

Act on Punishing Corruption

18-04-1952

Article 1 These regulations are formulated in accordance with the provisions of Article 18 of the Common Program of the Chinese People's Political Consultative Conference on Severe Corruption Punishment.

Article 2 All staff members of state organs, enterprises, schools and their affiliated institutions who embezzle, steal, defraud, or obtain state property, forcibly extort other people's property, accept bribes, or other acts of false public welfare and private interests for illegal gains are crimes of embezzlement.

Article 3 A person who commits the crime of embezzlement shall be punished according to the seriousness of the circumstances and in accordance with the following provisions:

1. If the amount of personal embezzlement is more than RMB 100 million, he shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment; those whose circumstances are particularly serious is sentenced to death.
2. If the amount of personal embezzlement is more than 50 million yuan but less than 100 million yuan, he shall be sentenced to imprisonment of not less than five years but not more than ten years.
3. If the amount of personal embezzlement is not less than 10 million yuan but not more than 50 million yuan, he shall be sentenced to not less than one year but not more than five years in prison, or one to four years of hard labor, or one to two years of public surveillance.
4. If the amount of personal embezzlement is less than 10 million yuan, he shall be sentenced to imprisonment for not more than one-year, hard labor or control;

Collective embezzlement shall be punished separately according to the amount of each individual's income and the circumstances.

The property obtained from embezzlement shall be recovered; if the crime is particularly serious, part or all of the property may be confiscated.

Article 4 A person who commits the crime of embezzlement and falls under any of the following circumstances may be sentenced to a heavier or aggravated sentence:

1. Those who seriously endanger national and social undertakings and people's safety;
2. Those who sell or seek national economic information;
3. Those who are greedy and pervert the law;
4. Blackmailers;
5. Organizers of collective corruption;
6. Repeated offenses but not corrected;
7. Those who refuse to confess or prevent others from confessing;
8. Those who damage public property for the purpose of eradicating criminal traces;
9. Those who put the blame on others to cover up the crime of corruption;

10. Those who confessed incompletely, and were then reported to have serious circumstances after being sentenced;

11. The criminal acts have other special and bad circumstances. Those who commit other crimes due to embezzlement shall be jointly sentenced.

Article 5 A person who commits the crime of embezzlement and falls under any of the following circumstances may receive a lighter or reduced sentence, or a suspended sentence, or be exempted from punishment for administrative punishment:

1. Those who confess automatically before being discovered;

2. Completely confess and sincerely repent after being discovered and automatically surrender the embezzled property as much as possible;

3. Those who have made meritorious deeds by accusing others of committing crimes under this Act;

4. Those who are young or have always been clean, occasionally commit crimes of corruption and are willing to sincerely repent.

Article 6 Anyone who bribes or introduces bribes to state officials shall be sentenced according to the severity of the circumstances and in accordance with the provisions of Article 3 of these Regulations; if the circumstances are particularly serious, part or all of their property may be confiscated; Those who report on the bribe recipient may be fined and exempt from other criminal sanctions.

Anyone who pays bribes for tax evasion shall be punished in accordance with the provisions of these Regulations for the crime of offering bribes, in addition to paying taxes and fines in accordance with the law.

Those who coerce or induce others to accept bribes shall be sentenced to severe or aggravated sentences.

Anyone who gives property to a state functionary without any illegal gains due to extortion shall not be regarded as offering bribes; the property extorted shall be returned to the owner.

Article 7 Before the promulgation of these Regulations, those who have followed old social vices and gave small rebates to state functionaries in fair trade shall not be regarded as offering bribes. However, after the promulgation of these regulations, if there are still cases of sending and receiving small-value kickbacks in transactions with state officials, regardless of the sender and receiver, they will be charged with offering bribes and accepting bribes respectively.

Article 8 Non-state functionaries who embezzle, steal, defraud or arbitrarily obtain state property shall recover their illegally obtained property, and may measure their circumstances according to the amount of their illegal gains, taking into account the provisions of Articles 4 and 5 of these Regulations. To impose fines or order compensation for other losses to the state caused by their crimes; if the circumstances are particularly serious, criminal sanctions may be imposed, or part or all of their property may be confiscated in accordance with the provisions of Article 3 of these regulations; Those who make complete confessions and whose circumstances are minor are exempted from punishment.

Article 9 Anyone who buys or steals national economic information for personal gain shall be punished by referring to Articles 3, 4, 5, and 8 of these Regulations according to the amount of illegal gains and the seriousness of the circumstances.

Article 10 If the embezzled property or other illegal gains that should be recovered cannot be recovered, other appropriate disposals may be made by the judicial organ or the deliberation organ in consultation with the competent administrative organ as appropriate.

Article 11 A person who commits a crime under this Act may be deprived of part or all of his political rights according to the circumstances of the crime.

Article 12 Those who are non-state functionaries colluding with state functionaries to commit embezzlement shall be punished with reference to the provisions of Articles 3, 4, 5, 10 and 11 of these Regulations.

Article 13 The leaders of all state organs, enterprises, schools and their affiliated institutions who find out that their staff members are embezzling and deliberately cover up or refuse to report shall be given criminal or administrative sanctions according to the seriousness of the circumstances.

Article 14 Anyone who commits a crime under this Act shall have the right to report to the competent administrative department, the people's supervisory authority, the people's public security authority, the people's procuratorate, the people's court, and other agencies or heads that the whistleblower deems appropriate.

Anyone who strikes or retaliates against the whistleblower shall be subject to criminal or administrative sanctions according to the seriousness of the circumstances:

Article 15 The staff members of social organizations who commit the crime of embezzlement shall be subject to the provisions of these regulations.

Article 16 The provisions of these Regulations shall apply to active revolutionary servicemen who commit the crime of embezzlement.

Article 17 After the promulgation of this Act, those who still commit or re-commit the crimes of this Act shall be punished with heavier or heavier punishment.

Article 18 These Regulations shall be approved and promulgated by the Central People's Government Committee.