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Criminal Code
(2010.01.27 Amended)

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Part One General Provisions

| | |
|-------------|--|
| 第一章 法例 | Chapter I Application Of The Code |
| 第二章 刑事責任 | Chapter II Criminal Responsibility |
| 第三章 未遂罪 | Chapter III Attempt |
| 第四章 共犯 | Chapter IV Joint Offenders |
| 第五章 刑 | Chapter V Punishment |
| 第六章 累犯 | Chapter VI Recidivism |
| 第七章 數罪併罰 | Chapter VII Combined Punishment for Several Offences |
| 第八章 刑之酌科及加減 | Chapter VIII Discretionary Punishment and Its Increase and Reduction |
| 第九章 緩刑 | Chapter IX Suspension of Punishment |
| 第十章 假釋 | Chapter X Conditional Release |
| 第十一章 時效 | Chapter XI Limitations |
| 第十二章 保安處分 | Chapter XII Peace Preservation Measures |

PART TWO Special Provisions

| | |
|-----------|---|
| 第一章 內亂罪 | Chapter I Offences against The Internal Security of The State |
| 第二章 外患罪 | Chapter II Offences against The External Security of The State |
| 第三章 妨害國交罪 | Chapter III Offences of Interference with Relations with Other States |
| 第四章 瀆職罪 | Chapter IV Offences of Malfeasance in Office |
| 第五章 妨害公務罪 | Chapter V Offences of Interference with Public Functions |

| | |
|-------------------|---|
| 第六章 妨害投票罪 | Chapter VI Offences of Interference with Voting |
| 第七章 妨害秩序罪 | Chapter VII Offences of Interference with Public Order |
| 第八章 脫逃罪 | Chapter VIII Offences of Escape |
| 第九章 藏匿人犯及湮滅證據罪 | Chapter IX Offences of Concealment of Offenders and Destruction of Evidence |
| 第十章 偽證及誣告罪 | Chapter X Offences of False Evidence and Malicious Accusation |
| 第十一章 公共危險罪 | Chapter XI Offences against Public Safety |
| 第十二章 偽造貨幣罪 | Chapter XII Offences of Counterfeiting Currency |
| 第十三章 偽造有價證券罪 | Chapter XIII Offences of Counterfeiting Valuable Securities |
| 第十四章 偽造度量衡罪 | Chapter XIV Offences of Falsifying Weights and Measures |
| 第十五章 偽造文書印文罪 | Chapter XV Offences of Forging Instruments Or Seals |
| 第十六章 妨害風化罪 | Chapter XVI Offences against Morals |
| 第十七章 妨害婚姻及家庭罪 | Chapter XVII Offences against Marriage and Family |
| 第十八章 褻瀆祀典及侵害墳墓屍體罪 | Chapter XVIII Offences against Religion, Graves, and Corpses |
| 第十九章 妨害農工商罪 | Chapter XIX Offences against Agriculture, Industry, and Commerce |
| 第二十章 鴉片罪 | Chapter XX Offences Relating to Opium |
| 第二十一章 賭博罪 | Chapter XXI Offences Of Gambling |
| 第二十二章 殺人罪 | Chapter XXII Offences of Homicide |
| 第二十三章 傷害罪 | Chapter XXIII Offences of Causing Bodily Harm |
| 第二十四章 墮胎罪 | Chapter XXIV Offences Of Abortion |
| 第二十五章 遺棄罪 | Chapter XXV Offences Of Abandonment |
| 第二十六章 妨害自由罪 | Chapter XXVI Offences Against Personal Liberty |
| 第二十七章 妨害名譽及信用罪 | Chapters XXVII Offences Against Reputation and Credit |
| 第二十八章 妨害秘密罪 | Chapter XXVIII Offences Against Privacy |
| 第二十九章 盜竊罪 | Chapter XXIX Offences Of Larceny |
| 第三十章 搶奪強盜及海盜罪 | Chapter XXX Offences of Forceful Taking, Robbery and Piracy |
| 第三十一章 侵占罪 | Chapter XXXI Offences of Misappropriation |
| 第三十二章 詐欺背信及重利罪 | Chapter XXXII Offences of Fraud, Breach of Trust, and Usury |
| 第三十三章 恐嚇及擄人勒贖罪 | Chapter XXXIII Offences of Intimidation and Kidnapping for Ransom |
| 第三十四章 贓物罪 | Chapter XXXIV Offences of Receiving Stolen Property |
| 第三十五章 毀棄損壞罪 | Chapter XXXV Offences of Destruction, Abandonment, and Damage |

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Part One General Provisions

Chapter I Application of The Code

Article 1

An act is punishable only if expressly so provided by the law in force at the time of its commission.

Article 2

If the law is changed after the commission of an act, the law in force at the time of the decision shall apply; Provided that if the law in force before the decision is more favorable to the offender, the law most favorable to him shall apply.

The law in force at the time of the decision shall apply to peace preservation measures.

Execution of punishment shall be remitted when, after sentence has been pronounced and before it has been executed or before execution has been completed, the law is changed to make the act exempt from punishment.

Article 3

This Code shall apply to an offence committed within the territory of the Republic Of China. An offence committed on board a vessel or aircraft of the Republic of China outside the territory of the Republic of China shall be considered to be an offence committed within the territory of the Republic of China.

Article 4

If either the commission of an offence or its effect takes place within the territory of the Republic of China the offence shall be considered to be an offence committed within the territory of the

1 ()

行為之處罰，以行為時之法律有明文規定者為限。拘束人身自由之保安處分，亦同。

2 ()

行為後法律有變更者，適用行為時之法律。但行為後之法律有利於行為人者，適用最有利於行為人之法律。

非拘束人身自由之保安處分適用裁判時之法律。

處罰或保安處分之裁判確定後，未執行或執行未完畢，而法律有變更，不處罰其行為或不施以保安處分者，免其刑或保安處分之執行。

3 ()

本法於在中華民國領域內犯罪者，適用之。在中華民國領域外之中華民國船艦或航空器內犯罪者，以在中華民國領域內犯罪論。

4 ()

犯罪之行為或結果，有一在中華民國領域內者，為在中華民國領域內犯罪。

1

行為之處罰，以行為時之法律有明文規定者，為限。

2

行為後法律有變更者，適用裁判時之法律。但裁判前之法律有利於行為人者，適用最有利於行為人之法律。

保安處分，適用裁判時之法律。

處罰之裁判確定後，未執行或執行未完畢，而法律有變更，不處罰其行為者，免其刑之執行。

3

本法於在中華民國領域內犯罪者，適用之；在中華民國領域外之中華民國船艦或航空機內犯罪者，以在中華民國領域內犯罪論。

4

犯罪之行為或結果，有一在中華民國領域內者，為在中華民國領域內犯罪。

Republic of China.

5 (

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本法於凡在中華民國領域外犯下列各罪者，適用之：
一、內亂罪。
二、外患罪。
三、第一百三十五條、第一百三十六條及第一百三十八條之妨害公務罪。
四、第一百八十五條之一及第一百八十五條之二之公共危險罪。
五、偽造貨幣罪。
六、第二百零一條至第二百零二條之偽造有價證券罪。
七、第二百十一條、第二百十四條、第二百十八條及第二百十六條行使第二百十一條、第二百十三條、第二百十四條文書之偽造文書罪。
八、毒品罪。但施用毒品及持有毒品、種子、施用毒品器具罪，不在此限。
九、第二百九十六條及第二百九十六條之一之妨害自由罪。
十、第三百三十三條及第三百三十四條之海盜罪。

6 (()

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本法於中華民國公務員在中華民國領域外犯左列各罪者，適用之：
一、第一百二十一條

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本法於凡在中華民國領域外犯左列各罪者，適用之：
一、內亂罪。
二、外患罪。
三、偽造貨幣罪。
四、第二百零一條及第二百零二條之偽造有價證券罪。
五、第二百一十一條、第二百一十四條、第二百一十六條及第二百一十八條之偽造文書印文罪。
六、鴉片罪。
七、第二百九十六條之妨害自由罪。
八、第三百三十三條及第三百三十四條之海盜罪。

6

本法於中華民國公務員在中華民國領域外犯左列各罪者，適用之：
一、第一百二十一條

Article 5

This Code shall apply to each of the following categories of offences committed outside the territory of the Republic of China:

1. Offences against the internal security of the State;
2. Offences against the external security of the State;
3. Offences of counterfeiting currency;
4. Offences of counterfeiting valuable securities as specified in Articles 201 or 202;
5. Offences of forging instruments or seals as specified in Articles 211, 214, 216, or 218;
6. Offences relating to opium;
7. Offences against personal liberty as specified in Article 296;
8. Offences of piracy as specified in Articles 333 or 334.

Article 6

This Code shall apply to each of the following categories of offences committed by a public official of the Republic of China beyond the territory of the Republic of China:

1. Offences of malfeasance in office as specified

至第一百二十三條、第一百二十五條、第一百二十六條、第一百二十九條、第一百三十一條、第一百三十二條及第一百三十四條之瀆職罪。
二、第一百六十三條之脫逃罪。
三、第二百十三條之偽造文書罪。
四、第三百三十六條第一項之侵占罪。

至第一百二十三條、第一百二十五條、第一百二十六條、第一百二十九條、第一百三十一條、第一百三十二條及第一百三十四條之瀆職罪。
二、第一百六十三條之脫逃罪。
三、第二百十三條之偽造文書罪。
四、第三百三十六條第一項之侵占罪。

in Articles 121 through 123, 125, 126, 129, 131, 132, or 134;

2. Offences of releasing prisoners as specified in Article 163;
3. Offences of falsifying documents as specified in Article 213;
4. Offences of misappropriation as specified in paragraph I of Article 336.

7 ()

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本法於中華民國人民在中華民國領域外犯前二條以外之罪，而其最輕本刑為三年以上有期徒刑者，適用之。但依犯罪地之法律不罰者，不在此限。

7

本法於中華民國人民在中華民國領域外犯前二條以外之罪，而其最輕本刑為三年以上有期徒刑者，適用之。但依犯罪地之法律不罰者，不在此限。

Article 7

This Code shall apply to an offence not provided for in the two preceding articles, which is committed by a citizen of the Republic of China beyond the territory of the Republic of China and for which the minimum basic punishment is imprisonment for not less than "three years; Provided that if the offence is not punishable by the law of the place where it was committed, this Code not apply.

8 ()

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前條之規定，於在中華民國領域外對於中華民國人民犯罪之外國人，準用之。

8

前條之規定，於在中華民國領域外對於中華民國人民犯罪之外國人準用之。

Article 8

The provisions of the preceding article shall apply mutatis mutandis to an alien who, beyond the territory of the Republic of China, commits an offence against a citizen of the Republic of China.

9 ()

)
同一行為雖經外國確定裁判，仍得依本法處斷。但在外國已受刑之全部或一部執行者，得免其刑之全部或一部之執行。

9

同一行為，雖經外國確定裁判，仍得依本法處斷。但在外國已受刑之全部或一部執行者，得免其刑之全部或一部之執行。

Article 9

An act may be punished under this Code notwithstanding that a final decision has been rendered thereon by a foreign tribunal; Provided that if punishment has been entirely or partly executed in the foreign country, "execution of punishment may be entirely or partly remitted.

10 ()

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稱以上、以下、以內者，俱連本數或本刑計算。
稱公務員者，謂下列人員：

10

稱以上、以下、以內者，俱連本數或本刑計算。
稱公務員者，謂依法令從事於公務之人

Article 10

The words "not less than," "not more than," or "within" denote that the figure or punishment stated in each case is inclusive.
The words "public official" denote a person who exercises public duties under law or order.

一、依法令服務於國家、地方自治團體所屬機關而具有法定職務權限，以及其他依法令從事於公共事務，而具有法定職務權限者。

二、受國家、地方自治團體所屬機關依法委託，從事與委託機關權限有關之公共事務者。

稱公文書者，謂公務員職務上製作之文書。

稱重傷者，謂下列傷害：

- 一、毀敗或嚴重減損一目或二目之視能。
- 二、毀敗或嚴重減損一耳或二耳之聽能。
- 三、毀敗或嚴重減損語能、味能或嗅能。
- 四、毀敗或嚴重減損一肢以上之機能。
- 五、毀敗或嚴重減損生殖之機能。

六、其他於身體或健康，有重大不治或難治之傷害。

稱性交者，謂非基於正當目的所為之下列性侵入行為：

- 一、以性器進入他人之性器、肛門或口腔，或使之接合之行為。
- 二、以性器以外之其他身體部位或器物進入他人之性器、肛門，或使之接合之行為。

稱電磁紀錄者，謂以電子、磁性、光學或其他相類之方式所製成，而供電腦處理之紀錄。

員。

稱公文書者，謂公務員職務上制作之文書。

稱重傷者，謂左列傷害：

- 一、毀敗一目或二目之視能。
- 二、毀敗一耳或二耳之聽能。
- 三、毀敗語能、味能或嗅能。
- 四、毀敗一肢以上之機能。
- 五、毀敗生殖之機能。

六、其他於身體或健康有重大不治或難治之傷害。

The words "public document" denote a document drawn by a public official in the course of his duty.

The words "serious bodily harm" denote one of the following listed injuries:

- 1. Destruction of the power of sight of one or both eyes;
- 2. Destruction of the power of hearing of one or both ears;
- 3. Destruction of the power of speech, taste, or smell;
- 4. Destruction of the power of functioning of one or more limbs;
- 5. Destruction of the power of procreation;
- 6. Other serious injury to body or to health which is either impossible or difficult to cure.

)
本法總則於其他法律有刑罰或保安處分之規定者，亦適用之。但其他法律有特別規定者，不在此限。

本法總則於其他法令有刑罰之規定者，亦適用之。但其他法令有特別規定者，不在此限。

The General Provisions of this Code shall also apply to another law or order which prescribes punishment unless such law or order contains special provisions to the contrary.

Chapter 11 Criminal Responsibility

12 ()

行為非出於故意或過失者，不罰。
過失行為之處罰，以有特別規定者，為限。

12

行為非出於故意或過失者，不罰。
過失行為之處罰，以有特別規定者，為限。

Article 12

An act is not punishable unless committed intentionally or negligently.
A negligent act is punishable only if specifically so provided.

13 ()

行為人對於構成犯罪之事實，明知並有意使其發生者，為故意。
行為人對於構成犯罪之事實，預見其發生而其發生並不違背其本意者，以故意論。

13

行為人對於構成犯罪之事實，明知並有意使其發生者，為故意。
行為人對於構成犯罪之事實，預見其發生，而其發生並不違背其本意者，以故意論。

Article 13

An act is committed intentionally if the actor knowingly and wilfully causes the accomplishment of the constituent elements of an offence.
An act is considered to have been committed intentionally if the actor foresaw that the act would accomplish the constituent elements of an offence and such accomplishment was not contrary to his will.

14 ()

行為人雖非故意，但按其情節應注意，並能注意，而不注意者，為過失。
行為人對於構成犯罪之事實，雖預見其能發生而確信其不發生者，以過失論。

14

行為人雖非故意，但按其情節，應注意並能注意而不注意者，為過失。
行為人對於構成犯罪之事實，雖預見其能發生而確信其不發生者，以過失論。

Article 14

An act is committed negligently if the actor, although not acting intentionally, fails to exercise that degree of care which he should and could have exercised in the circumstances.
An act is considered to have been committed negligently if the actor, although he foresaw that his act could accomplish the constituent elements of an offence, firmly believed that such accomplishment would not occur.

15 ()

對於犯罪結果之發生，法律上有防止之義務，能防止而不防止者，與因積極行為發生結果者同。

15

對於一定結果之發生，法律上有防止之義務，能防止而不防止者，與因積極行為發生結果者同。

Article 15

A person who has a legal obligation to prevent the occurrence of a specified result, and who is able to prevent such occurrence but fails to do so, shall be considered to have caused such result by his positive act.

