridge, railway, vehicle, electric wire, electric machine, telegraph station, or another thing used for transportation.

2. Recruiting for an enemy or inducing a person in the armed services to surrender to the enemy.

3. Inciting a person in the armed services to neglect his duty, desert, mutiny, or commit a breach of discipline.

4. Disclosing or delivering to the enemy a document, plan, information, or another thing of secret nature concerning a strategic point, naval base, military post, military vessel or aircraft, or military, naval, or aerial movement.

5. Committing an act of espionage for an enemy or rendering aid to an enemy spy.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Article 108 Any person during the war with a foreign state or while the war is about to start failing to deliver military supplies which he has undertaken by contract to deliver or delivering supplies not in conformity with the terms of the contract shall be sentenced to imprisonment not less than one year but not more than seven years; in addition thereto, a fine of not more than five thousand yuan may be imposed.

Any person negligently committing an offense specified in the preceding paragraph shall be sentenced to imprisonment not less than two years, short-term imprisonment, or a fine of not more than one thousand yuan.

Article 109 Any person disclosing or delivering a document, plan, information, or another thing of a secrete nature concerning the defense of the Republic of China shall be sentenced to imprisonment for not less than one year but not more than seven years.

Any person disclosing or delivering to a foreign state or to its agent a document, plan, information, or another thing specified in the preceding paragraph shall be sentenced to imprisonment not less than three years but not more than ten years. An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Any person preparing or conspiring to commit an offense specified in paragraphs 1 and 2 shall be sentenced to imprisonment not more than two years.

Article 110 Any public official negligently disclosing or delivering to

another a document, plan, information, or another thing specified in paragraph 1 of the preceding article, of which he has knowledge or possession because of his official position, shall be sentenced to imprisonment not more than two years, short-term imprisonment, or a fine of not more than one thousand yuan.

Article 111 Any person prying or gathering a document, plan, information or another thing specified in paragraph 1 of Article 109 shall be sentenced to imprisonment not more than five years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not more than one year.

Article 112 Any person who without authority enters a strategic point, naval base, military vessel, or another place or structure of military importance, or remains there,

with purpose to pry or gather a document, plan, information, or another thing specified in paragraph 1 of Article 109 shall be sentenced to imprisonment not more than one year.

Article 113 Any person who without authority makes a secret agreement with a foreign government or its agent shall be sentenced to life imprisonment or imprisonment not less than seven years if the making of such an agreement on the matter requires Government authorization.

Article 114 Any person entrusted by the Government with the duty of conducting business with a foreign government who betrays his trust and causes injury to the Republic of China shall be sentenced to life imprisonment or imprisonment not less than seven years.

Article 115 Any person who forges, alters, destroys, or conceals a document, plan, or another thing which is evidence of a right of the



Republic of China to a foreign state shall be sentenced to imprisonment not less than five years but not more than twelve years.

### Chapter 3 Offenses of Interference with Relations with Other States

Article 116 A person who commits an offense of intentionally causing bodily injury to, restraining the personal freedom of, or injuring the reputation of the head of a friendly state or the representative of a friendly state accredited to the Republic of China may have the punishment prescribed for such offense increased by one third.

Article 117 A person who during a state of war between foreign states violates the rules of neutrality established by the Government of the Republic of China shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three thousand yuan.

Article 118 A person who with purpose to

insult a foreign state publicly destroys, damages, pulls down, or otherwise dishonors the national flag or emblem of such foreign state shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 119 Prosecution for an offense against reputation specified in Article 116 or for an offense specified in Article 118 may be instituted only upon the complaint of the government or the foreign state concerned.

#### Chapter 4 Offenses of Malfeasance in Office

Article 120 A public official who by neglecting his duties abandons the territory in his charge shall be sentenced to death, life-imprisonment or imprisonment for not less than ten years.

Article 121 A public official or an arbitrator who demands, agrees to accept, or accepts a bribe or other improper benefits for an official act shall

be sentenced to imprisonment for not more than seven years; in addition thereto, a fine of not more than five thousand yuan may be imposed.

A benefit received through the commission of an offense specified in the preceding paragraph shall be confiscated; if the whole or a part of such a benefit cannot be confiscated, the value thereof shall be collected from the offender.

Article 122 A public official or an arbitrator who demands, agrees to accept, or accepts a bribe or other improper benefits for a breach of his official duties shall be sentenced to imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than seven thousand yuan may be imposed.

A breach of official duties shall be sentenced to life imprisonment or with imprisonment for not less than five years; in addition thereto, a fine not more than ten

thousand yuan may be imposed.

A person who offers, promises, or gives a bribe or other improper benefits to a public official or an arbitrator for a breach of his official duties shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than three thousand yuan may be imposed, but, if such a person turns himself in for trial, his punishment may be reduced or remitted, and if such a person confesses during investigation or trial, his punishment may be reduced.

A benefit received through the commission of an offense specified in paragraph 1 or 2 shall be confiscated; if the whole or a part of such benefit cannot be confiscated, the value thereof shall be collected from the offender.

Article 123 A person who in anticipation of being a public official or an arbitrator demands, agrees to accept, or accepts a bribe or

other improper benefits for an official act and performs such act after becoming a public official or arbitrator shall be subject to the punishment prescribed for a public official or an arbitrator who demands, agrees to accept, or accepts a bribe or other improper benefits.

Article 124 A public official vested with judicial functions or an arbitrator who renders an illegal decision or arbitral award shall be sentenced to imprisonment for not less than one year but not more than seven years.

Article 125 A public official charged with the duty of investigation or bringing offenders to justice who commits one of the following offenses shall be sentenced to imprisonment for not less than one year but not more than seven years:

1. Abusing his authority in arresting or detaining a person.
2. Using threat or violence with purpose to extract confession.
3. Knowingly causing an innocent

person to be prosecuted or punished or causing a guilty person not be prosecuted or punished.

If death results from the commission of the offense, the offender shall be sentenced to life imprisonment or with imprisonment for not less than three but not more than ten years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

Article 126 A public official charged with the custody, or conveyance of prisoners who commits an act of violence or cruelty to a prisoner shall be sentenced to imprisonment for no less than one year but not more than seven years.

If death results from the commission of the offense, the offender shall be sentenced to life imprisonment or with imprisonment for not less than seven years; if aggravated injury

results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

Article 127 A public official charged with execution of punishment illegally executes or omits to execute a punishment shall be sentenced to imprisonment for not more than five years.

A public official who negligently causes the execution of a punishment that should not have been executed shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 128 A public official who adjudicates a suit which he knows he is not authorized to adjudicate shall be sentenced to imprisonment for not more than three years.

Article 129 A public official who collects taxes, duties, or other revenues that he knows he is not authorized to collect shall be sentenced to imprisonment for not less than one

year but not more than seven years; in addition thereto a fine of not more than seven thousand yuan may be imposed.

A public official who retains in whole or in part any money or thing that he knows it to be his duty to pay or deliver shall be subject to the same punishment.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 130 A public official who neglects his duties thereby causing a catastrophe shall be sentenced to imprisonment for not less than three years but not more than ten years.

Article 131 A public official who directly or indirectly seeks to gain illegal benefits from a function under his control or supervision for himself or others and gains benefits shall be sentenced to imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than seventy thousand



yuan may be imposed.

A benefit received through the commission of an offense specified in the preceding paragraph shall be confiscated; if the whole or part of such benefit cannot be confiscated the value thereof shall be collected from the offender.

Article 132 A public official who discloses or gives away a document, plan, information, or another thing of a secret nature relating to matters other than national defense shall be sentenced to imprisonment for not more than three years.

A person who negligently commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

A person other than a public official who discloses or gives away a document, plan, information, or another thing specified in paragraph 1 which

comes to his knowledge or possession because of his occupation or profession shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 133 A public official, employed in a postal or telegraphic office, who opens or conceals mail or telegraphic mater entrusted to him for transmission shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 134 A public official who takes advantage of his authority, opportunity, or means afforded by his official position to intentionally commit an offense not provided for in this Chapter shall be subject to the punishment prescribed for such offense by increasing it up to one half unless special provisions have been made for such punishment because of his status as a public

official.

Chapter 5 Offenses of Obstructing an Officer In  
Discharge of Duties

Article 135 A person who employs threats or violence against a public official who is engaged in the performance of his duties shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than three hundred yuan.

A person who employs threats or violence with purpose to compel a public official to perform an act relating to his public duties, with purpose to obstruct the lawful performance of such public duties, or with purpose to cause such public officials to resign shall be subject to the same punishment.

If the commission of an offense specified in one of the two preceding paragraphs results in the death of a public official, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if it results in aggravated injury,

the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

Article 136 A person who participates in an open assembly at which an offense specified in the preceding article is committed shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan; a ringleader and a person who actually employs violence or threats shall be sentenced to imprisonment for not less than one year but not more than seven years.

If the commission of the offense results in death or aggravated injury to the public official, a ringleader and a person who actually employs violence or threats shall be punished in accordance with the provisions of paragraph 3 of the preceding article.

Article 137 A person who by fraud or other illegal means procures an

incorrect result in an examination held pursuant to the Examination Law shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan. An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 138 A person who destroys, damages, conceals, or renders useless a document, plan, or another thing which has been possessed by a public official by reason of his office or which has been officially entrusted by such official to a third person shall be sentenced to imprisonment for not more than five years.

Article 139 A person who damages, removes, disfigures, or renders ineffective a seal or notice affixed by a public official shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 140 A person who offers an insult to a public official during the legal discharge of his duties or publicly offers an insult with respect to the legal discharged of such duties shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than one hundred yuan.

A person who publicly offers an insult to a public office shall be subject to the same punishment.

Article 141 A person who with purpose to insult a public official or a public office damages, removes, or disfigures a notice or proclamation posted in a public place shall be sentenced to short-term imprisonment or a fine of not more than one hundred yuan.

#### Chapter 6 Offenses of Interference with Voting

Article 142 A person who by threat, violence, or other illegal means interferes with another in the free exercises of his right to vote at a political election duly authorized by law or in the free exercise of his other

voting right shall be sentenced to imprisonment for not more than five years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 143 A qualified voter who demands, agrees to accept, or accepts a bribe or other improper benefits for refraining from exercising his right to vote or for exercising such right in a particular manner shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than five thousand yuan may be imposed. A benefit received through the commission of an offense specified in the preceding paragraph shall be confiscated; if the whole or a part of such benefit cannot be confiscated, the value thereof shall be collected from the offender.

