

<b>Title</b>	<a href="#">Criminal Code of the Republic of China</a>
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## 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 when the amended law is favorable

to the offender, the most favorable law shall apply.

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For punishment made as a rehabilitative measure that does not involve 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 into a state with no punishment or rehabilitative measure for the offense, the

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punishment or the  
rehabilitative measure  
shall be remitted.

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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.

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Article 4            Where either the conduct  
  
or the result of an offense

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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.

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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.

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Article 6

This Code shall apply to

any of the following

offenses committed by a

public official of the

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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.

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Article 7

This Code shall apply

where any national of

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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.

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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

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China against a national  
of the Republic of China.

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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.

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Article 10           The term “not less than,”  
“not more than,” or “within”  
includes the given figure.  
  
The term “public official”

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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

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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

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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

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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.

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Article 11

The General Provisions of

this Code shall also apply

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to other laws and to  
rehabilitative measures  
that provide the penal  
punishment unless the  
punishment is otherwise  
prescribed in these laws  
and measures.

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## Chapter 2 Criminal Responsibility

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

A negligent conduct is  
punishable only if  
specifically so provided.

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Article 13      A conduct is committed  
intentionally if the actor  
knowingly and

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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.

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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

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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.

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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

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

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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.

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Article 17      Increased punishment  
prescribed for a certain

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specified aggravated  
result of an offense shall  
not apply if the actor  
cannot be aware of the  
aggravated result of the  
offense.

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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

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committed by a person  
who was over the age of  
eighty.

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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

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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.

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Article 20

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

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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

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superior is not punishable  
unless the official knows  
that such orders are  
against the law.

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

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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.

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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

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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.

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

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Article 27      If a conduct is performed in the commission of an

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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,

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or who have done their  
utmost to prevent it but  
the non-occurrence of the  
result is not due to the act  
of prevention.

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## Chapter 4 Principal Offenders and Joint Offenders

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

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Article 29      A person who solicits  
another to have  
committed an offense is a  
solicitor.  
  
A solicitor shall be  
punished according to the

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punishment prescribed for  
the solicited offense.

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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.

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Article 31

A person, who joins,  
solicits or aids another in  
an offense established on  
the basis of personal or

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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.

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## Chapter 5 Punishment

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Article 32      Punishments are divided  
into principal and

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accessory punishments.

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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

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may be increased to one hundred and twenty days.

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

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Article 34

Accessory punishments

are of the following kinds:

1. Deprivation of citizen's rights.

2. Confiscation.

3. Forced collection,

payment, or

compensation

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Article 35

The degree of severity of

the kinds of principal

punishment shall be

prescribed according to

the provisions of Article

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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

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Article 36

Deprivation of citizen's rights means deprivation of the following qualifications:

1. Qualifications for being

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a public official

2. Qualification of

becoming a candidate for

public office

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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

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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.

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Article 38

The following things shall  
be confiscated:

1. Contraband

2. A thing used in the

commission of or

preparation for the

commission of an offense

3. A thing derived from or

acquired through the

commission of an offense

The thing specified in item

1 of the preceding

paragraph of this Article

shall be confiscated

whether it belongs to the

offender or not.

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A thing specified in items  
2 and 3 of paragraph 1 of  
this Article may be  
confiscated only if it  
belongs to the offender. If  
there are special  
provisions, these special  
provisions shall be  
followed.

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Article 39      If punishment is remitted,  
confiscation may,  
nevertheless, be imposed  
independently.

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Article 40      Confiscation shall be  
pronounced at the time of  
the judgment unless there  
are special provisions.  
Confiscation of

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contraband or a thing that  
may be confiscated  
independently may be  
pronounced separately.

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Article 40-1      If the law provides for  
forced collection, payment  
or compensation, this  
shall be pronounced at  
the time of judgment.

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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,

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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

preceding 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  
executed 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

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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.

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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

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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.

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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

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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.

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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

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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.

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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.

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Article 44      When the execution of a  
punishment commuted to  
a fine, community service,

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labor service, or  
reprimand is completed,  
the punishment  
pronounced in the  
sentence is deemed to  
have been executed.