因自己行為致有發生犯罪結果之危險者，負防止其發生之義務。

16 ()

除有正當理由而無法避免者外，不得因不知法律而免除刑事責任。但按其情節，得減輕其刑。

17 ()

因犯罪致發生一定之結果，而有加重其刑之規定者，如行為人不能預見其發生時，不適用之。

18 ()

未滿十四歲人之行為，不罰。

十四歲以上未滿十八歲人之行為，得減輕其刑。

滿八十歲人之行為，得減輕其刑。

19 ()

行為時因精神障礙或其他心智缺陷，致不能辨識其行為違法或欠缺依其辨識而行為之能力者，不罰。

行為時因前項之原因，致其辨識行為違法或依其辨識而行為之能力，顯著減低者，得減輕其刑。

前二項規定，於因故意或過失自行招致者，不適用之。

因自己行為致有發生一定結果之危險者，負防止其發生之義務。

16

不得因不知法律而免除刑事責任。但按其情節，得減輕其刑；如自信其行為為法律所許可而有正當理由者，得免除其刑。

17

因犯罪致發生一定之結果，而有加重其刑之規定者，如行為人不能預見其發生時，不適用之。

18

未滿十四歲人之行為，不罰。

十四歲以上未滿十八歲人之行為，得減輕其刑。

滿八十歲人之行為，得減輕其刑。

19

心神喪失人之行為，不罰。

精神耗弱人之行為，得減輕其刑。

If there is danger that the act of a person will produce a specified result, such person has a legal obligation to prevent the occurrence of such result.

Article 16

Criminal responsibility may not be avoided because of ignorance of the law, but punishment may be reduced according to the circumstances. If a person believed with good reason that his act was permitted by law, punishment may be remitted.

Article 17

Increased punishment prescribed for a certain specified result of an offence shall not apply if such result could not have been foreseen by the actor.

Article 18

An act committed by a person who has not completed the fourteenth year of his age is not punishable.

Punishment may be reduced for an act committed by a person who has completed the fourteenth but not the eighteenth year of his age.

Punishment may be reduced for an act committed by a person who has completed the eightieth year of his age.

Article 19

An act committed by a person who is insane is not punishable.

Punishment may be reduced for an act committed by a person who is feeble-minded.

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|---|---|--|
| <p><u>20</u> ()) 瘖啞人之行為，得減輕其刑。</p> | <p>20 瘖啞人之行為，得減輕其刑。</p> | <p>Article 20 Punishment may be reduced for an act committed by a person who is deaf and dumb.</p> |
| <p><u>21</u> ()) 依法令之行為，不罰。 依所屬上級公務員命令之職務上行為，不罰。但明知命令違法者，不在此限。</p> | <p>21 依法令之行為，不罰。 依所屬上級公務員命令之職務上行為，不罰。但明知命令違法者，不在此限。</p> | <p>Article 21 An act performed in accordance with law or order is not punishable. An act performed by a public official in the course of his duties and pursuant to the order of his superior is not punishable unless such public official knew that such order was contrary to law.</p> |
| <p><u>22</u> ()) 業務上之正當行為，不罰。</p> | <p>22 業務上之正當行為，不罰。</p> | <p>Article 22 A proper act performed in the course of business is not punishable.</p> |
| <p><u>23</u> ()) 對於現在不法之侵害，而出於防衛自己或他人權利之行為，不罰。但防衛行為過當者，得減輕或免除其刑。</p> | <p>23 對於現在不法之侵害，而出於防衛自己或他人權利之行為，不罰。但防衛行為過當者，得減輕或免除其刑。</p> | <p>Article 23 An act performed by a person in defence of his own rights or the rights of another against immediate unlawful infringement thereof is not punishable; Provided that if the act of defence was excessive, punishment may be reduced or remitted.</p> |
| <p><u>24</u> ()) 因避免自己或他人生命、身體、自由、財產之緊急危難而出於不得已之行為，不罰。但避難行為過當者，得減輕或免除其刑。 前項關於避免自己危難之規定，於公務上或業務上有特別義務者，不適用之。</p> | <p>24 因避免自己或他人生命、身體、自由、財產之緊急危難而出於不得已之行為，不罰。但避難行為過當者，得減輕或免除其刑。 前項關於避免自己危難之規定，於公務上或業務上有特別義務者，不適用之。</p> | <p>Article 24 An act performed by a person to avert imminent danger, not otherwise avoidable to the life, person, liberty, or property of himself or of another is not punishable; Provided that if the act of averting danger was excessive, punishment may be reduced or remitted. The provisions of the preceding paragraph relating to averting danger to himself do not apply to a person acting under an obligation resulting from his official or business duties.</p> |
| <p><u>25</u> ()) 已著手於犯罪行為之實行而不遂者，為未遂犯。 未遂犯之處罰，以有</p> | <p>25 已著手於犯罪行為之實行而不遂者，為未遂犯。 未遂犯之處罰，以有</p> | <p>Article 25 An attempt is an overt act performed in the commission of an offence which is not consummated. An attempt is punishable only if specifically so</p> |

特別規定者為限，並得按既遂犯之刑減輕之。

特別規定者為限。

provided.

26 (

)
行為不能發生犯罪之結果，又無危險者，不罰。

26

未遂犯之處罰，得按既遂犯之刑減輕之。但其行為不能發生犯罪之結果，又無危險者，減輕或免除其刑。

Article 26

The punishment for an attempt may be reduced from that prescribed for the consummation of the offence; Provided that if the act could not have consummated the offence and was not dangerous, the punishment shall be reduced or remitted.

27 ()

已著手於犯罪行為之實行，而因己意中止或防止其結果之發生者，減輕或免除其刑。結果之不發生，非防止行為所致，而行為人已盡力為防止行為者，亦同。前項規定，於正犯或共犯中之一人或數人，因己意防止犯罪結果之發生，或結果之不發生，非防止行為所致，而行為人已盡力為防止行為者，亦適用之。

27

已著手於犯罪行為之實行，而因己意中止或防止其結果之發生者，減輕或免除其刑。

Article 27

If an overt act is performed in the commission of an offence and the actor voluntarily desists or prevents such act from producing its results, the punishment shall be reduced or remitted.

28 ()

二人以上共同實行犯罪之行為者，皆為正犯。

28

二人以上共同實施犯罪之行為者，皆為正犯。

Article 28

Each of two or more persons acting jointly in the commission of an offence is a principal offender.

29 (

)
教唆他人使之實行犯罪行為者，為教唆犯。教唆犯之處罰，依其所教唆之罪處罰之。

29

教唆他人犯罪者，為教唆犯。教唆犯，依其所教唆之罪處罰之。被教唆人雖未至犯罪，教唆犯仍以未遂犯論。但以所教唆之罪有處罰未遂犯之規

Article 29

A person who incites another to commit an offence is an instigator. An instigator shall be punished according to the punishment prescribed for the incited offence. If punishment has been prescribed for an attempt to commit the incited offence, the instigator shall be considered guilty of an attempt notwithstanding that the person incited has not

Chapter IV Joint Offenders

定者，為限。

committed the offence.

30 ()

幫助他人實行犯罪行為者，為幫助犯。雖他人不知幫助之情者，亦同。
幫助犯之處罰，得按正犯之刑減輕之。

30

幫助他人犯罪者，為從犯；雖他人不知幫助之情者亦同。

Article 30

A person who assists another in the commission of a crime is an abettor notwithstanding that the person assisted does not know of such assistance.

The punishment prescribed for the abettor may be reduced from that prescribed for the principal offender.

31 ()

因身分或其他特定關係成立之罪，其共同實行、教唆或幫助者，雖無特定關係，仍以正犯或共犯論。但得減輕其刑。
因身分或其他特定關係致刑有重輕或免除者，其無特定關係之人，科以通常之刑。

31

因身分或其他特定關係成立之罪，其共同實施或教唆、幫助者，雖無特定關係，仍以共犯論。

Article 31

A person who acts jointly with, incites, or assists another in an offence which is based, upon personal or other special relationship may be considered to be a joint offender notwithstanding that he had no such special relationship.

If punishment is to be increased, reduced, or remitted because of personal or other special relationship, a person who had no such special relationship will be given the normally prescribed punishment.

32 ()
刑分為主刑及從刑。

32
刑分為主刑及從刑。

Article 32

Punishments are divided into principal and accessory punishments.

33 ()
主刑之種類如下：

- 一、死刑。
- 二、無期徒刑。
- 三、有期徒刑：二月以上十五年以下。但遇有加減時，得減至二月未滿，或加至二十年。
- 四、拘役：一日以上，六十日未滿。但遇有加重時，得加至一百二十日。
- 五、罰金：新臺幣一千元以上，以百元計算之。

33

- 主刑之種類如左：
- 一、死刑。
 - 二、無期徒刑。
 - 三、有期徒刑：二月以上、十五年以下。但遇有加減時，得減至二月未滿，或加至二十年。
 - 四、拘役：一日以上、二月未滿。但遇有加重時，得加至四個月。
 - 五、罰金：一元以上。

Article 33

- Principal punishments are of the following kinds:
1. Death;
 2. Imprisonment for life;
 3. Imprisonment for a definite period of not less than two months and not more than fifteen years. If punishment is reduced or increased, such period may be reduced to less than two months or increased to twenty years;
 4. Detention of not less than one day but less than two months. If punishment is, increased, the period may be increased to four months;
 5. Fine of not less than one yuan.

Chapter V Punishment

34 ()

從刑之種類如下：
一、褫奪公權。
二、沒收。
三、追徵、追繳或抵償。

35 ()

主刑之重輕，依第三十三條規定之次序定之。
同種之刑，以最高度之較長或較多者為重。最高度相等者，以最低度之較長或較多者為重。

刑之重輕，以最重主刑為準，依前二項標準定之。最重主刑相同者，參酌下列各款標準定其輕重：

- 一、有選科主刑者與無選科主刑者，以無選科主刑者為重。
- 二、有併科主刑者與無併科主刑者，以有併科主刑者為重。
- 三、次重主刑同為選科刑或併科刑者，以次重主刑為準，依前二項標準定之。

36 ()

褫奪公權者，褫奪下列資格：
一、為公務員之資格。
二、為公職候選人之資格。

37 ()

34
從刑之種類如左：

- 一、褫奪公權。
- 二、沒收。

35
主刑之重輕，依第三十三條規定之次序定之。

同種之刑，以最高度之較長或較多者為重。最高度相等者，以最低度之較長或較多者為重。

除前二項規定外，刑之重輕，參酌前二項標準定之；不能依前二項標準定之者，依犯罪情節定之。

36
褫奪公權者，褫奪下列資格：

- 一、為公務員之資格。
- 二、公職候選人之資格。
- 三、行使選舉、罷免、創制、複決四權之資格。

37

Article 34
Accessory punishments are of the following kinds:
1. Deprivation of civil rights;
2. Confiscation.

Article 35
The degree of severity of the kinds of principal punishments shall be in the order in which they are listed in Article 33.
Among punishments of the same' kind, the punishment in which the maximum period or amount is the greatest shall be considered to be the most severe. If the maximum periods or amounts are the same, the punishment in which the minimum period or amount is the greatest shall be considered to be the most severe.

Other than as provided in the two preceding paragraphs, the degree of severity of punishments shall be determined by reference to the standard set forth in the two preceding paragraphs. If the standard of the two preceding paragraphs is not applicable, the degree of severity shall be determined in accordance with the circumstances of the offence.

Article 36
Deprivation of civil rights is deprivation of the following categories of qualification:
1. Qualification as a public official;
2. Qualification as a candidate for public office;
3. Qualification for the exercise of the four rights of election, recall, initiative, and referendum.

Article 37

)
宣告死刑或無期徒刑者，宣告褫奪公權終身。
宣告一年以上有期徒刑，依犯罪之性質認為有褫奪公權之必要者，宣告一年以上十年以下褫奪公權。

褫奪公權，於裁判時併宣告之。
褫奪公權之宣告，自裁判確定時發生效力。
依第二項宣告褫奪公權者，其期間自主刑執行完畢或赦免之日起算。但同時宣告緩刑者，其期間自裁判確定時起算之。

38 ()

下列之物沒收之：
一、違禁物。
二、供犯罪所用或犯罪預備之物。
三、因犯罪所生或所得之物。
前項第一款之物，不問屬於犯罪行為人與否，沒收之。
第一項第二款、第三款之物，以屬於犯罪行為人為限，得沒收之。但有特別規定者，依其規定。

39 ()

免除其刑者，仍得專科沒收。

40 ()

沒收，除有特別規定者外，於裁判時併宣告之。
違禁物或專科沒收之物得單獨宣告沒收。

宣告死刑或無期徒刑者，宣告褫奪公權終身。
宣告六月以上有期徒刑，依犯罪之性質認為有褫奪公權之必要者，宣告褫奪公權一年以上、十年以下。

褫奪公權，於裁判時併宣告之。
依第一項宣告褫奪公權者，自裁判確定時發生效力。
依第二項宣告褫奪公權者，自主刑執行完畢或赦免之日起算。

38

左列之物沒收之：
一、違禁物。
二、供犯罪所用或犯罪預備之物。
三、因犯罪所得之物。
前項第一款之物，不問屬於犯人與否，沒收之。
第一項第二款、第三款之物，以屬於犯人者為限，得沒收之。但有特別規定者，依其規定。

39

免除其刑者，仍得專科沒收。

40

沒收於裁判時併宣告之。但違禁物得單獨宣告沒收。

A sentence of death or imprisonment for life shall include deprivation of civil rights for life.

A sentence of imprisonment for not less than six months shall include deprivation of civil rights for a period of not less than one year and not more than ten years if, from the nature of the offence, deprivation of civil rights is considered to be necessary.

Deprivation of civil rights shall be pronounced at the time of the decision.

Deprivation of civil rights pursuant to paragraph I of this Article shall become effective when the decision becomes final.

Deprivation of civil rights in accordance with paragraph II of this Article shall be calculated from the day when execution of the principal punishment has been completed or when such punishment has been remitted.

Article 38

The following things shall be confiscated:
1. A prohibited thing;
2. A thing used in the commission of or preparation for the commission of an offence;
3. A thing acquired through the commission of an offence.
A thing specified in item 1 of paragraph I of this Article shall be confiscated whether or not it belongs to the offender.
A thing specified in items 2 or 3 of paragraph I of this Article may be confiscated only if it belonged to the offender; Provided that if special provision has been made therefor, such provision shall apply.

Article 39

If punishment is remitted, confiscation may, nevertheless, be imposed independently.

Article 40

Confiscation shall be pronounced at the time of the decision, but a prohibited thing may be pronounced confiscated separately.

40-1 (

)
法律有規定追徵、追繳或抵償者，於裁判時併宣告之。

41 ()

犯最重本刑為五年以下有期徒刑以下之罪，而受六月以下有期徒刑或拘役之宣告者，得以新臺幣一千元、二千元或三千元折算一日，易科罰金。但易科罰金，難收矯正之效或難以維持法秩序者，不在此限。

依前項規定得易科罰金而未聲請易科罰金者，得以提供社會勞動六小時折算一日，易服社會勞動。

受六月以下有期徒刑或拘役之宣告，不符第一項易科罰金之規定者，得依前項折算規定，易服社會勞動。

前二項之規定，因身心健康之關係，執行顯有困難者，或易服社會勞動，難收矯正之效或難以維持法秩序者，不適用之。

第二項及第三項之易服社會勞動履行期間，不得逾一年。

無正當理由不履行社會勞動，情節重大，或履行期間屆滿仍未履行完畢者，於第二項之情形應執行原宣告刑或易科罰金；於第三項之情形應執行原宣告刑。

已繳納之罰金或已履行之社會勞動時數依

41

犯最重本刑為三年以下有期徒刑以下之罪，而受六月以下有期徒刑或拘役之宣告，因身體、教育、職業或家庭之關係，執行顯有困難者，得以一元以上、三元以下折算一日，易科罰金。

Article 41

If the maximum basic punishment which may be imposed does not exceed imprisonment for three years, and if the punishment as imposed is imprisonment for not more than six months or detention, and further if execution of the punishment as imposed is manifestly difficult because of physical, educational, occupational, or family conditions of the offender, the punishment as imposed may be commuted to a fine at the rate of not less than one nor more than three yuan for each day of imprisonment or detention.

所定之標準折算日數，未滿一日者，以一日論。

第一項至第四項及第七項之規定，於數罪併罰之數罪均得易科罰金或易服社會勞動，其應執行之刑逾六月者，亦適用之。

數罪併罰應執行之刑易服社會勞動者，其履行期間不得逾三年。但其應執行之刑未逾六月者，履行期間不得逾一年。

數罪併罰應執行之刑易服社會勞動有第六項之情形者，應執行所定之執行刑，於數罪均得易科罰金者，另得易科罰金。

42 ()

罰金應於裁判確定後二個月內完納。期滿而不完納者，強制執行。其無力完納者，易服勞役。但依其經濟或信用狀況，不能於二個月內完納者，得許期滿後一年內分期繳納。遲延一期不繳或未繳足者，其餘未完納之罰金，強制執行或易服勞役。

依前項規定應強制執行者，如已查明確無財產可供執行時，得逕予易服勞役。

易服勞役以新臺幣一千元、二千元或三千元折算一日。但勞役期限不得逾一年。

依第五十一條第七款所定之金額，其易服勞役之折算標準不同者，從勞役期限較長者定之。

罰金總額折算逾一年

42

罰金應於裁判確定後兩個月內完納。期滿而不完納者，強制執行。其無力完納者，易服勞役。

易服勞役，以一元以上、三元以下折算一日。但勞役期限不得逾六個月。

罰金總額折算逾六個

Article 42

A fine must be paid in full within two months after decision has become final. If full payment has not been made within such two-month period, compulsory execution shall be ordered, and any portion of the fine which cannot be paid may be commuted to labor.

