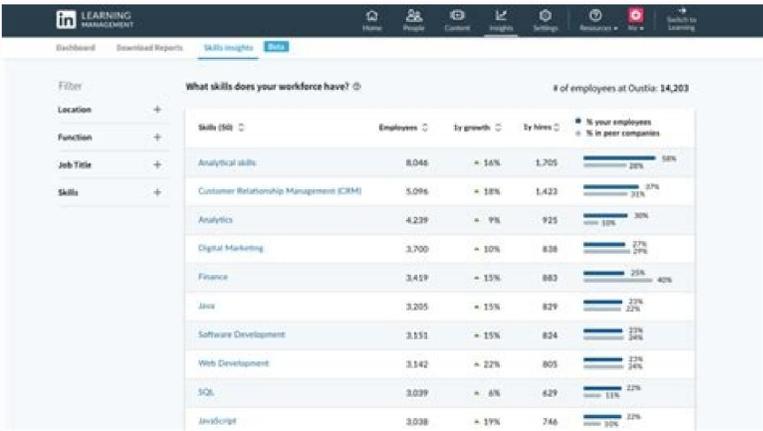


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© 2007-2021 BibMe™, a Chegg Service.BibMe™ formats according to APA 7th Edition, MLA 9th Edition, Chicago 17th Edition Youth under the age of 18 who are accused of committing a delinquent or criminal act are typically processed through a juvenile justice system.1. While similar to that of the adult criminal justice system in many ways—processes include arrest, detainment, petitions, hearings, adjudications, dispositions, placement, probation, and reentry—the juvenile justice process operates according to the premise that youth are fundamentally different from adults, both in terms of level of responsibility and potential for rehabilitation. Whereas sentencing for a serious crime following a guilty verdict in the criminal justice system often results in jail or prison time, the juvenile justice system seeks to avoid incarceration whenever possible. The primary goals of the juvenile justice system, in addition to maintaining public safety, are skill development, habilitation, rehabilitation, addressing treatment needs, and successful reintegration of youth into the community. The juvenile justice system takes a significantly more restorative approach than the adult criminal justice system. A truly successful case for youth would result in the adolescent learning from the experience without exposure to the severity of an adult prison, altering their decisions and life course moving forward, and having no further contact with juvenile or criminal justice systems. Often, youth who are involved with or at risk of being involved with the juvenile justice system have been occurring life difficulties or disabilities that led them to mess paths with the justice system at a particular moment and/or that has significant impacts on their emotional, mental, physical, and behavioral well-being. The notion that children and youth are not innately violent or cruel is the driving force behind the juvenile justice system. There exists a firm belief that youth can and will lead healthy and constructive lives if given the opportunity to grow instead of being presumed irredeemable and segregated from their communities. Learn more about the juvenile justice process. Footnote 1States, however, have the right to set lower age thresholds for processing youth through the adult system. In addition, some states automatically process any individual, regardless of age, through the adult criminal justice system for some serious offenses. The following translation was retrieved from the Fujian Provincial People's Government Web Site on January 15, 2013. The Chinese text was retrieved on December 13, 2016, from the website of the Gaoxin District Branch of the Baoding Municipal Public Security Bureau in Hebei Province. * * * (Adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, Revised at the Fifth Session of the Eighth National People's Congress on March 14, 1997) Amendment I, adopted at the 13th Meeting of the Standing Committee of the Ninth National People's Congress on December 25, 1999 Amendment II, adopted at the 23rd Meeting of the Standing Committee of the Ninth National People's Congress on August 31, 2001 Amendment III, adopted at the 25th Meeting of the Standing Committee of the Ninth National People's Congress on December 29, 2001 Amendment IV, adopted at the 31st Meeting of the Standing Committee of the Ninth National People's Congress on December 28, 2002 Amendment V, adopted at the 14th Meeting of the Standing Committee of the Tenth National People's Congress on February 28, 2005 Amendment VI, adopted at the 22nd Meeting of the Standing Committee of the Tenth National People's Congress on June 29, 2006 Amendment VII, adopted at the 7th Meeting of the Standing Committee of the Eleventh National People's Congress on February 28, 2008 Amendment VIII, adopted at the 19th Meeting of the Standing Committee of the Eleventh National People's Congress on December 25, 2011 TABLE OF CONTENTS: PART ONE GENERAL PROVISIONS CHAPTER I THE AIM, BASIC PRINCIPLES AND SCOPE OF APPLICATION OF THE CRIMINAL LAW CHAPTER II CRIMES SECTION 1 CRIMES AND CRIMINAL RESPONSIBILITY SECTION 2 PREPARATION FOR A CRIME, CRIMINAL ATTEMPT AND DISCONTINUATION OF A CRIME SECTION 3 JOINT CRIMES SECTION 4 CRIMES COMMITTED BY A UNIT CHAPTER III PUNISHMENTS SECTION 1 TYPES OF PUNISHMENTS SECTION 2 PUBLIC SURVEILLANCE SECTION 3 CRIMINAL DETENTION SECTION 4 FIXED-TERM IMPRISONMENT AND LIFE IMPRISONMENT SECTION 5 THE DEATH PENALTY SECTION 6 FINES SECTION 7 DEPRIVATION OF POLITICAL RIGHTS SECTION 8 CONFISCATION OF PROPERTY CHAPTER IV THE CONCRETE APPLICATION OF PUNISHMENTS SECTION 1 SENTENCING SECTION 2 RECIDIVISTS SECTION 3 VOLUNTARY SURRENDER AND MERITORIOUS PERFORMANCE SECTION 4 COMBINED PUNISHMENT FOR SEVERAL CRIMES SECTION 5 SUSPENSION OF SENTENCE SECTION 6 COMMUTATION OF PUNISHMENT SECTION 7 PAROLE SECTION 8 LIMITATION CHAPTER V OTHER PROVISIONS PART TWO SPECIFIC PROVISIONS CHAPTER I CRIMES OF ENDANGERING NATIONAL SECURITY CHAPTER II CRIMES OF ENDANGERING PUBLIC SECURITY CHAPTER III CRIMES OF DISRUPTING THE ORDER OF THE SOCIALIST MARKET ECONOMY SECTION 1 CRIMES OF PRODUCING AND MARKETING FAKE OR