Article 144 A person who promises, offers, or gives a bribe or other improper benefits to a qualified voter for refraining from exercising the

right to vote or for exercising such right in a particular manner shall be sentenced to imprisonment for not more than five years; in addition thereto, a fine of not more than seven thousand yuan may be imposed.

Article 145 A person who induces a qualified voter to refrain from exercising his right to vote or to exercise such right in a particular manner by offering an economic advantage or by threatening an economic disadvantage shall be sentenced to imprisonment for not more than three years.

Article 146 A person who by fraud or other illegal means procures an incorrect result from voting or alters election returns shall be sentenced to imprisonment for not more than five years.

A person who with purpose to render a candidate elected falsely makes census registration to obtain the right to vote and votes shall be subject to the same punishment.

An attempt to commit an offense



specified in one of the two preceding paragraphs is punishable.

Article 147 A person who interferes with or creates a disturbance at an election shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 148 A person who pries the content of a secret ballot shall be sentenced to a fine of not more than three hundred yuan.

#### Chapter 7 Offenses of Interference with Public Order

Article 149 A person who participates in an open assembly with purpose to employ violence or threats and who does not disperse after having been ordered three times or more to do so by a competent public official shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan; a ringleader shall be sentenced to imprisonment for

not more than three years.

Article 150 A person who participates in an open assembly at which violence or threats employed shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan; a ringleader and a person who actually employs violence or threats shall be sentenced to imprisonment for not less than six months but not more than five years.

Article 151 A person who endangers public safety by putting the public in fear of injury to life, body, or property shall be sentenced to imprisonment for not more than two years.

Article 152 A person who by violence, threats, or fraud interferes with or disturbs a lawful assembly shall punish with imprisonment for not less than two years.

Article 153 A person who by writing, picture, word of mouth, or other means publicly commits one of the

following conducts shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than one thousand yuan.

1. Inciting another to commit an offense

2. Inciting another to violate the law or disobey a legal order

Article 154 A person who joins an organization formed with purpose of committing an offense shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than five hundred yuan; a ringleader shall be sentenced to imprisonment for not less than one year but not more than seven years.

Any person committing an offense specified in the preceding paragraph and voluntarily turning himself in for trial shall have his punishment reduced or remitted.

Article 155 A person who incites a person in the armed services to fail to execute his duty, commit a breach

of discipline, desert, or mutiny shall be sentenced to imprisonment for not less than six months but not more than five years.

Article 156 A person who without authority recruits an armed force, distributes military supplies or leads an armed force shall be sentenced to imprisonment for not more than five years.

Article 157 A person who for purpose of gain instigates or contracts for a lawsuit between others shall be sentenced to imprisonment for less than one year, short-term imprisonment, or a fine of no more than fifty thousand yuan.

Article 158 A person who poses as a public official and exercises functions and power as such shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than five hundred yuan.  
A person who poses as a public official of a foreign state and exercises functions and powers as

such shall be subject to the same punishment.

Article 159 A person who openly and without authority wears the uniform or badge or make use of the official title of a public official shall be sentenced to a fine of not more than 500 yuan.

Article 160 A person who with purpose to insult the Republic of China openly damages, removes, or dishonors the emblem of the Republic of China or the flag of the Republic of China shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.  
A person who with purpose to insult the founder the Republic of China, Dr.Sun Yat-sen, openly damages, removes, or dishonors his portrait shall be subject to the same punishment.

#### Chapter 8 Offenses of Escape

Article 161 A person, having been legally arrested or taken into custody, who escape shall be sentenced to

imprisonment for not more than one year.

A person who commits an offense specified in the preceding paragraph by damaging a part of the place of confinement or an instrument by which he is confined or by means of violence or threats shall be sentenced to imprisonment for not more than five years.

A person who participates in an open assembly at which an offense specified in paragraph 1 is committed by threats or violence shall be sentenced to imprisonment for not less than three years but not more than ten years; a ringleader and any person who actually employs violence threats shall be sentenced to imprisonment for not less than five years.

An attempt to commit an offense specified in one of the three preceding paragraphs is punishable.

Article 162 A person who sets free or facilitates the escape of a

person, having be legally arrested or taken into custody, shall be sentenced to imprisonment for not more than three years.

A person who commits an offense specified in the preceding paragraph by damaging a part of the place of confinement or an instrument, or by means of violence or threats shall be sentenced to imprisonment for not less than six months but not more than five years.

A person who participates in an open assembly at which an offense specified in paragraph 1 is committed by threats or violence shall be sentenced to imprisonment for not less than five years but not more than twelve years; a ringleader and any person who actually employs violence threats shall be sentenced to life imprisonment, or imprisonment for not less than seven years.

An attempt to commit an offense specified in one of the three

preceding paragraphs is punishable.

A spouse, relative by blood within the fifth degree of relationship, or relative by marriage within the third degree of relationship who commits the offense of facilitating escape specified in paragraph 1 may have his punishment reduced.

Article 163 A public official who sets free or facilitates the escape of any person under his custody shall be sentenced to imprisonment for not less than one year but not more than seven years.

A public official who negligently commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

Chapter 9 Offenses of Concealment of Offenders and Destruction of Evidence



Article 164 A person who conceals or causes the concealment of an offender or a person who escapes from legal arrest or custody shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

A person who with the intention to commit an offense specified in the preceding paragraph impersonates an offender shall be subject to the same punishment.

Article 165 A person who forges, alters, destroys, or conceals evidence in the criminal case of another or makes use of such forged or altered evidence shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 166 A person, having committed an offense specified in the preceding article, who confesses thereto before the judgment on the criminal case has become final, shall have his punishment reduced

or remitted.

Article 167 A spouse, relative by blood within the fifth degree of relations, or relative by marriage within the third degree of relationship who commits an offense specified in Article 164 or 165 for the benefit of an offender or a person legally arrested or taken into custody who escape from custody shall have his punishment reduced or remitted.

#### Chapter 10 Offenses of Perjury and Malicious Accusation

Article 168 A witness, expert witness, or interpreter who at a trial before a public official vested with judicial functions or at an investigation before a prosecutor makes, before or after signing an affidavit, a false statement on a matter material to the case shall be sentenced to imprisonment for not more than seven years.

Article 169 A person with the intention to cause another to receive penal or disciplinary punishment falsely accuses him before a competent public official shall be sentenced

to imprisonment for not more than seven years.

A person with the intention to cause another to receive penal or disciplinary punishment forges, alters or uses forged or altered evidence shall be subject to the same punishment.

Article 170 A person with the intention to incriminate his lineal blood ascendant commits an offense specified in the preceding article shall be subject to the punishment prescribed for such an offense by increasing it up to one half.

Article 171 A person who without naming a specific offender makes a malicious accusation before a competent public official shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan. A person who without naming a specific offender causes the institution of criminal proceedings by forging or altering evidence of an offense or

by making use of such forged or altered evidence shall be subject to the same punishment.

Article 172 A person, having committed an offense specified in one of the articles, 168 through 171, who confesses thereto before judgment or disciplinary order has become final shall have his punishment reduced or remitted.

#### Chapter 11 Offenses Against Public Safety

Article 173 A person who sets fire to and destroys an occupied dwelling house or who sets fire to and destroys an occupied structure, mine, train, electric car, or a vehicle, vessel, or aircraft for public transport on water, on land, or in the air shall be sentenced to life imprisonment or imprisonment for not less than seven years.

A person who negligently sets fire to a thing specified in the preceding paragraph shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not

more than five hundred yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

A person who prepares to commit an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 174 A person who sets fire to and destroys an unoccupied dwelling house belonging to another or who sets fire to and destroys an unoccupied structure, mine, train, electric car, or another vehicle, vessel, or aircraft for public transport on water, on land, or in the air which belongs to another shall be sentenced to imprisonment for not less than three years but not more than ten years.

A person who endangers public safety by setting fire to and destroying a thing belonging to him that is specified in the preceding paragraph shall be

sentenced to imprisonment for not less than six months but not more than five years.

A person who negligently sets fire to and destroys a thing specified in paragraph 1 shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan; a person who negligently endangers public safety by setting fire to and destroying a thing specified in paragraph 2 shall be subject to the same punishment.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 175 A person who endangers public safety by setting fire to and destroying a thing belonging to another not specified in the preceding two articles shall be sentenced to imprisonment for not less than one year but not more than seven years.

A person who endangers public safety by setting fire to and destroying a thing belonging to

him not specified in the preceding two articles shall be sentenced to imprisonment of not more than three years.

A person who negligently endangers public safety by setting fire to and destroying a thing not specified in the preceding two articles shall be sentenced to short-term imprisonment or a fine of not more than three hundred yuan.

Article 176 A person who intentionally or negligently causes the destruction of a thing specified in one of the three preceding articles by means of gunpowder, steam, electricity, gas, or another explosive substance shall be punished *mutatis mutandis* in accordance with the provisions relating to fire caused intentionally or negligently.

Article 177 A person who endangers public safety by causing to escape or by obstructing the flow of steam, electricity, gas or another gaseous substance shall be sentenced to imprisonment for not

more than three years, short-term imprisonment, or a fine of not more than three hundred yuan. If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

Article 178 A person who by flooding causes damage to an occupied dwelling house or who by flooding causes damage to an occupied structure, a mine, a train, or an electric car shall be sentenced to life imprisonment or imprisonment for not more than five years.

A person who negligently by flooding causes damage to a thing specified in the preceding paragraph shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than five hundred yuan.



An attempt to commit an offense specified in paragraph 1 is punishable.

Article 179 A person who by flooding causes damage to an unoccupied dwelling house that belongs to another or who by flooding causes damage to an unoccupied structure or mine which belongs to another shall be sentenced to imprisonment for not less than one year but not more than seven years.

A person who by flooding endangers public safety by causing damage to a thing belonging to him specified in the preceding paragraph shall be sentenced to imprisonment for not less than six months but not more than five years.

A person who negligently by flooding causes damage to a thing specified in paragraph 1 shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan.

A person who negligently by flooding endangers public safety by causing damage to a thing

specified in the preceding paragraph shall be subject to same punishment.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 180 A person who endangers public safety by flooding that causes damage to a thing belonging to another not specified in one of the preceding articles shall be sentenced to imprisonment for not more than five years.

A person who endangers public safety by flooding that causes damage to a thing belonging to him not specified in one of the two preceding articles shall be sentenced to imprisonment for not more than two years.