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Article 45

A period of punishment  
shall be calculated from  
the day on which the  
judgment becomes final.  
Notwithstanding that the  
judgment has been  
finalized, the number of  
days during which the  
offender has not been  
held in custody shall not  
be included in the  
calculation of the period of

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punishment.

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Article 46

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 can not be deducted according to the preceding paragraph, each detained day may be counted as a day of the restriction on personal freedom if he is

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pronounced to a

rehabilitative measure

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## Chapter 6 Recidivism

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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

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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.

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Article 48

After the judgment has  
been finalized and an  
offender is found to be a  
recidivist, his punishment

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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.

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

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Chapter 7 Combined Punishment for Several  
Offenses

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Article 50 Punishments for several  
offenses committed  
before judgment is

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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.

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Article 51	In combining punishments for several offenses, the punishment for each offense shall be pronounced separately
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and executed in

accordance with the

following provisions:

1. When several

sentences of death

penalty have been

pronounced, only one of

such sentences shall be

executed.

2. When the most severe

sentence pronounced is

death penalty, no other

punishment except fines

and subordinate

punishments shall be

executed.

3. When several

sentences of life

imprisonment have been

pronounced, only one of  
such sentences shall be  
executed.

4. When the most severe  
sentence pronounced is  
life imprisonment, no  
other punishment except  
fines and subordinate  
punishments shall be  
executed.

5. When several  
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 several  
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 several 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.

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

9. When several  
confiscations have been  
pronounced, all such  
confiscations shall be  
executed.

10. All the punishments  
fixed in accordance with  
subparagraphs 5 through  
9 shall be executed;  
provided the punishments  
to be executed are an

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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

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Article 53      When there exists two or more judgments, the punishments shall be fixed in accordance with

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the provisions of Article 51  
on combining  
punishments for several  
offenses.

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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.

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Article 55      Where an act constitutes

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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.

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Article 56 (Deleted)

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## Chapter 8 Sentencing

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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

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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

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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

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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

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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

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shall apply to both the  
prescribed maximum and  
minimum.

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Article 68      Increase or reduction of a  
punishment of short-term  
imprisonment shall apply  
only to the prescribed  
maximum.

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Article 69      Increase or reduction of  
two or more principal  
punishments shall apply  
to each of the punishment.

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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

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discretionary reduction of  
punishments.

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## Chapter 9 Probation

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

1. There has been no  
  
previously sentence to an

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imprisonment or a more  
severe punishment  
pronounced for a  
intentional offense.

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

The pronouncement of  
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 to the victim as

compensation for his

property or non-property

losses

4. Disbursing a certain

amount to Public Treasury

5. Contributing labor

service of no less than

forty hours and not more

than two hundred and

forty hours to a

governmental department,

governmental institution,  
administrative legal entity,  
designated public welfare  
organization or group.

6. Carrying out detox  
therapy, mental treatment,  
psychological counseling  
or other appropriate  
programs

7. Giving necessary order  
for protecting the victim

8. Giving necessary order  
to prevent re-committing a  
crime.

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

Items 3 and 4 of

paragraph 2 may be the  
certificate of compulsory  
execution.

The pronouncement of  
probation carries less  
force than the  
pronouncement of  
accessory punishment  
and the pronouncement of  
rehabilitative punishment.

---

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.

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Article 75-1

After probation is pronounced, it may be

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.....

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.

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Article 76

If probation has not been revoked, the sentence shall forfeit its validity after the expiration of the

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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.

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## Chapter 10 Parole

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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

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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

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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.

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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

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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

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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.

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## Chapter 11 Statute of Limitations

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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

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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.

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Article 81 (Deleted)

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

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increased or reduced by  
law.

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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:

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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.

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Article 84

Execution is barred by  
limitation if not exercised  
within the following

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periods:

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

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

3. Fifteen years for an offense for which the announced sentence is imprisonment not less than one year but not more than three years

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

The periods provided for in the preceding paragraph shall commence from the day of the final judgment but if rehabilitative measures precede the execution of criminal punishment, the period shall commence from the end day of the implementation of the 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.

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## Chapter 12 Rehabilitative Measures

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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

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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 month 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.