SUBSTANDARD COMMODITIES SECTION 2 CRIMES OF SMUGGLING SECTION 3 CRIMES OF DISRUPTING THE ORDER OF ADMINISTRATION OF COMPANIES AND ENTERPRISES SECTION 4 CRIMES OF DISRUPTING THE ORDER OF FINANCIAL ADMINISTRATION SECTION 5 CRIMES OF FINANCIAL FRAUD SECTION 6 CRIMES OF JEOPARDIZING ADMINISTRATION OF TAX COLLECTION SECTION 7 CRIMES OF INFRINGING ON INTELLECTUAL PROPERTY RIGHTS SECTION 8 CRIMES OF DISRUPTING MARKET ORDER CHAPTER IV CRIMES OF INFRINGING UPON CITIZENS' RIGHT OF THE PERSON AND DEMOCRATIC RIGHTS CHAPTER V CRIMES OF PROPERTY VIOLATION CHAPTER VI CRIMES OF OBSTRUCTING THE ADMINISTRATION OF PUBLIC ORDER SECTION 1 CRIMES OF DISTURBING PUBLIC ORDER SECTION 2 CRIMES OF IMPAIRING JUDICIAL ADMINISTRATION SECTION 3 CRIMES AGAINST CONTROL OF NATIONAL BORDER (FRONTIER) SECTION 4 CRIMES AGAINST CONTROL OF CULTURAL HERITAGE SECTION 5 CRIMES OF IMPAIRING PUBLIC HEALTH SECTION 6 CRIMES OF IMPAIRING THE PROTECTION OF ENVIRONMENT AND RESOURCES SECTION 7 CRIMES OF SMUGGLING, TRAFFICKING IN, TRANSPORTING AND MANUFACTURING NARCOTIC DRUGS SECTION 8 CRIMES OF ORGANIZING, FORCING, LURING, SHELTERING OR PROCURING OTHER PERSONS TO ENGAGE IN PROSTITUTION SECTION 9 CRIMES OF PRODUCING, SELLING, DISSEMINATING PORNOGRAPHIC MATERIALS CHAPTER VII CRIMES OF IMPAIRING THE INTERESTS OF NATIONAL DEFENCE CHAPTER VIII CRIMES OF EMBEZZLEMENT AND BRIBERY CHAPTER IX CRIMES OF DERELICTION OF DUTY CHAPTER X CRIMES OF SERVICEMEN'S TRANSGRESSION OF DUTIES CHAPTER XI SUPPLEMENTARY PROVISIONS Article 1 In order to punish crimes and protect the people, this Law is enacted on the basis of the Constitution and in the light of the concrete experiences and actual circumstances in China's fight against crimes. Article 2 The aim of the Criminal Law of the People's Republic of China is to use criminal punishments to fight against all criminal acts in order to safeguard security of the State, to defend the State power of the people's democratic dictatorship and the socialist system, to protect property owned by the State, and property collectively owned by the working people and property privately owned by citizens, to protect citizens' rights of the person and their democratic and other rights, to maintain public and economic order, and to ensure the smooth progress of socialist construction. Article 3 For acts that are explicitly defined as criminal acts in law, the offenders shall be convicted and punished in accordance with law; otherwise, they shall not be convicted or punished. Article 4 The law shall be equally applied to anyone who commits a crime. No one shall have the privilege of transcending the law. Article 5 The degree of punishment shall be commensurate with the crime committed and the criminal responsibility to be borne by the offender. This Law shall be applicable to anyone who commits a crime within the territory and territorial waters and space of the People's Republic of China, except as otherwise specifically provided by law. This Law shall also be applicable to anyone who commits a crime on board a ship or aircraft of the People's Republic of China. If a criminal act or its consequence takes place within the territory or territorial waters or space of the People's Republic of China, the crime shall be deemed to have been committed within the territory and territorial waters and space of the People's Republic of China. Article 7 This Law shall be applicable to any citizen of the People's Republic of China who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China; however, if the maximum punishment to be imposed is fixed-term imprisonment of not more than three years as stipulated in this Law, he may be exempted from the investigation for his criminal responsibility. This Law shall be applicable to any State functionary or serviceman who commits a crime prescribed in this Law outside the territory and territorial waters and space of the People's Republic of China. Article 8 This Law may be applicable to any foreigner who commits a crime outside the territory and territorial waters and space of the People's Republic of China against the State of the People's Republic of China or against any of its citizens, if for that crime this Law prescribes a minimum punishment of fixed-term imprisonment of not less than three years; however, this does not apply to a crime that is not punishable according to the laws of the place where it is committed. Article 9 This Law shall be applicable to crimes which are stipulated in international treaties concluded or acceded to by the People's Republic of China and over which the People's Republic of China exercises criminal jurisdiction within the scope of obligations, prescribed in these treaties, it agrees to perform. Article 10 Any person who commits a crime outside the territory and territorial waters and space of the People's Republic of China, for which according to this Law he should bear criminal responsibility, may still be investigated for his criminal responsibility according to this Law, even if he has already been tried in a foreign country. However, if he has already received criminal punishment in a foreign country, the term of the supplementary punishment shall be commuted from a death penalty with suspension of