Commutation of a fine to labor shall be at the rate of not less than one yuan not more than three yuan for each day, but the period of such labor may not exceed six months.

If the amount of a fine as calculated in days of

之日數者，以罰金總額與一年之日數比例折算。依前項所定之期限，亦同。

科罰金之裁判，應依前三項之規定，載明折算一日之額數。

易服勞役不滿一日之零數，不算。

易服勞役期內納罰金者，以所納之數，依裁判所定之標準折算，扣除勞役之日數。

月之日數者，以罰金總額與六個月之日數比例折算。

科罰金之裁判，應依前二項之規定，載明折算一日之額數。

易服勞役不滿一日之零數，不算。

易服勞役期內納罰金者，以所納之數，依裁判所定之標準折算，扣除勞役之日期。

labor exceeds the number of days in six months, the rate of commutation to be used will be the ratio that the amount of the fine expressed in yuan bears to the number of days in six months.

A decision imposing a fine must stipulate the daily rate of commutation in accordance with the provisions of the two preceding paragraphs.

A fractional part of a day resulting from the commutation of a fine to labor will not be considered.

If a payment is made during the period of labor commuted from a fine, the amount paid shall be converted to days at the rate fixed in the decision and deducted from the period of labor.

42-1 (

)
罰金易服勞役，除有下列情形之一者外，得以提供社會勞動六小時折算一日，易服社會勞動：

一、易服勞役期間逾一年。

二、入監執行逾六月有期徒刑併科或併執行之罰金。

三、因身心健康之關係，執行社會勞動顯有困難。

前項社會勞動之履行期間不得逾二年。

無正當理由不履行社會勞動，情節重大，或履行期間屆滿仍未履行完畢者，執行勞役。

社會勞動已履行之時數折算勞役日數，未滿一日者，以一日論。

社會勞動履行期間內繳納罰金者，以所納之數，依裁判所定罰金易服勞役之標準折算，扣除社會勞動之日數。

依第三項執行勞役，於勞役期內納罰金者，以所納之數，依裁判所定罰金易服勞役之標準折算，扣除社會勞動與勞役之日數。

43 ()

受拘役或罰金之宣告，而犯罪動機在公益或道義上顯可有恕者，得易以訓誡。

44 ()

易科罰金、易服社會勞動、易服勞役或易以訓誡執行完畢者，其所受宣告之刑，以已執行論。

45 ()

刑期自裁判確定之日起算。裁判雖經確定，其尚未受拘禁之日數，不算入刑期內。

46 ()

裁判確定前羈押之日數，以一日抵有期徒刑或拘役一日，或第四十二條第六項裁判所定之罰金額數。羈押之日數，無前項刑罰可抵，如經宣告拘束人身自由之保安處分者，得以一日抵保安處分一日。

47 ()

受徒刑之執行完畢，或一部之執行而赦免後，五年以內故意再

43

受拘役或罰金之宣告，而犯罪動機在公益或道義上顯可有恕者，得易以訓誡。

44

易科罰金、易服勞役或易以訓誡執行完畢者，其所受宣告之刑，以已執行論。

45

刑期自裁判確定之日起算。裁判雖經確定，其尚未受拘禁之日數，不算入刑期內。

46

裁判確定前羈押之日數，以一日抵有期徒刑或拘役一日，或第四十二條第四項裁判所定之罰金額數。

47

受有期徒刑之執行完畢，或受無期徒刑或有期徒刑一部之執行

Article 43

A sentence to detention or a fine may be commuted to an admonition when the motive for committing the offence clearly is excusable from the standpoint of public welfare or justice.

Article 44

When the execution of a punishment as commuted to fine, labor, or admonition has been completed, the punishment pronounced in the sentence shall be considered to have been executed.

Article 45

A period of punishment shall be calculated from the day on which the decision becomes final. Notwithstanding that a decision has become final, the number of days during which the offender has not been in custody shall not be calculated in the period of punishment.

Article 46

Each day an offender is held in custody prior to the decision becoming final may reduce a definite period of imprisonment or detention by one day or an imposed fine by an amount determined by paragraph IV of Article 42.

Chapter VI Recidivism

Article 47

A person, who, within five years after execution of a sentence of imprisonment for a definite period has been completed or after punishment

犯有期徒刑以上之罪者，為累犯，加重本刑至二分之一。
第九十八條第二項關於因強制工作而免其刑之執行者，於受強制工作處分之執行完畢或一部之執行而免除後，五年以內故意再犯有期徒刑以上之罪者，以累犯論。

而赦免後，五年以內再犯有期徒刑以上之罪者，為累犯，加重本刑至二分之一。

has been remitted following partial execution of a sentence of imprisonment for life or for a definite period, commits a subsequent offence punishable with not less than imprisonment for a definite period, is a recidivist, and his punishment may be increased up to one half.

48 (

)
裁判確定後，發覺為累犯者，依前條之規定更定其刑。但刑之執行完畢或赦免後發覺者，不在此限。

48

裁判確定後，發覺為累犯者，依前條之規定更定其刑。但刑之執行完畢或赦免後發覺者，不在此限。

Article 48

If, after decision has become final, an offender is found, to be a recidivist, his punishment may be increased in accordance with the provisions of the preceding article unless such finding is made after sentence has been completely executed or his punishment has been remitted.

49 (

)
累犯之規定，於前所犯罪在外國法院受裁判者，不適用之。

49

累犯之規定，於前所犯罪依軍法或於外國法院受裁判者，不適用之。

Article 49

Provisions relating to recidivism shall not apply if the prior offence was decided according to military law or by a foreign tribunal.

Chapter VII Combined Punishment for Several Offences

50 (

)
裁判確定前犯數罪者，併合處罰之。

50

裁判確定前犯數罪者，併合處罰之。

Article 50

Punishments for several offences committed before decision has become final shall be combined.

51 (

)
數罪併罰，分別宣告其罪之刑，依下列各款定其應執行者：

一、宣告多數死刑者，執行其一。

二、宣告之最重刑為死刑者，不執行他刑。但罰金及從刑不

51

數罪併罰，分別宣告其罪之刑，依左列各款定其應執行者：

一、宣告多數死刑者，執行其一。

二、宣告之最重刑為死刑者，不執行他

Article 51

In combining punishments for several offences, the punishment for each offence shall be pronounced separately and shall be executed in accordance with the following provisions:

1. If several sentences of death have been imposed, only one of such sentences shall be executed;

2. If the most severe sentence imposed is death, no other punishment except accessory punishment

在此限。

三、宣告多數無期徒刑者，執行其一。

四、宣告之最重刑為無期徒刑者，不執行他刑。但罰金及從刑不在此限。

五、宣告多數有期徒刑者，於各刑中之最長期以上，各刑合併之刑期以下，定其刑期。但不得逾三十年。

六、宣告多數拘役者，比照前款定其刑期。但不得逾一百二十日。

七、宣告多數罰金者，於各刑中之最額以上，各刑合併之金額以下，定其金額。

八、宣告多數褫奪公權者，僅就其中最長期間執行之。

九、宣告多數沒收者，併執行之。

十、依第五款至第九款所定之刑，併執行之。但應執行者為三年以上有期徒刑與拘役時，不執行拘役。

52 ()

數罪併罰，於裁判確定後，發覺未經裁判之餘罪者，就餘罪處斷。

53 ()

數罪併罰，有二裁判以上者，依第五十一條之規定，定其應執行之刑。

刑。但從刑不在此限。

三、宣告多數無期徒刑者，執行其一。

四、宣告之最重刑為無期徒刑者，不執行他刑。但罰金及從刑不在此限。

五、宣告多數有期徒刑者，於各刑中之最長期以上，各刑合併之刑期以下，定其刑期。但不得逾二十年。

六、宣告多數拘役者，比照前款定其刑期。但不得逾四個月。

七、宣告多數罰金者，於各刑中之最額以上，各刑合併之金額以下，定其金額。

八、宣告多數褫奪公權者，僅就其中最長期間執行之。

九、宣告多數沒收者，併執行之。

十、依第五款至第九款所定之刑，併執行之。

52

數罪併罰，於裁判確定後，發覺未經裁判之餘罪者，就餘罪處斷。

53

數罪併罰，有二裁判以上者，依第五十一條之規定，定其應執行之刑。

shall be executed;

3. If several sentences of imprisonment for life have been imposed, only one of such sentences shall be executed;

4. If the most severe sentence imposed is imprisonment for life, no other punishment except fine or accessory punishment shall be executed;

5. If several sentences of imprisonment for a definite period have been imposed, the period of punishment shall be fixed at not less than the longest period of such several punishments and not more than the sum total of the periods of such several punishments but shall not exceed twenty years;

6. If several sentences of detention have been imposed, the period-of punishment to be executed shall be fixed in accordance with the preceding rule but shall not exceed four months;

7. If several fines have been imposed, the amount of the fine to be paid shall be fixed at not less than the largest of such several fines and not more than the sum total of such several fines;

8. If several sentences of deprivation of civil rights for a definite period have been pronounced, only the sentence of the longest period shall be executed;

9. If several confiscations have been imposed, all such confiscations shall be executed;

10. If several punishments have been fixed in accordance with items 5 through 9 all such punishments shall be executed.

Article 52

In combining punishments for several offences, a separate decision shall be pronounced for an offence discovered after decision on another offence has become final.

Article 53

In combining punishments for several offences, if there have been two or more decisions, the punishment to be executed shall be determined in accordance with the provisions of Article 51.

54 ()

數罪併罰，已經處斷，如各罪中有受赦免者，餘罪仍依第五十一條之規定，定其應執行之刑，僅餘一罪者，依其宣告之刑執行。

55 ()

一行為而觸犯數罪名者，從一重處斷。但不得科以較輕罪名所定最輕本刑以下之刑。

56
(刪除)

57 ()

科刑時應以行為人之責任為基礎，並審酌一切情狀，尤應注意下列事項，為科刑輕重之標準：

- 一、犯罪之動機、目的。
- 二、犯罪時所受之刺激。
- 三、犯罪之手段。
- 四、犯罪行為人之生活狀況。
- 五、犯罪行為人之品行。
- 六、犯罪行為人之智識程度。
- 七、犯罪行為人與被害人之關係。
- 八、犯罪行為人違反

54

數罪併罰，已經處斷，如各罪中有受赦免者，餘罪仍依第五十一條之規定，定其應執行之刑，僅餘一罪者，依其宣告之刑執行。

55

一行為而觸犯數罪名，或犯一罪而其方法或結果之行為犯他罪名者，從一重處斷。

56

連續數行為而犯同一之罪名者，以一罪論。但得加重其刑至二分之一。

57

科刑時應審酌一切情狀，尤應注意左列事項，為科刑輕重之標準：

- 一、犯罪之動機。
- 二、犯罪之目的。
- 三、犯罪時所受之刺激。
- 四、犯罪之手段。
- 五、犯人之生活狀況。
- 六、犯人之品行。
- 七、犯人之智識程度。
- 八、犯人與被害人平日之關係。
- 九、犯罪所生之危險

Article 54

If, after combined punishment for several offences has been pronounced, any of such offences is remitted, the punishment to be executed for the remaining unremitted offences shall be determined in accordance with the provisions of Article 51. If only one offence remains unremitted, the punishment to be executed shall be that which was pronounced for such offence.

Article 55

If one act constitutes several unlike offences or the means employed or the results of the commission of one offence constitute another unlike offence, only the most severe of the prescribed punishments shall be imposed.

Article 56

If several successive acts constitute like offences, such successive acts may be considered to be one offence, but the punishment prescribed for such offence may be increased up to one half.

Chapter VIII Discretionary Punishment and Its Increase and Reduction

Article 57

When sentence is imposed, all circumstances of the case shall be considered, and special attention shall be given to the following items to determine the severity of the sentence:

1. Motive for the offence;
2. Purpose of the offence;
3. Provocation at the time of the offence;
4. Means employed to commit the offence;
5. Living conditions of the offender;
6. Conduct of the offender;
7. General knowledge of the offender;
8. Ordinary relations between the offender and the injured party;
9. Danger or damage caused by the offence;

義務之程度。
九、犯罪所生之危險或損害。
十、犯罪後之態度。

或損害。
十、犯罪後之態度。

10. Conduct of the offender after the commission of the offence.

58 ()

科罰金時，除依前條規定外，並應審酌犯罪行為人之資力及犯罪所得之利益。如所得之利益超過罰金最多額時，得於所得利益之範圍內酌量加重。

58

科罰金時，除依前條規定外，並應審酌犯罪人之資力及因犯罪所得之利益，如所得之利益超過罰金最多額時，得於所得利益之範圍內酌量加重。

Article 58

If a fine is to be imposed, the financial ability of the offender and the benefit he has obtained from the commission of the offence shall be considered in addition to the provisions of the preceding article. If the benefit obtained exceeds the maximum fine, such fine may be increased at discretion within the limit of the obtained benefit.

59 ()

犯罪之情狀顯可憫恕，認科以最低度刑仍嫌過重者，得酌量減輕其刑。

59

犯罪之情狀可憫恕者，得酌量減輕其刑。

Article 59

A punishment may be reduced at discretion because of extenuating circumstances.

60 ()

()
依法律加重或減輕者，仍得依前條之規定酌量減輕其刑。

60

依法律加重或減輕者，仍得依前條之規定酌量減輕其刑。

Article 60

Reduction of punishment may be made at discretion in accordance with the provisions of the preceding article notwithstanding that an increase or reduction of punishment has been prescribed by law.

61 ()

犯下列各罪之一，情節輕微，顯可憫恕，認為依第五十九條規定減輕其刑仍嫌過重者，得免除其刑：
一、最重本刑為三年以下有期徒刑、拘役或專科罰金之罪。但第一百三十二條第一項、第一百四十三條、第一百四十五條、第一百八十六條、第二百七十二條第三項及第二百七十六條第一項之罪，不在此限。
二、第三百二十條、第三百二十一條之竊

61

犯左列各罪之一，情節輕微，顯可憫恕，認為依第五十九條規定減輕其刑仍嫌過重者，得免除其刑：
一、犯最重本刑為三年以下有期徒刑、拘役或專科罰金之罪。但第一百三十二條第一項、第一百四十三條、第一百四十五條、第一百八十六條、第二百七十二條第三項及第二百七十六條第一項之罪，不在此限。
二、犯第三百二十條之竊盜罪。

Article 61

If one of the following offences is committed under trivial or extenuating circumstances, the punishment may be remitted if the punishment reduced in accordance with the provisions of Article 59 is still considered too severe:
1. Offences for which the maximum basic punishment is imprisonment for not more than three years, or detention, or a fine only except those offences provided for in paragraph I of Article 132, Article 143, Article 145, Article 186, paragraph III of Article 272, or paragraph I of Article 276.
2. Offences of larceny as provided for in Article 320;

盜罪。

三、第三百三十五條、第三百三十六條第二項之侵占罪。

四、第三百三十九條、第三百四十一條之詐欺罪。

五、第三百四十二條之背信罪。

六、第三百四十六條之恐嚇罪。

七、第三百四十九條第二項之贓物罪。

三、犯第三百三十五條之侵占罪。

四、犯第三百三十九條之詐欺罪。

五、犯第三百四十九條第二項之贓物罪。

3. Offences of misappropriation as provided for in Article 335;

4. Offences of fraud as provided for in Article 339;

5. Offences relating to stolen property as provided for in paragraph II of Article 349.

62 ()

對於未發覺之罪自首而受裁判者，得減輕其刑。但有特別規定者，依其規定。

62

對於未發覺之罪自首而受裁判者，減輕其刑。但有特別規定者，依其規定。

Article 62

If a person voluntarily submits himself for trial for an offence not yet discovered, the punishment shall be reduced, Provided that if special provision has been made therefor, then such provision shall apply.