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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 committing 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

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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

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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.

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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 1 of paragraph 2 of

Article 348 and its special

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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.

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Article 92

The measures prescribed

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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.

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Article 93

Any person who is on

probation may be placed

under protective

measures during the

period of suspension but

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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.

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Article 94	(Deleted)
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Article 95	Any alien receiving sentence more than imprisonment may, after execution or remission of
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punishment, be deported.

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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.

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Article 97

(Deleted)

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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,

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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

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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.

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## Part 2 Specific Offenses

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### Chapter 1 Civil Disturbance

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Article 100      Any person by violence or  
threats committing an  
overt act with intent to

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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

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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.

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## Chapter 2 Treason

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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

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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.

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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

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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 and  
offense specified in  
paragraph 1 shall be  
sentenced to  
imprisonment not less  
than three years but not  
more than ten years.

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Article 105

Any citizen of the Republic  
of China serving in the  
armed forces of an enemy

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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,

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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.

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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

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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

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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

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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

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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

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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

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imprisonment or  
imprisonment not less  
than seven years if the  
making of such an  
agreement on the matter  
requires Government  
authorization.

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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.

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Chapter 3 Offenses of Interference with  
Relations with Other States

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Article 116      A person who commits an  
offense of intentionally  
causing bodily injury to,  
restraining the personal  
freedom of, or injuring the

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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

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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.

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Article 119      Prosecution for an offense

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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

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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

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.....

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:

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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

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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

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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

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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

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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

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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

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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

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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

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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.

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Article 141

A person who with  
purpose to insult a public  
official or a public office  
damages, removes, or

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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

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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

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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

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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

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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.

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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

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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

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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.

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Article 148

A person who pries the content of a secret ballot shall be sentenced to a fine of not more than three

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hundred yuan.

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## Chapter 7 Offenses of Interference with

### Public Order

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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

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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

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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

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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

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Article 154

A person who joins an  
organization formed with  
purpose of committing an  
offense shall be  
sentenced to

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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.

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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

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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

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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

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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.

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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,

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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.

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## Chapter 8 Offenses of Escape

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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

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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

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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

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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

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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

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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

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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

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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

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.....

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

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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

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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 cause 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

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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 of 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

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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

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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

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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
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imprisonment for not more  
than five years.

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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

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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

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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

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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

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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

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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

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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

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Article 195      A person who counterfeits  
or alters a currently used  
coin, paper currency, or  
banknote with the  
intention to circulate shall

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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

preceding paragraph is

punishable.

---

Article 198

A person who circulate a

coin of reduced weight or

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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

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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

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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,

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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.

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Chapter 14 Offenses of Falsifying Weights  
and Measures

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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

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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

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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

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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 a  
electromagnetic recording  
and the voices, images or  
symbols that are shown  
through computer process

and are sufficient

evidence of intention.

---

## Chapter 16 Sexual Offenses

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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

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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

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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

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only upon the complaint.

---

### Chapter 16-1 Offense against Morality

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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

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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

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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

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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,

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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

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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

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.....

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

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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

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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

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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  
additional 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

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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

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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, paragraph 1 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

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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 yeas; 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

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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

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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.

---

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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)
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Article 341	A person who takes advantage of the ignorance, inexperience of another person who is under the age of eighteen
-------------	--

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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,

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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

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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

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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.

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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.

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Article 357      Prosecution for an offense  
specified in Article 352 or  
Articles 354 through 356  
may be instituted only  
upon complaint.

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Chapter 36 Offenses Against the Computer  
Security

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Article 358      A person who without  
reason by entering  
another's account code

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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

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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.

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Article 360

A person who without  
reason interferes, through  
the use of computer  
programs or other

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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.

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Article 361

A person who commits the  
offenses specified in the  
three preceding articles

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against the computers  
and relating equipment of  
a public office shall be  
punished by increasing  
the punishment up to one  
half.

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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

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addition thereto, a fine of  
not more than two  
hundred thousand yuan  
may be imposed.

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Article 363      The prosecution of the  
offenses specified in  
articles, 358 through 360,  
may be instituted only  
upon complaint.

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