

| Criminal Procedure Law of the People's Republic of China  | Draft Revision   | Second Deliberation Draft  |
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|   | <p><b>Article 15:</b> Where criminal suspects or defendants voluntarily and truthfully confess their own criminal conduct, have no objections to the facts of the crime as charged, and are willing to accept punishment, they may be given a lenient disposition in accordance with law.</p>  | <p><b>Article 15:</b> Where criminal suspects or defendants voluntarily and truthfully confess their own criminal conduct, <b>admit</b> the facts of the crime as charged, and are willing to accept punishment, they may be given a lenient disposition in accordance with law.</p>   |
| <p><b>Article 18:</b> The peoples procuratorate will file and investigate crimes of bribery and corruption ; crimes of dereliction of duty by state workers; crimes of state workers abusing their power to effect an unlawful arrest, the coercion of confessions through torture, retaliation or illegal searches that violate citizen's personal rights and crimes that violate citizen's democratic rights. When it is necessary for the people's procuratorate to directly accept cases of state workers abusing their authority to carry out other serious crimes, the people's procuratorate may file and investigate the crime following a decision by a people's procuratorate of the provincial level or above.</p> | <p><b>Article 19:</b> People's procuratorates may open a case and investigate when people's procuratorates carrying out legal oversight of procedural activities that discover crimes by judicial personnel that violate citizens' rights or harm judicial fairness, such as unlawful confinement, extortion of confessions by torture, or unlawful searches. When it is necessary for a people's procuratorate to directly accept a case in which state personnel exploited their office and powers to commit another major crime that is in the jurisdiction of the public security organs, the people's procuratorate may file and investigate the case upon decision of a people's procuratorate at the provincial level or above.</p> | <p><b>Article 19:</b> People's procuratorates may open a case and investigate when people's procuratorates carrying out legal oversight of procedural activities that discover crimes by judicial personnel that violate citizens' rights or harm judicial fairness, such as unlawful confinement, extortion of confessions by torture, or unlawful searches. When it is necessary for a people's procuratorate to directly accept a case in which state personnel exploited their office and powers to commit major crimes that are in the jurisdiction of the public security organs, the people's procuratorate may file and investigate the case upon decision of a people's procuratorate at the provincial level or above.</p> |
|   | <p><b>[2017 Judges Law, Notary Laws Amendments]</b></p>  | <p><b>[2017 Judges Law, Notary Laws Amendments]</b></p>  |
|   | <p><b>Article 33p2:</b><br/>Persons who have been removed from public office or had their lawyers or notary practice certificates cancelled, must not serve as defenders, except where they are criminal suspects or defendants' guardians or immediate family members.</p>  | <p><b>Article 33p2:</b><br/>Persons who have been removed from public office or had their lawyers or notary practice certificates cancelled, must not serve as defenders, except where they are criminal suspects or defendants' guardians or immediate family members.</p>  |
|   | <p><b>Article 36:</b> Legal aid institutions may station duty lawyers in people's courts, people's procuratorates, and detention centers. Where criminal suspects or defendants have not retained a defender, and the legal aid institutions have not appointed a lawyer to provide them with a defense, the duty lawyer is to provide the criminal suspects or defendants with defense such as legal consultation, suggestions on</p>   | <p>Article 36: Legal aid institutions may station duty lawyers in people's courts, people's procuratorates, and detention centers. Where criminal suspects or defendants have not retained a defender, and the legal aid institutions have not appointed a lawyer to provide them with a defense, the duty lawyer is to provide the criminal suspects or defendants with legal assistance such as legal consultation, suggestions on</p>   |

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|   | <p>procedural selection, representation in collateral appeals or complaint appeals, applications for modification of compulsory measures, and submitting opinions on the case handling.</p> <p>People's courts, people's procuratorates, and detention centers shall inform criminal suspects or defendants that they have the right to meet with duty lawyers, and facilitate criminal suspects or defendants' meetings with duty lawyers.</p>   | <p>procedural selection, applications for modification of compulsory measures, and submitting opinions on the case handling.</p> <p>People's courts, people's procuratorates, and detention centers shall inform criminal suspects or defendants that they have the right to meet with duty lawyers, and facilitate criminal suspects or defendants' meetings with duty lawyers.</p>  |
| <p><b>Article 37p3:</b> Defense lawyers' meetings with criminal suspects during the investigation of cases of crimes that endanger national security, terrorist activities or especially serious bribery cases, shall be upon the permission of the investigating organ. In the cases described above, the investigating organ shall first inform the detention center. In the cases described above, the investigating organ shall first notify the detention center.</p>  | <p><b>Article 39:</b> Defense lawyers' meetings with criminal suspects during the investigation of cases of crimes endangering national security, terrorist activities, shall be upon the permission of the investigating organ. In the cases described above, the investigating organ shall first notify the detention center.</p>   | <p><b>Article 39:</b> Defense lawyers' meetings with criminal suspects during the investigation of cases of crimes endangering national security, terrorist activities, shall be upon the permission of the investigating organ. In the cases described above, the investigating organ shall first notify the detention center.</p>   |