63 ()

未滿十八歲人或滿八十歲人犯罪者，不得處死刑或無期徒刑，本刑為死刑或無期徒刑者，減輕其刑。

63

未滿十八歲人或滿八十歲人犯罪者，不得處死刑或無期徒刑；本刑為死刑或無期徒刑者，減輕其刑。

Article 63

A death penalty or imprisonment for life may not be imposed on an offender who has not completed the eighteenth or who has completed the eightieth year of his age. If the punishment prescribed for the offence is death or imprisonment for life, such punishment shall be reduced.

未滿十八歲人犯第二百七十二條第一項之罪者，不適用前項之規定。

The provisions of the preceding paragraph shall not apply to an offender who has not completed the eighteenth year of his age and who commits the offence specified in paragraph I of Article 272.

64 ()

死刑不得加重。死刑減輕者，為無期徒刑。

64

死刑不得加重。死刑減輕者，為無期徒刑，或為十五年以下、十二年以上有期徒刑。

Article 64

A death penalty may not be increased. If a death penalty is reduced, the punishment shall be imprisonment for life or imprisonment for not less than twelve nor more than fifteen years.

65 ()

無期徒刑不得加重。無期徒刑減輕者，為二十年以下十五年以上有期徒刑。

65

無期徒刑不得加重。無期徒刑減輕者，為七年以上有期徒刑。

Article 65

A punishment of imprisonment for life may not be increased. If a punishment of imprisonment for life is reduced, the punishment shall be imprisonment for a period of not less than seven years.

| | | |
|--|---|--|
| <p><u>66</u> ()</p> <p>有期徒刑、拘役、罰金減輕者，減輕其刑至二分之一。但同時有免除其刑之規定者，其減輕得減至三分之二。</p> | <p>66</p> <p>有期徒刑、拘役、罰金減輕者，減輕其刑至二分之一。但同時有免除其刑之規定者，其減輕得減至三分之二。</p> | <p>Article 66</p> <p>If a punishment of imprisonment for a definite period, detention, or a fine is reduced, the punishment shall be reduced by an amount up to one half. If there is also a provision for remission of the punishment, such punishment may be reduced by an amount up to two thirds.</p> |
| <p><u>67</u> ()</p> <p>有期徒刑或罰金加減者，其最高度及最低度同加減之。</p> | <p>67</p> <p>有期徒刑加減者，其最高度及最低度同加減之。</p> | <p>Article 67</p> <p>Increase or reduction of a punishment of imprisonment for a definite period shall apply to both the prescribed maximum and minimum.</p> |
| <p><u>68</u> ()</p> <p>拘役加減者，僅加減其最高度。</p> | <p>68</p> <p>拘役或罰金加減者，僅加減其最高度。</p> | <p>Article 68</p> <p>Increase or reduction of a punishment of detention or fine shall apply only to the prescribed maximum.</p> |
| <p><u>69</u> ()</p> <p>有二種以上之主刑者，加減時併加減之。</p> | <p>69</p> <p>有二種以上之主刑者，加減時併加減之。</p> | <p>Article 69</p> <p>Increase or reduction of two or more principal punishments shall apply to each of the punishments.</p> |
| <p><u>70</u> ()</p> <p>有二種以上刑之加重或減輕者，遞加或遞減之。</p> | <p>70</p> <p>有二種以上刑之加重或減輕者，遞加或遞減之。</p> | <p>Article 70</p> <p>Two or more increases of punishment will be applied successively.</p> |
| <p><u>71</u> ()</p> <p>刑有加重及減輕者，先加後減。 有二種以上之減輕者，先依較少之數減輕之。</p> | <p>71</p> <p>刑有加重及減輕者，先加後減。 有二種以上之減輕者，先依較少之數減輕之。</p> | <p>Article 71</p> <p>If a punishment is to be both increased and reduced, the increase shall precede the reduction. If there are two or more reductions, reduction in the lesser degree shall precede reduction in the greater degree;</p> |
| <p><u>72</u> ()</p> <p>因刑之加重、減輕，而有不滿一日之時間或不滿一元之額數者，不算。</p> | <p>72</p> <p>因刑之加重、減輕，而有不滿一日之時間或不滿一元之額數者，不算。</p> | <p>Article 72</p> <p>A fractional part of a day or a yuan resulting from an increase or a reduction in a punishment will not be considered.</p> |
| <p><u>73</u> ()</p> | <p>73</p> | <p>Article 73</p> |

)
酌量減輕其刑者，準用減輕其刑之規定。

酌量減輕其刑者，準用減輕其刑之規定。

The provisions concerning the reduction of punishments shall apply mutatis mutandis to discretionary reduction of punishments.

Chapter IX Suspension of Punishment

74 ()

受二年以下有期徒刑、拘役或罰金之宣告，而有左列情形之一，認為以暫不執行為適當者，得宣告二年以上五年以下之緩刑，其期間自裁判確定之日起算：

一、未曾因故意犯罪受有期徒刑以上刑之宣告者。

二、前因故意犯罪受有期徒刑以上刑之宣告，執行完畢或赦免後，五年以內未曾因故意犯罪受有期徒刑以上刑之宣告者。

緩刑宣告，得斟酌情形，命犯罪行為人為下列各款事項：

一、向被害人道歉。

二、立悔過書。

三、向被害人支付相當數額之財產或非財產上之損害賠償。

四、向公庫支付一定之金額。

五、向指定之政府機關、政府機構、行政法人、社區或其他符合公益目的之機構或團體，提供四十小時以上二百四十小時以下之義務勞務。

六、完成戒癮治療、精神治療、心理輔導或其他適當之處遇措施。

七、保護被害人安全之必要命令。

八、預防再犯所為之

74

受二年以下有期徒刑、拘役或罰金之宣告，而有左列情形之一，認為以暫不執行為適當者，得宣告二年以上、五年以下之緩刑，其期間自裁判確定之日起算：

一、未曾受有期徒刑以上刑之宣告者。

二、前受有期徒刑以上刑之宣告，執行完畢或赦免後，五年以內未曾受有期徒刑以上刑之宣告者。

Article 74

A punishment of imprisonment for not more than two years, detention, or a fine may be suspended for not less than two nor more than five years from the day the decision becomes final if either of the following circumstances exists and temporary suspension is considered appropriate:

1. There has been no previous sentence to imprisonment for a definite period or a more severe punishment;

2. There has been no sentence to imprisonment for a definite period or a more severe punishment within five years after complete execution or remission of a previous sentence to imprisonment for a definite period or a more severe punishment.

必要命令。
前項情形，應附記於判決書內。
第二項第三款、第四款得為民事強制執行名義。
緩刑之效力不及於從刑與保安處分之宣告。

75 ()

受緩刑之宣告，而有下列情形之一者，撤銷其宣告：

一、緩刑期內因故意犯他罪，而在緩刑期內受逾六月有期徒刑之宣告確定者。

二、緩刑前因故意犯他罪，而在緩刑期內受逾六月有期徒刑之宣告確定者。

前項撤銷之聲請，於判決確定後六月以內為之。

75-1 ()

受緩刑之宣告而有下列情形之一，足認原宣告之緩刑難收其預期效果，而有執行刑罰之必要者，得撤銷其宣告：

一、緩刑前因故意犯他罪，而在緩刑期內受六月以下有期徒刑、拘役或罰金之宣告確定者。

二、緩刑期內因故意犯他罪，而在緩刑期內受六月以下有期徒刑、拘役或罰金之宣告確定者。

三、緩刑期內因過失更犯罪，而在緩刑期內受有期徒刑之宣告

75

受緩刑之宣告而有左列情形之一者，撤銷其宣告：

一、緩刑期內更犯罪，受有期徒刑以上刑之宣告者。

二、緩刑前犯他罪而在緩刑期內受有期徒刑以上刑之宣告者。

因過失犯罪者，不適用前項之規定。

Article 75

Suspension of a punishment shall be revoked in either of the following circumstances:

1. During the period of suspension, the offender has committed another offence for which he has been sentenced to imprisonment for a definite period or a more severe punishment;

2. During the period of suspension, the offender has been sentenced to imprisonment for a definite period or a more severe punishment for an offence which he had committed before such suspension.

The provisions of paragraph I of this Article shall not apply if the offence referred to therein was committed negligently.

確定者。

四、違反第七十四條第二項第一款至第八款所定負擔情節重大者。

前條第二項之規定，於前項第一款至第三款情形亦適用之。

76 ()

緩刑期滿，而緩刑之宣告未經撤銷者，其刑之宣告失其效力。但依第七十五條第二項、第七十五條之一第二項撤銷緩刑宣告者，不在此限。

○

77 ()

受徒刑之執行而有悛悔實據者，無期徒刑逾二十五年，有期徒刑逾二分之一、累犯逾三分之二，由監獄報請法務部，得許假釋出獄。

前項關於有期徒刑假釋之規定，於下列情形，不適用之：

一、有期徒刑執行未滿六個月者。

二、犯最輕本刑五年以上有期徒刑之罪之累犯，於假釋期間，受徒刑之執行完畢，或一部之執行而赦免後，五年以內故意再犯最輕本刑為五年以上有期徒刑之罪者。

三、犯第九十一條之一所列之罪，於徒刑執行期間接受輔導或治療後，經鑑定、評估其再犯危險未顯著降低者。

無期徒刑裁判確定前

76

緩刑期滿，而緩刑之宣告未經撤銷者，其刑之宣告，失其效力。

Article 76

If suspension of a punishment has not been revoked, the sentence shall be without effect after expiration of the period of suspension.

Chapter X Conditional Release

Article 77

It mere is evidence of repentance during the execution of a sentence of imprisonment, a conditional release may be granted upon application by the prison authority to the highest judicial administrative authority after ten years of a sentence to imprisonment for life or after one half of a sentence to imprisonment for a definite period has been served; Provided that if one year of a sentence to imprisonment for a definite period has not been served, a conditional release may not be granted.

逾一年部分之羈押日數算入第一項已執行之期間內。

78 ()

假釋中因故意更犯罪，受有期徒刑以上刑之宣告者，於判決確定後六月以內，撤銷其假釋。但假釋期滿逾三年者，不在此限。假釋撤銷後，其出獄日數不算入刑期內。

79 ()

在無期徒刑假釋後滿二十年或在有期徒刑所餘刑期內未經撤銷假釋者，其未執行之刑，以已執行論。但依第七十八條第一項撤銷其假釋者，不在此限。

假釋中另受刑之執行、羈押或其他依法拘束人身自由之期間，不算入假釋期內。但不起訴處分或無罪判決確定前曾受之羈押或其他依法拘束人身自由之期間，不在此限。

79-1 ()

二以上徒刑併執行者，第七十七條所定最低應執行之期間，合併計算之。

前項情形，併執行無期徒刑者，適用無期徒刑假釋之規定；二以上有期徒刑合併刑期逾四十年，而接續執行逾二十年者，亦得許假釋。但有第七

78

假釋中更犯罪，受有期徒刑以上刑之宣告者，撤銷其假釋。

因過失犯罪者，不適用前項之規定。

假釋撤銷後，其出獄日數不算入刑期內。

79

在無期徒刑假釋後滿十年、或在有期徒刑所餘刑期內未經撤銷假釋者，其未執行之刑，以已執行論。

假釋中因他罪受刑之執行者，其執行之期間，不算入假釋期內。

Article 78

A conditional release shall be revoked if, during the period of conditional release, the offender has committed another offence for which he has been sentenced to imprisonment for a definite period or a more severe punishment.

The provisions of the preceding paragraph shall not apply if the offence referred to therein was committed negligently.

After revocation of a conditional release, the number of days which have elapsed during the release from prison shall not be calculated within the period of punishment.

Article 79

If a conditional release has not been revoked after ten years from the time of the release in the case of imprisonment for life or during the remaining portion of a sentence to imprisonment for a definite period, the unexecuted portion of the sentence shall be considered to have been executed.

A period served in execution of a punishment for another offence during the period of conditional release shall not be calculated within the period of conditional release.

十七條第二項第二款之情形者，不在此限。
依第一項規定合併計算執行期間而假釋者，前條第一項規定之期間，亦合併計算之。
前項合併計算後之期間逾二十年者，準用前條第一項無期徒刑假釋之規定。
經撤銷假釋執行殘餘刑期者，無期徒刑於執行滿二十五年，有期徒刑於全部執行完畢後，再接續執行他刑，第一項有關合併計算執行期間之規定不適用之。

Chapter XI Limitations

80 ()

追訴權，因下列期間內未起訴而消滅：
一、犯最重本刑為死刑、無期徒刑或十年以上有期徒刑之罪者，三十年。
二、犯最重本刑為三年以上十年未滿有期徒刑之罪者，二十年。
三、犯最重本刑為一年以上三年未滿有期徒刑之罪者，十年。
四、犯最重本刑為一年未滿有期徒刑、拘役或罰金之罪者，五年。
前項期間自犯罪成立之日起算。但犯罪行為有繼續之狀態者，自行為終了之日起算。

80

追訴權，因左列期間內不行使而消滅：
一、死刑、無期徒刑或十年以上有期徒刑者，二十年。
二、三年以上、十年未滿有期徒刑者，十年。
三、一年以上、三年未滿有期徒刑者，五年。
四、一年未滿有期徒刑者，三年。
五、拘役或罰金者，一年。
前項期間，自犯罪成立之日起算。但犯罪行為有連續或繼續之狀態者，自行為終了之日起算。

Article 80

The right of prosecution is barred by limitation if not exercised within the following periods:

1. Twenty years if the offence is punishable with death, imprisonment for life, or imprisonment for not less than ten years;
2. Ten years if the offence is punishable with imprisonment for not less than three but less than ten years;
3. Five years if the offence is punishable with imprisonment for not less than one but less than three years;
4. Three years if the offence is punishable with imprisonment for less than one year;
5. One year if the offence is punishable with detention or with a fine.

The periods specified in the preceding paragraph shall commence from the day on which the offence was committed; Provided that if the offence is of a successive or continuous nature, such period shall commence from the last day on which the offence is completed.

| | | |
|--|---|--|
| <p>81 (刪除)</p> | <p>81 追訴權之時效、期間，依本刑之最高度計算。有二種以上之主刑者，依最重主刑或最重主刑之最高度計算。</p> | <p>Article 81 The period of limitation of the right of prosecution shall be determined by the maximum of the prescribed punishment. If two or more principal punishments have been prescribed the period will be determined by the most severe principal punishment or the maximum of the most severe principal punishment.</p> |
| <p>82 () 本刑應加重或減輕者，追訴權之時效期間，仍依本刑計算。</p> | <p>82 本刑應加重或減輕者，追訴權之時效、期間，仍依本刑計算。</p> | <p>Article 82 The period of limitation of the right of prosecution shall be determined by the prescribed punishment notwithstanding that such punishment may be increased or reduced.</p> |
| <p>83 () 追訴權之時效，因起訴而停止進行。依法應停止偵查或因犯罪行為人逃匿而通緝者，亦同。 前項時效之停止進行，有下列情形之一者，其停止原因視為消滅： 一、諭知公訴不受理判決確定，或因程序上理由終結自訴確定者。 二、審判程序依法律之規定或因被告逃匿而通緝，不能開始或繼續，而其期間已達第八十條第一項各款所定期間四分之一者。 三、依第一項後段規定停止偵查或通緝，而其期間已達第八十條第一項各款所定期間四分之一者。 前二項之時效，自停止原因消滅之日起，與停止前已經過之期間，一併計算。</p> | <p>83 追訴權之時效，如依法律之規定，偵查、起訴或審判之程序不能開始或繼續時，停止其進行。 前項時效停止，自停止原因消滅之日起，與停止前已經過之期間，一併計算。 停止原因繼續存在之期間，如達於第八十條第一項各款所定期間四分之一者，其停止原因視為消滅。</p> | <p>Article 83 The period of limitation of the right of prosecution shall be interrupted during the time when proceedings for investigation, prosecution, or trial cannot be instituted or continued because of provisions of law. If the period of limitation is interrupted in accordance with the provisions of the preceding paragraph, the time which begins from the day on which the cause for the interruption ceases shall be added to the period which had elapsed prior to such interruption. When the period during which the cause for interruption continues to exist reaches one fourth of the period prescribed in the appropriate item of paragraph I of Article 80, the cause for interruption shall be considered to have ceased.</p> |

84 (

行刑權因下列期間內未執行而消滅：

- 一、宣告死刑、無期徒刑或十年以上有期徒刑者，四十年。
 - 二、宣告三年以上十年未滿有期徒刑者，三十年。
 - 三、宣告一年以上三年未滿有期徒刑者，十五年。
 - 四、宣告一年未滿有期徒刑、拘役、罰金或專科沒收者，七年。
- 前項期間，自裁判確定之日起算。但因保安處分先於刑罰執行者，自保安處分執行完畢之日起算。

85 (

行刑權之時效，因刑之執行而停止進行。有下列情形之一而不能開始或繼續執行時，亦同：

- 一、依法應停止執行者。
 - 二、因受刑人逃匿而通緝或執行期間脫逃未能繼續執行者。
 - 三、受刑人依法另受拘束自由者。
- 停止原因繼續存在之期間，如達於第八十四條第一項各款所定期間四分之一者，其停止原因視為消滅。第一項之時效，自停止原因消滅之日起，與停止前已經過之期間，一併計算。

84

行刑權，因左列期間內不行使而消滅：

- 一、死刑、無期徒刑或十年以上有期徒刑者，三十年。
 - 二、三年以上十年未滿有期徒刑者，十五年。
 - 三、一年以上三年未滿有期徒刑者，七年。
 - 四、一年未滿有期徒刑者，五年。
 - 五、拘役、罰金或專科沒收者，三年。
- 前項期間，自裁判確定之日起算。

85

行刑權之時效，如依法律之規定不能開始或繼續執行時，停止其進行。前項時效停止，自停止原因消滅之日起，與停止前已經過之期間，一併計算。

停止原因繼續存在之期間，如達於第八十四條第一項各款所定期間四分之一者，其停止原因視為消滅。

Article 84

The right of execution of punishment is barred by limitation if not exercised within the following periods.

