

People's Police Law of the People's Republic of China (1)

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STANDING COMMITTEE OF THE NATIONAL PEOPLE'S CONGRESS
PEOPLE'S POLICE LAW OF THE PEOPLE'S REPUBLIC OF CHINA

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CHAPTER I GENERAL PROVISIONS

Article 1 The present Law is enacted in accordance with the Constitution for the purpose of safeguarding State security, maintaining public order, protecting the lawful rights and interests of citizens, strengthening the building of the contingent of the people's police, strictly administering the police, enhancing the quality of the people's police, ensuring the people's police's exercise of their functions and powers according to law, and ensuring the smooth progress of reform, opening up and the socialist modernization drive.

Article 2 Tasks of the people's police are to safeguard State security, maintain public order, protect citizens' personal safety and freedom and their legal property, protect public property, and prevent, stop and punish illegal and criminal activities.

The people's police consist of policemen working in public security organs, State security organs, prisons and organs in charge of reeducation through labor, as well as judicial policemen working in the People's Courts and the People's Procuratorates.

Article 3 People's policemen must rely on the support of the masses, keep close ties with them, listen attentively to their comments and suggestions, accept their supervision, safeguard their interests, and serve them wholeheartedly.

Article 4 People's policemen must take the Constitution and laws as the guiding principles for their activities, be devoted to their duties, be honest and upright and highly disciplined, obey orders, and enforce laws strictly.

Article 5 People's policemen, when carrying out their duties according to law, shall be protected by law.

CHAPTER II FUNCTIONS AND POWERS

Article 6 The people's policemen of public security organs shall, in accordance with the division of responsibilities, perform the following duties according to law:

- (1) to prevent, stop and investigate illegal and criminal activities;
- (2) to maintain public order and stop acts that endanger public order;
- (3) to ensure traffic safety, maintain traffic order and deal with traffic accidents;
- (4) to organize and carry out fire prevention and control and supervise routine fire protection;
- (5) to control firearms and ammunition, and keep under surveillance knives, inflammables, explosives, deadly poisons, radioactive materials and other dangerous articles;
- (6) to administer special trades and professions as provided by laws and regulations;
- (7) to serve as bodyguards for persons specially designated by the State

and protect important places and installations;

(8) to keep under control assemblies, processions and demonstrations;

(9) to administer affairs of household registration, citizens' nationality, and entry into and exit from the territory, and handle matters concerning aliens' residence and travel within the territory of China;

(10) to maintain public order along the border (frontier) areas;

(11) to execute criminal punishment with respect to criminals sentenced to public surveillance, criminal detention, or deprived of political rights and criminals serving sentences outside prison, and to exercise supervision over and inspection of criminals who are granted suspension of execution or parole;

(12) to supervise and administer the work of protecting the computer information system;

(13) to guide and supervise the work of security in State organs, public organizations, enterprises, institutions, and major construction projects; and guide mass organizations such as public security committees in their work of maintaining public order and preventing crime; and

(14) other duties as stipulated by laws and regulations.

Article 7 The people's policemen of public security organs may, according to law, impose compulsory administrative measures or administrative punishments against an individual or organization that violates the laws or regulations on the maintenance of public order or on the administration of public security.

Article 8 If a person seriously endangers public order or constitutes a threat to public security, the people's policemen of public security organs may forcibly take him away from the scene, detain him in accordance with law, or take other measures as provided by law.

Article 9 In order to maintain public order, the people's policemen of public security organs may, upon producing an appropriate certificate, interrogate and inspect the person suspected of having violated law or committed a crime. After interrogation and inspection, the person may be taken to a public security organ for further interrogation upon approval of this public security organ, if he or she is under any of the following circumstances:

(1) being accused of a criminal offense;

(2) being suspected of committing an offense on the scene;

(3) being suspected of committing an offense and being of unknown identity;

(4) carrying articles that are probably obtained illegally.

The period of time for holding up the interrogated person shall be not more than 24 hours, counting from the moment he or she is taken into the public security organ. In special cases, it may be extended to 48 hours upon approval by the public security organ at or above the county level, and the interrogation record shall be kept on file. If further interrogation of the person is approved, his or her family or the organization in which he or she works shall be notified without delay. If further interrogation of the person is not approved, he or she shall be released immediately.

If, through further interrogation, a public security organ considers it necessary to detain the interrogated person or adopt other compulsory measures against him or her according to law, a decision shall be made within the period of time as provided in the preceding paragraph. If the decision cannot be made within the period of time as provided in the preceding paragraph, the interrogated person shall be released immediately.

Article 10 The people's policemen of public security organs may, in accordance with the relevant regulations of the State, use weapons in case of emergencies such as resisting arrest, rebellion, escaping from prison, grabbing firearms or other acts of violence.

Article 11 In order to stop serious illegal and criminal activities, the

people's policemen of public security organs may use police implements in accordance with the relevant regulations of the State.

Article 12 In order to investigate criminal activities, the people's policemen of public security organs may, according to law, execute detention, search, arrest or other compulsory measures.

Article 13 The people's policemen of public security organs may, as required by the urgent need of performing duties, have priority in taking the means of public transport upon producing an appropriate certificate, and have the right of way in case of a traffic block.

As necessitated by investigation of a crime, a public security organ may, when necessary and in accordance with the relevant regulations of the State, have priority in using the means of transport or communications, places or buildings belonging to a State organ, organization, enterprise, institution, or individual, and shall return them to the owner immediately after use and pay an appropriate fee, and shall compensate for the loss, if there is any.

Article 14 The people's policemen of public security organs may take protective measures to restrain a mental patient who seriously endangers public security or other people's personal safety. If it is necessary to send the patient to a designated institution or place for guardianship, the matter shall be reported for approval to the public security organ of a people's government at or above the county level, and his or her guardian shall be notified without delay.

Article 15 The public security organs of the people's governments at or above the county level may, for the purpose of preventing and checking acts that seriously endanger public order, restrict the passage or parking of people or vehicles in certain areas and within certain period of time, and may even exercise traffic control when necessary.

The people's policemen of public security organs may, in accordance with the provisions of the preceding paragraph, take appropriate measures for traffic control.

Article 16 As necessitated by investigation of a crime, public security organs may, in accordance with relevant regulations of the State, take technical reconnaissance measures after strictly following approval formalities.

Article 17 The public security organs of the people's governments at or above the county level may, with the approval of the public security organs at higher levels and the people's governments at the corresponding levels and in light of the specific circumstances, exercise on-the-spot control over emergent events that seriously endanger public order.

The people's policemen of public security organs may, in accordance with the provisions of the preceding paragraph, take necessary measures to disperse the crowds and forcibly take away from the scene or immediately detain the persons who refuse to obey.

Article 18 The people's policemen of State security organs, prisons and organs in charge of reeducation through labor and the judicial policemen of the People's Courts and the People's Procuratorates shall exercise their functions and powers respectively in accordance with the provisions of relevant laws and administrative rules and regulations.

Article 19 People's policemen shall, when in spare time running into emergencies that fall into the scope of their official duties, perform their duties.