| <p>Article 73: Residential surveillance shall be enforced in the residence of the suspect or defendant; for those without a fixed residence, it may be enforced in a designated location. When crimes of endangering state security, terrorist activities or especially serious bribery cases are suspected, and enforcement in the residence might impede the investigation, it may also be enforced in a designated location upon the approval of the people's procuratorate or public security organ at the level above. However, enforcement must not be in a detention facility, special case-handling facility.</p> | <p><b>Article 75:</b> Residential surveillance shall be carried out in the criminal suspects or defendants' residence; where there is no fixed residence, it may be carried out in a designated location. Where a crime endangering national security or terrorist activities is suspected, and enforcement in the residence would obstruct the investigation, enforcement may be in a designated location upon approval of the public security organ at the level above. However, enforcement must not be in a detention facility, special case-handling facility.</p> | <p><b>Article 75:</b> Residential surveillance shall be carried out in the criminal suspects or defendants' residence; where there is no fixed residence, it may be carried out in a designated location. Where a crime endangering national security or terrorist activities is suspected, and enforcement in the residence would obstruct the investigation, enforcement may be in a designated location upon approval of the public security organ at the level above. However, enforcement must not be in a detention facility, special case-handling facility.</p> |
| <p><b>Article 79:</b></p>   | <p><b>Article 81p2:</b> In approval of arrest or arrest decisions, the nature and circumstances of the criminal suspects or defendants' suspected crimes, circumstances of admitting guilt and accepting punishment, and the impact on the community where they reside,</p>   | <p><b>Article 81p2:</b> In approval of arrest or arrest decisions, the nature and circumstances of the criminal suspects or defendants' suspected crimes, circumstances of admitting guilt and accepting punishment shall be factors in considering whether there is a</p>  |

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|   | shall be factors in considering whether their is a threat to society. Criminal suspects or defendants that are not likely to threaten society may be released on guarantee or placed under residential surveillance.   | threat to society.   |
| <b>Article 106:</b> The meaning of the following terms in this law are:<br>(1) 'Investigation' refers to public security organs and people's procuratorates performance of lawful specialized field investigation and use of relevant compulsory measures in the course of handling a case ;  | <b>Article 108:</b> The meaning of the following terms in this law are:<br>(1) 'Investigation' refers to public security organs, people's procuratorates and other organs lawfully carrying out efforts in criminal cases to collect evidence and check case facts in accordance with law, as well as related compulsory measures.   | <b>Article 108:</b> The meaning of the following terms in this law are:<br>(1) 'Investigation' refers to public security organs and people's procuratorates lawfully carrying out efforts in criminal cases to collect evidence and check case facts in accordance with law, as well as related compulsory measures.   |
| <b>Article 118p2:</b> When investigators interrogate suspects, they shall inform the suspect of legal provisions that truthfully describing his own offense may result in leniency.   | <b>Article 118p2:</b> When investigators interrogate suspects, they shall inform the suspect of the procedural rights they enjoy, legal provisions that truthfully describing their own offense may result in leniency, and the legal consequences that might result from admitting guilt and accepting punishment.  | <b>Article 118p2:</b> When investigators interrogate suspects, they shall inform the suspect of the procedural rights they enjoy, legal provisions that truthfully describing their own offense may result in leniency, and the legal consequences of admitting guilt and accepting punishment.  |
| <b>Article 148p2:</b><br>After filing a case, the people's procuratorate may adopt technical investigative measures to be carried out by the organ designated in regulated, as is necessary for the investigation of major corruption or bribery cases as well as for crimes of abuse of public office to violate citizen's rights, upon completion of strict procedures. | <b>Article 150p2:</b><br>After filing a case, upon completion of strict procedures, the people's procuratorates may adopt technical investigative measures to be carried out by the organ designated and as regulated, as necessary for the investigation of crimes of abuse of public office to violate citizen's rights in their person.   | <b>Article 150p2:</b><br>After filing a case, upon completion of strict procedures, the people's procuratorates may adopt technical investigative measures to be carried out by the organ designated and as regulated, as necessary for the investigation of crimes of abuse of public office to violate citizen's rights in their person.   |
