

People's Police Law of the People's Republic of China (2012 Amendment) [Effective]

中华人民共和国人民警察法(2012修正) [现行有效]

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People's Police Law of the People's Republic of China
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中华人民共和国人民警察法
(1995年2月28日第八届全国人民代表大会常务委员会第十二次会议通过 根据2012年10月26日第十一届全国人民代表大会常务委员会第二十九次会议《关于修改〈中华人民共和国人民警察法〉的决定》修正 主席令第69号)

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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 whole-heartedly.

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

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第一章 总则

第一条 为了维护国家安全和社会治安秩序,保护公民的合法权益,加强人民警察的队伍建设,从严治警,提高人民警察的素质,保障人民警察依法行使职权,保障改革开放和社会主义现代化建设的顺利进行,根据宪法,制定本法。

第二条 人民警察的任务是维护国家安全,维护社会治安秩序,保护公民的人身安全、人身自由和合法财产,保护公共财产,预防、制止和惩治违法犯罪活动。
人民警察包括公安机关、国家安全机关、监狱、劳动教养管理机关的人民警察和人民法院、人民检察院的司法警察。

第三条 人民警察必须依靠人民的支持,保持同人民的密切联系,倾听人民的意见和建议,接受人民的监督,维护人民的利益,全心全意为人民服务。

第四条 人民警察必须以宪法和法律为活动准则,忠于职守,清正廉洁,纪律严明,服从命令,严格执法。

第五条 人民警察依法执行职务,受法律保护。

第二章 职权



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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 penalties of limited incarceration and deprivation of political rights imposed on criminals.
- (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, use detention, search, arrest or other compulsory measures.

第六条 公安机关的人民警察按照职责分工, 依法履行下列职责:

- (一) 预防、制止和侦查违法犯罪活动;
- (二) 维护社会治安秩序, 制止危害社会治安秩序的行为;
- (三) 维护交通安全和交通秩序, 处理交通事故;
- (四) 组织、实施消防工作, 实行消防监督;
- (五) 管理枪支弹药、管制刀具和易燃易爆、剧毒、放射性等危险物品;
- (六) 对法律、法规规定的特种行业进行管理;
- (七) 警卫国家规定的特定人员, 守卫重要的场所和设施;
- (八) 管理集会、游行、示威活动;
- (九) 管理户籍、国籍、入境出境事务和外国人在中国境内居留、旅行的有关事务;
- (十) 维护国(边)境地区的治安秩序;
- (十一) 对被判处拘役、剥夺政治权利的罪犯执行刑罚;
- (十二) 监督管理计算机信息系统的安全保护工作;
- (十三) 指导和监督国家机关、社会团体、企业事业组织和重点建设工程的治安保卫工作, 指导治安保卫委员会等群众性组织的治安防范工作;
- (十四) 法律、法规规定的其他职责。

第七条 公安机关的人民警察对违反治安管理或者其他公安行政管理法律、法规的个人或者组织, 依法可以实施行政强制措施、行政处罚。

第八条 公安机关的人民警察对严重危害社会治安秩序或者威胁公共安全的人员, 可以强行带离现场、依法予以拘留或者采取法律规定的其他措施。

第九条 为维护社会治安秩序, 公安机关的人民警察对有违法犯罪嫌疑的人员, 经出示相应证件, 可以当场盘问、检查; 经盘问、检查, 有下列情形之一的, 可以将其带至公安机关, 经该公安机关批准, 对其继续盘问:

- (一) 被指控有犯罪行为的;
- (二) 有现场作案嫌疑的;
- (三) 有作案嫌疑身份不明的;
- (四) 携带的物品有可能是赃物的。

对被盘问人的留置时间自带至公安机关之时起不超过二十四小时, 在特殊情况下, 经县级以上公安机关批准, 可以延长至四十八小时, 并应当留有盘问记录。对于批准继续盘问的, 应当立即通知其家属或者其所在单位。对于不批准继续盘问的, 应当立即释放被盘问人。

经继续盘问, 公安机关认为对被盘问人需要依法采取拘留或者其他强制措施的, 应当在前款规定的期间作出决定; 在前款规定的期间不能作出上述决定的, 应当立即释放被盘问人。

第十条 遇有拒捕、暴乱、越狱、抢夺枪支或者其他行为的紧急情况, 公安机关的人民警察依照国家有关规定可以使用武器。

第十一条 为制止严重违法犯罪活动的需要, 公安机关的人民警察依照国家有关规定可以使用警械。

第十二条 为侦查犯罪活动的需要, 公安机关的人民警察可以依法执行拘留、搜查、逮捕或者其他强制措施。



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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.