A person who negligently endangers public safety by flooding that causes damage to a thing not specified in one of the preceding articles shall be sentenced to short-term imprisonment or a fine of not more than three hundred yuan.

Article 181 A person who endangers public safety by breaking a dike, destroying a lock, or damaging a water reservoir shall be sentenced to imprisonment for not more than five years.

A person who negligently commits an offense specified in the preceding paragraph shall be sentenced to short-term imprisonment or a fine of not more than three hundred yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 182 A person who, during a fire, flood, hurricane, earthquake, explosion or any similar disaster, conceals or damages an instrument or apparatus, which are to be used for the protection against the disaster, or interferes with disaster control by other means shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than thirty thousand yuan.

Article 183 A person who overturns or, damages an occupied train, electric car, or another vehicle, vessel, or aircraft for public transport on water, on land, or in the air shall be sentenced to life imprisonment or imprisonment for not less than five years.

A person who negligently commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

A person who in the performance of his occupation commits an offense specified in paragraph 1 by neglecting the degree of care required by such occupation shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than five hundred yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 184 A person who damages a railroad,

lighthouse, or signal, or who uses other means to cause danger to the passage of a train, electric car, or another vehicle, vessel, or aircraft for public transport on water, on land, or in the air shall be sentenced to imprisonment for not less than three years but not more than ten years.

If the offense results in the overturning or destruction of the vehicle, vessel, or aircraft specified in the preceding paragraph, the offender shall be punished in accordance with the provisions of paragraph 1 of the preceding article.

A person who negligently commits an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan.

A person who in the performance of his occupation commits an offense specified in paragraph 1 by neglecting the degree of care required by such occupation shall

be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 185 A person who obstructs or damages a road, waterway, bridge, or other means of general communication, or who uses other similar means to endanger the safety of public traffic shall be sentenced to imprisonment for not more than five years, short-term imprisonment, or a fine of not more than five hundred yuan. If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if the offense result in serious physical injury, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

An attempt to commit an offense

specified in paragraph 1 is punishable.

Article 185-1 A person who hijacks, through the employment of violence, threats or other illegal means, an aircraft in use or controls its flight shall be sentenced to death, life imprisonment, or imprisonment for not less than seven years. If the offense is light, he shall be sentenced to imprisonment for not more than seven years.

If an offense results in death, the offender shall be sentenced to death or life imprisonment. If an offense results in serious physical injury, the offender shall be sentenced to death, life imprisonment, or imprisonment for not less than ten years.

A person who hijacks by a method specified in paragraph 1 a vessel or a car in use for public transport or controls its operation shall be sentenced to imprisonment for not less than five years. If the offense is light, he shall be sentenced to

imprisonment for not more than three years.

If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than ten years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than seven years.

An attempt to commit an offense specified in paragraph 1 and 3 is punishable.

A person who prepares to commit the offense specified in paragraph 1 shall be sentenced to imprisonment for not more than three years.

Article 185-2 A person who endangers, through the employment of violence, threats or other illegal means, the safety of flight or air traffic facilities or equipment shall be sentenced to imprisonment for not more than seven years, short-term imprisonment, or a fine of not more than three hundred thousand



yuan.

If the offense causes the damage of aircraft or other facilities or equipments, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

If an offense results in death, the offender shall be sentenced to death, life imprisonment or imprisonment for not less than ten years; if an offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than five years but not more than twelve years.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 185-3 A person who drives a motor vehicle in either of the following circumstances shall be sentenced to imprisonment for not more than two years, in addition thereto, a fine of not more than two hundred thousand NTD may be imposed:

1. the person's breath alcohol content is of 0.25 milligrams per

liter or more, or the person's blood alcohol concentration is of 0.05% or more.

2. when circumstances other than those stipulated in the previous subparagraph appear to prove that the person has consumed alcohol or other similar substances that disable the person from driving safely.

3. when the person uses drugs, narcotics or other similar substances that disable the person from driving safely.

If the offense results in death, the offender shall be sentenced to imprisonment for not less than three years but less than ten years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than one year but less than seven years.

Article 185-4 A person who flees after the motor vehicle he drives has caused an accident resulting in death or injury of another shall be sentenced to imprisonment for not less than one year but less than

seven years.

Article 186 A person who without authorization and a good reason manufactures, sells, transports, or possesses dynamite, gun-cotton, fulminating mercury, or other similar explosive; or a gun, cannon, or ammunition for military use shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 186-1 A person who endangers public safety with the use of an explosive, gun-cotton, fulminating mercury or other similar explosive without a justified reason, shall be sentenced to imprisonment for not less than one year but not more than seven years.

If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if the offense results in serious physical injury, the offender shall be sentenced to

imprisonment for not less than three years but not more than ten years.

A person who endangers public safety by negligently explodes explosive, gun-cotton, fulminating mercury or other similar explosive shall be sentenced to imprisonment for not more than two years, short-term imprisonment or a fine of not more than five thousand yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 187 A person who manufactures, sells, transports, or possesses dynamite, gun-cotton, fulminating mercury, or other similar explosive, or a gun, cannon, or ammunition for military used, with the intention that such a thing be used by himself or by another to commit an offense shall be sentenced to imprisonment for not more than five years.

Article 187-1 A person who manufactures, sells, transports, or possesses nuclear

raw material, nuclear fuel,  
nuclear reactor, a radioactive  
substance or its raw material not  
according to the law shall be  
sentenced to imprisonment of not  
more than five years.

Article 187-2 A person who endangers public  
safety by releasing nuclear  
energy or radioactivity that  
causes shall be sentenced to  
imprisonment of not more than five  
years.

If the offense results in death,  
the offender shall be sentenced to  
life imprisonment or imprisonment  
for not less than ten years; if the  
offense results in serious  
physical injury, the offender  
shall be sentenced to  
imprisonment of not less than five  
years.

A person who negligently commits  
an offense specified in paragraph  
1 shall be sentenced to  
imprisonment for not more than two  
years, short-term imprisonment,  
or a fine of not more than five  
thousand yuan.

An attempt to commit an offense

specified in paragraph 1 is punishable.

Article 187-3 A person who uses radioactive without a justified reason and causes damage to another's body or health shall be sentenced to imprisonment for not less than three years but not more than ten years.

If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for no less than ten years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than five years.

An attempt to commit the offense specified in paragraph 1 is punishable.

Article 188 A person who interferes with the operation of railway, postal, telegraph, or telephone service or with the public supply of water, electricity, or gas shall be sentenced to imprisonment for not more than five years, short-term imprisonment, or a

fine of not more than five hundred yuan.

Article 189 A person who damages a safety or life-saving device installed in a mine, factory, or similar establishment and thereby endangers the life of another shall be sentenced to imprisonment for not less than one year but not more than seven years.

If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

A person who negligently commits an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan.

A person who in the performance of

his occupation commits an offense specified in paragraph 1 by neglecting the degree of care required by such occupation shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 189-1 A person who damages the life protection equipment in a mine, a factory, or a similar place or makes it useless and thereby endangers the bodily health of another shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three thousand yuan.

A person who damages the life-protection equipment in a public place not specified in the preceding paragraph or makes it useless shall be subject to the same punishment.



Article 189-2 A person who obstructs the escape exist of a theater, a mall, a restaurant, a hotel or another place that people may come and go or a public place and thereby endangers the life, body or health of another shall be sentenced to imprisonment for not more than three years.Obstruction to the escape exit of a condo or a department and thereby endangers the life, body or health of another shall be subject to the same punishment.

If the offense results in death, the offender shall be sentenced to imprisonment for not more than seven years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment of not more than five years.

Article 190 A person who places poisonous or harmful substance sanitation in a water sources, waterway, or reservoir intended for the supply of water to the public shall be sentenced to imprisonment for not less than one year but not more

than seven years.

If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years

A person who negligently commits the offense specified in paragraph 1 shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 190-1 A person who endangers public safety by throwing, abandoning, draining or releasing poisonous substance or any other harmful thing to health to pollute air, soil, rivers, or other bodies of water and thereby causes shall be sentenced to imprisonment for not

more than five years.

A factory or business proprietor, or supervisor who commits the offense specified in the preceding paragraph as a result of the performance of his occupation shall be sentenced to imprisonment for not more than seven years.

If the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

The offender who negligently commits the offense specified in paragraph 1 shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine not more than five thousand yuan.

Article 191 A person who manufactures, sells, or offers for sale food, drink, or any other thing injurious to

health shall be sentenced to imprisonment for not more than six months or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than one thousand yuan may be imposed.

Article 191-1 A person who poisons drink, food or other products of another openly display for sale by adulterating, adding, or smearing with poisonous substance or other injurious matters shall be sentenced to imprisonment for not more than seven years.

A person who mixes drink, food, or any other product that is adulterated, added, or smeared with poisonous substance, which is thereby injurious to another's bodily health, with other's drink, food, or other products offered for sale shall be subject to same punishment.

If the offense specified in the two preceding paragraphs results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than

seven years; if the offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

An attempt to commit the offenses specified in paragraphs 1 and 2 is punishable.

Article 192 A person who violates a quarantine law or order concerning inspection or immigration promulgated for the prevention of contagious diseases shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than one thousand yuan.

A person who endangers public safety by exposing a corpse having infectious germs or who by other means spreads disease germs shall be subject to the same punishment.

Article 193 A contractor or an overseer who endangers public safety by violating an established rule of construction in erecting or demolishing a structure shall be sentenced to imprisonment for not

more than three years, short-term imprisonment, or a fine of not more than three thousand yuan.

Article 194 A person who during a time of public calamity endangers public safety by failing to deliver provisions or other necessities which he has contracted to deliver to a public official or charity organization or by delivering things not in conformity with the terms of a contract shall be sentenced to imprisonment for not more than five years; in addition thereto, a fine of not more than three thousand yuan may be imposed.

#### Chapter 12 Offenses of Counterfeiting Currency

Article 195 A person who counterfeits or alters a currently used coin, paper currency, or banknote with the intention to circulate shall be sentenced to imprisonment for not less than five years; in addition thereto, a fine of not more than five thousand yuan may be imposed.

An attempt to commit the offense

specified in the preceding  
paragraph is punishable

Article 196 A person who circulate a  
counterfeit or altered coin,  
paper currency, or banknote or who  
collects it from or delivers it to  
another with the intention to  
circulate shall be sentenced to  
imprisonment for not less than  
three years but not more than ten  
years; in addition thereto, a fine  
of not more than five thousand  
yuan may be imposed.