execution shall be counted from the date the judgment begins to be executed, if the criminal is held in custody before the expiration of the term of the supplementary punishment. Article 11 The criminal responsibility of foreigners who enjoy diplomatic privileges and immunities shall be solved through diplomatic channels. Article 12 If an act committed after the founding of the People's Republic of China and before the entry into force of this Law was not deemed a crime under the laws at the time, those laws shall apply. If the act was deemed a crime under the laws in force at the time and is subject to prosecution under the provisions of Section 8, Chapter IV of the General Provisions of this Law, criminal responsibility shall be investigated in accordance with those laws. However, if according to this Law the act is not deemed a crime or is subject to a lighter punishment, this Law shall apply. Before the entry into force of this Law, any judgment that has been made and has become effective according to the laws at the time shall remain valid. CHAPTER II CRIMES SECTION 1: CRIMES AND CRIMINAL RESPONSIBILITY Article 13 A crime refers to an act that endangers the sovereignty, territorial integrity and security of the State, splits the State, subverts the State power of the people's democratic dictatorship and overthrows the socialist system, undermines public and economic order, violates State-owned property, property collectively owned by the working people, or property privately owned by citizens, infringes on the citizens' rights of the person, their democratic or other rights, and any other act that endangers society and is subject to punishment according to law. However, if the circumstances are obviously minor and the harm done is not serious, the act shall not be considered a crime. Article 14 An intentional crime refers to an act committed by a person who clearly knows that his act will entail harmful consequences to society but who wishes or allows such consequences to occur, thus constituting a crime. Criminal responsibility shall be borne for intentional crimes. Article 15 A negligent crime refers to an act committed by a person who should have foreseen that his act would possibly entail harmful consequences to society but who fails to do so through his negligence or, having foreseen the consequences, readily believes that they can be avoided, so that the consequences do occur. Criminal responsibility shall be borne for negligent crimes only when the law so provides. Article 16 An act is not a crime if it objectively results in harmful consequences due to irresistible or unforeseeable causes rather than intent or negligence. Article 17 If a person who has reached the age of 16 commits a crime, he shall bear criminal responsibility. If a person who has reached the age of 14 but not the age of 16 commits intentional homicide, intentionally hurts another person so as to cause serious injury or death of the person, or commits rape, robbery, drug-trafficking, arson, explosion or poisoning, he shall bear criminal responsibility. If a person who has reached the age of 14 but not the age of 18 commits a crime, he shall be given a lighter or mitigated punishment. If a person is not given criminal punishment because he has not reached the age of 16, the head of his family or his guardian shall be ordered to discipline him. When necessary, he may be taken in by the government for rehabilitation. Article 17a A person attaining the age of 75 may be given a lighter or mitigated penalty if he commits an intentional crime, or shall be given a lighter or mitigated penalty if he commits a negligent crime. Article 18 If a mental patient causes harmful consequences at a time when he is unable to recognize or control his own conduct, upon verification and confirmation through legal procedure, he shall not bear criminal responsibility, but his family members or guardian shall be ordered to keep him under strict watch and control and arrange for his medical treatment. When necessary, the government may compel him to receive medical treatment. Any person whose mental illness is of an intermittent nature shall bear criminal responsibility if he commits a crime when he is in a normal mental state. If a mental patient who has not completely lost the ability of recognizing or controlling his own conduct commits a crime, he shall bear criminal responsibility; however, he may be given a lighter or mitigated punishment. Any intoxicated person who commits a crime shall bear criminal responsibility. Article 19 Any deaf-mute or blind person who commits a crime may be given a lighter or mitigated punishment or be exempted from punishment. Article 20 An act that a person commits to stop an unlawful infringement in order to prevent the interests of the State and the public, or his own or other person's rights of the person, property or other rights from being infringed upon by the on-going infringement, thus constituting a justifiable defence, and he shall not bear criminal responsibility. If a person's act of justifiable defence obviously exceeds the limits of necessity and causes serious damage, he shall bear criminal responsibility; however, he shall be given