- 1. Thirty years if the punishment is death, imprisonment for life, or imprisonment for not less than ten years;
- 2. Fifteen years if the punishment is imprisonment for not less than three but less than ten years;
- 3. Seven years if the punishment is imprisonment for not less than one but less than three years;
- 4. Five years if the punishment is imprisonment for less than one year;
- 5. Three years if the punishment is detention, fine, or forfeiture.

The periods specified in the preceding paragraph shall commence from the day on which the decision becomes final.

Article 85

The period of limitation of the right of execution of punishment shall be interrupted during the time when execution cannot be instituted or continued because of provisions of law.

If the period of limitation is interrupted in accordance with the provisions of the preceding paragraph, the time which begins on the day on which the cause for interruption ceases shall be added to the period which had elapsed prior to such interruption.

When the period during which the cause for interruption continues to exist reaches one fourth of the period prescribed in the appropriate item of paragraph I of Article 84, the cause for interruption shall be considered to have ceased.

Chapter XII Peace Preservation Measures

86 (

)
因未滿十四歲而不罰者，得令入感化教育處所，施以感化教育。
因未滿十八歲而減輕其刑者，得於刑之執行完畢或赦免後，令入感化教育處所，施以感化教育。但宣告三年以下有期徒刑、拘役或罰金者，得於執行前為之。
感化教育之期間為三年以下。但執行已逾六月，認無繼續執行之必要者，法院得免其處分之執行。

87 (

)
因第十九條第一項之原因而不罰者，其情狀足認有再犯或有危害公共安全之虞時，令入相當處所，施以監護。
有第十九條第二項及第二十條之原因，其情狀足認有再犯或有危害公共安全之虞時，於刑之執行完畢或赦免後，令入相當處所，施以監護。但必要時，得於刑之執行前為之。
前二項之期間為五年以下。但執行中認無繼續執行之必要者，法院得免其處分之執行。

88 (

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施用毒品成癮者，於刑之執行前令入相當

86

因未滿十四歲而不罰者，得令入感化教育處所，施以感化教育。
因未滿十八歲而減輕其刑者，得於刑之執行完畢或赦免後，令入感化教育處所，施以感化教育。但宣告三年以下有期徒刑、拘役或罰金者，得於執行前為之。
感化教育期間為三年以下。
第二項但書情形，依感化教育之執行，認為無執行刑之必要者，得免其刑之執行。

87

因心神喪失而不罰者，得令入相當處所，施以監護。
因精神耗弱或瘖啞而減輕其刑者，得於刑之執行完畢或赦免後，令入相當處所，施以監護。
前二項處分期間，為三年以下。

88

犯吸食鴉片或施打嗎啡或使用高根、海洛

Article 86

If a person is not punished because he has not completed the fourteenth year of his age, he may be ordered to enter a reformatory to receive reformatory education.
If punishment is reduced because a person has not completed the eighteenth year of his age, he may, after execution or remission of punishment, be ordered to enter a reformatory to receive reformatory education; Provided that if the sentence is one of imprisonment for not more than three years, detention, or a fine, he may be so ordered before the execution of the punishment.
The period of reformatory education shall not exceed three years.
Under the circumstances of the proviso of paragraph II of this Article if it is considered that execution of reformatory education makes it unnecessary to execute the punishment such punishment may be remitted.

Article 87

If a person is not punished because he is insane, he may be ordered to enter a suitable establishment for custody and protection.
If punishment is reduced because a person is feeble-minded or deaf and dumb, he may, after execution or remission of punishment, be ordered to enter a suitable place for custody and protection.
The period for enforcing the measures prescribed in the two preceding paragraphs shall not exceed three years.

Article 88

A person who commits the offence of smoking or taking opium, taking a morphine injection, or

處所，施以禁戒。
前項禁戒期間為一年以下。但執行中認無繼續執行之必要者，法院得免其處分之執行。

因或其化質料之罪者，得令入相當處所，施以禁戒。
前項處分，於刑之執行前為之，其期間為六個月以下。

using cocaine, heroin, or one of their compounds may be ordered to enter a suitable place for compulsory cure.

The measure prescribed in the preceding paragraph shall be taken before the execution of punishment, and the period shall not be more than six months.

依禁戒處分之執行，法院認為無執行之必要者，得免其刑之執行。

If the court, in carrying out the measure of compulsory cure, considers it unnecessary to execute the sentence, such sentence may be remitted.

89 ()

因酗酒而犯罪，足認其已酗酒成癮並有再犯之虞者，於刑之執行前，令入相當處所，施以禁戒。
前項禁戒期間為一年以下。但執行中認無繼續執行之必要者，法院得免其處分之執行。

89

因酗酒而犯罪者，得於刑之執行完畢或赦免後，令入相當處所，施以禁戒。

Article 89

A person who commits an offence while intoxicated may, after execution or remission of punishment, be ordered to enter a suitable place for compulsory cure.

前項處分期間，為三個月以下。

The period for enforcing the measure prescribed in the preceding paragraph shall not exceed three months.

90 ()

有犯罪之習慣或因遊蕩或懶惰成習而犯罪者，於刑之執行前，令入勞動場所，強制工作。
前項之處分期間為三年。但執行滿一年六月後，認無繼續執行之必要者，法院得免其處分之執行。
執行期間屆滿前，認為有延長之必要者，法院得許可延長之，其延長之期間不得逾一年六月，並以一次為限。

90

有犯罪之習慣或以犯罪為常業或因遊蕩或懶惰成習而犯罪者，得於刑之執行完畢或赦免後，令入勞動場所，強制工作。
前項處分期間，為三年以下。

Article 90

A person who makes the commission of crime a habit or occupation or commits an offence because of habits of loitering or vagrancy may, after execution or remission of punishment be ordered to enter a labor establishment to perform compulsory labor.

The period for enforcing the measure prescribed in the preceding paragraph shall not exceed three years.

91 ()

犯第二百八十五條之罪者，得令入相當處所，強制治療。
前項處分於刑之執行

91

犯第二百八十五條之罪者，得令入相當處所，強制治療。
前項處分，於刑之執

Article 91

A person who commits an offence specified in Article 285 may be ordered to enter a suitable place for compulsory treatment.

The measure prescribed in the preceding

前為之，其期間至治癒時為止。

行前為之，其期間至治癒時為止。

paragraph shall be effected before the execution of the punishment, and the period shall terminate when the person is completely cured.

91-1 ()

犯第二百二十一條至第二百二十七條、第二百二十八條、第二百二十九條、第二百三十條、第二百三十四條、第三百三十二條第二項第二款、第三百三十四條第二款、第三百四十八條第二項第一款及其特別法之罪，而有下列情形之一者，得令入相當處所，施以強制治療：

一、徒刑執行期滿前，於接受輔導或治療後，經鑑定、評估，認有再犯之危險者。

二、依其他法律規定，於接受身心治療或輔導教育後，經鑑定、評估，認有再犯之危險者。

前項處分期間至其再犯危險顯著降低為止，執行期間應每年鑑定、評估有無停止治療之必要。

92 ()

第八十六條至第九十條之處分，按其情形得以保護管束代之。前項保護管束期間為三年以下。其不能收效者，得隨時撤銷之，仍執行原處分。

92

第八十六條至第九十條之處分，按其情形，得以保護管束代之。

前項保護管束期間，為三年以下，其不能收效者，得隨時撤銷之，仍執行原處分。

Article 92

The measures prescribed in Articles 86 through 90 may, according to the circumstances of the case, be replaced by protective control.

The period for protective control specified in the preceding paragraph shall not exceed three years. If ineffective, it may be revoked at any time and the original measure enforced.

93 ()

受緩刑之宣告者，除有下列情形之一，應於緩刑期間付保護管

93

受緩刑之宣告者，在緩刑期內，得付保護管束。

Article 93

A person whose punishment is suspended may be put under protective control during the period of suspension of punishment.

束外，得於緩刑期間付保護管束：
一、犯第九十一條之一所列之罪者。
二、執行第七十四條第二項第五款至第八款所定之事項者。
假釋出獄者，在假釋中付保護管束。

94

(刪除)

95 ()

外國人受有期徒刑以上刑之宣告者，得於刑之執行完畢或赦免後，驅逐出境。

96 ()

保安處分於裁判時併宣告之。但本法或其他法律另有規定者，不在此限。

97

(刪除)

98 ()

依第八十六條第二項、第八十七條第二項規定宣告之保安處

假釋出獄者，在假釋中付保護管束。

前二項情形，違反保護管束規則情節重大者，得撤銷緩刑之宣告或假釋。

94

保護管束，交由警察官署、自治團體、慈善團體、本人之最近親屬或其他適當之人行之。

95

外國人受有期徒刑以上刑之宣告者，得於刑之執行完畢或赦免後，驅逐出境。

96

保安處分，於裁判時併宣告之。但因假釋或於刑之赦免後，付保安處分者，不在此限。

97

依第八十六條至第九十條及第九十二條規定宣告之保安處分，期間未終了前，認為無繼續執行之必要者，法院得免其處分之執行；如認為有延長之必要者，法院得就法定期間之範圍內，酌量延長之。

98

依第八十六條、第八十七條、第八十九條及第九十條規定宣告

A person who is; conditionally released shall be put under protective control during the period of conditional release.

If there is a serious violation of the regulations governing the protective control prescribed in the two preceding paragraphs, the order of suspension of punishment or conditional release may be revoked.

Article 94

Protective control shall be exercised by a police authority, a self-governing body, a charitable institution, the nearest relative, or other appropriate person.

Article 95

An alien who has been sentenced to imprisonment for a definite period or a more severe punishment may, after execution or remission of punishment, be expelled from the country.

Article 96

Peace preservation measures shall be pronounced at the time of the decision except for those imposed because of conditional release or after remission of punishment.

Article 97

Prior to the expiration of the period of a peace preservation measure pronounced pursuant to the provisions of one of the Articles 86 through 90 or Article 92, the court may remit the execution of such measure if it considers that its continuation is unnecessary. If the court considers it necessary to extend such period, it may, in its discretion, order the extension within the limit of the period fixed by law.

Article 98

After execution or remission of punishment, if a court considers that a peace preservation measure pronounced pursuant to the provisions of one of

分，其先執行徒刑者，於刑之執行完畢或赦免後，認為無執行之必要者，法院得免其處分之執行；其先執行保安處分者，於處分執行完畢或一部執行而免除後，認為無執行刑之必要者，法院得免其刑之全部或一部執行。

依第八十八條第一項、第八十九條第一項、第九十條第一項、第九十一條第二項規定宣告之保安處分，於處分執行完畢或一部執行而免除後，認為無執行刑之必要者，法院得免其刑之全部或一部執行。

前二項免其刑之執行，以有期徒刑或拘役為限。

之保安處分，於刑之執行完畢或赦免後，認為無執行之必要者，法院得免其處分之執行。

the Articles 86, 87, 89, or 90 is unnecessary, it may remit the execution of such measure.

99 ()

保安處分自應執行之日起逾三年未開始或繼續執行者，非經法院認為原宣告保安處分之原因仍繼續存在時，不得許可執行；逾七年未開始或繼續執行者，不得執行。

99

第八十六條至第九十一條之保安處分，自應執行之日起經過三年未執行者，非得法院許可不得執行之。

Article 99

If the execution of a peace preservation measure prescribed in one of the Articles 86 through 91 has not begun within three years from the date on which it should have begun, such measure may not be executed without the authorization of the court.

PART TWO Special Provisions

Chapter I Offences against The Internal Security of The State

100 ()

意圖破壞國體，竊據國土，或以非法之方法變更國憲，顛覆政府，而以強暴或脅迫

100

意圖破壞國體，竊據國土，或以非法之方法變更國憲，顛覆政府，而著手實行者處

Article 100

A person who commits an overt act with intent to destroy the organization of the State, seize State territory, by illegal means change the Constitution, or overthrow the Government shall

著手實行者，處七年以上有期徒刑；首謀者，處無期徒刑。
預備犯前項之罪者，處六月以上五年以下有期徒刑。

七年以上有期徒刑，首謀者處無期徒刑。

預備犯或陰謀犯前項之罪者，處六月以上五年以下有期徒刑。

be punished with imprisonment for not less than seven years; a ringleader shall be punished with imprisonment for life.

A person who prepares or conspires to commit an offence specified in the preceding paragraph shall be punished with imprisonment for not less than six months and not more than five years.

101 (

)
以暴動犯前條第一項之罪者，處無期徒刑或七年以上有期徒刑。首謀者，處死刑或無期徒刑。
預備或陰謀犯前項之罪者，處一年以上七年以下有期徒刑。

101

以暴動犯前條第一項之罪者，處無期徒刑或七年以上有期徒刑；首謀者，處死刑或無期徒刑。
預備或陰謀犯前項之罪者，處一年以上、七年以下有期徒刑。

Article 101

A person who with violence commits an offence specified in paragraph I of the preceding article shall be punished with imprisonment for life or for not less than seven years; a ringleader shall be punished with death or imprisonment for life.

A person who prepares or conspires to commit an offence specified in the preceding paragraph shall be punished with imprisonment for not less than one and not more than seven years.

102 (

)
犯第一百條第二項或第一百零一條第二項之罪而自首者，減輕或免除其刑。

102

犯第一百條第二項或第一百零一條第二項之罪而自首者，減輕或免除其刑。

Article 102

A person who commits an offence specified in paragraph II of Article 100 or paragraph II of Article 101 and voluntarily surrenders himself for trial shall have his punishment reduced or remitted.

Chapter II Offences against The External Security of The State

103 (

)
通謀外國或其派遣之人，意圖使該國或他國對於中華民國開戰端者，處死刑或無期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處三年以上十年以下有期徒刑。

103

通謀外國或其派遣之人，意圖使該國或他國對於中華民國開戰端者，處死刑或無期徒刑。
前項之未遂犯罰之。

Article 103

A person who communicates with a foreign state or its agent with intent that such state or another state begin war against the Republic of China shall be punished with death or imprisonment for life.

An attempt to commit an offence specified in the preceding paragraph is punishable.

A person who prepares or conspires to commit an offence specified in paragraph I shall be punished with imprisonment for not less than three and not more than ten years.

104 (

)
通謀外國或其派遣之

104

通謀外國或其派遣之

Article 104

A person who communicates with a foreign state

人，意圖使中華民國領域屬於該國或他國者，處死刑或無期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處三年以上十年以下有期徒刑。

105 ()

中華民國人民在敵軍執役，或與敵國械抗中華民國或其同盟國者，處死刑或無期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處三年以上十年以下有期徒刑。

106 ()

在與外國開戰或將開戰期內，以軍事上之利益供敵國，或以軍事上之不利益害中華民國或其同盟國者，處無期徒刑或七年以上有期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處五年以下有期徒刑。

107 ()

犯前條第一項之罪而有左列情形之一者，處死刑或無期徒刑：

- 一、將軍隊交付敵國，或將要塞、軍港、軍營、軍用船艦、航

人，意圖使中華民國領域屬於該國或他國者，處死刑或無期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處三年以上、十年以下有期徒刑。

105

中華民國人民在敵軍執役，或與敵國械抗中華民國或其同盟國者，處死刑或無期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處三年以上、十年以下有期徒刑。

106

在與外國開戰或將開戰期內，以軍事上之利益供敵國，或以軍事上之不利益害中華民國或其同盟國者，處無期徒刑或七年以上有期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處五年以下有期徒刑。

107

犯前條第一項之罪而有左列情形之一者，處死刑或無期徒刑：

- 一、將軍隊交付敵國，或將要塞、軍港、軍營、軍用船艦、航

or its agent with intent t'p subject territory of the Republic of China to such state or another state shall be punished with death or imprisonment for life.