A person who does not know that the  
coin, paper currency, of banknote  
he has possessed is counterfeit  
and after receiving it, circulate  
or with the intention to delivers  
it to another shall be sentenced  
to a fine of not more than five  
hundred yuan.

An attempt to commit the offense  
specified in paragraph 1 is  
punishable.

Article 197 A person who reduces the weight of  
a coin with the intention to  
circulate shall be sentenced to  
imprisonment for not more than  
five years; in addition thereto,

a fine of not more than three thousand yuan may be imposed. An attempt to commit the offense provided in the proceeding paragraph is punishable.

Article 198 A person who circulate a coin of reduced weight or who collects it from or delivers it to another with the intention to circulate shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than one thousand yuan maybe imposed. A person who knows the coin is of reduced weight after he receives it, still circulates or with the intention to circulate to delivers it to another shall be sentenced to a fine of not more than one hundred yuan. An attempt to commit the offense specified in paragraph 1 is punishable.

Article 199 A person who manufactures, delivers, or receives an instrument or material with the intention that it be used to counterfeit or alter a currently



used coin, paper currency, or banknote or that it be used to reduce the weight of a currently used coin shall be sentenced to imprisonment for not more than five year; in addition there, a fine of not more than one thousand yuan be imposed.

Article 200 A counterfeit or altered currently used coin, paper currency, or banknote, coin of reduced weight, or an instrument or material specified in the preceding article shall be confiscated whether or not it belongs to the offender.

#### Chapter 13 Offenses of Counterfeiting Securities

Article 201 A person who counterfeits or alters a government bond, stock certificate, or another security with the intention to circulate shall be sentenced to imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than three thousand yuan may be imposed.

A person who circulates a

counterfeit or altered government bond, stock certificate, or another security or who collects it from or delivers it to another with the intention to circulate shall be sentenced to imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than three thousand yuan may be imposed.

Article 201-1 A person who counterfeits or alters a credit card, bank card, value-deposit card, or any other electromagnetic instrument used for closing a bill, withdrawing money, transferring money, or paying money, with the intention that it be put into use, shall be sentenced to imprisonment for not less than one year but not more than seven years; in addition therefore, a fine of not more than thirty thousand yuan may be imposed.

A person who uses the counterfeit or altered electromagnetic instruments specified in the preceding paragraph for closing a

bill, withdrawing money, transferring money, or paying money or who takes such an instrument from or gives one to another with the intention to circulate shall be sentenced to imprisonment of not more than five years; in addition thereto, a fine of thirty thousand yuan may be imposed.

Article 202 A person who counterfeited or alters a postal stamp or revenue stamp with the intention to circulate shall be sentenced to imprisonment for not less than six months but not more than five years; in addition thereto, a fine of not more than one thousand yuan may be imposed.

A person who circulates a counterfeit or altered postal stamp or revenue stamp or who collects it from or delivers it to another with the intention to circulate shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than one thousand yuan may be imposed.

A person who removes the cancellation mark on a postal or revenue stamp with the intention to circulate shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or fine of not more than three hundred yuan; a person who puts it into circulation shall be subject to the same punishment.

Article 203 A person who counterfeits or alters a ticket issued to transport a passenger on a vessel, train, electric car, or any other similar ticket with the intention to circulate shall be sentenced to for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan; a person who puts it into circulation shall be subject to the same punishment.

Article 204 A person who manufactures, delivers, or receives an instrument, material or electromagnetic instrument with the intention to counterfeit or alter a valuable security or postal or revenue stamp, credit

card, bank card, value-deposit card or any other electromagnetic instrument used for closing a bill, withdrawing money, transferring money, or paying money shall be sentenced to imprisonment for not more than two years; in addition thereto, a fine of not more than five thousand yuan may be imposed.

A person who taking the opportunity of his occupation commits the offense specified in the preceding paragraph shall be subject to punishment by increasing up to one half.

Article 205 A counterfeit or altered security, postal or revenue stamp, credit card, bank card, value-deposit card, or any other electromagnetic instrument used for closing a bill, withdrawing money, transferring money, or paying money, or an instrument or material specified in the preceding article shall be confiscated whether or it belongs to the offender.

## Measures

Article 206 A person who manufactures a weight or measure not in conformity with the legal standard or alters a weight or measure which is in conformity with the legal standard with purpose that it be used shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three yuan.

Article 207 A person who sells a weight or measure not in conformity with the legal standard with purpose that it be used shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 208 A person who uses a weight or measure not in conformity with the legal standard shall be fined not more than three hundred yuan.  
A person who in the performance of his occupation commits the offense specified in the preceding paragraph shall be sentenced to imprisonment for not

more than six months, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 209 A weight or measure not in conformity with the legal standard shall be confiscated whether or not it belongs to the offender.

#### Chapter 15 Offenses of Forging Instruments or Seals

Article 210 A person who forges or alters a private document and causes injury to the public or to another shall be sentenced to imprisonment for not more than five years.

Article 211 A person who forges or alters a public document and causes injury to the public or another shall be sentenced to imprisonment for not less than one year but not more than seven years.

Article 212 A person who forges or alters a passport, transportation ticket, exception permit, special permit; or a certificate, a letter of introduction, or the like concerning the character,

capacity, service, or other qualification of a person and causes injury to the public or another shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 213 A public official who makes in a public document within his charge an entry which he knows to be false and causes injury to the public or another shall be sentenced to imprisonment for not less than one year but not more than seven years.

Article 214 A person who causes a public official to make in a public document an entry which such a person knows to be false and causes injury to the public or another shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 215 A person who makes in a document or certificate prepared in the



course of his occupation an entry which he knows be to false and causes injury to the public or another shall be sentenced to imprisonment for not more than three years, short-term imprisonment or a fine of not more than five hundred yuan.

Article 216 A person who puts into circulation a document specified in one of the articles, 210 through 215, shall be punished in accordance with the provisions relating to forging or altering documents, to making a false entry, or to causing a false entry to be make.

Article 217 A person who forges a seal, the impression of a seal, or a signature and causes injury to the public or another shall be sentenced to imprisonment for not more than three years.

A person who uses without authority a seal, the impression of a seal, or a signature and causes injury to the public or another shall be subject to the same punishment.

Article 218 A person who forges a public seal or the impression of a public seal shall be sentenced to imprisonment for not more than five years.

A person who uses without authority a public seal or the impression of a public seal and causes injury to the public or another shall be subject the same punishment.

Article 219 A forged seal, impression of a seal, or a signature shall be confiscated whether or not it belongs to the offender.

Article 220 A writing, symbol, drawing, photograph on a piece of paper or an article which by custom or by special agreement is sufficient evidence of intention therein contained shall be considered a document within the meaning of this Chapter and other chapters. So shall be an audio recording, a visual recording, or an electromagnetic recording and the voices, images or symbols that are shown through computer process and are sufficient evidence of

intention.

## Chapter 16 Sexual Offenses

Article 221 A person who by threats, violence, intimidation, inducing hypnosis, or other means against the will of a male or female and who has sexual intercourse with such person shall be sentenced to imprisonment for not less than three years but not more than ten years.

An attempt to commit an offense specified in the preceding paragraphs is punishable.

Article 222 A person who commits an offense specified in the preceding article under one of the following circumstances shall be sentenced to imprisonment for not less than seven years:

1. Offense committed by two or more persons
2. Offense against a male or a female under the age of fourteen
3. Offense against a mentally, physically or otherwise handicapped person
4. Offense with the use of a drug

in the offense

5. Abuse against the victim

6. Offense committed by taking the opportunity of operating a means of transportation used for the public or unspecified people

7. Commission of an offense by intruding into a residence or a structure used for residence or a vessel or by hiding inside of it for commission of the offense

8. Carrying a weapon while the offense is committed

An attempt to commit an offense prescribed in the preceding paragraph is punishable.

Article 223 (Deleted)

Article 224 A person who commits an obscene act against a male or female against their will through the use of violence, threats, intimidation, or hypnosis shall be sentenced to imprisonment of not less than six months but not more than five years.

Article 224-1 A person who commits an offense specified in the preceding article under one of the

circumstances specified in paragraph 1 of Article 222 shall be sentenced to imprisonment for not less than three years but not more than ten years.

Article 225 A person who takes advantage of the mental or physical handicap, mental or intellectual defect, or a similar condition which makes resistance impossible for intercourse with a male or a female shall be sentenced to imprisonment for not less than three years but not more than ten years.

A person who takes advantage of the mental or physical handicap, mental or intellectual defect, or a similar condition which makes resistance impossible for obscene behavior with a male or a female shall be sentenced to imprisonment for not less than six months but not more than five years.

An attempt to commit an offense prescribed in paragraph is punishable.

Article 226 If the commission of an offense specified in Article 221, 222, 224, 224-1 or 225 results in the death of the victim, the offender shall be sentenced to life imprisonment or imprisonment for not less than ten years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than ten years.

If the offense causes suicide of the victim because of shame or humiliation or causes aggravated injury in an attempt to commit suicide, the offender shall be sentenced to imprisonment for not less than ten years.

Article 226-1 A person who commits the offense specified in Article 221, 222, 224, 24-1 or 225 and intentionally kills the victim, shall be sentenced to death or life imprisonment; if the offender causes aggravated injury to the victim, he shall be sentenced to life imprisonment, or imprisonment for not less than ten years.

Article 227 A person who has sexual intercourse with a male or female under the age of fourteen shall be sentenced to imprisonment for not less than three years but not more than ten years.

A person who commits an obscene act against a male or female who is under the age of fourteen shall be sentenced to imprisonment for not less than six months but not more than five years.

A person who has sexual intercourse with a male or female who is over the age of fourteen but under the age of sixteen shall be sentenced to imprisonment for not more than seven years.

A person who commits an obscene act against a male or female who is over the age of fourteen years but under the age of sixteen shall be sentenced to imprisonment for not more than three years.

An attempt to commit an offense specified in paragraphs 1 and 3 is punishable.

Article 227-1 The punishment specified in the preceding paragraph shall be

reduced or remitted for an offender under the age of eighteen.

Article 228 A person who takes advantage of his authority over another who is subject to his supervision, assistance, caring because of family, guardian, tutor, educational, training, benefactor, official, or occupational relationship or a relationship of similar nature to have sexual intercourse with such other shall be sentenced to imprisonment for not less than six months but not more than five years.