| <b>Article 160p2</b>  | <b>Article 162p2:</b> Where criminal suspects voluntarily admit guilt, it shall be recorded in the cases, transferred with the case, and the opinion in support of prosecution is to indicate the relevant situation.  | <b>Article 162p2:</b> Where criminal suspects voluntarily admit guilt, it shall be recorded in the cases, transferred with the case, and the opinion in support of prosecution is to indicate the relevant situation.  |
|   | <b>Article 170:</b> People's procuratorates are to carry out a review of cases transferred by the supervision organs, in accordance with this law and the Supervision Law. Where after examination, the people's procuratorate finds it is necessary to supplement or verify, it shall return it to the supervision organ for supplementary investigation, and, when necessary, may supplement the investigation on its own. | <b>Article 170:</b> People's procuratorates are to carry out a review of cases transferred by the supervision organs, in accordance with this law and the Supervision Law. Where after examination, the people's procuratorate finds it is necessary to supplement or verify, it shall return it to the supervision organ for supplementary investigation, and, when necessary, may supplement the investigation on its own. |

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|  | <p>In cases where the supervision organs employ the measure of retention in custody, the people's procuratorates shall place the criminal suspect in advance custody and the retention in custody is automatically lifted. People's procuratorates shall make a decision on whether to arrest, release on guarantee, or employ residential surveillance within 10 days of taking someone into custody. In special circumstances, the time for making the decision may be extended 1 to 4 days.</p>   | <p>In cases <b>transferred by the</b> supervision organs, where they have already employed the measure of retention in custody, the people's procuratorates shall place the criminal suspect in advance custody and the retention in custody is automatically lifted. People's procuratorates shall make a decision on whether to arrest, release on guarantee, or employ residential surveillance within 10 days of taking someone into custody. In special circumstances, the time for making the decision may be extended 1 to 4 days. <b>The period during which the people's procuratorate makes a decision on the use of compulsory measures is not calculated into the time limits for review for prosecution.</b></p> |
| <p><b>Article 169p1:</b> The people's procuratorates shall issue a decision on cases submitted by the public security organs for prosecution within 1 month; this may be extended by a half-month in major, complicated cases</p>  | <p><b>Article 172p1:</b> People's procuratorates shall make a decision within one month on cases transferred by the supervision organs or public security organs for prosecution, in major or complicated cases, this may be <b>extended by a half month</b>; <b>and where the criminal suspects admit guilt and accept punishment, and meet the requirements for applying the expedited procedures, they shall make a decision within 10 days, and where the sentence might exceed 1 year of imprisonment, this may be extended to 15 days.</b></p>   | <p><b>Article 172p1:</b> People's procuratorates shall make a decision within one month on cases transferred by the supervision organs or public security organs for prosecution, in major or complicated cases, this may be extended <b>by 15 days</b>; and where the criminal suspects admit guilt and accept punishment, and meet the requirements for applying the expedited procedures, they shall make a decision within 10 days, and where the sentence might exceed 1 year of imprisonment, this may be extended to 15 days.</p>  |
| <p><b>Article 170 :</b>People's procuratorates investigating a case shall interrogate the criminal suspect, hear the opinions of the defender, victims and their agents ad litem, and make records in the case file. When defenders, victims or their agents ad litem submit written comments, they shall be attached to the file.</p> | <p><b>Article 173:</b> People's procuratorates reviewing cases shall interrogate criminal suspects <b>and inform them of the procedural rights they enjoy and the legal consequences consequences that admitting guilt and accepting punishment might lead to</b>, shall hear the comments of the <b>criminal suspect</b>, defender, victims, and their agent ad litem <b>on the following matters</b>, and record them in the case file:<br/> <b>(1) the facts of the crime, charge, and the legal provisions to be applied;</b><br/> <b>(2) Recommendations for lenient punishment, such as mitigation, commutation, or exemption from punishment;</b><br/> <b>(3) The procedures applied at trial</b></p> | <p><b>Article 173:</b> People's procuratorates reviewing cases shall interrogate criminal suspects, hear the comments of the defender <b>or duty lawyer</b>, victims and their agents ad litem on the following matters, and record them in the case file: Written opinions provided by defenders <b>or duty lawyers</b>, victims and agents ad litem shall be attached to the case file. <b>Where criminal suspects admit guilt and accept punishment</b>, the people's procuratorate shall inform them of the procedural rights they enjoy and the legal consequences of admitting guilt and accepting punishment; hear the comments of the defender <b>or duty lawyer</b>, victims and their agents ad</p>                 |