An attempt to commit an offence specified in the preceding paragraph is punishable.

A person who prepares or conspires to commit an offence specified in paragraph I shall be punished with imprisonment for not less than three and not more than ten years.

Article 105

A citizen of the Republic of China who serves in the armed forces of an enemy or bears arms for an enemy against the Republic of China or against an ally of the Republic of China shall be punished with death or imprisonment for life.

An attempt to commit an offence specified in the preceding paragraph is punishable.

A person who conspires to commit an offence specified in paragraph I shall be punished with imprisonment for not less than three and not more than ten years.

Article 106

A person who during a state of war with a foreign state or when war is threatened renders military aid to an enemy or causes injury to the military interests of the Republic of China or an ally of the Republic of China shall be punished with imprisonment for life or for not less than seven years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

A person who prepares or conspires to commit an offence specified in paragraph I shall be punished with imprisonment for not more than five years.

Article 107

A person who commits an offence specified in paragraph I of the preceding article under one of the following circumstances shall be punished with death or imprisonment for life:

- 1. Surrendering armed forces to an enemy or surrendering, destroying, damaging, or otherwise rendering useless the following: strategic point,

空機及其他軍用處所建築物，與供中華民國軍用之軍械、彈藥、錢糧及其他軍需品，或橋樑、鐵路、車輛、電線、電機、電局及其他供轉運之器物，交付敵國或毀壞或致令不堪用者。
 二、代敵國招募軍隊，或煽惑軍人使其降敵者。
 三、煽惑軍人不執行職務，或不守紀律或逃叛者。
 四、以關於要塞、軍港、軍營、軍用船艦、航空機及其他軍用處所建築物或軍略之秘密文書、圖畫、消息或物品，洩漏或交付於敵國者。
 五、為敵國之間諜，或幫助敵國之間諜者。
 前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處三年以上十年以下有期徒刑。

108 ()

在與外國開戰或將開戰期內，不履行供給軍需之契約或不照契約履行者，處一年以上七年以下有期徒刑，得併科五千元以下罰金。

因過失犯前項之罪者，處二年以下有期徒刑、拘役或一千元以下罰金。

空機及其他軍用處所建築物，與供中華民國軍用之軍械、彈藥、錢糧及其他軍需品，或橋樑、鐵路、車輛、電線、電機、電局及其他供轉運之器物，交付敵國或毀壞或致令不堪用者。
 二、代敵國招募軍隊，或煽惑軍人使其降敵者。
 三、煽惑軍人不執行職務或不守紀律或逃叛者。
 四、以關於要塞、軍港、軍營、軍用船艦、航空機及其他軍用處所建築物或軍略之秘密文書、圖畫、消息或物品，洩漏或交付於敵國者。
 五、為敵國之間諜，或幫助敵國之間諜者。
 前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處三年以上十年以下有期徒刑。

108

在與外國開戰或將開戰期內，不履行供給軍需之契約或不照契約履行者，處一年以上、七年以下有期徒刑，得併科五千元以下罰金。

因過失犯前項之罪者，處二年以下有期徒刑、拘役或一千元以下罰金。

naval base, military post, military vessel or aircraft, or other military place or structure; arms, ammunition, money, provisions, or other war material for the military use of the Republic of China; bridge, railway, vehicle, electric wire, electric machine, telegraph station, or other thing used for transportation;

2. Recruiting for an enemy or inducing a person in the armed services to surrender to the enemy;
3. Inciting a person in the armed services to neglect his duty, desert, mutiny, or commit a breach of discipline;
4. Disclosing or delivering to the enemy a document, plan, information, or other thing of a secret nature concerning a strategic point, navel base, military post, military vessel or aircraft, or military, naval, or aerial movement;
5. Committing an act of espionage for an enemy or rendering aid to an enemy spy.

An attempt to commit an offence specified in the preceding paragraph is punishable.

A person who prepares or conspires to commit an offence specified in paragraph I shall be punished with imprisonment for not less than three and not more than ten years.

Article 108

A person who during a state of war with a foreign state or when war is threatened fails to deliver military supplies which he has undertaken by contract to deliver or delivers supplies not in conformity with the terms of the contract shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.

A person who negligently commits an offence specified in the preceding paragraph shall be punished with imprisonment for not less than two year, detention, or a fine of not more than 1,000 yuan.

109 ()

洩漏或交付關於中華民國國防應秘密之文書、圖畫、消息或物品者，處一年以上七年以下有期徒刑。
洩漏或交付前項之文書、圖畫、消息或物品於外國或其派遣之人者，處三年以上十年以下有期徒刑。

前二項之未遂犯罰之。
預備或陰謀犯第一項或第二項之罪者，處二年以下有期徒刑。

110 ()

公務員對於職務上知悉或持有前條第一項之文書、圖畫、消息或物品，因過失而洩漏或交付者，處二年以下有期徒刑、拘役或一千元以下罰金。

111 ()

刺探或收集第一百零九條第一項之文書、圖畫、消息或物品者，處五年以下有期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處一年以下有期徒刑。

112 ()

意圖刺探或收集第一百零九條第一項之文

109

洩漏或交付關於中華民國國防應秘密之文書、圖畫、消息或物品者，處一年以上七年以下有期徒刑。
洩漏或交付前項之文書、圖畫、消息或物品於外國或其派遣之人者，處三年以上十年以下有期徒刑。

前二項之未遂犯罰之。
預備或陰謀犯第一項或第二項之罪者，處二年以下有期徒刑。

110

公務員對於職務上知悉或持有前條第一項之文書、圖畫、消息或物品，因過失而洩漏或交付者，處二年以下有期徒刑、拘役或一千元以下罰金。

111

刺探或收集第一百零九條第一項之文書、圖畫、消息或物品者，處五年以下有期徒刑。
前項之未遂犯罰之。

預備或陰謀犯第一項之罪者，處一年以下有期徒刑。

112

意圖刺探或收集第一百零九條第一項之文

Article 109

A person who discloses or delivers a document, plan, information, or other thing of a secret nature concerning the defence of the Republic of China shall be punished with imprisonment for not less than one and not more than seven years.

A person who discloses or delivers to a foreign state or to its agent a document, plan, information, or other thing specified in the preceding paragraph shall be punished with imprisonment for not less than three and not more than ten years.

An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

A person who prepares or conspires to commit an offence specified in paragraphs I or II shall be punished with imprisonment for not more than two years.

Article 110

A public official who negligently discloses or delivers to another a document, plan, information, or other thing specified in paragraph I of the preceding article and of which he had knowledge or possession because of his official position shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 1,000 yuan.

Article 111

A person who searches out or gathers a document, plan, information, or other thing specified in paragraph I of Article 109 shall be punished with imprisonment for not more than five years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

A person who prepares or conspires to commit an offence specified in paragraph I shall be punished with imprisonment for not more than one year.

Article 112

A person who without authority enters into or remains in a strategic point, naval base, military

書、圖畫、消息或物品，未受允准而入要塞、軍港、軍艦及其他軍用處所建築物，或留滯其內者，處一年以下有期徒刑。

113 ()

應經政府允許之事項，未受允許，私與外國政府或其他派遣之人為約定者，處無期徒刑或七年以上有期徒刑。

114 ()

受政府之委任，處理對於外國政府之事務，而違背其委任，致生損害於中華民國者，處無期徒刑或七年以上有期徒刑。

115 ()

偽造、變造、毀棄或隱匿可以證明中華民國對於外國所享權利之文書、圖畫或其他證據者，處五年以上十二年以下有期徒刑。

116 ()

對於友邦元首或派至中華民國之外國代表，犯故意傷害罪、妨害自由罪或妨害名譽罪者，得加重其刑至三分之一。

書、圖畫、消息或物品，未受允准而入要塞、軍港、軍艦及其他軍用處所建築物或留滯其內者，處一年以下有期徒刑。

113

應經政府允許之事項，未受允許，私與外國政府或其派遣之人為約定者，處無期徒刑或七年以上有期徒刑。

114

受政府之委任，處理對於外國政府之事務，而違背其委任，致生損害於中華民國者，處無期徒刑或七年以上有期徒刑。

115

偽造、變造、毀棄或隱匿可以證明中華民國對於外國所享權利之文書、圖畫或其他證據者，處五年以上、十二年以下有期徒刑。

116

對於友邦元首或派至中華民國之外國代表，犯故意傷害罪、妨害自由罪或妨害名譽罪者，得加重其刑至三分之一。

vessel, or other place or structure of military importance with intent to search out or gather a document, plan, information, or other thing specified in paragraph I of Article 109 shall be punished with imprisonment for not more than one year.

Article 113

A person who without authority secretly agrees with a foreign government or its agent on matters which require the authorization of the Government shall be punished with imprisonment for life or for not less than seven years.

Article 114

A person entrusted by the Government with the duty of conducting business with a foreign government who betrays his trust and causes injury to the Republic of China shall be punished with imprisonment for life or for not less than seven years.

Article 115

A person who forges, alters, destroys, or conceals a document, plan, or other thing which is evidence of a right of the Republic of China against a foreign state shall be punished with imprisonment for not less than five and not more than twelve years.

Chapter III Offences of Interference with Relations with Other States

Article 116

A person who commits an offence of intentionally causing bodily injury to, restraining the personal liberty of, or injuring the reputation of the chief executive of a friendly state or the representative of a friendly state accredited to the Republic of China may have the punishment prescribed for such offence increased by one third.

117 ()

於外國交戰之際，違背政府局外中立之命令者，處一年以下有期徒刑、拘役或三千元以下罰金。

118 ()

意圖侮辱外國，而公然損壞除去或污辱外國之國旗、國章者，處一年以下有期徒刑、拘役或三百元以下罰金。

119 ()

第一百一十六條之妨害名譽罪及第一百一十八條之罪，須外國政府之請求乃論。

120 ()

公務員不盡其應盡之責，而委棄守地者，處死刑、無期徒刑或十年以上有期徒刑。

121 ()

公務員或仲裁人對於職務上之行為，要求、期約或收受賄賂或其他不正利益者，處七年以下有期徒刑，得併科五千元以下罰金。

犯前項之罪者，所收受之賄賂沒收之。如全部或一部不能沒收時，追徵其價額。

117

於外國交戰之際，違背政府局外中立之命令者，處一年以下有期徒刑、拘役或三千元以下罰金。

118

意圖侮辱外國，而公然損壞除去或污辱外國之國旗、國章者，處一年以下有期徒刑、拘役或三百元以下罰金。

119

第一百一十六條之妨害名譽罪及第一百一十八條之罪，須外國政府之請求乃論。

120

公務員不盡其應盡之責，而委棄守地者，處死刑、無期徒刑或十年以上有期徒刑。

121

公務員或仲裁人對於職務上之行為，要求期約或收受賄賂或其他不正利益者，處七年以下有期徒刑，得併科五千元以下罰金。

犯前項之罪者，所收受之賄賂沒收之；如全部或一部不能沒收時，追徵其價額。

Article 117

A person who during a state of war between foreign states violates the rules of neutrality established by the Government of the Republic of China shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 3,000 yuan.

Article 118

A person who intentionally insults a foreign state, publicly destroys, damages, pulls down, or otherwise publicly dishonors the national flag or emblem of such foreign state shall be punished with imprisonment for not more than one year, detention or a fine of not more than 3,000 yuan.

Article 119

Prosecution for an offence against reputation specified in Article 116 or for an offence specified in Article 118 may be instituted only at the request of the government of the foreign state concerned.

Chapter IV Offences of Malfeasance in Office**Article 120**

A public official who by neglecting his duties abandons the territory in his charge shall be punished with death, imprisonment for life, or imprisonment for not less than ten years.

Article 121

A public official or an arbitrator who, demands, agrees to accept, or accepts a bribe or other improper benefit for an official act shall be punished with imprisonment for not more than seven years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.

A benefit received through the commission of an offence specified in the preceding paragraph shall be confiscated; if the whole or a part of such benefit cannot be confiscated, the value thereof

shall be collected from the offender.

122 ()

公務員或仲裁人對於違背職務之行為，要求、期約或收受賄賂，或其他不正利益者，處三年以上十年以下有期徒刑，得併科七千元以下罰金。因而為違背職務之行為者，處無期徒刑或五年以上有期徒刑，得併科一萬元以下罰金。

對於公務員或仲裁人關於違背職務之行為，行求、期約或交付賄賂或其他不正利益者，處三年以下有期徒刑，得併科三千元以下罰金。但自首者減輕或免除其刑。在偵查或審判中自白者，得減輕其刑。犯第一項或第二項之罪者，所收受之賄賂沒收之；如全部或一部不能沒收時，追徵其價額。

123 ()

於未為公務員或仲裁人時，預以職務上之行為，要求期約或收受賄賂或其他不正利益，而於為公務員或仲裁人後履行者，以公務員或仲裁人要求期約或收受賄賂或其他不正利益論。

124 ()

有審判職務之公務員或仲裁人，為枉法之裁判或仲裁者，處一

122

公務員或仲裁人對於違背職務之行為，要求期約或收受賄賂或其他不正利益者，處三年以上、十年以下有期徒刑，得併科七千元以下罰金。因而為違背職務之行為者，處無期徒刑或五年以上有期徒刑，得併科一萬元以下罰金。

對於公務員或仲裁人關於違背職務之行為，行求期約或交付賄賂或其他不正利益者，處三年以下有期徒刑，得併科三千元以下罰金。但自首者減輕或免除其刑。在偵查或審判中自白者，得減輕其刑。犯第一項或第二項之罪者，所收受之賄賂沒收之；如全部或一部不能沒收時，追徵其價額。

123

於未為公務員或仲裁人時，預以職務上之行為，要求期約或收受賄賂或其他不正利益，而於為公務員或仲裁人後履行者，以公務員或仲裁人要求期約或收受賄賂或其他不正利益論。

124

有審判職務之公務員或仲裁人，為枉法之裁判或仲裁者，處一

Article 122

A public official or an arbitrator who demands, agrees to accept, or accepts a bribe or other improper benefit for a breach of his official duties shall be punished with imprisonment for not less than three and not more than ten years; in addition thereto, a fine of not more than 7,000 yuan may be imposed.

A public official who because of a bribe or other improper benefit commits a breach of his official duties shall be punished with imprisonment for life or imprisonment for not less than five years; in addition thereto, a fine not more than 10,000 yuan may be imposed.

A person who offers, promises, or gives a bribe or other improper benefit to a public official or an arbitrator for a breach of his official duties shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 3,000 yuan may be imposed; Provided that if such person surrenders himself for trial, his punishment may be reduced or remitted, and if such person confesses during investigation or trial, his punishment may be reduced.

A benefit received through the commission of an offence specified in paragraphs I or II shall be confiscated; if the whole or a part of such benefit cannot be confiscated, the value thereof shall be collected from the offender.

Article 123

A person who in anticipation of being a public official or an arbitrator demands, agrees to accept, or accepts a bribe or other improper benefit for an official act and performs such act after becoming a public official or arbitrator shall be subject to the punishment prescribed for a public official or an arbitrator who demands, agrees to accept, or accepts a bribe or other improper benefit.