CHAPTER III OBLIGATIONS AND DISCIPLINE

Article 20 People's policemen must fulfill the following obligations:

- (1) enforcing law and handling matters impartially;
- (2) playing an exemplary role in observing social ethics;
- (3) being courteous and polite in performing duties; and
- (4) showing respect for the customs and habits of the masses.

Article 21 People's policemen shall immediately come to the rescue when a citizen's safety of the person or property is encroached upon or is in other dangerous situations; they shall, upon request, help citizens in settling their disputes; they shall handle without delay cases reported by citizens.

People's policemen shall take an active part in rescue and relief work as well as in social welfare services.

Article 22 People's policemen may not commit any of the following acts:

- (1) to spread statements that damage the prestige of the State; to join illegal organizations; to take part in such activities as assembly, procession and demonstration; and to take part in strikes;
- (2) to divulge State secrets or secrets of police work;
- (3) to practise fraud, conceal facts of a case, cover up or connive at illegal and criminal activities;
- (4) to extort confession by torture or subject criminals to corporal punishment or maltreat them;
- (5) to unlawfully deprive other people of, or restrict, their freedom of the person, or illegally search a person, his or her belongings, residence or place.
- (6) to extort and racketeer, or to demand or accept bribes;
- (7) to beat up another or instigate him to do so;

第十三条 公安机关的人民警察因履行职责的紧急需要, 经出示相应证件, 可以优先乘坐公共交通工具, 遇交通阻碍时, 优先通行。

公安机关因侦查犯罪的需要, 必要时, 按照国家有关规定, 可以优先使用机关、团体、企业事业组织和个人的交通工具、通信工具、场地和建筑物, 用后应当及时归还, 并支付适当费用; 造成损失的, 应当赔偿。

第十四条 公安机关的人民警察对严重危害公共安全或者他人人身安全的精神病人, 可以采取保护性约束措施。需要送往指定的单位、场所加以监护的, 应当报请县级以上人民政府公安机关批准, 并及时通知其监护人。

第十五条 县级以上人民政府公安机关, 为预防和制止严重危害社会治安秩序的行为, 可以在一定的区域和时间, 限制人员、车辆的通行或者停留, 必要时可以实行交通管制。公安机关的人民警察依照前款规定, 可以采取相应的交通管制措施。

第十六条 公安机关因侦查犯罪的需要, 根据国家有关规定, 经过严格的批准手续, 可以采取技术侦查措施。

第十七条 县级以上人民政府公安机关, 经上级公安机关和同级人民政府批准, 对严重危害社会治安秩序的突发事件, 可以根据情况实行现场管制。

公安机关的人民警察依照前款规定, 可以采取必要手段强行驱散, 并对拒不服从的人员强行带离现场或者立即予以拘留。

第十八条 国家安全机关、监狱、劳动教养管理机关的人民警察和人民法院、人民检察院的司法警察, 分别依照有关法律、行政法规的规定履行职权。

第十九条 人民警察在非工作时间, 遇有其职责范围内的紧急情况, 应当履行职责。

第三章 义务和纪律

第二十条 人民警察必须做到:

- (一) 秉公执法, 办事公道;
- (二) 模范遵守社会公德;
- (三) 礼貌待人, 文明执勤;
- (四) 尊重人民群众的风俗习惯。

第二十一条 人民警察遇到公民人身、财产安全受到侵犯或者处于其他危难情形, 应当立即救助; 对公民提出解决纠纷的要求, 应当给予帮助; 对公民的报警案件, 应当及时查处。

人民警察应当积极参加抢险救灾和社会公益工作。

第二十二条 人民警察不得有下列行为:

- (一) 散布有损国家声誉的言论, 参加非法组织, 参加旨在反对国家的集会、游行、示威等活动, 参加罢工;
- (二) 泄露国家秘密、警务工作秘密;
- (三) 弄虚作假, 隐瞒案情, 包庇、纵容违法犯罪活动;
- (四) 刑讯逼供或者体罚、虐待人犯;
- (五) 非法剥夺、限制他人人身自由, 非法搜查他人的身体、物品、住所或者场所;
- (六) 敲诈勒索或者索取、收受贿赂;
- (七) 殴打他人或者唆使他人打人;



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- (8) to illegally impose punishment or collect charges;
- (9) to attend dinners or accept presents given by the party concerned or his or her agent;
- (10) to engage in profit-making activities or to be employed by any individual or organization;
- (11) to neglect his or her duty and fail to perform statutory obligations; or
- (12) other acts in violation of law and discipline.