A person with relationship specified in the preceding paragraph who commits obscene act against such shall be sentenced to imprisonment for not more than three years.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 229 A person who by fraudulent means induces a male or female to mistake him or her as his or her



spouse and has sexual intercourse shall be sentenced to imprisonment for not less than three years but not more than ten years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 229-1 Prosecution for an offense of Articles 221 and 224 against spouse or an offense of Article 227 by a person under the age of eighteen may be instituted only upon the complaint.

#### Chapter 16-1 Offense against Morality

Article 230 A person who has sexual intercourse with a lineal blood relative or a collateral blood relative within the third degree of relationship shall be sentenced to imprisonment for not more than five years.

Article 231 A person who for purpose of making a male or female to have sexual intercourse or make an obscene act with a third person induces, accepts, or arranges them to gain shall be sentenced to

imprisonment of not more than five years and, in addition thereto, a fine of not more than one hundred thousand yuan may be imposed. A person who commits the crime through fraudulence is subject to the same punishment.

A public official who harbors a person who commits an offense specified in the preceding paragraph shall be subject to the punishment prescribed for the offense in the preceding paragraph by increasing the punishment up to one half.

Article 231-1 A person who for purpose of gain forces, with the use of violence, threats, intimidation, controls, drugs, hypnosis or another means, a male or female to have sexual intercourse or make an obscene act against a third person against their will shall be sentenced to imprisonment of not less than seven years and, in addition thereto, a fine of not more than three hundred thousand yuan may be imposed.

A person who assists, accepts, or

conceals a person specified in the preceding paragraph or causes him to conceal shall be sentenced to imprisonment for not less than one year but not more than seven years.

A public official who harbors an offender specified in the preceding paragraphs shall be sentenced to punishment prescribed in the preceding paragraphs by increasing the punishment up to one half.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 232 A person who commits an offense specified in paragraph 1 of Article 231, paragraph 1 and 2 of Article 231-1 against a person under his supervision assistance, caring as specified in Article 228 or against his wife shall be punished by increasing up to one half the punishments prescribed in these paragraphs and articles.

Article 233 A person who for purpose of inducing a male or female who is under the age of sixteen to make

an obscene act or sexual intercourse with another induces, retains, or arranges them shall be sentenced to imprisonment for not more than five years, short-term imprisonment, and a fine of not more than five thousand yuan. An offense by fraudulence is subject to same punishment.

A person who commits the offense prescribed in the preceding paragraph for purpose of gain shall be sentenced to imprisonment for not less than one year but not more than seven years; and, in addition thereto, a fine of not more than fifty thousand yuan may be imposed.

Article 234 A person who for purpose of exhibition publicly commits an obscene act shall be sentenced to imprisonment for less than one year, short-term imprisonment; and, in addition thereto, a fine of not more than three thousand yuan may be imposed.

A person who commits the offense specified in the preceding paragraph for purpose of gain

shall be sentenced to fixed term imprisonment of no more than two years, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of less than ten thousand yuan may be imposed.

Article 235 A person who distributes, broadcasts, sells, publicly displays, or by other means to show an obscene writing, picture, audio record, video record, or any other object to another person shall be sentenced to imprisonment for not more than two years, short-term imprisonment, in lieu thereof, or in addition thereto, a fine of thirty thousand yuan may be imposed.

A person who with purpose to distribute, broadcast, or sell makes or possesses the obscene writing, picture, audio record, video record, or any other object shall be subject to same punishment.

The writing, picture, audio or video object shall be confiscated whether it belongs to the offender or not.

Article 236 Prosecution for an offense specified in Article 230 may be instituted only upon complaint.

Chapter 17 Offenses Against Marriage and Family

Article 237 A person who has a spouse and marries again or who marries two or more persons at the same time shall be sentenced to imprisonment for not more than five years; the other party to such marriage shall be subject to the same punishment.

Article 238 A person who by fraudulent means enters into a void or voidable marriage which is declared void or is annulled by final decision shall be sentenced to imprisonment for not more than three years.

Article 239 A married person who commits adultery with another shall be sentenced to imprisonment for not more than one year; the other party to the adultery shall be subject to the same punishment.

Article 240 A person who abducts a male or female under the age of twenty to leave his or her family or another

who has the custody of the male or female shall be sentenced to imprisonment for not more than three years.

A person who abducts a married male or female to leave their family shall be subject to the same punishment.

A person who for purpose of gain or for purpose of causing an abducted person to submit to an obscene act or to sexual intercourse commits the offense specified in one of the two preceding paragraphs shall be sentenced to imprisonment for not less than six months but not more than five years; a fine, in addition thereto, of not more than one thousand yuan may be imposed. An attempt to commit an offense specified in the three preceding paragraphs is punishable.

Article 241 A person who forcibly abducts from his family or from another who has the custody a male or female who is under the age of twenty shall be sentenced to imprisonment for not less than one year but not more

than seven years.

A person who for purpose of gain or for purpose of causing an abducted person to submit to an obscene act or to have sexual intercourse commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than one thousand yuan may be imposed.

Abduction of a male or female person under the age of sixteen shall be considered as forcible abduction.

An attempt to commit an offense specified in one of the three preceding paragraphs is punishable.

Article 242 A person who transports an abducted person specified in one of the two preceding articles beyond the territory of the Republic of China shall be sentenced to life imprisonment or imprisonment for not less than seven years.



An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 243 A person who for the purpose of gain or for purpose of causing an abducted person specified in Article 240 or 241 to submit to an obscene act or to sexual intercourse, receives or harbors such an abducted person or causes him to be concealed shall be sentenced to imprisonment for not less than six months but not more than five years; and, in addition thereof, a fine of not more than five hundred yuan may be imposed. An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 244 A person who commits an offense specified in Article 240 or 241 and who returns the abducted person or reveals the location of such a person resulting in his recovery before a decision has been pronounced may have his punishment reduced.

Article 245 Prosecution for an offense

specified in Articles 238 and 239 and paragraph 2 of Article 240 may be instituted only upon complaint.

A spouse who connives or forgives the offender of Article 239 has no right to complaint.

#### Chapter 18 Offenses Against Religion, Graves, and Corpses

Article 246 A person who publicly insults a shrine, temple, church, grave, or public memorial place shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than three hundred yuan. A person who interferes with a funeral, burial, sacrifice, religious service, or worship shall be subject to the same punishment.

Article 247 A person who damages, abandons, insults or steals a corpse shall be sentenced to imprisonment for not less than six months but not more than five years. A person who damages, abandons or steals the bone, hair, burial

articles or cremated remains of a deceased person shall be sentenced to imprisonment for not more than five years.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 248 A person who digs out a grave shall be sentenced to imprisonment for not less than six months but not more than five years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 249 A person who digs out a grave and damages, abandons, insults, or steals the corpse shall be sentenced to imprisonment for not less than three years but not more than ten years.

A person who digs out a grave and damages, abandons, or steals the bones, hair, burial articles, or cremated remains of a deceased person shall be sentenced to imprisonment for not less than one year but not more than seven

years.

Article 250 A person who commits an offense specified in one of the articles, 247 through 249, against his lineal blood ascendant shall be subject to the punishment prescribed for such offense by increasing it up to one half.

Chapter 19 Offenses Against Agriculture,  
Industry, and Commerce

Article 251 A person who stocks up any of the following objects and refrains from selling to the market without justification with the intention to raise the transaction price shall be sentenced to imprisonment for no more than three years, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of no more than three hundred thousand yuan may be imposed:

1. Provisions, agricultural products or other consumer food and drink necessities.
2. Plant seeds, fertilizer, raw materials or other objects required for agriculture or

industry.

A person who by threats or violence obstructs the transportation of the objects under the preceding paragraph shall be sentenced to five years of imprisonment, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of no more than five hundred thousand yuan may be imposed.

A person who disseminates false information with the intention to affect the transaction price of the objects under the first paragraph shall be sentenced to no more than two years of imprisonment, short-term imprisonment or a fine of no more than two hundred thousand yuan.

An attempt to commit an offense specified in the second paragraph is punishable.

Article 252 A person who intends to cause damage to others impairs the agricultural irrigation works of another shall be sentenced to imprisonment for not more than two years, short-term imprisonment,

or a fine of not more than three hundred yuan.

Article 253 A person who intends to defraud another counterfeits or imitates a registered trade mark or trade name shall be sentenced to imprisonment for not more than two years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than three thousand yuan may be imposed.

Article 254 A person who knowingly sells a thing having a counterfeit or imitated trademark or trade name, or intends to sell offers to sell or imports a thing having a counterfeit or imitated trademark or trade name shall be sentenced to a fine of not more than two thousand yuan.

Article 255 A person who intends to defraud another makes a false mark or indication on merchandise describing its country of origin or quality shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or

a fine of not more than one thousand yuan.

A person who knowingly sells a thing specified in the preceding paragraph, or intends to sell offers to sell or imports a thing specially in the preceding paragraph shall be subject to the same punishment.

#### Chapter 20 Offenses Relating to Opium

Article 256 A person who manufactures opium shall be sentenced to imprisonment for not more than seven years; in addition thereto, a fine of not more than three thousand yuan may be imposed.

A person who manufactures morphine, cocaine, heroin, or one of their compounds shall be sentenced to life imprisonment or imprisonment for not less than five years; in addition thereto, a fine of not more than five thousand yuan may be imposed.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 257 A person who sells or transports opium shall be sentenced to imprisonment for not more than seven years; in addition thereto, a fine of not more than three thousand yuan may be imposed.

A person who sells or transports morphine, cocaine, heroin, or one of their compounds shall be sentenced to imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than five thousand yuan may be imposed.

A person who imports substance specified in one of the two preceding paragraphs shall be sentenced to life imprisonment or imprisonment for not less than five years; in addition thereto, a fine of not more than ten thousand yuan may be imposed.

An attempt to commit an offense specified in one of the three preceding paragraphs is punishable.

Article 258 A person who manufactures, sells, or transports an instrument used exclusively for smoking or taking



opium shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than five hundred yuan may be imposed. An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 259 A person who with the intention of making a profit gives another a morphine injection or supplies a place for him to smoke or take opium or one of its compounds shall be sentenced to imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than one thousand yuan may be imposed. An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 260 A person who cultivates the poppy plant intent to be used to manufacture opium or morphine shall be sentenced to imprisonment for not more than five years; in addition thereto, a fine of not more than three

thousand yuan may be imposed.