Article 124

A public official vested with judicial functions or an arbitrator who renders an illegal decision or arbitral award shall be punished with

年以上七年以下有期徒刑。

125 ()

有追訴或處罰犯罪職務之公務員，為左列行為之一者，處一年以上七年以下有期徒刑：

- 一、濫用職權為逮捕或羈押者。
 - 二、意圖取供而施強暴脅迫者。
 - 三、明知為無罪之人，而使其受追訴或處罰，或明知為有罪之人，而無故不使其受追訴或處罰者。
- 因而致人於死者，處無期徒刑或七年以上有期徒刑。致重傷者，處三年以上十年以下有期徒刑。

126 ()

有管收、解送或拘禁人犯職務之公務員，對於人犯施以凌虐者，處一年以上七年以下有期徒刑。因而致人於死者，處無期徒刑或七年以上有期徒刑。致重傷者，處三年以上十年以下有期徒刑。

127 ()

有執行刑罰職務之公務員，違法執行或不執行刑罰者，處五年以下有期徒刑。因過失而執行不應執

年以上、七年以下有期徒刑。

125

有追訴或處罰犯罪職務之公務員，為左列行為之一者，處一年以上、七年以下有期徒刑：

- 一、濫用職權為逮捕或羈押者。
 - 二、意圖取供而施強暴、脅迫者。
 - 三、明知為無罪之人而使其受追訴或處罰，或明知為有罪之人而無故不使其受追訴或處罰者。
- 因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

126

有管收、解送或拘禁人犯職務之公務員，對於人犯施以凌虐者，處一年以上、七年以下有期徒刑。因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上，十年以下有期徒刑。

127

有執行刑罰職務之公務員，違法執行或不執行刑罰者，處五年以下有期徒刑。因過失而執行不應執

imprisonment for not less than one and not more than seven years.

Article 125

A public official charged with the duty of bringing offenders to justice who commits one of the following offences shall be punished with imprisonment for not less than one and not more than seven years:

- 1. Abuses his authority in arresting or detaining a person;
- 2. Uses threat or violence to extract evidence;
- 3. Knowingly causes an innocent person to be prosecuted or punished or a guilty person not to be prosecuted or punished.

If death results from the commission of the offence, the offender shall be punished with imprisonment for life or imprisonment for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

Article 126

A public official charged with the custody, conveyance, or detention of prisoners who commits an act of violence or cruelty to a prisoner shall be punished with imprisonment for not less than three and not more than seven years.

If death results from the commission of the offence, the offender shall be punished with imprisonment for life or imprisonment for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

Article 127

A public official charged with execution of punishment who illegally executes or omits to execute a punishment shall be punished with imprisonment for not more than five years.

A public official who negligently causes the

行之刑罰者，處一年以下有期徒刑、拘役或三百元以下罰金。

行之刑罰者，處一年以下有期徒刑、拘役或三百元以下罰金。

execution of a punishment which should not have been executed shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

128 (

)
公務員對於訴訟事件，明知不應受理而受理者，處三年以下有期徒刑。

128

公務員對於訴訟事件，明知不應受理而受理者，處三年以下有期徒刑。

Article 128

A public official who adjudicates a suit which he knows he- is not authorized to adjudicate shall be punished with imprisonment for not more than three years.

129 (

)
公務員對於租稅或其他入款，明知不應徵收而徵收者，處一年以上、七年以下有期徒刑，得併科七千元以下罰金。
公務員對於職務上發給之款項、物品，明知應發給而扣留不發或剋扣者，亦同。
前二項之未遂犯罰之。

129

公務員對於租稅或其他入款，明知不應徵收而徵收者，處一年以上、七年以下有期徒刑，得併科七千元以下罰金。
公務員對於職務上發給之款項、物品，明知應發給而扣留不發或剋扣者亦同。
前二項之未遂犯罰之。

Article 129

A public official who collects taxes, duties, or other revenue which he knows he is. not authorized to collect shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 7,000 yuan may be imposed.
A public official who retains in whole or in part any money or thing which he knows it to be his duty to pay or deliver shall be subject to the same punishment.
An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

130 (

)
公務員廢弛職務釀成災害者，處三年以上十年以下有期徒刑。

130

公務員廢弛職務釀成災害者，處三年以上、十年以下有期徒刑。

Article 130

A public official who neglects his duties thereby causing a catastrophe shall be punished with imprisonment for not less than three and not more than ten years.

131 (

)
公務員對於主管或監督之事務，明知違背法令，直接或間接圖自己或其他私人不法利益，因而獲得利益者，處一年以上七年以下有期徒刑，得併科七萬元以下罰金。
犯前項之罪者，所得之利益沒收之。如全部或一部不能沒收時，追徵其價額。

131

公務員對於主管或監督之事務，直接或間接圖利者，處一年以上、七年以下有期徒刑，得併科七千元以下罰金。
犯前項之罪者，所得之利益沒收之；如全部或一部不能沒收時，追徵其價額。

Article 131

A public official who directly or indirectly seeks to profit from a function under his control or supervision shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 7,000 yuan may be imposed.
A benefit received through the commission of an offence specified in the preceding paragraph shall be confiscated; if the whole or a part of such benefit cannot be confiscated, the value thereof shall be collected from the offender.

132 ()

公務員洩漏或交付關於中華民國國防以外應秘密之文書、圖畫、消息或物品者，處三年以下有期徒刑。

因過失犯前項之罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

非公務員因職務或業務知悉或持有第一項之文書、圖畫、消息或物品，而洩漏或交付之者，處一年以下有期徒刑、拘役或三百元以下罰金。

133 ()

在郵務或電報機關執行職務之公務員，開拆或隱匿投寄之郵件或電報者，處三年以下有期徒刑、拘役或五百元以下罰金。

134 ()

公務員假借職務上之權力、機會或方法，以故意犯本章以外各罪者，加重其刑至二分之一。但因公務員之身分已特別規定其刑者，不在此限。

135 ()

132

公務員洩漏或交付關於中華民國國防以外應秘密之文書、圖畫、消息或物品者，處三年以下有期徒刑。

因過失犯前項之罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

非公務員因職務或業務知悉或持有第一項之文書、圖畫、消息或物品，而洩漏或交付之者，處一年以下有期徒刑、拘役或三百元以下罰金。

133

在郵務或電報機關執行職務之公務員，開拆或隱匿投寄之郵件或電報者，處三年以下有期徒刑、拘役或五百元以下罰金。

134

公務員假借職務上之權力、機會或方法，以故意犯本章以外各罪者，加重其刑至二分之一。但因公務員之身分已特別規定其刑者，不在此限。

135

Article 132

A public official who discloses or gives away a document, plan, information, or other thing of a secret nature relating to matters other than national defence shall be punished with imprisonment for not more than three years.

A person who negligently commits an offence specified in the preceding paragraph shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

A person other than a public official who discloses or gives away a document, plan, information, or other thing specified in paragraph I which comes to his knowledge or possession because of his occupation or profession shall be punished with imprisonment for not more than one year, detention, or fine of not more than 300 yuan.

Article 133

A public official employed in a postal or telegraphic office who opens or suppresses mail or telegraphic matter entrusted to him for transmission shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.

Article 134

A public official who takes advantage of his authority, opportunity, or means afforded by his official position to commit intentionally an offence not provided for in this Chapter shall be subject to the punishment prescribed for such offence increased up to one half unless special provisions have been made for such punishment because of his status as a public official.

Chapter V Offences of Interference with Public Functions

Article 135

對於公務員依法執行職務時，施強暴脅迫者，處三年以下有期徒刑、拘役或三百元以下罰金。

意圖使公務員執行一定之職務或妨害其依法執行一定之職務或使公務員辭職，而施強暴脅迫者，亦同。

犯前二項之罪，因而致公務員於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

136 (

)
公然聚眾犯前條之罪者，在場助勢之人，處一年以下有期徒刑、拘役或三百元以下罰金。首謀及下手實施強暴脅迫者，處一年以上、七年以下有期徒刑。

因而致公務員於死或重傷者，首謀及下手實施強暴脅迫之人，依前條第三項之規定處斷。

137 (

)
對於依考試法舉行之考試，以詐術或其他非法之方法，使其發生不正確之結果者，處一年以下有期徒刑、拘役或三百元以下罰金。

前項之未遂犯罰之。

對於公務員依法執行職務時，施強暴脅迫者，處三年以下有期徒刑、拘役或三百元以下罰金。

意圖使公務員執行一定之職務或妨害其依法執行一定之職務或使公務員辭職而施強暴脅迫者亦同。

犯前二項之罪，因而致公務員於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

136

公然聚眾犯前條之罪者，在場助勢之人，處一年以下有期徒刑、拘役或三百元以下罰金；首謀及下手實施強暴、脅迫者，處一年以上、七年以下有期徒刑。

因而致公務員於死或重傷者，首謀及下手實施強暴脅迫之人，依前條第三項之規定處斷。

137

對於依考試法舉行之考試，以詐術或其他非法之方法，使其發生不正確之結果者，處一年以下有期徒刑、拘役或三百元以下罰金。

前項之未遂犯罰之。

A person who employs threats or violence against a public official who is engaged in the lawful discharge of his duties shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300 yuan.

A person who employs threats or violence with intent to compel a public official to perform an act relating to his public duties, with intent to obstruct the lawful discharge of such public duties, or with intent to cause such public official to resign shall be subject to the same punishment.

If the commission of an offence specified in one of the two preceding paragraphs results in the death of a public official, the offender shall be punished with imprisonment for life or imprisonment for more than seven years; if it results in serious bodily harm, the offender shall be punished with imprisonment for not less than three and not more than ten years.

Article 136

A person who participates in an open assembly at which an offence specified in the preceding article is committed shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan: a ringleader and a person who actually commits violence or employs threats shall be punished with imprisonment for not less than one and not more than seven years.

If the commission of the offence results in death or serious bodily harm to the public official, a ringleader and a person who actually commits violence or employs threats shall be punished in accordance with the provisions of paragraph III of the preceding article.

Article 137

A person who by fraud or other illegal means procures an incorrect result in an examination held pursuant to the Examination Law shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

An attempt to commit an offence specified in the preceding paragraph is punishable.

138 ()
毀棄、損壞或隱匿公務員職務上掌管或委託第三人掌管之文書、圖畫、物品，或致令不堪用者，處五年以下有期徒刑。

138
毀棄、損壞或隱匿公務員職務上掌管或委託第三人掌管之文書、圖畫、物品或致令不堪用者，處五年以下有期徒刑。

Article 138
A person who abandons, destroys, damages, suppresses, or renders useless a document, plan, or other thing which has been taken into custody by a public official by reason of his office or which has been officially entrusted by such official to a third person shall be punished with imprisonment for not more than five years.

139 ()
損壞、除去或污穢公務員所施之封印或查封之標示，或為違背其效力之行為者，處一年以下有期徒刑、拘役或三百元以下罰金。

139
損壞、除去或污穢公務員所施之封印或查封之標示或為違背其效力之行為者，處一年以下有期徒刑、拘役或三百元以下罰金。

Article 139
A person who destroys, damages, removes, disfigures, or renders ineffective a seal or notice affixed by a public official shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

140 ()
於公務員依法執行職務時，當場侮辱，或對於其依法執行之職務公然侮辱者，處六月以下有期徒刑、拘役或一百元以下罰金。
對於公署公然侮辱者亦同。

140
於公務員依法執行職務時當場侮辱或對於其依法執行之職務公然侮辱者，處六月以下有期徒刑、拘役或一百元以下罰金。
對於公署公然侮辱者亦同。

Article 140
A person who offers an insult to a public official during the legal discharge of his duties or publicly offers an insult with respect to the legal discharge of such duties shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 100 yuan.
A person who publicly offers an insult to a public office shall be subject to the same punishment.

141 ()
意圖侮辱公務員或公署，而損壞、除去或污穢實貼公眾場所之文告者，處拘役或一百元以下罰金。

141
意圖侮辱公務員或公署，而損壞、除去或污穢實貼公共場所之文告者，處拘役或一百元以下罰金。

Article 141
A person who with intent to insult a public official or a public office destroys, damages, removes, or disfigures a notice or proclamation posted in a public place shall be punished with detention or a fine of not more than 100 yuan.

Chapter VI Offences of Interference with Voting

142 ()
以強暴脅迫或其他非

142
以強暴脅迫或其他非

Article 142
A person who by threat, violence, or other illegal

法之方法，妨害他人自由行使法定之政治上選舉或其他投票權者，處五年以下有期徒刑。
前項之未遂犯罰之。

法之方法，妨害他人自由行使法定之政治上選舉或其他投票權者，處五年以下有期徒刑。
前項之未遂犯罰之。

means interferes with another in the free exercise of his right to vote at a political election duly authorized by law or in the free exercise of his other voting rights shall be punished with imprisonment for not more than five years.
An attempt to commit an offence specified in the preceding paragraph is punishable.

143 (

)
有投票權之人，要求、期約或收受賄賂或其他不正利益，而許以不行使其投票權或為一定之行使者，處三年以下有期徒刑，得併科五千元以下罰金。
犯前項之罪者，所收受之賄賂沒收之。如全部或一部不能沒收時，追徵其價額。

143

有投票權之人，要求、期約或收受賄賂或其他不正利益，而許以不行使其投票權或為一定之行使者，處三年以下有期徒刑，得併科五千元以下罰金。
犯前項之罪者，所收受之賄賂沒收之；如全部或一部不能沒收時，追徵其價額。

Article 143

A qualified voter who demands, agrees to accept, or accepts a bribe or other improper benefit for refraining from exercising his right to vote or for exercising such right in a particular manner shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.
A benefit received through the commission of an offence specified in the preceding paragraph shall be confiscated; if the whole or a part of such benefit cannot be confiscated, the value thereof shall be collected from the offender.

144 (

)
對於有投票權之人，行求、期約或交付賄賂或其他不正利益，而約其不行使投票權或為一定之行使者，處五年以下有期徒刑，得併科七千元以下罰金。

144

對於有投票權之人，行求期約或交付賄賂或其他不正利益，而約其不行使投票權或為一定之行使者，處五年以下有期徒刑，得併科七千元以下罰金。

Article 144

A person who promises, offers, or gives a bribe or other improper benefit to a qualified voter for refraining from exercising his right to vote or for exercising such right in a particular manner shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 7,000 yuan may be imposed.

145 (

)
以生計上之利害，誘惑投票人不行使其投票權或為一定之行使者，處三年以下有期徒刑。

145

以生計上之利害，誘惑投票人不行使其投票權或為一定之行使者，處三年以下有期徒刑。

Article 145

A person who induces a qualified voter to refrain from exercising his right to vote or to exercise such right in a particular manner by offering an economic advantage or by threatening an economic disadvantage shall be punished with imprisonment for not more than three years.

146 (

)
以詐術或其他非法之方法，使投票發生不正確之結果或變造投

146

以詐術或其他非法之方法，使投票發生不正確之結果或變造投

Article 146

A person who by fraud or other illegal means procures an incorrect result from voting or alters election returns shall be punished with

票之結果者，處五年以下有期徒刑。
意圖使特定候選人當選，以虛偽遷徙戶籍取得投票權而為投票者，亦同。
前二項之未遂犯罰之。

票之結果者，處五年以下有期徒刑。

imprisonment for not more than five years.

前項之未遂犯罰之。

An attempt to commit an offence specified in the preceding paragraph is punishable.

147 ()

妨害或擾亂投票者，處二年以下有期徒刑、拘役或五百元以下罰金。

147

妨害或擾亂投票者，處二年以下有期徒刑、拘役或五百元以下罰金。

Article 147

A person who interferes with or creates a disturbance at an election shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

148 ()

於無記名之投票，刺探票載之內容者，處三百元以下罰金。

148

於無記名之投票，刺探票載之內容者，處三百元以下罰金。

Article 148

A person who endeavors to learn the content of a secret ballot shall be punished with a fine of not more than 300 yuan.

Chapter VII Offences of Interference with Public Order

149 ()

公然聚眾，意圖為強暴脅迫，已受該管公務員解散命令三次以上，而不解散者，在場助勢之人處六月以下有期徒刑、拘役或三百元以下罰金。首謀者，處三年以下有期徒刑。

149

公然聚眾，意圖為強暴脅迫，已受該管公務員解散命令三次以上，而不解散者，在場助勢之人，處六月以下有期徒刑、拘役或三百元以下罰金；首謀者，處三年以下有期徒刑。

Article 149

A person who participates in an open assembly with intent to commit violence or employ threats and who does not disperse after having been ordered three times or more to do so by a competent public official shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan; a ringleader shall be punished with imprisonment for not more than three years.

150 ()

公然聚眾，施強暴脅迫者，在場助勢之人，處一年以下有期徒刑、拘役或三百元以下罰金。首謀及下手實施強暴脅迫者，處六月以上五年以下有期徒刑。

150

公然聚眾，施強暴脅迫者，在場助勢之人，處一年以下有期徒刑、拘役或三百元以下罰金。首謀及下手實施強暴脅迫者，處六月以上五年以下有期徒刑。

Article 150

A person who participates in an open assembly at which violence is committed or threats employed shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan; a ringleader and a person who actually commits violence or employs threats shall be punished with imprisonment for not less than six months and not more than five years.