Article 23 People's policemen must be dressed according to relevant regulations, must wear the insignia of the people's police, or hold the certificate of the people's police, maintain serious and neat appearance and bearing and carry themselves with dignity.

CHAPTER IV ORGANIZATION AND ADMINISTRATION

Article 24 The State, according to the nature, tasks and characteristics of the work of the people's police, prescribes its organizational structure and post order.

Article 25 The people's police shall practise the system of police ranks according to law.

Article 26 To be a people's policeman, one must meet the following requirements:

- (1) to be a Chinese citizen who has reached the age of 18;
- (2) to endorse the [Constitution of the People's Republic of China](#);
- (3) to have fine political and professional quality and good conduct;
- (4) to be in good health;
- (5) to have an educational background of senior middle school or above;
- (6) to become a people's policeman out of his or her own volition.

A person who is found in either of the following circumstances may not serve as a people's policeman:

- (1) having been subjected to criminal punishment for commission of a crime or;
- (2) having been discharged from public employment.

Article 27 People's policemen must, as prescribed by the State, be recruited according to qualifications from among those who have passed public examination and strict verification.

Article 28 Persons who hold leading posts of the people's police shall meet the following requirements:

- (1) possessing professional knowledge of law;
- (2) being experienced in political and judicial work and having the necessary capability of organization, administration and command;
- (3) having an educational background of 3-year college education or above;
- (4) having been trained in police schools or academies and having passed the examinations.

Article 29 The State promotes education for the people's police, and carries out in a planned way among the people's policemen education and training in political ideology, the legal system, and police work.

Article 30 The State, according to the nature, tasks and characteristics of the work of the people's police, prescribes the term of service for different jobs and the age limits for holding different posts.

Article 31 Individuals or groups of the people's policemen who have achieved outstanding successes or made significant contributions in work shall be awarded. The awards include: Citation for Meritorious Deeds, Merit Citation Class III, Merit Citation Class II, Merit Citation Class I, and a title of honour. The people's policemen who have received awards may, according to relevant regulations of the State, be promoted ahead of time in police ranks and may also be given material rewards.

CHAPTER V GUARANTEE FOR PERFORMANCE OF POLICE DUTIES

Article 32 People's policemen must obey the decisions and orders of their superior authorities. If a people's policeman believes that a decision or an order is wrong, he may make comments or suggestions in accordance with relevant regulations, but he may not suspend or alter the implementation of the decision or order; if his suggestions are not adopted, he must obey the decision or order; the superior authorities that made the decision or order shall be responsible for the consequences of execution of such a decision or order.

- (八) 违法实施处罚或者收取费用;
- (九) 接受当事人及其代理人的请客送礼;
- (十) 从事营利性的经营活动或者受雇于任何个人或者组织;
- (十一) 玩忽职守, 不履行法定义务;
- (十二) 其他违法乱纪的行为。

第二十三条 人民警察必须按照规定着装, 佩带人民警察标志或者持有人民警察证件, 保持警容严整, 举止端庄。

第四章 组织管理

第二十四条 国家根据人民警察的工作性质、任务和特点, 规定组织机构设置和职务序列。

第二十五条 人民警察依法实行警衔制度。

第二十六条 担任人民警察应当具备下列条件:

- (一) 年满十八岁的人民;
- (二) 拥护[中华人民共和国宪法](#);
- (三) 有良好的政治、业务素质和良好的品行;
- (四) 身体健康;
- (五) 具有高中毕业以上文化程度;
- (六) 自愿从事人民警察工作。

有下列情形之一的, 不得担任人民警察:

- (一) 曾因犯罪受过刑事处罚的;
- (二) 曾被开除公职的。

第二十七条 录用人民警察, 必须按照国家规定, 公开考试, 严格考核, 择优选用。

第二十八条 担任人民警察领导职务的人员, 应当具备下列条件:

- (一) 具有法律专业知识;
- (二) 具有政法工作经验和一定的组织管理、指挥能力;
- (三) 具有大学专科以上学历;
- (四) 经人民警察院校培训, 考试合格。