A person who sells or transports poppy seeds for purpose that they be used to manufacture opium or morphine shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than three thousand yuan may be imposed.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 261 A public official who uses his authority to compel another person to commit an offense specified in the preceding article shall be sentenced to death or life imprisonment.

Article 262 A person who smokes or takes opium, takes a morphine injection, or uses cocaine, heroin, or one of their compounds shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 263 A person who intends to commit an offense specified in this Chapter possesses opium, morphine, cocaine, heroin, or one of their compounds or an instrument used exclusively for smoking or taking opium shall be sentenced to short-term imprisonment or a fine of not more than five hundred yuan.

Article 264 A public official who harbors a person who commits an offense specified in this Chapter shall be subject to the punishment prescribed for such offense by increasing it up to one half.

Article 265 If an offense specified in this Chapter is committed, the opium, morphine, cocaine, heroin, the compound, the seeds, or an instrument used to exclusively for smoking or taking opium shall be confiscated whether or not it belongs to the offender.

#### Chapter 21 Offenses of Gambling

Article 266 A person who gambles in a public place or a place open to the public shall be sentenced to a fine of not

more than one thousand yuan unless the item for which he gambles is one to provide temporary amusement.

Gambling apparatus at the site found at the gambling table or place for exchange of gambling tokens shall be confiscated whether or not it belongs to the offender.

Article 267 (Deleted)

Article 268 A person who intend to make a profit furnishes a place to gamble or assembles person to gamble shall be sentenced to imprisonment for not more than three years; in addition thereto, a fine of not more than three thousand yuan may be imposed.

Article 269 A person who intent to make a profit operates a prize-giving savings business or issues lottery tickets without permission of the government shall be sentenced to imprisonment for not more than one year or short-term imprisonment; in addition thereto, a fine of not

more than three thousand yuan may be imposed.

An agent who acts as an intermediary in a prize-giving savings business or in the sale of lottery tickets as specified in the preceding paragraph shall be sentenced to imprisonment for not more than six months or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than one thousand yuan may be imposed.

Article 270 A public official who harbors a person who commits an offense specified in this Chapter shall be subject to the punishment prescribed for such an offense by increasing it up to one half.

#### Chapter 22 Offenses of Homicide

Article 271 A person who takes the life of another shall be sentenced to death or life imprisonment or imprisonment for not less than ten years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

A person who prepares to commit an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than two years.

Article 272 A person who takes the life of his lineal blood ascendant shall be sentenced to death or life imprisonment.

An attempt to commit an offense specified in the preceding paragraph is punishable.

A person who prepares to commit an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than three years.

Article 273 Any person who kills others on the scene by righteous indignation shall be sentenced to imprisonment for not more than seven years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 274 A mother who causes the death of her child at the time of or immediately after its birth shall

be sentenced to imprisonment for not less than six months but not more than five years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 275 A person who abet or assist another to commit suicide or who causes the death of another upon his request or with his consent shall be sentenced to imprisonment for not less than one year but not more than seven years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

If two or more persons agree to die together and commit an offense specified in paragraph 1, the punishment may be remitted.

Article 276 A person who negligently causes the death of another shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than two thousand yuan.

A person in the performance of his occupational duties or activities

commits an offense specified in the preceding paragraph by neglecting the degree of care required by such occupation shall be sentenced to imprisonment for not more than five years or short-term imprisonment; in addition thereto, a fine of not more than three thousand yuan may be imposed.

#### Chapter 23 Offenses of Causing Injury

Article 277 A person who causes injury to another shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than one thousand yuan. If death results from the commission of an offense specified in the preceding paragraph, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if serious physical injury results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten



years.

Article 278 A person who causes serious physical injury to another shall be sentenced to imprisonment for not less than five years but not more than twelve years.

If death results from the commission of an offense specified in the preceding paragraph, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 279 A person who acted in the heat of passion caused by legally adequate provocation thereupon commits an offense specified in one of the two preceding articles shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than one thousand yuan; if death results from the commission of such an offense, he shall be sentenced to imprisonment for not more than

five years.

Article 280 A person who commits an offense specified in Article 277 or 278 against his lineal blood ascendant shall be subject to the punishment prescribed for such an offense by increasing it up to one half.

Article 281 A person who commits an act of assault or battery against his lineal blood ascendant without causing him an injury shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 282 A person who abet or assist another to cause serious physical injury to himself or who causes serious physical injury to another upon his request or with his consent shall be sentenced to imprisonment for not less than three years; if death results from the commission of such offense, he shall be sentenced to imprisonment for not less than six months but not more than five

years.

Article 283 A person who participates, in any way other than acting self-defense, in a fight or an attack involving a number of people which results in death or serious physical injury shall be sentenced to imprisonment for not more than three years; a person who actually causes such injury shall be punished in accordance with the provisions of articles relating to offenses of causing injury.

Article 284 A person who negligently causes injury to another shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than five hundred yuan; if serious physical injury results, he shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than five hundred yuan.

A person in the performance of his occupational duties or activities causes injury to another by

neglecting the degree of care required by such occupation shall be sentenced to imprisonment for not more than one year, short-term imprisonment or a fine of not more than one thousand yuan; if serious physical injury results, he shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than two thousand yuan.

Article 285 A person knowing that he has a venereal disease conceals such a fact to commit an obscene act or have sexual intercourse with another and causes such other to be infected shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than one hundred thousand yuan.

Article 286 A person who maltreats a minor under the age of sixteen or impairs the mental or physical health or development thereof by other means shall be sentenced to imprisonment for not more than five years.

A person who intends to make a

profit by committing an offense specified in the preceding paragraph shall be sentenced to imprisonment for not less than five years; in addition thereto, a fine of not more than three million yuan may be imposed.

Article 287 Prosecution for an offense specified in paragraph 1 of Article 277, Article 281, 284, or 285 may be instituted only upon complaint except the offense specified in paragraph 1 of Article 277 committed by a public official.

#### Chapter 24 Offenses of Abortion

Article 288 A pregnant woman who by taking drugs or by other means causes her abortion shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than one hundred yuan.

A pregnant woman who permits another to cause her abortion shall be subject to same punishment.

If the commission of an offense

specified in one of the two preceding paragraphs is necessary because of sickness or for averting danger to life, the punishment shall be remitted.

Article 289 A person who at the request or with the consent of a pregnant woman causes her abortion shall be sentenced to imprisonment for not more than two years.

If the commission of the offense results in the death of the woman, the offender shall be sentenced to imprisonment for not less than six months but not more than five years; if aggravated injury results, the offender shall be sentenced to imprisonment for not more than three years.

Article 290 A person who for purpose of gain commits an offense specified in paragraph 1 of the preceding article shall be sentenced to imprisonment for not less than six months but not more than five year; in addition thereto, a fine of not more than five hundred yuan may be imposed.

If the commission of the offense

results in the death of the woman, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years; in addition thereto, a fine of not more than five hundred yuan may be imposed; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than one year but not more than seven years; in addition thereto, a fine of not more than five hundred yuan may be imposed.

Article 291 A person who without the request or consent of a pregnant woman causes her abortion shall be sentenced to imprisonment for not less than one year but not more than seven years.

If the commission of the offense results in the death of the woman, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten

years.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 292 A person who by writing, drawing or other means publicly advertises a method or thing to be used for abortion or who offers the services of himself or of another for abortion shall be sentenced to imprisonment for not more than one year or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than one thousand yuan may be imposed.

#### Chapter 25 Offenses of Abandonment

Article 293 A person who abandons a helpless person shall be sentenced to imprisonment for not more than six months, short-term imprisonment, or a fine of not more than one hundred yuan.

If the commission of the offense results in death, the offender shall be sentenced to imprisonment for not more than five years; if aggravated injury



results, the offender shall be sentenced to imprisonment for not more than three years.

Article 294 If a person who by law, order, or contract has duty to support or protect a helpless person abandons him or does not give him support or protection necessary to preserve his life, the person shall be punished by imprisonment for not less than six months but not more than five years.

If the commission of the offense results in death, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

Article 294-1 If a person, who has duty to support, raise or protect a helpless person by Family Part of Civil Code, abandons the helpless person or does not give him support or protection necessary to preserve his life, he/she shall

not be punished under one of the following circumstances :

1.The helpless person has previously committed an offense which the minimum punishment is an imprisonment of not less than six month and causes injury to the life, body or freedom of him/her.

2.The helpless person has previously committed the offenses which is specified in paragraph 3 of article 227, paragraph 2 of 228, paragraph1 of 231, article 286 or article 32, 33 of Human Trafficking Prevention Act, to him/her.

3.The helpless person has previously committed an offense which is not provided for in the preceding two paragraphs to the person and is sentenced to an imprisonment of more than six month.

4.The helpless person failed to exercise his duty to support, raise or protect the person exceed two years and the circumstances are considered serious.

Article 295 A person who commits an offense

specified in article 294 against his lineal blood ascendant shall be subject to the punishment prescribed for such an offense by increasing it up to one half.

#### Chapter 26 Offenses Against Freedom

Article 296 A person who enslaves another or places another in a position as not free as a slave shall be sentenced to imprisonment for not less than one year but not more than seven years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 296-1 A person who trades in or mortgages humans shall be sentenced to imprisonment for not less than five years and, in addition thereto, a fine of not more than five hundred thousand yuan may be imposed.

A person who for purpose to make a person to engage in sexual intercourse or to make an obscene act commits the offense specified in the preceding paragraph shall be sentenced to imprisonment for

less than seven years and, in addition thereto, a fine of not more than five hundred thousand yuan may be imposed.

A person who through the use of violence, threats, intimidation, controls, drugs, hypnosis or another means commit an offense specified in the two preceding paragraphs shall be sentenced to a punishment by increasing it up to one half.

A person who arranges, accepts, conceals a traded or mortgaged person specified in the three preceding paragraphs or to cause him to conceal shall be sentenced to imprisonment for not less than one year but not more than seven years, in addition thereto, a fine of not more than three hundred thousand yuan may be imposed.

A public official who harbors a person who commits an offense specified in the four preceding paragraphs shall be sentenced to the punishment prescribed in the relating paragraph by increasing it by one half.

An attempt to commit an offense specified in paragraphs 1 to 3 is punishable.

Article 297 A person who for purpose of gain fraudulently causes another to leave the territory of the Republic of China shall be sentenced to imprisonment for not less than three years but not more than ten year and, in addition thereto, a fine of not more than three hundred thousand yuan may be imposed.

An attempt to commit an offense specified in the previous paragraph is punishable.