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|                              | <p>following the admission of guilt and acceptance of punishment;<br/> (4) Other circumstances where opinions need to be heard.</p> <p>Where people's procuratorates hear duty lawyers' opinions in accordance with the provisions of the preceding paragraph, facilitation shall be provided in advance for the duty lawyers learning about the circumstances related to the case.</p> <p>When criminal suspects, defenders, victims or their agents ad litem submit written comments, they shall be attached to the file.</p>   | <p>litem on the following matters, and record them in the case file:<br/> (1) the facts of the crime, charge, and the legal provisions to be applied;<br/> (2) Recommendations for lenient punishment, such as mitigation, commutation, or exemption from punishment;<br/> (3) The procedures applied at trial following the admission of guilt and acceptance of punishment;<br/> (4) Other matters on which opinions need to be heard.</p> <p>Where people's procuratorates hear duty lawyers' opinions in accordance with the provisions of the two preceding paragraphs, facilitation shall be provided in advance for the duty lawyers learning about the circumstances related to the case.</p>   |
|                              | <p><b>Article 174:</b> Where criminal suspect voluntarily admit guilt, agree to the sentencing recommendation, and to the applicable procedures, a written plea affidavit shall be signed with the defender present.</p> <p>In any of the following circumstances the criminal suspect is not required to sign a plea affidavit:<br/> (1) where the criminal suspect is blind, deaf or mute, or is a mentally ill person who has not yet entirely lost their ability to recognize and control their action;<br/> (2) Where a juvenile criminal suspect's legally-designated representative or defender objects to the juvenile's admitting guilt and accepting punishment;<br/> (3) Others situations where application would be inappropriate.</p> | <p><b>Article 174:</b> Where criminal suspect voluntarily admit guilt, agree to the sentencing recommendation, and to the applicable procedures, a written plea affidavit shall be signed with the defender or duty lawyer present.</p> <p>In any of the following circumstances, criminal suspects who admit guilt and accept punishment do not need to sign a plea affidavit:<br/> (1) where the criminal suspect is blind, deaf or mute, or is a mentally ill person who has not yet entirely lost their ability to recognize and control their action;<br/> (2) Where a juvenile criminal suspect's legally-designated representative or defender objects to the juvenile's admitting guilt and accepting punishment;<br/> (3) Other situations where it is not necessary to sign a plea affidavit.</p> |
| <p><b>Article 172p2:</b></p> | <p><b>Article 176p2:</b> In the indictment, the people's procuratorates may submit sentencing recommendations on the primary punishment, supplementary punishments, the method of enforcement, and so forth. Where criminal suspects admit guilt and accept punishment, this shall be</p>   | <p><b>Article 176p2:</b> Where criminal suspect admit guilt and accept punishment, the people's procuratorates shall submit sentencing recommendations on the primary punishment, supplementary punishments, the method of enforcement, and so forth, and send the plea affidavit and other</p>   |

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|   | indicated in the indictment, and materials such as the plea affidavit are to be transferred with the case.  | materials along with the case.  |
| <b>Article 173p3:</b> In cases where the people's procuratorate decides not to prosecute, it shall, at the same time, release any property that it has been sealed, seized or frozen. Where the person not being prosecuted needs to be given an administrative punishment or administrative sanctions, or needs to have unlawful gains confiscated, the people's procuratorate shall submit a procuratorial opinion and send it to be handled by the relevant organ. The relevant organ shall promptly notify the people's procuratorate of the outcome of the handling. |   | <b>Article 177p3:</b> In cases where the people's procuratorate decides not to prosecute, it shall, at the same time, release any property that it has been sealed, seized or frozen. Where the person not being prosecuted needs to be given an administrative punishment and sanctions, or needs to have unlawful gains confiscated, the people's procuratorate shall submit a procuratorial opinion and send it to be handled by the relevant organ. The relevant organ shall promptly notify the people's procuratorate of the outcome of the handling.   |
|   | <b>Article 182:</b> Where criminal suspects voluntarily and truthfully confess the facts of the crime they are suspected of, have major meritorious contribution or the case involves major national interests, then upon approval from the Supreme People's Procuratorate, people's procuratorates may make a non-prosecution decision, and may also submit a prosecution on one or more of the alleged crimes, and the public security organs may withdraw the case.<br><br>Where there is decision to not prosecute or a case is withdrawn in accordance with the preceding paragraph, the people's procuratorates and public security organs shall address sealed, seized and frozen assets and their fruits. | <b>Article 182:</b> Where criminal suspects voluntarily and truthfully confess the facts of the crime they are suspected of, have major meritorious contribution or the case involves major national interests, then upon approval from the Supreme People's Procuratorate, the public security organs may withdraw the case, people's procuratorates may make a non-prosecution decision, and they may also may make a non-prosecution decision for one or more of the alleged crimes.<br><br>Where there is decision to not prosecute or a case is withdrawn in accordance with the preceding paragraph, the people's procuratorates and public security organs shall promptly address sealed, seized and frozen assets and their fruits. |
