

STATE SECURITY LAW

State Security Law of the People's Republic of China

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Article 1 This Law is formulated in accordance with the Constitution of the People's Republic of China for the purpose of safeguarding State security, protecting the State power of the people's democratic dictatorship and the socialist system, and ensuring the smooth progress of reform, opening-up, and the socialist modernization drive.

Article 2 The State security organs, as stipulated by this Law, are the competent authorities in charge of State security.

The State security organs and the public security organs shall, in accordance with the division of functions and powers as prescribed by the State, attend to their respective duties, and closely cooperate with each other so as to safeguard State security.

Article 3 Citizens of the People's Republic of China shall have the duty to safeguard the security, honour and interests of the State, and must not commit any act endangering the security, honour or interests of the State.

All State organs, armed forces, political parties, public organizations, enterprises and institutions shall have the duty to safeguard the security of the State.

The State security organs, in the work of State security, must rely on the people's support, and shall mobilize and organize the people to prevent and check any act endangering the security of the State.

Article 4 Any organization or individual that has committed any act endangering the State security of the People's Republic of China shall be prosecuted according to law.

"Act endangering State security" as referred to in this Law means any of the following acts endangering the State security of the People's Republic of China committed by institutions, organizations or individuals outside the territory of the People's Republic of China, or, by other persons under the instigation or financial support of the afore-mentioned institutions, organizations or individuals, or, by organizations or individuals within the territory in collusion with institutions, organizations or individuals outside the territory:

- (1) plotting to subvert the government, dismember the State or overthrow the socialist system;
- (2) joining an espionage organization or accepting a mission assigned by an espionage organization or by its agent;
- (3) stealing, secretly gathering, buying, or unlawfully providing State secrets;

(4) instigating, luring or bribing a State functionary to turn traitor; or

(5) committing any other act of sabotage endangering State security.

Article 5 The State shall protect organizations and individuals that have rendered support or assistance in safeguarding State security, and reward those who have made significant contributions to the maintenance of State security.

CHAPTER II FUNCTIONS AND POWERS OF THE STATE SECURITY ORGANS IN THE WORK OF STATE SECURITY

Article 6 The State security organs shall exercise, in the work of State security, the functions and powers of investigation, detention, preliminary examination and execution of arrest according to law and other functions and powers as stipulated by the law.

Article 7 Any functionary of a State security organ, when carrying out according to law a task for State security and upon producing an appropriate certificate, shall have the right to examine the identification certificate of any Chinese citizen or any person from outside the territory of the People's Republic of China; and shall have the right to investigate or inquire about relevant matters from any organization or individual concerned.

Article 8 Any functionary of a State security organ may, when carrying out a task for State security, enter any interested site upon producing an appropriate certificate, and may, in accordance with the relevant provisions of the State, with approval and upon producing an appropriate certificate, enter interested restricted areas, sites or units; and may have access to related files, materials and articles for examination.

Article 9 Any functionary of a State security organ may, when carrying out an urgent task according to law, have the priority in taking means of public transport upon producing an appropriate certificate, and have the right of way in case of a traffic block.

As necessitated by the maintenance of State security, a State security organ may, when necessary and in accordance with the relevant provisions of the State, have priority in use of any means of transport or communication, site or building belonging to any organ, organization, enterprise, institution or individual, and shall make a timely return after the use and pay an appropriate fee, and, in case of any damage or loss, shall make compensation therefor.

Article 10 Where the reconnaissance of an act endangering State security requires, a State security organ may, in accordance with the relevant provisions of the State and after going through strict approval procedures, employ technological means of reconnaissance.

Article 11 Where State security requires, a State security organ may inspect the electronic communication instruments and appliances and other similar equipment and installations belonging to any organization or individual.

Article 12 Where State security requires, a State security organ may, in accordance with the relevant provisions of the State, request such inspecting organs as the Customs and the frontier inspection stations to exempt the personnel, materials and equipment concerned from inspection. The relevant inspecting organs shall give assistance thereto.

Article 13 State security organs and their functionaries, in their work of State security, shall act strictly according to law, and refrain from overstepping or abusing their powers and infringing upon the lawful rights and interests of any organization or individual.

Article 14 The performance of duty according to law by functionaries of the State security organs shall be protected by law.

CHAPTER III DUTIES AND RIGHTS OF CITIZENS AND ORGANIZATIONS IN

SAFEGUARDING STATE SECURITY

Article 15 State organs, organizations and other institutions shall educate their personnel with regard to the maintenance of State security, mobilize and organize them to prevent and check acts endangering State security.

Article 16 Citizens and organizations shall provide convenience or other assistance for the work of State security.