a mitigated punishment. If a person acts in defence against an on-going assault, murder, robbery, rape, kidnap or any other crime of violence that seriously endangers his personal safety, thus causing injury or death to the perpetrator of the unlawful act, it is not undue defence, and he shall not bear criminal responsibility. Article 21 If a person is compelled to commit an act in an emergency to avert an immediate danger to the interests of the State or the public, or his own or another person's rights of the person, property or other rights, thus causing damage, he shall not bear criminal responsibility. If the act committed by a person in an emergency to avert danger exceeds the limits of necessity and causes undue damage, he shall bear criminal responsibility; however, he shall be given a mitigated punishment or be exempted from punishment. The provisions of the first paragraph of this Article with respect to averting danger to oneself shall not apply to a person who is charged with special responsibility in his post or profession. SECTION 2: PREPARATION FOR A CRIME, CRIMINAL ATTEMPT AND DISCONTINUATION OF A CRIME Article 22 Preparation for a crime refers to the preparation of the instruments or the creation of the conditions for a crime. An offender who prepares for a crime may, in comparison with one who completes the crime, be given a lighter or mitigated punishment or be exempted from punishment. Article 23 A criminal attempt refers to a case where an offender has already started to commit a crime but is prevented from completing it for reasons independent of his will. An offender who attempts to commit a crime may, in comparison with one who completes the crime, be given a lighter or mitigated punishment. Article 24 Discontinuation of a crime refers to a case where, in the course of committing a crime, the offender voluntarily discontinues the crime or voluntarily and effectively prevents the consequences of the crime from occurring. An offender who discontinues a crime shall, if no damage is caused, be exempted from punishment; or, if any damage is caused, be given a mitigated punishment. SECTION 3: JOINT CRIMES Article 25 A joint crime refers to an intentional crime committed by two or more persons jointly. A negligent crime committed by two or more persons jointly shall not be punished as a joint crime; however, those who should bear criminal responsibility shall be individually punished according to the crimes they have committed. Article 26 A principal criminal refers to any person who organizes and leads a criminal group in carrying out criminal activities or plays a principal role in a joint crime. A criminal group refers to a relatively stable criminal organization formed by three or more persons for the purpose of committing crimes jointly. Any ringleader who organizes or leads a criminal group shall be punished on the basis of all the crimes that the criminal group has committed. Any principal criminal not included in Paragraph 3 shall be punished on the basis of all the crimes that he participates in or that he organizes or directs. Article 27 An accomplice refers to any person who plays a secondary or auxiliary role in a joint crime. An accomplice shall be given a lighter or mitigated punishment or be exempted from punishment. Article 28 Anyone who is coerced to participate in a crime shall be given a mitigated punishment or be exempted from punishment in the light of the circumstances of the crime he commits. Article 29 Anyone who instigates another to commit a crime shall be punished according to the role he plays in a joint crime. Anyone who instigates a person under the age of 18 to commit a crime shall be given a heavier punishment. If the instigated person has not committed the instigated crime, the instigator may be given a lighter or mitigated punishment. SECTION 4: CRIMES COMMITTED BY A UNIT Article 30 Any company, enterprise, institution, State organ, or organization that commits an act that endangers society, which is prescribed by law as a crime committed by a unit, shall bear criminal responsibility. Article 31 Where a unit commits a crime, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the law. Article 32 Where a unit commits a crime, the supplementary punishment shall be commuted from a death penalty with suspension of execution shall be counted from the date the judgment begins to be executed, if the criminal is held in custody before the expiration of the term of the supplementary punishment. Article 33 The principal punishments are as follows: (1) public surveillance; (2) criminal detention; (3) fixed-term imprisonment; (4) life imprisonment; and (5) the death penalty. Article 34 The supplementary punishments are as follows: (1) fine; (2) deprivation of political rights; and (3) confiscation of property. Supplementary punishments may be imposed independently. Article 35 Deportation may be imposed independently or supplementarily to a foreigner who commits a crime. Article 36 If a victim has suffered economic losses as a result of a crime, the criminal shall, in addition to receiving a criminal punishment according to law, be sentenced to making compensation for the economic losses in the light