|   | <b>[People's Assessor Law]</b>  | <b>[People's Assessor Law]</b>  |
| <b>Article 178:</b> Basic and intermediate level people's courts hearing first-instance trial of cases, shall have 3 trial adjudicators, or a combination of adjudicators and people's assessors totaling 3 people, form a collegial panel for trial, but cases in which the basic level courts apply summary procedures may be heard by a single adjudicator.  | <b>Article 183:</b> Basic and intermediate level people's courts hearing first-instance trial of cases, shall have 3 trial adjudicators, or a combination of adjudicators and people's assessors totaling 3 or 7 people, form a collegial panel for trial, but cases in which the basic level courts apply summary procedures or expedited procedures may be heard by a single adjudicator.   | <b>Article 183:</b> Basic and intermediate level people's courts hearing first-instance trial of cases, shall have 3 trial adjudicators, or a combination of adjudicators and people's assessors totaling 3 or 7 people, form a collegial panel for trial, but cases in which the basic level courts apply summary procedures or expedited procedures may be heard by a single adjudicator.   |

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| <p>In cases where the high people's courts or the supreme people's court hear the first-instance trial, 3-7 adjudicators, or a combination of adjudicators and people's assessors totalling 3-7 people shall for a collegial panel for trial.</p> <p>People's assessors performing their duties in the people's courts have the same level of rights as adjudicators. Courts hearing appeals and prosecutorial counter-appeals, will be heard by 3-5 adjudicators forming a collegial panel for trial.</p> <p>The collegial panel should have an odd number of members.</p> <p>The chief judge shall appoint an adjudicator from the collegial panel to serve as the presiding judge. When the court president or chief judge participates in the trial of a case, he shall serve as the presiding judge himself.</p> | <p>In cases where the high people's courts hear the first-instance trial, 3-7 adjudicators, or a combination of adjudicators and people's assessors totaling 3 or 7 people shall for a collegiate panel for trial.</p> <p>In cases where the Supreme People's Court hears the first-instance trial, 3-7 adjudicators shall form a collegiate panel for trial.</p> <p>Courts hearing appeals and prosecutorial counter-appeals, will be heard by 3-5 adjudicators forming a collegial panel for trial.</p> <p>The collegial panel should have an odd number of members.</p> <p>The chief judge shall appoint an adjudicator from the collegial panel to serve as the presiding judge. When the court president or chief judge participates in the trial of a case, he shall serve as the presiding judge himself.</p> | <p>In cases where the high people's courts hear the first-instance trial, 3-7 adjudicators, or a combination of adjudicators and people's assessors totaling 3 or 7 people shall for a collegiate panel for trial.</p> <p>In cases where the Supreme People's Court hears the first-instance trial, 3-7 adjudicators shall form a collegiate panel for trial.</p> <p>Courts hearing appeals and prosecutorial counter-appeals, will be heard by 3-5 adjudicators forming a collegial panel for trial.</p> <p>The collegial panel should have an odd number of members.</p> <p>The chief judge shall appoint an adjudicator from the collegial panel to serve as the presiding judge. When the court president or chief judge participates in the trial of a case, he shall serve as the presiding judge himself.</p> |
| <p><b>Article 185</b></p>   | <p><b>Article 190p2:</b> Where defendants admit guilt and accept punishment, the chief judge shall inform the defendant of the procedural rights they enjoy and the legal consequences that admitting guilt and accepting punishment might lead to; and review the voluntariness of the admission of guilt and acceptance of punishment and the truthfulness and lawfulness of the written plea affidavit.</p>   | <p><b>Article 190p2:</b> Where defendants admit guilt and accept punishment, the chief judge shall inform the defendant of the procedural rights they enjoy and the legal consequences of admitting guilt and accepting punishment; and review the voluntariness of the admission of guilt and acceptance of punishment and the truthfulness and lawfulness of the written plea affidavit.</p>   |
|   | <p><b>Article 201:</b> When the people's court lawfully makes a judgment in a plea case, the charges and sentencing recommendation of the people's procuratorate are usually adopted, except in the following circumstances: (1) The defendant has not constituted a crime or should not be pursued for criminal responsibility; (2) The defendant admitted guilt and accepted punishment against his wishes;</p>  | <p><b>Article 201:</b> When the people's court lawfully makes a judgment in a plea case, the charges and sentencing recommendation of the people's procuratorate are usually adopted, except in the following circumstances: (1) The defendant has not constituted a crime or should not be pursued for criminal responsibility; (2) The defendant admitted guilt and accepted punishment against his wishes;</p>  |