第二十九条 国家发展人民警察教育事业, 对人民警察有计划地进行政治思想、法制、警察业务等教育培训。

第三十条 国家根据人民警察的工作性质、任务和特点, 分别规定不同岗位的服务年限和不同职务的最高任职年龄。

第三十一条 人民警察个人或者集体在工作中表现突出, 有显著成绩和特殊贡献的, 给予奖励。奖励分为: 嘉奖、三等功、二等功、一等功、授予荣誉称号。对受奖励的人民警察, 按照国家有关规定, 可以提前晋升警衔, 并给予一定的物质奖励。

第五章 警务保障

第三十二条 人民警察必须执行上级的决定和命令。Online Support
人民警察认为决定和命令有错误的, 可以按照规定提出意见, 但不得中止或者改变决定和命令的执行; 提出的意见不被采纳时, 必须服从决定和命令; 执行决定和命令的后果由作出决定和命令的上级负责。Comments



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Article 33 A people's policeman shall have the right to refuse to carry out the orders which go beyond the scope of duty of the people's police as provided by laws and regulations and shall, at the same time, report the matter to the organ at higher levels.

Article 34 When people's policemen perform their duties according to law, citizens and organizations shall give them support and assistance. Acts of citizens and organizations to assist people's policemen in performing their duties according to law shall be protected by law. Whoever makes outstanding achievements in assisting people's policemen to perform their duties shall be commended and awarded. If a citizen or an organization suffers injuries, death or property losses in assisting people's policemen to perform their duties, compensations shall be made or pensions provided in accordance with the relevant regulations of the State.

Article 35 Whoever refuses or obstructs people's policemen's performance of duties according to law by committing any of the following acts shall be punished for violation of administration of public security:

- (1) to openly insult the people's policemen who are performing duties;
 - (2) to obstruct people's policemen from investigating a case and obtaining evidence;
 - (3) to refuse the people's policemen who are carrying out pursuit and capture, search, rescue or other tasks to enter the relevant residences or places or obstruct them from doing so;
 - (4) to put up obstacles deliberately for the police cars that are carrying out urgent tasks such as providing rescue to people, dealing with emergencies, pursuit and capture or guard duty; or
 - (5) to commit other acts to refuse or obstruct people's policemen's performance of duties.
- Whoever commits any of the above-mentioned acts by resorting to violence or intimidation, if such act constitutes a crime, shall be investigated for criminal responsibility in accordance with law.

Article 36 The police insignia, uniforms and implements of the people's police shall be manufactured under the unified supervision of the department of public security under the State Council, and controlled by the said department jointly with other relevant State organs. No other individual or organization may illegally manufacture or deal in them.

The police insignia, uniforms, implements and certificates are for the exclusive use of the people's police, no other individual or organization may possess or use them.

If a person violates the provisions of the preceding two paragraphs, the police insignia, uniforms, implements and certificates illegally manufactured, dealt in, possessed or used shall be confiscated and the person shall be detained for a maximum of fifteen days or given a disciplinary warning by a public security organ or may concurrently be given a penalty of not more than five times the illegal gains; if a crime is constituted, the person shall be investigated for criminal responsibility in accordance with law.

Article 37 The State ensures the supply of funds needed by the people's police. The funds shall be incorporated respectively into the central and local financial budgets according to the principle of division of powers.

Article 38 The facilities for telecommunications and training and the construction of infrastructures such as traffic, fire control, police stations as well as prisons and organs in charge of reeducation through labour shall be incorporated into the plans of the people's governments at various levels for capital construction and the overall planning for urban and rural construction.

Article 39 The State strengthens the modernization of the people's police equipment, and strive to popularize and apply the advanced achievements in science and technology.

Article 40 The people's police shall practise the wage system of the State public servants, enjoy the police-rank allowances and other allowances and subsidies, as well as the insurance and welfare benefits as prescribed by the State.

Article 41 A people's policeman who is disabled while on duty shall enjoy the same pension and preferential treatment of the State as that of a serviceman who is disabled while on duty. If a people's policeman dies at his post or dies of an illness, his family members shall enjoy the same pension and preferential treatment of the State as that of a serviceman who dies at his post or dies of an illness.

CHAPTER VI SUPERVISION OVER LAW ENFORCEMENT

Article 42 The people's policemen in performing their duties shall accept supervision by the People's Procuratorates and administrative supervisory organs in accordance with law.