of the circumstances. If criminal who is liable for civil compensation is sentenced to a fine at the same time but his property is not sufficient to pay both the compensation and the fine, or if he is sentenced to confiscation of property at the same time, he shall, first of all, bear his liability for civil compensation to the victim. Article 37 If the circumstances of a person's crime are minor and do not require criminal punishment, he may be exempted from it; however, he may, depending on the different circumstances of the case, be reprimanded or ordered to make a statement of repentance, offer an apology or pay compensation for the losses, or be subjected to administrative penalty or administrative sanctions by the competent department. SECTION 2: PUBLIC SURVEILLANCE Article 38 The term of public surveillance shall be not less than three months but not more than two years. In light of the crime committed, a convict sentenced to control may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during the term of execution. Criminals sentenced to control shall be subject to community correction. Whoever violates a restraining order as provided for in paragraph 2 shall be punished in accordance with the Law of the People's Republic of China on Public Security Administration. SECTION 3: CRIMINAL DETENTION Article 39 Any criminal who is sentenced to public surveillance shall observe the following during the term in which his sentence is being executed: (1) observe laws and administrative rules and regulations, and submit to supervision; (2) exercise no right of freedom of speech, of the press, of assembly, of association, of procession or of demonstration without the approval of the organ executing the public surveillance; (3) report on his own activities as required by the organ executing the public surveillance; (4) observe the regulations for receiving visitors stipulated by the organ executing the public surveillance; and (5) report to obtain approval from the organ executing the public surveillance for any departure from the city or county he lives in or for any change in residence. Criminals sentenced to public surveillance shall, while engaged in labour, receive equal pay for equal work. Article 40 Upon the expiration of a term of public surveillance, the executing organ shall immediately announce the termination of public surveillance to the criminal sentenced to public surveillance and to his work unit or the people of the place where he resides. Article 41 A term of public surveillance shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be considered two days of the term sentenced. SECTION 3: CRIMINAL DETENTION Article 42 A term of criminal detention shall be not less than one month but not more than 6 months. Article 43 Where a criminal is sentenced to criminal detention, the sentence shall be executed by the public security organ in the vicinity. During the period of execution, a criminal sentenced to criminal detention may go home for one to two days each month; an appropriate remuneration may be given to those who participate in labour. Article 44 A term of criminal detention shall be counted from the date the judgment begins to be executed; if the criminal is held in custody before the execution of the judgment, one day in custody shall be considered one day of the term sentenced. SECTION 4: FIXED-TERM IMPRISONMENT AND LIFE IMPRISONMENT Article 45 A term of fixed-term imprisonment shall be not less than six months but not more than 15 years, except as stipulated in Articles 50 and 69 of this Law. Article 46 Any criminal who is sentenced to fixed-term imprisonment, the term of the supplementary punishment of deprivation of political rights shall be counted from the date on which imprisonment or criminal detention ends or from the date on which parole begins. Deprivation of political rights shall, as a matter of course, be in effect during the period in which the principal punishment is being executed. Any criminal who is deprived of his political rights shall, during the period of execution, observe laws, administrative rules and regulations and other regulations governing supervision and control stipulated by the department of public security under the State Council and submit to supervision; he shall not exercise any of the rights listed in Article 54 of this Law. SECTION 8: CONFISCATION OF PROPERTY Article 59 Confiscation of property refers to the confiscation of part or all of the property personally owned by a criminal. Where confiscation of all the property of a criminal is imposed, the amount necessary for the daily expenses of the criminal himself and the family members supported by him shall be taken out. When a sentence of confiscation of property is imposed, property that the criminal's family members own or should own shall not be subject to confiscation. Article 60 Where it is necessary to use part of the confiscated property to repay the legitimate debts that the criminal incurred before his property is confiscated, the debts shall be repaid at the request of the creditors. CHAPTER IV THE CONCRETE APPLICATION OF PUNISHMENTS SECTION 1: SENTENCING Article 61 When sentencing a criminal, a punishment shall be