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|  | <p>(3) the defendant denies the alleged criminal facts;</p> <p>(4) the charge in the indictment and the charge verified at trial are not the same;</p> <p>(5) The sentencing recommendation is clearly improper;</p> <p>(6) Other situations that might impact the fairness of trial.</p> <p>In the course of trial, the people's procuratorate may adjust the sentencing recommendation. Where upon trial the people's courts find that a sentencing recommendation is clearly improper, or the defendant or defender submits objections to the sentencing recommendation, a judgment shall be made in accordance with law.</p> | <p>(3) the defendant denies the alleged criminal facts;</p> <p>(4) the charge in the indictment and the charge verified at trial are not the same;</p> <p>(5) Other situations that might impact the fairness of trial.</p> <p>Where through trial people's courts find that the sentencing recommendation is clearly improper, or where the defendant or defender raises objections to the sentencing recommendation, people's procuratorate may adjust its sentencing recommendation. Where the people's procuratorate does not adjust the sentencing recommendation, or where after adjusting the sentencing recommendation the defendant or defender still has objections the people's court shall make a judgment in accordance with law.</p> |
|  | <p>[Part 3, Chapter II]</p> <p>Section 4: Expedited procedures</p>   | <p>[Part 3, Chapter II]</p> <p>Section 4: Expedited procedures</p>   |
|  | <p><b>Article 222:</b> In cases within the jurisdiction of basic level people's courts that might have a sentence of up to 3 years fixed-term imprisonment, where the case facts are clear and the evidence is credible and sufficient, and the defendant admits guilt and accepts punishment and agrees to use the expedited procedures, the expedited procedures may be applied, and trial will be by a single adjudicator.</p> <p>When the people's procuratorate initiates a prosecution, it may suggest that the people's court apply the expedited procedures.</p>   | <p><b>Article 222:</b> In cases within the jurisdiction of basic level people's courts that might have a sentence of up to 3 years fixed-term imprisonment, where the case facts are clear and the evidence is credible and sufficient, and the defendant admits guilt and accepts punishment and agrees to use the expedited procedures, the expedited procedures may be applied, and trial will be by a single adjudicator.</p> <p>When the people's procuratorate initiates a prosecution, it may suggest that the people's court apply the expedited procedures.</p>   |
|  | <p><b>Article 223:</b> The expedited procedures are not to be applied in any of the following circumstances:</p> <p>(1) The defendant is a blind, deaf or mute person or a mentally ill person who has not completely lost his ability to recognize and control his conduct;</p> <p>(2) There is major social impact;</p> <p>(3) Where in a joint crime some of the defendants have objections to the</p>  | <p><b>Article 223:</b> The expedited procedures are not to be applied in any of the following circumstances:</p> <p>(1) The defendant is a blind, deaf or mute person or a mentally ill person who has not completely lost his ability to recognize and control his conduct;</p> <p>(2) There is major social impact;</p> <p>(3) Where in a joint crime some of the defendants have objections to the</p>  |

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|  | <p>alleged facts, charges or sentencing recommendation;</p> <p>(4) Where the defendant and victims, or their legally-designated representatives, have not reached a mediation or settlement agreement on compensation for attached civil litigation;</p> <p>(5) Where trial applying the expedited procedures is otherwise inappropriate.</p>  | <p>alleged facts, charges or sentencing recommendation;</p> <p>(4) Where the defendant and victims, or their legally-designated representatives, have not reached a mediation or settlement agreement on compensation for attached civil litigation;</p> <p>(5) Where trial applying the expedited procedures is otherwise inappropriate.</p>   |
|  | <p><b>Article 224:</b> Cases applying the expedited procedures are not subject to the time limits for service in Section 1 of this Chapter, court investigation or courtroom debate are not carried out; but before the verdict is announced, the defendants' final statement and opinions shall be heard.</p> <p>Cases applying the expedited procedures at trial, shall have the verdict announced at court.</p> | <p><b>Article 224:</b> Cases applying the expedited procedures are not subject to the time limits for service in Section 1 of this Chapter, court investigation or courtroom debate are not carried out; but before the verdict is announced, <b>the defenders' opinions</b> and the defendants' final statement and opinions shall be heard.</p> <p>Cases applying the expedited procedures at trial, shall have the verdict announced at court.</p> |
|  | <p><b>Article 225:</b> In cases applying expedited procedures at trial, people's courts shall complete trial within 10 days of accepting them; an extension to 15 days may be given where a sentence of more than 1 year imprisonment might be given.</p>  | <p><b>Article 225:</b> In cases applying expedited procedures at trial, people's courts shall complete trial within 10 days of accepting them; an extension to 15 days may be given where a sentence of more than 1 year imprisonment might be given</p>  |
|  | <p><b>Article 226:</b> Where people's courts discover in the course of trial that defendants having admitted guilt and accepted punishment against their will, that the defendant denies the alleged facts of the crime, or that there are other circumstances making application of the expedited procedures inappropriate, they shall hold a new trial in accordance with Section 1 of this Chapter.</p>         | <p><b>Article 226:</b> Where people's courts discover in the course of trial that defendants having admitted guilt and accepted punishment against their will, that the defendant denies the alleged facts of the crime, or that there are other circumstances making application of the expedited procedures inappropriate, they shall hold a new trial in accordance with Section 1 of this Chapter.</p>  |