Article 43 The people's police organs at higher levels shall exercise supervision over law enforcement by the police organs at lower levels, and, if the former discovers that the dispositions or decisions made by the latter are wrong, the former shall annul or alter them.

Article 44 The people's policemen in performing duties must conscientiously subject themselves to the supervision of the society and citizens. The rules and regulations formulated by the people's police organs that have a direct bearing on the interests of the public shall be made known to the public.

第三十三条 人民警察对超越法律、法规规定的人民警察职责范围的指令, 有权拒绝执行, 并同时向上级机关报告。

第三十四条 人民警察依法执行职务, 公民和组织应当给予支持和协助。公民和组织协助人民警察依法执行职务的行为受法律保护。对协助人民警察执行职务有显著成绩的, 给予表彰和奖励。

公民和组织因协助人民警察执行职务, 造成人身伤亡或者财产损失的, 应当按照国家有关规定给予抚恤或者补偿。

第三十五条 拒绝或者阻碍人民警察依法执行职务, 有下列行为之一的, 给予治安管理处罚:

- (一) 公然侮辱正在执行职务的人民警察的;
 - (二) 阻碍人民警察调查取证的;
 - (三) 拒绝或者阻碍人民警察执行追捕、搜查、救险等任务进入有关住所、场所的;
 - (四) 对执行救人、救险、追捕、警卫等紧急任务的警车故意设置障碍的;
 - (五) 有拒绝或者阻碍人民警察执行职务的其他行为的。
- 以暴力、威胁方法实施前款规定的行为, 构成犯罪的, 依法追究刑事责任。

第三十六条 人民警察的警用标志、制式服装和警械, 由国务院公安部门统一监制, 会同其他有关国家机关管理, 其他个人和组织不得非法制造、贩卖。

人民警察的警用标志、制式服装、警械、证件为人民警察专用, 其他个人和组织不得持有和使用。

违反前两款规定的, 没收非法制造、贩卖、持有、使用的人民警察警用标志、制式服装、警械、证件, 由公安机关处十五日以下拘留或者警告, 可以并处违法所得五倍以下的罚款; 构成犯罪的, 依法追究刑事责任。

第三十七条 国家保障人民警察的经费。人民警察的经费, 按照事权划分的原则, 分别列入中央和地方的财政预算。

第三十八条 人民警察工作所必需的通讯、训练设施和交通、消防以及派出所、监管场所等基础设施建设, 各级政府应当列入基本建设规划和城乡建设总体规划。

第三十九条 国家加强人民警察装备的现代化建设, 努力推广、应用先进的科技成果。

第四十条 人民警察实行国家公务员的工资制度, 并享受国家规定的警衔津贴和其他津贴、补贴以及保险福利待遇。

第四十一条 人民警察因公致残的, 与因公致残的现役军人享受国家同样的抚恤和优待。

人民警察因公牺牲或者病故的, 其家属与因公牺牲或者病故的现役军人家属享受国家同样的抚恤和优待。

第六章 执法监督

第四十二条 人民警察执行职务, 依法接受人民检察、行政监察机关的监督。

第四十三条 人民警察的上级机关对下级机关的执法活动进行监督, 发现其作出的处理或者决定有错误的, 应当予以撤销或者变更。

第四十四条 人民警察执行职务, 必须自觉地接受社会和公民的监督。人民警察机关作出的与公众利益直接有关的规定, 应当向公众公布。



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Article 45 In handling cases of public security, a people's policeman shall withdraw if he is found in any of the following circumstances. The parties concerned and their statutory agents shall also have the right to demand his withdrawal.

- (1) being a party or a close relative of a party in the case;
 - (2) he himself or his close relatives have an interest in the case;
 - (3) having other relationship with a party in the case, which may affect the impartial settlement of the case.
- The withdrawal as stipulated in the preceding paragraph shall be decided by the public security organs concerned.
- The withdrawal of a people's policeman in handling a criminal case shall be governed by the [Criminal Procedure Law](#).

Article 46 A citizen or an organization shall have the right to make exposure of or accusation against a people's policeman's violation of law or discipline to a people's police organ, a People's Procuratorate or an administrative supervisory organ. The organ that accepts the exposure or accusation shall investigate and deal with the case without delay and notify the person or organization that made the exposure or accusation of the conclusion of the case.

No person may suppress or retaliate against the citizen or organization that makes an exposure or accusation according to law.