Article 17 Any citizen who finds any act endangering State security shall without delay report it directly or through his work unit to a State security organ or a public security organ.

Article 18 When a State security organ investigates and finds out any circumstances endangering State security and gathers related evidence, citizens and organizations concerned shall faithfully furnish it with relevant information and may not refuse to do so.

Article 19 Any citizen or organization shall keep confidential the State secrets that have come to his knowledge or its possession regarding State security.

Article 20 No individual or organization may unlawfully hold any document, material or other articles classified as State secrets.

Article 21 No individual or organization may unlawfully hold or use any specialized espionage equipment or devices such as those for eavesdropping or secret photographing.

Article 22 Any citizen or organization shall have the right to make to the State security organ at a higher level or to a relevant department exposure of or charge against the excess or abuse of power or other unlawful acts committed by a State security organ or its functionaries. The State security organ at the higher level or the relevant department shall ascertain the facts without delay and be responsible for the handling thereof.

No one may suppress or retaliate against any citizen or organization that has assisted a State security organ in its work or made reports or charges according to law.

Article 23 Where the acts endangering State security committed by institutions, organizations or individuals outside the territory of the People's Republic of China or committed by other persons under the instigation or financial support of the said institutions, organizations or individuals, or committed by institutions or individuals within the territory of the People's Republic of China in collusion with institutions, organizations or individuals outside the territory constitute crimes, such institutions, organizations or individuals shall be investigated for criminal responsibility according to law.

Article 24 Anyone who, guilty of a crime of espionage, voluntarily surrenders himself or has performed meritorious service may be given a lighter or a mitigated punishment or be exempted from punishment; and any such person who has performed significant meritorious service may be awarded.

Article 25 Anyone who is compelled or induced to join a hostile organization and engaged in activities outside the territory endangering the State security of the People's Republic of China has made a faithful and timely report about the situation to an organ of the People's Republic of China stationed abroad, or after returning to the country, has made a faithful and timely report about the situation directly or through his unit to a State security organ or a public security organ shall not be prosecuted.

Article 26 Whoever, well aware of other persons' criminal acts of espionage, refuses to provide information while a State security organ investigates the circumstances or collects evidence from him shall be punished with administrative sanctions by his unit or the competent department at a higher level, or given a detention of not more than 15 days by the State security organ; in case the circumstances are serious, the offender shall be punished by applying mutatis mutandis the provisions of Article 162 of the Criminal Law.

Article 27 Whoever, by means of violence or threat, obstructs a State security organ from carrying out an assignment of State security according to law shall be punished in accordance with the provisions of Article 157 of the Criminal Law.

Whoever intentionally obstructs a State security organ from carrying out an assignment of State security according to law, without resort to violence or threat, but have caused serious consequences shall be punished by applying mutatis mutandis the provisions of Article 157 of the Criminal Law; in case the circumstances are not serious, the offender shall be given a detention of not more than 15 days by the State security organ.

Article 28 Whoever intentionally or negligently divulges State secrets concerning State security shall be given a detention of not more than 15 days by the State security organ; in case the offence constitutes a crime, the offender shall be investigated for criminal responsibility according to law.

Article 29 A State security organ may search the body, articles, residence and other related places of anyone who unlawfully holds documents, materials or other articles classified as State secrets, or who unlawfully holds or uses equipment and materials specially for espionage purposes, and may confiscate such documents, materials and other articles, as well as such equipment and materials.

Anyone, who unlawfully holds documents, materials or other articles classified as State secrets, if the case constitutes the crime of divulging State secrets, shall be investigated for criminal responsibility according to law.

Article 30 If the violators of this Law are from outside the territory of the People's Republic of China, they may be ordered to leave the country within a specified time limit or be deported.

Article 31 Any party concerned, if not satisfied with the detention decision, may apply for reconsideration within 15 days after receipt of the decision to the organ at the next higher level over the one that has made the decision; and if still not satisfied with the reconsideration decision, the party concerned may bring a suit in a people's court within 15 days after receipt of the reconsideration decision.

Article 32 Any State security functionary who neglects his duty or engages in malpractices for personal interests, if the offence constitutes a crime, shall be punished in accordance with the provisions of Article 187 or Article 188 of the Criminal Law; Any such person who practises unlawful detention or extorts a confession by torture, if the offence constitutes a crime, shall be punished respectively in accordance with the provisions of Article 143 or Article 136 of the Criminal Law.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 33 Any public security organ that carries out an assignment of State security according to the provisions of Paragraph 2, Article 2 of this Law shall be governed by the relevant provisions of this Law.

Article 34 This Law shall enter into force as of the date of promulgation.