|  | <p><b>[Criminal Law Amendment (9)]</b></p>   | <p><b>[Criminal Law Amendment (9)]</b></p>  |
| <p><b>Article 250p2:</b><br/>If convicts sentenced to death with a two year suspended sentence do not commit another intentional crime within the two year suspension and the period for the suspended death sentence is complete, the sentence shall be commuted, and the enforcement organ will submit a</p> | <p><b>Article 261p2:</b> Where convicts sentenced to death with a two year suspended sentence do not commit another intentional crime within the suspension period, the sentence shall be commuted; and the enforcement organ will submit a written opinion reporting to the High People's Court for a ruling; if an intentional crime is</p>  | <p><b>Article 261p2:</b> Where convicts sentenced to death with a two year suspended sentence do not commit another intentional crime within the suspension period, the sentence shall be commuted; and the enforcement organ will submit a written opinion reporting to the High People's Court for a ruling; if an intentional crime is</p>   |

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| <p>written opinion reporting to the High People's Court for a ruling. If they committed an intentional crime and it is verified and reviewed, they shall be executed and the high people's court will report to the Supreme People's Court for review and approval.</p>                              | <p>committed, and the <b>circumstances are heinous</b>, and it is verified, the death sentence shall be enforced, and the High People's Court shall report to the Supreme People's Court for final review; and <b>where there is an intentional crime but the execution is not carried out, the period of suspending the death sentence is to be newly calculated, and this is to be reported to the Supreme People's Court for recording.</b></p>   | <p>committed, and the circumstances are heinous, and it is verified, the death sentence shall be enforced, and the High People's Court shall report to the Supreme People's Court for final review; and where there is an intentional crime but the execution is not carried out, the period of suspending the death sentence is to be newly calculated, and this is to be reported to the Supreme People's Court for recording.</p>  |
| <p><b>Article 260:</b> Where convicts given a fine have not paid it over at the completion of the time period, the people's court shall compel payment; if there is truly difficulty in making payment due to a disaster or other force majeure, a ruling may be made for a reduction or waiver.</p> | <p><b>Article 271:</b> Where convicts given a fine have not paid it over at the completion of the time period, the people's court shall compel payment; if there is truly difficulty in making payment for <b>reasons such as</b> a disaster or other force majeure, then an <b>extension for payment</b>, a reduction or waiver or payment, may be given by ruling <b>of a people's court.</b></p>  | <p><b>Article 271:</b> Where convicts given a fine have not paid it over at the completion of the time period, the people's court shall compel payment; if there is truly difficulty in making payment for reasons such as a disaster or other force majeure, then an extension for payment, a reduction or waiver or payment, may be given by ruling of a people's court.</p>  |
|  | <p>[Part 5, Chapter III]<br/><b>Chapter III: Procedures for Trials in Absentia</b></p>   | <p>[Part 5, Chapter III]<br/><b>Chapter III: Procedures for Trials in Absentia</b></p>  |
|  | <p><b>Article 291:</b> In corruption, bribery, and <b>other criminal cases</b>, where the criminal suspect or defendant has escaped abroad and the Supervision Organ has transferred the case for prosecution, the people's procuratorate may initiate a public prosecution in the people's court if it finds that the facts of the crime are already clear, that the evidence is credible and sufficient, and that criminal responsibility shall be pursued in accordance with law. After conducting a review, the people's court shall decide to try the case in open court if the indictment includes clear accusations of the facts of a crime.</p> <p>The intermediate people's court for the site of the crime or for the defendant's residence shall form a collegial panel and hear the cases in the previous paragraph.</p> | <p>Article 291: In criminal cases of corruption and bribery, <b>as well as cases verified by the people's procuratorate as serious crimes endangering national security or of terrorist activities</b>, where the criminal suspect or defendant has escaped abroad and the Supervision <b>Organs or public security organs</b> have transferred the case for prosecution, the people's procuratorate may initiate a public prosecution in the people's court if it finds that the facts of the crime are already clear, that the evidence is credible and sufficient, and that criminal responsibility shall be pursued in accordance with law. After conducting a review, the people's court shall decide to try the case in open court if the indictment includes clear accusations of the facts of a crime.</p> <p>The intermediate people's court for the site of the crime or for the defendant's residence shall form a collegial panel and hear the cases in the previous paragraph.</p> |