meted out on the basis of the facts, nature and circumstances of the crime, the degree of harm done to society and the relevant provisions of this Law. Article 62 In cases where the circumstances of a crime call for a heavier or lighter punishment under the provisions of this Law, the criminal shall be sentenced to a punishment within the limits of the prescribed punishment. Article 63 Where there is any circumstance of mitigation of penalty, a convict shall be given a penalty below the statutory penalty; and if there are two or more ranges of sentencing under this Law, the penalty shall be given within the range next lower to the statutory range. In cases where the circumstances of a crime do not warrant a mitigated punishment under the provisions of this Law, however, in the light of the special circumstances of the case, and upon verification and approval of the Supreme People's Court, the criminal may still be sentenced to a punishment less than the prescribed punishment. Article 64 All money and property legally obtained by a criminal shall be recovered, or compensation shall be ordered; the lawful property of the victim shall be returned without delay; and contrabands and possessions of the criminal that are used in the commission of the crime shall be confiscated. All the confiscated money and property and fines shall be turned over to the State treasury, and no one may misappropriate or privately dispose of them. SECTION 2: RECIDIVISTS Article 65 Where a convict sentenced to fixed-term imprisonment or a heavier penalty commits again a crime for which a fixed-term imprisonment or a heavier penalty shall be given within five years after finishing serving his sentence or being pardoned, he shall be a recidivist and be given a heavier penalty, unless it is a negligent crime or he commits the crime under the age of 18. For criminals who are paroled, the period stipulated in the preceding paragraph shall be counted from the date the parole expires. Article 66 A convict of jeopardizing the national security, terrorist activities or organized crime of a gangland nature shall be punished as a recidivist for any of such crimes committed again by him at any time after he finishes serving his sentence or is pardoned. SECTION 3: VOLUNTARY SURRENDER AND MERITORIOUS PERFORMANCE Article 67 Voluntary surrender refers to the act of voluntarily delivering oneself up to justice and truthfully confessing one's crime after one has committed the crime. Any criminal who voluntarily surrenders may be given a lighter or mitigated punishment. The ones whose crimes are relatively minor may be exempted from punishment. If a criminal suspect or a defendant under compulsory measures or a criminal suspect or a defendant who truthfully confesses his crime, another judgment shall be rendered for the newly committed crime, the punishment to be executed shall be determined on the basis of the punishment that remains to be executed for the earlier crime and the punishment imposed for the newly committed crime. Article 68 Any criminal who performs such meritorious services as exposing an offence committed by another, which is verified through investigation, or producing important clues for solving other cases may be given a lighter or mitigated punishment if any especially serious consequence is avoided for his truthful confession. Article 68 Any criminal who performs such meritorious services as exposing an offence committed by another, which is verified through investigation, or producing important clues for solving other cases may be given a lighter or mitigated punishment. Any criminal who performs major meritorious services may be given a mitigated punishment or be exempted from punishment. SECTION 4: COMBINED PUNISHMENT FOR SEVERAL CRIMES Article 69 Where a person is convicted of more than one crime before a sentence is pronounced, except for death penalty or life imprisonment, the term of criminal penalty to be executed shall be decided in light of the actual circumstances below the sum of terms but above the highest term of the imposed criminal penalties; however, the decided term of control shall not exceed three years, the decided term of criminal detention shall not exceed one year, and the decided fixed-term imprisonment shall not exceed 20 years if the sum of terms of fixed-term imprisonment is less than 35 years or shall not exceed 25 years if the sum of terms is 35 years or more. If there are accessory penalties imposed for the crimes, the accessory penalties must still be executed. Accessory penalties of the same kind shall be executed on a consolidated basis, while those of different kinds shall be executed separately. Article 70 If, after a judgment has been pronounced but before the punishment has been completely executed, it is discovered that before the judgment is pronounced the criminal committed another crime for which he is not sentenced, a judgment shall also be rendered for the newly discovered crime; the punishment to be executed shall be determined on the basis of the punishments imposed in the earlier and latest judgments and according to the provisions of Article 69 of this Law. Any portion of the term that has already been served