

Amendment III to the Criminal Law of the People's Republic of China

(Adopted at the 25th Meeting of the Standing Committee of the Ninth National People's Congress on December 29, 2001 and promulgated by Order No. 64 of the President of the People's Republic of China on December 29, 2001)

In order to punish the crimes of terrorism, to safeguard the security of the State and of people's lives and property, and maintain public order, additional amendments are made to the Criminal Law as follows:

1. Article 114 is revised to read: "Whoever commits arson, breaches a dike, causes explosion, spreads poisonous or radioactive substances, infectious-disease pathogens or other substances, or uses other dangerous means, thereby endangering public security but causing no serious consequences, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years."
 2. The first paragraph of Article 115 is revised to read: "Whoever commits arson, breaches a dike, causes explosion, spreads poisonous or radioactive substances, or infectious-disease pathogens or other substances, or uses other dangerous means, thereby inflicting serious injury or death on people or causing heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death."
 3. The first paragraph of Article 120 is revised to read: "Whoever forms or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; persons who actively participate in a terrorist organization shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; other participants shall be sentenced to fixed-term imprisonment of not more than 3 years, criminal detention, public surveillance or deprivation of political rights."
 4. One article is added after Article 120 to be Article 120a: "Whoever provides funds to any terrorist organization or individual who engages in terrorism shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights, and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years, and he shall also be fined or his property shall be confiscated."
- "Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph."
5. The second paragraph of Article 125 is revised to read: "Whoever illegally manufactures, trades in, transports or stores poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, shall be punished in accordance with the provisions of the preceding paragraph."
 6. Article 127 is revised to read: "Whoever steals or forcibly seizes any guns, ammunition or explosives, or steals or forcibly seizes poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death."
- "Whoever robs any guns, ammunition or explosives, or robs poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, or steals or forcibly seizes any guns, ammunition or explosives from State organs or members of the armed forces, the police or the people's militia, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death."
7. Article 191 is revised to read: "Whoever, while clearly knowing that the funds are proceeds illegally obtained from drug-related crimes or from crimes committed by organizations in the nature of criminal syndicate, crimes of terrorism or crimes of smuggling and gains derived therefrom, commits any of the following acts in order to cover up or conceal the source or nature of the funds shall, in addition to being confiscated of the said proceeds and gains, be sentenced to fixed-term imprisonment of not more than 5 years or criminal detention and shall also, or shall only, be fined not less than 5 percent but not more than 20 percent of the amount of money laundered; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 5

years but not more than 10 years and shall also be fined not less than 5 percent but not more than 20 percent of the amount of money laundried: (1) providing fund accounts; (2) helping convert the property into cash or any financial negotiable instruments; (3) helping transfer the funds through transferring accounts or any other form of settlement; (4) helping remit the funds to any other country; or (5) covering up or concealing by any other means the source or nature of the illegally obtained proceeds and the gains derived therefrom.

"Where a unit commits any of the crimes mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, they shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years."

8. One article is added after Article 291 to be Article 291a: "Whoever spreads hoaxes of explosive, poisonous or radioactive substances, of infectious-disease pathogens or of other substances, fabricates terrorist information invoking explosive, biochemical, radioactive or other threats, or intentionally disseminates terrorist information while clearly knowing that it is fabricated, thereby seriously disturbing public order, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than five years."

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

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