Article 47 Public security organs shall establish a supervisory system to supervise the enforcement of laws and regulations and observance of discipline by the people's policemen of public security organs.

CHAPTER VII LEGAL RESPONSIBILITY

Article 48 A people's policeman who commits any of the acts specified in Article 22 of this Law shall be given an administrative sanction; if a crime is constituted, he shall be investigated for criminal responsibility according to law.

The administrative sanctions include: a disciplinary warning; a demerit recorded, a grave demerit recorded, demotion, dismissal from the post and discharge from public employment. The people's policeman who has been given an administrative sanction may be demoted to a lower police rank or deprived of his police rank in accordance with the relevant regulations of the State.

With respect to a people's policeman who violates discipline, when necessary, measures of suspending his performance of duties or placing him in confinement may be taken.

Article 49 If a people's policeman who, in violation of the regulations, uses a weapon or police implements, thus constituting a crime, he shall be investigated for criminal responsibility according to law; if the case does not constitute a crime, he shall be given an administrative sanction in accordance with the law.

Article 50 If a people's policeman in performing duties infringes upon the lawful rights and interests of a citizen or an organization, thus causing damage thereto, he shall pay damages in accordance with the [State Compensation Law of the People's Republic of China](#) and the provisions of other relevant laws and regulations.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 51 The Chinese People's Armed Police Forces shall carry out the public security tasks given by the State.

Article 52 This Law shall come into force as of the date of promulgation. The [Regulations of the People's Republic of China on the People's Police](#) promulgated on June 25, 1957 shall be annulled at the same time.

【法宝引证码】 CLI.1.188537(EN) 北大法宝en.pkulaw.cn

Message: Please kindly comment on the present translation.

第四十五条 人民警察在办理治安案件过程中,遇有下列情形之一的,应当回避,当事人或者其法定代理人也有权要求他们回避:

- (一) 是本案的当事人或者是当事人的近亲属的;
 - (二) 本人或者其近亲属与本案有利害关系的;
 - (三) 与本案当事人有其他关系,可能影响案件公正处理的。
- 前款规定的回避,由有关的公安机关决定。
- 人民警察在办理刑事案件过程中的回避,适用[刑事诉讼法](#)的规定。

第四十六条 公民或者组织对人民警察的违法、违纪行为,有权向人民检察机关或者人民检察院、行政监察机关检举、控告。受理检举、控告的机关应当及时查处,并将查处结果告知检举人、控告人。

对依法检举、控告的公民或者组织,任何人不得压制和打击报复。

第四十七条 公安机关建立督察制度,对公安机关的人民警察执行法律、法规、遵守纪律的情况进行监督。

第七章 法律责任

第四十八条 人民警察有本法第二十二条所列行为之一的,应当给予行政处分;构成犯罪的,依法追究刑事责任。行政处分分为:警告、记过、记大过、降级、撤职、开除。对受行政处分的人民警察,按照国家有关规定,可以降低警衔、取消警衔。

对违反纪律的人民警察,必要时可以对其采取停止执行职务、禁闭的措施。

第四十九条 人民警察违反规定使用武器、警械,构成犯罪的,依法追究刑事责任;尚不构成犯罪的,应当依法给予行政处分。

第五十条 人民警察在执行职务中,侵犯公民或者组织的合法权益造成损害的,应当依照《[中华人民共和国国家赔偿法](#)》和其他有关法律、法规的规定给予赔偿。

第八章 附则

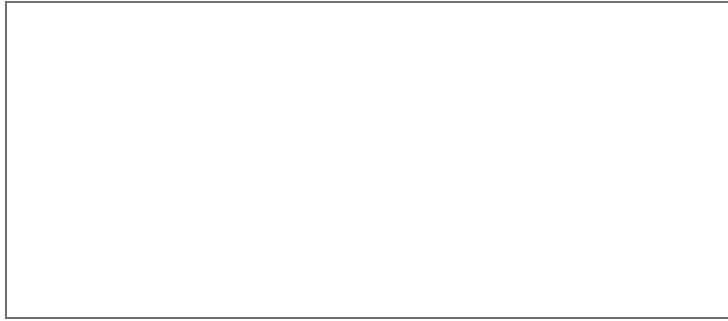
第五十一条 中国人民武装警察部队执行国家赋予的安全保卫任务。

第五十二条 本法自公布之日起施行。1957年6月25日公布的《[中华人民共和国人民警察条例](#)》同时废止。

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