shall count towards fulfillment of the term imposed by the latest judgment. Article 71 If, after a judgment has been pronounced but before the punishment has been completely executed, it is discovered that before the judgment is pronounced the criminal committed another crime for which he is not sentenced, a judgment shall also be rendered for the newly discovered crime; the punishment to be executed shall be determined on the basis of the punishments imposed in the earlier and latest judgments and according to the provisions of Article 69 of this Law. Any portion of the term that has already been served shall count towards fulfillment of the term imposed by the latest judgment. Article 71 If, after a judgment has been pronounced but before the punishment has been completely executed, it is discovered that before the judgment is pronounced the criminal committed another crime for which he is not sentenced, a judgment shall also be rendered for the newly discovered crime; the punishment to be executed shall be determined on the basis of the punishments imposed in the earlier and latest judgments and according to the provisions of Article 69 of this Law. Any portion of the term that has already been served shall count towards fulfillment of the term imposed by the latest judgment. Article 72 Where a convict sentenced to criminal detention or imprisonment of not more than 3 years meets the following conditions, a probation may be announced, and a probation shall be announced if he is under the age of 18, is pregnant or attains the age of 75: (1) The circumstances of the crime are minor; (2) He shows repentance; (3) He is not likely to commit any offense again; and (4) Announcing the probation will not have any major adverse impact on the community where he lives. When probation is announced, in light of the crime committed, the convict may also be prohibited from engaging in certain activities, entering certain areas or places or contacting certain persons during probation. If there is any accessory penalty imposed on a convict on probation, the accessory penalty must still be executed. Article 73 The probation period for suspension of criminal detention shall be not less than the term originally decided but not more than one year, however, it may not be less than two months. The probation period for suspension of fixed-term imprisonment shall be not less than the term originally decided but not more than five years, however, it may not be less than one year. The probation period for suspension of sentence shall be counted from the date the judgment is made final. Article 74 Probation shall not apply to recidivists and ringleaders of criminal gangs. Article 75 A criminal whose sentence is suspended shall observe the following: (1) to observe laws and administrative rules and regulations, and submit to supervision; (2) to report on his own activities as required by the observing organ; (3) to observe the regulations for receiving visitors stipulated by the observing organ; and (4) to report to obtain approval from the observing organ for any departure from the city or county he lives in or for any change in residence. Article 76 A convict on probation shall be subject to community correction during probation, and if none of the provisions stipulated in Article 75 is violated, the probation period shall be counted from the date the probation is pronounced. If a convict committed another crime for which he is not sentenced, the suspension shall be revoked and another judgment rendered for the newly committed or discovered crime; the punishment to be executed shall be decided on the basis of the punishments for the old crime and the new crime and according to the provisions of Article 69 of this Law. Where a convict on probation violates any provision of laws, administrative regulations or the relevant department of the State Council on probation supervision and management or violates any restraining order in the judgment of the people's court during probation, if the circumstances are serious, the probation shall be revoked and the original sentence shall be executed. SECTION 6: COMMUTATION OF PUNISHMENT Article 78 The punishment of a criminal sentenced to public surveillance, criminal detention, fixed-term imprisonment or life imprisonment may be commuted if, while serving his sentence, he conscientiously observes prison regulations, accepts education and reform through labour and shows true repentance or performs meritorious services; the punishment shall be commuted if a criminal performs any of the following major meritorious services: (1) preventing another person from conducting major criminal activities; (2) informing against major criminal activities conducted inside or outside prison and verified through investigation; (3) having inventions or important technical innovations to his credit; (4) coming to the rescue of another in everyday life and production at the risk of losing his own life; (5) performing remarkable services in fighting against natural disasters or curbing major accidents; or (6) making other major contributions to the country and society. After commutation, the actually executed term of criminal penalty shall not