

STATUTE ON PENALTIES FOR CORRUPTION IN THE CHINESE PEOPLE'S REPUBLIC

(April 21, 1952)

ARTICLE 1

This Statute is based on Article 18 of the Common Program of the People's Political Consultative Council of China which provides severe punishment for corruption.

ARTICLE 2

The seizure, theft, or appropriation of state property by deception or substitution, the appropriation by extortion of the property of other persons, bribery and other illegal acts committed by workers in state institutions, enterprises, schools and the agencies under their jurisdiction in the guise of taking care of the public interest are considered corruption.

ARTICLE 3

A person guilty of corruption is liable to punishment depending on the gravity of the crime as follows:

- a. If the sum appropriated exceeds 100,000,000 yuan -- imprisonment for a term of more than 10 years or life imprisonment. If the circumstances of the crime are unusually serious, the guilty person shall be sentenced to death;
- b. If the sum appropriated exceeds 50,000,000 yuan but is less than 100,000,000 yuan -- imprisonment for a term of 5-10 years;
- c. If the sum appropriated exceeds 10,000,000 yuan but is less than 50,000,000 yuan -- imprisonment for a term of 1-5 years hard labor for a term of 1-4 years, or kept under surveillance for a term of 1-2 years;
- e. If the sum appropriated does not exceed 10,000,000 yuan, the guilty person shall be sentenced to imprisonment for a term of up to 1 year, to hard labor kept under surveillance or exempted from criminal punishment -- in which case an administrative penalty shall be imposed; dismissal from his post, demotion, reprimand or warning.
- f. In the case of corruption committed by several persons, each is liable to punishment separately, the sum admitted by each and the circumstances of the crime being the basic considerations at the trial. Whatever has been acquired as a result of corruption shall be recovered from the guilty party. If the circumstances are especially serious, part or all of the property of the guilty party shall be confiscated.

ARTICLE 4

If one of the following circumstances is attendant upon an act of corruption, the guilty party shall be subject to more severe punishment:

- a. Inflicting of serious injury on the state or the public or the people's security;
- b. Theft or sale of state economic information;
- c. Bribery;
- d. Blackmail;
- e. Organization of corruption involving several persons;
- f. Repetition and failure to repent;
- g. Denial of guilt and preventing others from making confessions;
- h. Damaging public property in order to destroy traces of the crime;
- i. Slandering another person in order to cover up corruption;
- j. Incomplete confession, if after sentence has been passed serious crimes of the said individual are brought to light as a result of exposure;
- k. If other especially malicious circumstances were present during the crime.

In a case where other crimes were committed along with the corruption, punishment shall be prescribed for the totality.

ARTICLE 5

When one of the following circumstances is present, persons guilty of corruption are to be treated leniently, their punishment mitigated, or they are to be exempted from criminal punishment and an administrative penalty imposed;

- a. Confession of guilt on their own initiative before the crime is discovered;
- b. Frank and full confession after discovery of the crime, sincere and spontaneous repentance, compensation as far as possible for the property stolen by corruption;
- c. Exposure of other persons who have committed crimes specified in this Statute;
- d. Youth, unsullied reputation, and the sincere desire to reform.

ARTICLE 6

All persons who have offered bribes to government officials or who have recommended bribe takers shall, depending on the degree of guilt, be subject to punishment based on Article 3 of this Statute.

If the crime is especially serious, part or all of their property shall be confiscated.

In the event that the guilty parties frankly and fully confess their guilt and expose the person who have taken the bribes, the guilty parties shall be fined, and they shall be exempted from other criminal punishment.

Persons who have offered bribes in order to avoid the payment of taxes must pay the legal taxes and a fine and, in addition, be punished for offering bribes in accordance with this Statute.

Persons who have taken bribes and, moreover, resorted to threats or blandishments shall be punished more severely.

If a valuable item is turned over to a government official as a result of blackmail and the person who has turned over the item has committed no illegal acts, it shall not be regarded as the giving of a bribe, but the item turned over as a result of blackmail shall be restored to its former owner.

ARTICLE 7

The small commission given to government officials in connection with legal commercial transactions in conformity with the evil custom surviving from the old regime shall not be regarded as bribery until the publication of this Statute.

In the event that after publication of this Statute, the small commission is paid as before in connection with a commercial transaction, both parties -- the receiver as well as the giver of the commission -- shall be punished for the giving of a bribe and the taking of a bribe.

ARTICLE 8

Non-government officials who have seized, plundered, or appropriated state property by deception or substitution will have to return its illegally acquired property and, depending on the extent of their illegal acquisitions as detailed in Articles 4 and 5 of this Statute, all the circumstances will be weighed and either a fine shall be imposed or a decision rendered to reimburse the state for the losses caused by the crime.

If the crime is especially serious, the guilty person shall be given a criminal sentence in accordance with Article 3 of this Statute and part or all of his property confiscated.

In the event that a guilty person frankly and before the end confesses his guilt and if the crime is not serious, he shall be exempted from punishment.

ARTICLE 9

Persons who buy or steal state economic information for the sake of private gain shall be punished, depending on the amount of illegally obtained profit and the seriousness of the circumstances, on the basis of Articles 3, 4, 5 and 8.

ARTICLE 10

In the event that property stolen by corruption or other illegal acquisitions subject to recovery cannot be recovered, a judicial organ or an organ empowered to pronounce judgment shall come to an agreement with a central administrative organ and take measures appropriate to the circumstances.

ARTICLE 11

Persons who violate this Statute may, depending on the gravity of the crime, be deprived of their political rights in whole or in part.

ARTICLE 12

Non-government officials who engage in corruption together with government officials shall be punished in accordance with Articles 3, 4, 5, 10 and 11 of this Statute.

ARTICLE 13

Directors of government institutions, enterprises, educational institutions and subsidiary agencies who discover corruption on the part of their subordinates and deliberately holding back fail to expose them shall be punished, depending on the circumstances, as though for a criminal offense or suffer an administrative penalty.

ARTICLE 14

Any person has the right to expose violators of this Statute and report them to the appropriate central administrative organ, people's control organ, people's organ of public security, people's court, or other organ, or prominent individual whom they may find available.

Persons who persecute or take vengeance for the exposure shall, depending on the circumstances, either be punished as though for a criminal offense or given an administrative penalty.

ARTICLE 15

This Statute applies to workers in public organizations guilty of corruption.

ARTICLE 16

This Statute applies to soldiers in the revolutionary army guilty of corruption.

ARTICLE 17

Persons who continue to commit crimes or who have committed crimes just after the publication of this Statute shall be given the maximum punishment provided by the law, or they may be given a punishment greater than the maximum provided by the law.

ARTICLE 18

This Statute is to be confirmed and published by the Central People's Government Council.