Article 298 A person who forcibly abducts a female person for purpose that she marry him or another shall be sentenced to imprisonment for not more than five years.

A person who forcibly abducts a female for purpose of gain or for purpose to cause her to commit an obscene act or submit to sexual intercourse shall be sentenced to imprisonment for not less than one year but not more than seven years; in addition thereto, a fine

of not more than one thousand yuan may be imposed.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 299 A person who transports a forcibly abducted person specified in the preceding article beyond the territory of the Republic of China shall be sentenced to imprisonment for not less than five years.

An attempt to commit an offense specified in the preceding paragraph is punishable

Article 300 A person who accepts, conceals or causes to be concealed a forcibly abducted person for purpose of gain or for purpose that such an abducted person commit an obscene act or have sexual intercourse shall be sentenced to imprisonment for not less than six months but not more than five years; in addition thereto, a fine of not more than five hundred yuan may be imposed.

An attempt to commit an offense

specified in the preceding paragraph is punishable.

Article 301 A person who commits an offense specified in one of the articles, 298 through 300, and who returns the abducted person or reveals the location of the person resulting in his recovery before a judgment has been pronounced may have his punishment reduced.

Article 302 A person who without authority takes another into custody or by other illegal means deprives him of his freedom of movement shall be sentenced to imprisonment for not more than five years, short-term imprisonment, or a fine of not more than three hundred yuan.

If death results from the commission of the offense, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 303 A person who commits an offense specified in paragraph 1 or 2 of the preceding article against his lineal blood ascendant shall be subject to the punishment prescribed for such an offense by increasing it up to one half.

Article 304 A person who by violence or threats causes another to do a thing which he has no obligation to do or who prevents another from doing a thing that he has the right to do shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine or not more than three hundred yuan. An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 305 A person who threatens to cause injury to the life, body, freedom, reputation, or property of another and thereby endangers his safety shall be sentenced to



imprisonment for not more than two years, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 306 A person who without reason enters a dwelling house or structure of another, the adjacent or surrounding grounds, or a vessel belonging to another shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three hundred yuan.

A person who without reason conceals himself in the property specified in the preceding paragraph or refuses to leave upon request shall be subject to the same punishment.

Article 307 A person who searches a person, dwelling house, structure, vessel, carriage or aircraft of another contrary to law or order shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than three hundred yuan.

Article 308 Prosecution for an offense specified in one of the articles, 298 through 306, may be instituted only upon complaint. If the offense is one specified in paragraph 1 of Article 298, a complaint may not be made contrary to the will of the abducted person.

Chapter 27 Offenses Against Reputation and Credit

Article 309 A person who publicly insults another shall be sentenced to short-term imprisonment or a fine of not more than three hundred yuan.

A person who by violence commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 310 A person who points out or disseminates a fact which will injure the reputation of another for purpose that it be communicated to the public commits the offense of slander and shall

be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than five hundred yuan.

A person who by circulating a writing or drawing commits an offense specified in the preceding paragraph shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than one thousand yuan.

A person who can prove the truth of the defamatory fact shall not be punished for the offense of defamation unless the fact concerns private life and is of no public concern.

Article 311 A person who makes a statement with bona-fide intent under one of the following circumstances shall not be punished:

1. Self-defense, self-justification, or the protection of legal interest
2. A report made by a public official in his official capacity
3. Fair comment on a fact subject to public criticism

4. Fair report on the proceedings of a national or local assembly, court, or a public meeting

Article 312 A person who publicly insults a deceased person shall be sentenced to short-term imprisonment or a fine of not more than three hundred yuan.

A person who commits the offense of defamation of a deceased person shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than one thousand yuan.

Article 313 A person who injures the credit of another by circulating rumors or by fraudulent means shall be sentenced to imprisonment for not more than two years or with short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than one thousand yuan may be imposed.

Article 314 Prosecution for an offense specified in this Chapter may be instituted only upon complaint.

Chapter 28 Offenses Against Privacy

Article 315 A person who without reason opens or conceals a sealed letter or other sealed document belonging to another shall be sentenced to short-term imprisonment or a fine of not more than three thousand yuan. A person who without reason looks into the contents of a sealed letter by other means than opening shall be subject to same punishment.

Article 315-1 An offense with one of the following circumstances shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than three hundred thousand yuan:

1. Uses instruments or equipment without reason to peep at or eavesdrop on other's non-public activities, speeches, talks, or the private part of the body

2. Uses audio recording, photographic, visual-taping, or electromagnetic means without reason to record other's non-public activities, speeches, talks, or the private bodily part

Article 315-2 A person who for purpose of gain provides a locality or an instrument to facilitate another to engage in an act specified in paragraph 1 shall be sentenced to imprisonment for less than five years and short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than fifty thousand yuan may be imposed.

A person who for purpose of dissemination, broadcast, or sale has the act specified in the preceding paragraph shall be subject to the same punishment.

An offense of manufacturing, distributing, broadcasting or selling the recorded materials specified in the two preceding paragraphs or item 2 of the preceding article shall be punished in accordance with the provisions of paragraph 1.

An attempt to commit an offense specified in the three preceding paragraphs is punishable.

Article 315-3 The contents of the recording specified in the preceding two

articles and the articles on which the recording is made and the recording articles shall be confiscated whether or not they belong to the offender.

Article 316 A medical doctor, pharmacist, druggist, midwife, mental therapist, clergyman, lawyer, defender, notary public, accountant, one of their business assistants, or one who has previously engaged in such occupation who without reason discloses the secrets of another which he knows or possesses because of his occupation shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than fifty thousand yuan.

Article 317 A person who is required by law, order, or contract to preserve the commercial or industrial secrets of another which he knows or possesses because of his occupation and who discloses such secrets without reason shall be sentenced to imprisonment for not more than one year, short-term

imprisonment, or a fine of not more than one thousand yuan.

Article 318 A public official or one who has previously been a public official who discloses without reason commercial or industrial secrets of another that he knows or possesses because of his official position shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than two thousand yuan.

Article 318-1 A person without reason discloses the secrets of another which he knows or possesses through the use of a computer or other relating equipment shall be sentenced to imprisonment of not more than two years, short-term imprisonment, or a fine not more than five thousand yuan.

Article 318-2 A person who commits, by using a computer or relating equipment, the offenses specified in Articles 316 to 318 shall be sentenced to punishment by increasing it up to one half.



Article 319 Prosecution for an offense specified in Articles 315, 315-1, and 316 through 318-2 may be instituted only upon complaint.

Chapter 29 Offense of Larceny

Article 320 A person who for purpose to exercise unlawful control over other' s property for himself or for a third person unlawfully takes movable property of another commits larceny and shall be sentenced to imprisonment for not more than five years, short-term imprisonment, or a fine of not more than five hundred yuan.

A person who for purpose to gain unlawful benefit of himself or of a third person unlawfully occupies the real property of another shall be punished in accordance with provisions of the preceding paragraph.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 321 A person who commits larceny under one of the following

circumstances shall be sentenced to imprisonment for not less than six months but not more than five years:

- 1.Entering at night a dwelling house, structure used as a dwelling house, or vessel, or concealing himself therein
- 2.Damaging and crossing a window, door, wall, or other protective features
- 3.Carrying a dangerous weapon
- 4.Forming a group of three or more persons
- 5.Taking advantage of fire, flood, or any other disaster
- 6.Committing the offense at a station or wharf, airport or within another vehicle, vessel, or aircraft for public transport on water, on land or in the air.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 322 (Deleted)

Article 323 Electricity, thermo-energy, and other energies shall be considered a movable property within the meaning of this

Chapter.

Article 324 If an offense specified in this Chapter is committed among lineal blood relatives, between spouses, or among other relatives who live together and share their property, the punishment may be remitted.

Prosecution for an offense specified in this Chapter committed among the relatives specified in the preceding paragraph, blood relatives within the fifth degree of relationship or relatives by marriage within the third degree of relationship may be instituted only upon complaint.

Chapter 30 Offense of Abrupt Taking, Robbery and Piracy

Article 325 A person who for purpose to exercise unlawful control over other' s property for himself or for a third person abruptly takes from another his movable property shall be sentenced to imprisonment for not less than six months but not more than five

years.

If death results from the commission of the offense, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 326 A person who commits an offense specified in paragraph 1 of the preceding article under one of the circumstances specified in paragraph 1 of Article 321 shall be sentenced to imprisonment for not less than one year but not more than seven years.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 327 (Deleted)

Article 328 A person who uses violence, threats, drugs, hypnosis, or

other means to render resistance impossible and to take away property of another or cause him to deliver it over for purpose to exercise unlawful control over other' s property for himself or for a third person commits robbery and shall be sentenced to imprisonment for not less than five years.

A person who by means specified in the preceding paragraph obtains for himself or for a third person an illegal benefit in property shall be subject to same punishment.

If death results from the commission of robbery the offender shall be sentenced to life imprisonment or imprisonment for no less than ten years; if aggravated injury results, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years.

An attempt to commit an offense specified in paragraph 1 or 2 is punishable.

A person who prepares to commit

robbery shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine of not more than three thousand yuan.

Article 329 A person who commits abrupt taking from a person or larceny and thereupon uses threats or violence to defend the property, to escape arrest, or to destroy evidence of the offense shall be considered to have committed robbery.

Article 330 A person who commits robbery under one of the circumstances specified in paragraph 1 of Article 321 shall be sentenced to imprisonment for not less than seven years.  
An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 331 (Deleted)

Article 332 A person who commits robbery and intentionally kills another shall be sentenced to death or life imprisonment.

A person who commits robbery and

takes the opportunity to commit one of the following conducts shall be sentenced to death, life imprisonment, or imprisonment for not less than ten years:

- 1.Arson
- 2.Forcing the victim to commit sexual intercourse
- 3.Kidnapping for ransom
- 4.Causing aggravated injury to another

Article 333 A person who without the permission of a belligerent state or who does not belong to the naval force of such a state navigates a vessel for purpose to use violence or employ threats against another vessel or against a person or thing on board that vessel commits the offense of piracy and shall be sentenced to death or life imprisonment or imprisonment for not less than seven years.

A member of the crew or a passenger on board a vessel who has purpose to plunder or rob property, and who uses violence or employs threats against another member of the crew or a passenger, and who

operates or takes command of the vessel commits the offense of piracy.