be: (1) less than 1/2 of the original term of criminal penalty, if control, criminal detention or fixed-term imprisonment is imposed; (2) less than 13 years, if life imprisonment is imposed; or (3) less than 25 years if the death penalty with a reprieve imposed on a convict is legally commuted to life imprisonment upon expiration of the reprieve period, or less than 20 years if it is commuted to imprisonment of 25 years upon expiration of the reprieve period, where the people's court has put restrictions on commutation of the death penalty with a reprieve according to paragraph 2, Article 50 of this Law. Article 79 If punishment to a criminal is to be commuted, the executing organ shall submit to a People's Court at or above the intermediate level a written proposal for commutation of punishment. The People's Court shall form a collegiate panel for examination and, if the criminal is found to have shown true repentance or performed meritorious services, issue an order of commutation. However, no punishment shall be commuted without going through legal procedure. Article 80 A term of fixed-term imprisonment that is commuted from life imprisonment shall be counted from the date the order of commutation is issued. SECTION 7: PAROLE Article 81 Where a convict sentenced to fixed-term imprisonment has served not less than half of the term of his original sentence, or a convict sentenced to life imprisonment has actually served not less than 13 years of imprisonment, he may be paroled if he earnestly observes the prison rules, accepts reform through education and shows true repentance and is not likely to commit any crime again. Under special circumstances, with the approval of the Supreme People's Court, a parole may be granted without regard to the above restrictions on the term served. No parole shall be granted to a recidivist or a convict sentenced to imprisonment of not less than 10 years or life imprisonment for murder, rape, robbery, abduction, arson, explosion, dissemination of hazardous substances or organized violent crime. When a parole decision is made on a convict, the impact of his release on parole on the community where he lives shall be considered. Article 82 Parole shall be granted to a criminal through the procedure prescribed in Article 79 of this Law. No parole shall be granted without going through legal procedure. Article 83 The probation period for parole in the case of fixed-term imprisonment shall be equal to the portion of the term that has not been completed; the probation period for parole in the case of life imprisonment shall be 10 years. The probation period for parole shall be counted from the date the criminal is released on parole. If a convict committed another crime for which he is not sentenced, the suspension shall be revoked and another judgment rendered for the newly committed or discovered crime; the punishment to be executed shall be decided on the basis of the punishments for the old crime and the new crime and according to the provisions of Article 69 of this Law. Where a convict on probation violates any provision of laws, administrative regulations or the relevant department of the State Council on parole supervision and management during parole, if it does not constitute a new crime, his parole shall be revoked under statutory procedures, and he shall be taken into custody to serve his remaining term of sentence. SECTION 8: LIMITATION Article 87 Crimes shall not be prosecuted if the following periods have elapsed: (1) five years, when the maximum punishment prescribed is fixed-term imprisonment of less than five years; (2) 10 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than five years but less than 10 years; (3) 15 years, when the maximum punishment prescribed is fixed-term imprisonment of not less than 10 years; and (4) 20 years, when the maximum punishment prescribed is life imprisonment or death penalty. If after 20 years it is considered necessary to prosecute a crime, the matter shall be submitted to the Supreme People's Procuratorate for examination and approval. Article 88 No limitation on the period for prosecution shall be imposed with respect to a criminal who escapes from investigation or trial after a People's Procuratorate, public security organ or national security organ files the case or a People's Court accepts the case. No limitation on the period for prosecution shall be imposed with respect to a case which should have been but is not filed by a People's Court, People's Procuratorate or public security organ after the victim brings a charge within the period for prosecution. Article 89 The limitation period for prosecution shall be counted from the date the crime is committed; if the criminal act is of a continual or continuous nature, it shall be counted from the date the criminal act is terminated. If further crime is committed during a limitation period for prosecution, the limitation period for prosecution of the old crime shall be counted from the date the new crime is committed. CHAPTER V OTHER PROVISIONS Article 90 Where the provisions of this Law cannot be completely applied in national autonomous areas, the

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