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|  | <p><b>Article 292:</b> The people’s court shall deliver the summons and a copy of the people’s procuratorate’s indictment to the defendant through judicial assistance means as prescribed in the relevant international treaties or other means permitted by the law of the addressee’s location. Where the defendant does not surrender as required after receiving the subpoena and the copy of the indictment, the people’s court shall hear the case in open court, render a verdict in accordance with law, and dispose of unlawful gains and other property involved in the case.</p> | <p><b>Article 292:</b> The people’s court shall deliver the summons and a copy of the people’s procuratorate’s indictment to the defendant through judicial assistance means as prescribed in the relevant international treaties or as put forward by diplomatic channels, other means permitted by the law of the addressee’s location. Where the defendant does not come in as required after the summons and the copy of the indictment are served, the people’s court shall hear the case in open court, render a verdict in accordance with law, and dispose of unlawful gains and other property involved in the case.</p> |
|  | <p><b>Article 293:</b> In trials in absentia conducted by the people’s court, defendants have the right to retain a defender, and defendants’ close relatives may retain a defender on their behalf. Where defendants and their close relatives have not retained a defender, the people’s court shall notify a legal aid organization to appoint a lawyer to provide them with a defense.</p>   | <p><b>Article 293:</b> In trials in absentia conducted by the people’s court, defendants have the right to retain a defender, and defendants’ close relatives may retain a defender on their behalf. Where defendants and their close relatives have not retained a defender, the people’s court shall notify a legal aid organization to appoint a lawyer to provide them with a defense.</p>  |
|  | <p><b>Article 294:</b> The people’s courts shall send written verdicts to the defendants and their close relatives and defenders. Where the defendants or their close relatives are not satisfied with the verdict, they have the right to appeal the people’s court at the next higher level. Defenders may raise appeals with the defendants’ or their close relatives’ consent.</p>   | <p>Article 294: The people’s courts shall send written verdicts to the defendants and their close relatives and defenders. Where the defendants or their close relatives are not satisfied with the verdict, they have the right to appeal the people’s court at the next higher level. Defenders may raise appeals with the defendants’ or their close relatives’ consent.</p>   |
|  | <p><b>Article 295:</b> Where during the course of a trial, the defendant voluntarily surrenders or is captured, the people’s court shall retry the case.</p> <p>Where a convict is brought in after the judgment or ruling has taken legal effect, the people’s court shall transfer the convict for enforcement of the penalty. Before the transfer for enforcement of penalties, the people’s court shall inform the convict that he has the right to raise</p>  | <p><b>Article 295:</b> Where during the course of a trial, the defendant voluntarily surrenders or is brought in, the people’s court shall retry the case.</p> <p>Where a convict is brought in after the judgment or ruling has taken legal effect, the people’s court shall transfer the convict for enforcement of the penalty. Before the transfer for enforcement of penalties, the people’s court shall inform the convict that he has the right to raise</p>   |

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|  | <p>objections to the judgment or ruling. Where a convict raises objections to the verdict or judgment, the people's court shall retry the case.</p> <p>Where the disposition of a convict's property in accordance with an effective judgment or ruling is truly in error, it shall be returned or compensation made.</p>   | <p>objections to the judgment or ruling. Where a convict raises objections to the verdict or judgment, the people's court shall retry the case.</p> <p>Where the disposition of a convict's property in accordance with an effective judgment or ruling is truly in error, it shall be returned or compensation made.</p>   |
|  | <p><b>Article 296:</b> Where because the defendant has a serious illness and is unable to appear in court, the proceedings are suspended for over six months, and the defendant is still unable to appear in court, and where the defendant and his agent ad litem apply for or consent to continuation of the trial, the people's court may conduct a trial in absentia where the defendant does not appear in court and render a verdict in accordance with law.</p>  | <p><b>Article 296:</b> Where because the defendant has a serious illness and is unable to appear in court, the proceedings are suspended for over six months, and the defendant is still unable to appear in court, and where the defendant and his agent ad litem applies for or consents to resume the trial, the people's court may conduct a trial in absentia where the defendant does not appear in court and render a verdict in accordance with law.</p>  |
|  | <p><b>Article 297:</b> Where the defendant has died, the people's court shall render a judgment terminating the trial; but where there is evidence proving that the defendant is innocent, and the people's court confirms his innocence after conducting a trial in absentia, a verdict is to be rendered in accordance with law.</p> <p>In a case where the people's court holds a new trial in accordance with trial supervision procedures and the defendant has died, the people's court may conduct a trial in absentia and renders a verdict in accordance with law.</p> | <p><b>Article 297:</b> Where the defendant has died, the people's court shall render a judgment terminating the trial; but where there is evidence proving that the defendant is innocent, and the people's court confirms his innocence after conducting a trial in absentia, it shall render a verdict in accordance with law.</p> <p>In a case where the people's court holds a new trial in accordance with trial supervision procedures and the defendant has died, the people's court may conduct a trial in absentia and renders a verdict in accordance with law.</p> |