If death results from the commission of piracy, the offender shall be sentenced to death, life imprisonment, or imprisonment for not less than twelve years; if aggravated injury results, the offender shall be sentenced to death, life imprisonment, or imprisonment for not less than ten years.

Article 334 A person who commits piracy and intentionally kills another shall be sentenced to death or life imprisonment.

A person who commits piracy and takes the opportunity to commit one of the following acts shall be sentenced to death, life imprisonment, or imprisonment for not less than twelve years:

5. Arson
6. Forcing the victim to commit sexual intercourse
7. Kidnapping for ransom
8. Causing aggravated injury to another



Article 334-1 The provisions of Article 323 shall apply mutatis mutandis to offenses specified in this Chapter.

#### Chapter 31 Offenses of Embezzlement

Article 335 A person who has lawful possession of property belonging to another and who takes it for purpose to exercise unlawful control over it for himself or for a third person shall be sentenced to imprisonment for not more than five years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than one thousand yuan may be imposed.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 336 A person who commits an offense specified in the preceding article with respect to a thing of which he has lawful possession because of his public fiduciary duty or for public interest shall be sentenced to imprisonment for not less than one year but not more

than seven years; in addition thereto, a fine of not more than five thousand yuan may be imposed. A person who commits an offense specified in paragraph 1 of the preceding article with respect to a thing of which he has lawful possession resulting from his occupational fiduciary relationship shall be sentenced to imprisonment for not less than six months but not more than five years; in addition thereto, a fine of not more than three thousand yuan may be imposed. An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 337 A person who for purpose to exercise unlawful control over other' s property for himself or for a third person takes a lost property, wreck, or other thing not in the custody of the owner shall be sentenced to a fine of not more than five hundred yuan.

Article 338 The provisions of Article 323 and 324 shall apply mutatis mutandis

to offenses specified in this  
Chapter.

Chapter 32 Offenses of Fraudulence, Breach of  
Trust, Taking, and Usury

Article 339 A person who by fraud causes  
another to deliver to him property  
belonging to such other or to a  
third person for purpose to  
exercise unlawful control over  
other' s property for himself or  
for a fourth person shall be  
sentenced to imprisonment for not  
more than five years or short-term  
imprisonment; in lieu thereof, or  
in addition thereto, a fine of not  
more than five hundred thousand  
yuan may be imposed.

A person who by the means  
specified in the preceding  
paragraph takes an illegal  
benefit for himself or for a third  
person shall be subject to the  
same punishment.

An attempt to commit an offense  
specified in one of the two  
preceding paragraphs is  
punishable.

Article 339-1 A person who for purpose to

exercise unlawful control over other' s property for himself or for a third person takes property of another from a fees-collecting apparatus shall be sentenced to imprisonment for not more than one year, short-term imprisonment, or a fine not more than one hundred thousand yuan.

A person who takes an illegal benefit in property for himself or for a third person is subject to the same punishment.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 339-2 A person who for purpose to exercise unlawful control over other' s property for himself or for a third person takes property of another through an ATM machine shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than three hundred thousand yuan.

A person who takes an illegal

benefit in property for him or causes a third person to take it by means specified in the preceding paragraph shall be subject to the same punishment. An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 339-3 A person who for purpose to exercise unlawful control over other' s property for himself or for a third person takes property of another by entering false data or wrongful directives into a computer or relating equipment to create the records of acquisition, loss or alteration of property ownership shall be sentenced to imprisonment for not more than seven years; in addition thereto, a fine of not more than seven hundred thousand yuan may be imposed.

A person who takes an illegal benefit in property by the method specified in the preceding paragraph shall be subject to the same punishment.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 339-4 A person who commits the offense of fraud under Article 339 and who has any of the following events shall be sentenced to imprisonment for no less than one year and no more than seven years; in addition thereto, a fine of no more than one million yuan may be imposed:

1. Offense in the name of a government agency or public official without authorization.
2. Offense by three or more persons.
3. Offense by dissemination of false information to the general public through broadcasting TV, electronic communication, Internet or other media.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 340 (Deleted)

Article 341 A person who takes advantage of

the ignorance, inexperience of another person who is under the age of eighteen or the obvious lack of distinguishing ability or the suffering of similar conditions caused by mental retardation, intellectual defect of another person to cause him to deliver property belonging to such other or to a third person for purpose to exercise unlawful control over it for himself or for a third person shall be sentenced to imprisonment for not more than five years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of less than five hundred thousand yuan may be imposed.

A person who by the means specified in the preceding paragraph takes an illegal benefit in property for himself or for a third person shall be subject to the same punishment. An attempt to commit an offense specified in the one of the two preceding paragraphs is punishable.

Article 342 A person who manages the affairs of another for purpose to take an illegal benefit for himself or for a third person or to harm the interests of his principal and who acts contrary to his duties and thereby causes loss to the property or other interest of the principal will be sentenced to imprisonment for not more than five years or short-term imprisonment; in lieu thereof, or in addition there to, a fine of not more than five hundred thousand yuan may be imposed.

An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 343 The provisions of Articles 323 and 324 shall apply mutandis mutatis to offenses specified in Articles 339 through the preceding Article.

Article 344 A person who takes advantage of the urgent need, carelessness, inexperience or lack of other resort of another to lend him money or other things at usurious interest obviously inappropriate



to the principal shall be sentenced to imprisonment for no more than three years, short-term imprisonment; in lieu thereof, or in addition thereto, a fine of no more than three hundred thousand yuan may be imposed.

Usurious interest under the preceding paragraph includes processing fee, custodian fee, default penalty and other fee related to the loan.

Article 344-1 A person who acquires usurious interest under the first paragraph of the preceding article by force, threat, intimidation, intruding into a residence, harm, damage, monitoring or other method that creates fear shall be sentenced to imprisonment for no less than six months and no more than five years; in addition thereto, a fine of no more than five hundred thousand yuan may be imposed. An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 345 (Deleted)

Chapter 33 Offenses of Extortion and Kidnapping  
for Ransom

Article 346 A person who by intimidation causes another to deliver over a thing belonging to him or to a third person for purpose to exercise unlawful control over it it for himself or for a fourth person shall be sentenced to imprisonment for not less than six months but not more than five years; in addition thereto, a fine of not more than one thousand yuan may be imposed.

A person who by the means specified in the preceding paragraph takes an illegal benefit in property for him or a third person shall be subject to the same punishment.

An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 347 A person who kidnaps another for purpose to extort ransom shall be sentenced to life imprisonment or

imprisonment for not less than seven years.

If death results from the commission of the offense, the offender shall be sentenced to death or life imprisonment or imprisonment for not less than twelve years; if aggravated injury results from the offense, the offender shall be sentenced to life imprisonment, or imprisonment for not less than ten years.

An attempt to commit an offense specified in paragraph 1 is punishable.

A person who prepares to commit an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than two years.

A person who commits an offense specified in paragraph 1 and who releases the victim before payment of ransom have his punishment reduced; who releases the victim after payment of ransom may have his punishment reduced.

Article 348 A person who commits an offense

specified in paragraph 1 of the preceding article and intentionally kills his victim shall be sentenced to death or life imprisonment.

A person who commits an offense specified in paragraph 1 of the preceding article and who has one of the following circumstances shall be sentenced to death or life imprisonment or imprisonment for not less than twelve years:

1. Forcing the victim to commit sexual intercourse
2. Resulting in aggravated injury

Article 348-1 A person who holds another and then has the purpose to extort a ransom shall be considered to have committed the offense of kidnapping for ransom.

#### Chapter 34 Offenses of Receiving Stolen Property

Article 349 A person who receives, transports, accepts for storage, knowingly purchases, or acts as an intermediary for stolen property shall be sentenced to imprisonment for not more than five years or short-term

imprisonment; in lieu thereof, or in addition thereto, a fine of not more than five hundred thousand yuan may be imposed.

A thing obtained from the conversion of stolen property shall be considered to be stolen property.

Article 350 (Deleted)

Article 351 If an offense specified in this Chapter is committed among lineal blood relatives, between spouses, or among other relatives who live together and share their property, the punishment may be remitted.

#### Chapter 35 Offenses of Destruction, Abandonment, and Damage of Property

Article 352 A person who destroys or damages a document belonging to another and causes injury to the public or another or makes them useless shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than ten thousand yuan.

Article 353 A person who damages, or renders

useless a structure, mine, or vessel belonging to another shall be sentenced to imprisonment for not less than six months but not more than five years.

If death results from the commission of the offense, the offender shall be sentenced to life imprisonment or imprisonment for not less than seven years; if aggravated injury results, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years.

An attempt to commit an offense specified in paragraph 1 is punishable.

Article 354 A person who abandon, destroys, damages, or renders useless a thing belonging to another which is not specified in the two preceding articles and causes injury to the public or another shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 355 A person who for purpose to cause loss to another fraudulently causes him or a third person to dispose of property thereby causing a property loss shall be sentenced to imprisonment for not more than three years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 356 A debtor who for purpose to impair the rights of his creditors damages, disposes of, or conceals his property at a time when compulsory execution is about to take place shall be sentenced to imprisonment for not more than two years, short-term imprisonment, or a fine of not more than five hundred yuan.

Article 357 Prosecution for an offense specified in Article 352 or Articles 354 through 356 may be instituted only upon complaint.

#### Chapter 36 Offenses Against the Computer Security

Article 358 A person who without reason by entering another's account code and password, breaking his computer protection, or taking

advantage of the system loophole of such other accesses his computer or relating equipment shall be sentenced to imprisonment for not more than three years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than one hundred thousand yuan may be imposed.

Article 359 A person without reason obtains, deletes or alters the magnetic record of another's computer or relating equipment and causes injury to the public or others shall be sentenced to imprisonment of no more than five years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than two hundred thousand yuan may be imposed.

Article 360 A person who without reason interferes, through the use of computer programs or other electromagnetic methods, with the computer or relating equipment of another person and causes injury to the public or another shall be



sentenced to imprisonment for not more than three years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than one hundred thousand yuan may be imposed.

Article 361 A person who commits the offenses specified in the three preceding articles against the computers and relating equipment of a public office shall be punished by increasing the punishment up to one half.

Article 362 A person who makes computer programs specifically for himself or another to commit the offenses specified in this Chapter and causes injury to the public or another shall be punished for imprisonment for not more than five years or short-term imprisonment; in lieu thereof, or in addition thereto, a fine of not more than two hundred thousand yuan may be imposed.

Article 363 The prosecution of the offenses specified in articles, 358 through 360, may be instituted

only upon complaint.