151 ()
以加害生命、身體、財產之事恐嚇公眾，致生危害於公安者，處二年以下有期徒刑。

152 ()
以強暴脅迫或詐術，阻止或擾亂合法之集會者，處二年以下有期徒刑。

153 ()
以文字、圖畫、演說或他法，公然為左列行為之一者，處二年以下有期徒刑、拘役或一千元以下罰金：
一、煽惑他人犯罪者。
二、煽惑他人違背法令，或抗拒合法之命令者。

154 ()
參與以犯罪為宗旨之結社者，處三年以下有期徒刑、拘役或五百元以下罰金；首謀者，處一年以上、七年以下有期徒刑。

犯前項之罪而自首者，減輕或免除其刑。

155 ()
煽惑軍人不執行職務，或不守紀律，或逃叛者，處六月以上五年以下有期徒刑。

151
以加害生命、身體、財產之事恐嚇公眾，致生危害於公安者，處二年以下有期徒刑。

152
以強暴脅迫或詐術，阻止或擾亂合法之集會者，處二年以下有期徒刑。

153
以文字、圖畫演說或他法，公然為左列行為之一者，處二年以下有期徒刑、拘役或一千元以下罰金：
一、煽惑他人犯罪者。
二、煽惑他人違背法令，或抗拒合法之命令者。

154
參與以犯罪為宗旨之結社者，處三年以下有期徒刑、拘役或五百元以下罰金；首謀者，處一年以上、七年以下有期徒刑。

犯前項之罪而自首者，減輕或免除其刑。

155
煽惑軍人不執行職務或不守紀律或逃叛者，處六月以上、五年以下有期徒刑。

Article 151
A person who disturbs public peace by putting another in fear of injury to life, person, or property shall be punished with imprisonment for not more than two years.

Article 152
A person who by violence, threats, or fraud interferes with or disturbs a lawful assembly shall be punished with imprisonment for not less than two years.

Article 153
A person who by writing, picture, word of mouth, or other means publicly commits one of the following acts shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 1,000 yuan:
1. Incites another to commit an offence;
2. Incites another to violate the law or disobey a legal order.

Article 154
A person who joins an organization formed with the purpose of committing an offence shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan; a ringleader shall be punished with imprisonment for not less than one and not more than seven years.
A person who having committed an offence specified in the preceding paragraph voluntarily surrenders shall have his punishment reduced or remitted.

Article 155
A person who incites a person in the armed services to fail to execute his duty, commit a breach of discipline, desert, or mutiny shall be punished with imprisonment for not less than six months and not more than five years.

156 ()
未受允准，招集軍隊，發給軍需或率帶軍隊者，處五年以下有期徒刑。

157 ()
意圖漁利，挑唆或包攬他人訴訟者，處一年以下有期徒刑、拘役或五萬元以下罰金。

158 ()
冒充公務員而行使其職權者，處三年以下有期徒刑、拘役或五百元以下罰金。

冒充外國公務員而行使其職權者，亦同。

159 ()
公然冒用公務員服飾、徽章或官銜者，處五百元以下罰金。

160 ()
意圖侮辱中華民國，而公然損壞、除去或污辱中華民國之國徽、國旗者，處一年以下有期徒刑、拘役或三百元以下罰金。
意圖侮辱創立中華民國

156
未受允准，招集軍隊、發給軍需或率帶軍隊者，處五年以下有期徒刑。

157
意圖漁利，挑唆或包攬他人訴訟者，處一年以下有期徒刑、拘役或五百元以下罰金。
以犯前項之罪為常業者，處三年以下有期徒刑，得併科二千元以下罰金。

158
冒充公務員而行使其職權者，處三年以下有期徒刑、拘役或五百元以下罰金。

冒充外國公務員而行使其職權者亦同。

159
公然冒用公務員服飾、徽章或官銜者，處五百元以下罰金。

160
意圖侮辱中華民國，而公然損壞、除去或污辱中華民國之國徽、國旗者，處一年以下有期徒刑、拘役或三百元以下罰金。
意圖侮辱創立中華民國

Article 156
A person who without authority distributes military supplies, or leads an armed force shall be punished with imprisonment for not more than five years.

Article 157
A person who for purpose of gain instigates or contracts for a lawsuit between others shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.
A person who makes the commission of an offence specified in the preceding paragraph an occupation shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 2,000 yuan may be imposed.

Article 158
A person who poses as a public official and exercises functions and powers as such shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.
A person who poses as a public official of a foreign state and exercises functions and powers as such shall be subject to the same punishment.

Article 159
A person who openly and without authority wears the uniform or badge or makes use of the official title of a public official shall be punished with a fine of not more than 500 yuan.

Article 160
A person who with intent to insult the Republic of China openly damages, removes, or dishonors the emblem of the Republic of China or the flag of the Republic of China shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.
A person who with intent to insult the founder of

國之孫先生，而公然損壞、除去或污辱其遺像者亦同。

國之孫先生，而公然損壞、除去或污辱其遺像者亦同。

the Republic of China, Dr. Sun Yat-sen, openly damages, removes, or dishonors his portrait shall be subject to the same punishment.

Chapter VIII Offences of Escape

161 ()

依法逮捕、拘禁之人脫逃者，處一年以下有期徒刑。
損壞拘禁處所械具或以強暴脅迫犯前項之罪者，處五年以下有期徒刑。

聚眾以強暴脅迫犯第一項之罪者，在場助勢之人，處三年以上十年以下有期徒刑。首謀及下手實施強暴脅迫者，處五年以上有期徒刑。

前三項之未遂犯，罰之。

162 ()

縱放依法逮捕拘禁之人或便利其脫逃者，處三年以下有期徒刑。
損壞拘禁處所械具或以強暴脅迫犯前項之罪者，處六月以上五年以下有期徒刑。

聚眾以強暴脅迫犯第一項之罪者，在場助勢之人，處五年以上十二年以下有期徒刑；首謀及下手實施強暴脅迫者，處無期徒刑或七年以上有期徒刑。

161

依法逮捕、拘禁之人脫逃者，處一年以下有期徒刑。
損壞拘禁處所械具或以強暴，脅迫犯前項之罪者，處五年以下有期徒刑。

聚眾以強暴、脅迫犯第一項之罪者，在場助勢之人，處三年以上、十年以下有期徒刑，首謀及下手實施強暴、脅迫者，處五年以上有期徒刑。

前三項之未遂犯罰之。

162

縱放依法逮捕、拘禁之人或便利其脫逃者，處三年以下有期徒刑。
損壞拘禁處所械具或以強暴、脅迫犯前項之罪者，處六月以上、五年以下有期徒刑。

聚眾以強暴、脅迫犯第一項之罪者，在場助勢之人，處五年以上、十二年以下有期徒刑；首謀及下手實施強暴、脅迫者，處無期徒刑或七年以上有期徒刑。

Article 161

A person, having been legally arrested or detained, who escapes shall be punished with imprisonment for not more than one year.

A person who commits an offence specified in the preceding paragraph by damaging a part of the place of confinement or an instrument by which he is confined or by means of violence or threats shall be punished with imprisonment for not more than five years.

A person who participates in an open assembly at which an offence specified in paragraph I is committed by threats or violence shall be punished with imprisonment for not less than three and not more than ten years; a ringleader and a person who actually commits violence or employs threats shall be punished with imprisonment for not less than five years.

An attempt to commit an offence specified in one of the three preceding paragraphs is punishable.

Article 162

A person who sets free a legally arrested or detained person or facilitates his escape shall be punished with imprisonment for not more than three years.

A person who commits an offence specified in the preceding paragraph by damaging a part of the place of confinement or an instrument by which the arrested or detained person is confined or by means of violence or threats shall be punished with imprisonment for not less than six months and not more than five years.

A person who participates in an open assembly at which an offence specified in paragraph I is committed by threats or violence shall be punished with imprisonment for not less than five years and not more than twelve years; a ringleader and a person who actually commits violence or employs threats shall be punished with imprisonment for life or for not less than

前三項之未遂犯罰之。
配偶、五親等內之血親或三親等內之姻親，犯第一項之便利脫逃罪者，得減輕其刑。

163 ()

公務員縱放職務上依法逮捕拘禁之人或便利其脫逃者，處一年以上七年以下有期徒刑。
因過失致前項之人脫逃者，處六月以下有期徒刑、拘役或三百元以下罰金。

第一項之未遂犯罰之。

164 ()

藏匿犯人或依法逮捕拘禁之脫逃人或使之隱避者，處二年以下有期徒刑、拘役或五百元以下罰金。
意圖犯前項之罪而頂替者，亦同。

165 ()

偽造、變造、湮滅或隱匿關係他人刑事被告案件之證據，或使用偽造、變造之證據者，處二年以下有期徒刑、拘役或五百元

前三項之未遂犯罰之。
配偶、五親等內之血親或三親等內之姻親，犯第一項之便利脫逃罪者，得減輕其刑。

163

公務員縱放職務上依法逮捕、拘禁之人或便利其脫逃者，處一年以上、七年以下有期徒刑。
因過失致前項之人脫逃者，處六月以下有期徒刑、拘役或三百元以下罰金。

第一項之未遂犯罰之。

164

藏匿犯人或依法逮捕、拘禁之脫逃人或使之隱避者，處二年以下有期徒刑、拘役或五百元以下罰金。
意圖犯前項之罪而頂替者亦同。

165

偽造、變造、湮滅或隱匿關係他人刑事被告案件之證據或使用偽造、變造之證據者，處二年以下有期徒刑、拘役或五百元

seven years.

An attempt to commit an offence specified in one of the three preceding paragraphs is punishable.

A spouse, relative by blood within the fifth degree of relationship, or relative by marriage within the third degree of relationship who commits the offense of facilitating escape specified in paragraph I shall have his punishment reduced.

Article 163

A public official, having in his official custody a person legally arrested or detained, who sets such person free or facilitates his escape shall be punished with imprisonment for not less than one and not more than seven years.

A person who negligently commits an offence specified in the preceding paragraph shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan.

An attempt to commit an offence specified in paragraph I is punishable.

Chapter IX Offences of Concealment of Offenders and Destruction of Evidence

Article 164

A person who conceals or causes the concealment of an offender or of a person who escapes from legal arrest or detention shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 500 yuan.

A person who with intent to commit an offence specified in the preceding paragraph impersonates an offender or person who has escaped shall be subject to the same punishment.

Article 165

A person who forges, alters, destroys, or conceals evidence in the criminal case of another or makes use of such forged or altered evidence shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 500 yuan.

以下罰金。

以下罰金。

166 ()

犯前條之罪，於他人刑事被告案件裁判確定前自白者，減輕或免除其刑。

166

犯前條之罪，於他人刑事被告案件裁判確定前自白者，減輕或免除其刑。

Article 166

A person, having committed an offence specified in the preceding article, who confesses thereto before decision in the criminal case of the other has become final shall have his punishment reduced or remitted.

167 ()

配偶、五親等內之血親或三親等內之姻親圖利犯人或依法逮捕拘禁之脫逃人，而犯第一百六十四條或第一百六十五條之罪者，減輕或免除其刑。

167

配偶、五親等內之血親或三親等內之姻親圖利犯人或依法逮捕拘禁之脫逃人，而犯第一百六十四條或第一百六十五條之罪者，減輕或免除其刑。

Article 167

A spouse, relative by blood within the fifth degree of relationship, or relative by marriage within the third degree of relationship who commits an offence specified in Articles 164 or 165 for the benefit of an offender or a person legally arrested or detained who escapes from custody shall have his punishment reduced or remitted.

○

Chapter X Offences of False Evidence and Malicious Accusation

168 ()

於執行審判職務之公署審判時或於檢察官偵查時，證人、鑑定人、通譯於案情有重要關係之事項，供前或供後具結，而為虛偽陳述者，處七年以下有期徒刑。

168

於執行審判職務之公署審判時或於檢察官偵查時，證人、鑑定人、通譯於案情有重要關係之事項，供前或供後具結，而為虛偽陳述者，處七年以下有期徒刑。

Article 168

A witness, expert witness, or interpreter who at a hearing before a public official vested with judicial functions or at an investigation before a procurator makes, before or after signing an affirmation, a false statement on a matter material to the case shall be punished with imprisonment for not more than seven years.

169 ()

意圖他人受刑事或懲戒處分，向該管公務員誣告者，處七年以下有期徒刑。

169

意圖他人受刑事或懲戒處分，向該管公務員誣告者，處七年以下有期徒刑。

Article 169

A person who with intent to cause another to receive penal or disciplinary punishment falsely accuses him before a competent public official shall be punished with imprisonment for not more than seven years.

意圖他人受刑事或懲戒處分，而偽造、變造證據，或使用偽造、變造之證據者，亦同。

意圖他人受刑事或懲戒處分，而偽造、變造證據或使用偽造變造之證據者亦同。

A person who with intent to cause another to receive penal or disciplinary punishment forges, alters or uses forged or altered evidence shall be subject to the same punishment.

170 ()

170

Article 170

意圖陷害直系血親尊親屬，而犯前條之罪者，加重其刑至二分之一。

意圖陷害直系血親尊親屬，而犯前條之罪者，加重其刑至二分之一。

A person who with intent to incriminate his lineal blood ascendant commits an offence specified in the preceding article shall be subject to the punishment prescribed for such offence increased up to one half.

171 ()

未指定犯人，而向該管公務員誣告犯罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

未指定犯人，而偽造、變造犯罪證據，或使用偽造、變造之犯罪證據，致開始刑事訴訟程序者，亦同。

171

未指定犯人，而向該管公務員誣告犯罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

未指定犯人，而偽造、變造犯罪證據，或使用偽造、變造之犯罪證據，致開始刑事訴訟程序者亦同。

Article 171

A person who without naming a specific offender makes a malicious accusation before a competent public official shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

A person who without naming a specific offender causes the institution of criminal proceedings by forging or altering evidence of an offence or by making use of such forged or altered evidence shall be subject to the same punishment:

172 ()

犯第一百六十八條至第一百七十一條之罪，於所虛偽陳述或所誣告之案件，裁判或懲戒處分確定前自白者，減輕或免除其刑。

172

犯第一百六十八條至第一百七十一條之罪，於所虛偽陳述或所誣告之案件，裁判或懲戒處分確定前自白者，減輕或免除其刑。

Article 172

A person, having committed an offence specified in one of the Articles 168 through 171, who confesses thereto before decision or disciplinary order has become final shall have his punishment reduced or remitted.

Chapter XI Offences against Public Safety

173 ()

放火燒燬現供人使用之住宅或現有人所在之建築物、礦坑、火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機者，處無期徒刑或七年以上有期徒刑。

失火燒燬前項之物者，處一年以下有期徒刑、拘役或五百元以下罰金。

173

放火燒燬現供人使用之住宅或現有人所在之建築物、礦坑、火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機者，處無期徒刑或七年以上有期徒刑。

失火燒燬前項之物者，處一年以下有期徒刑、拘役或五百元以下罰金。

Article 173

A person who sets fire to and destroys an occupied dwelling house or who sets fire to and destroys an occupied structure, mine, train, electric car, or other vehicle, vessel, or aircraft for public transport on water, land, or in the air shall be punished with imprisonment for life or for not less than seven years.

A person who negligently sets fire to a thing specified in the preceding paragraph shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500

第一項之未遂犯罰之。
預備犯第一項之罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

174 (

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放火燒燬現非供人使用之他人所有住宅或現未有人所在之他人所有建築物、礦坑、火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機者，處三年以上十年以下有期徒刑。
放火燒燬前項之自己所有物，致生公共危險者，處六月以上五年以下有期徒刑。

失火燒燬第一項之物者，處六月以下有期徒刑、拘役或三百元以下罰金，失火燒燬前項之物，致生公共危險者，亦同。

第一項之未遂犯罰之。

175 (

)
放火燒燬前二條以外之他人所有物，致生公共危險者，處一年以上七年以下有期徒刑。

放火燒燬前二條以外之自己所有物，致生公共危險者，處三年以下有期徒刑。

失火燒燬前二條以外

第一項之未遂犯罰之。
預備犯第一項之罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

174

放火燒燬現非供人使用之他人所有住宅或現未有人所在之他人所有建築物、礦坑、火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機者，處三年以上、十年以下有期徒刑。

放火燒燬前項之自己所有物，致生公共危險者，處六月以上、五年以下有期徒刑。

失火燒燬第一項之物者，處六月以下有期徒刑、拘役或三百元以下罰金；失火燒燬前項之物，致生公共危險者亦同。

第一項之未遂犯罰之。

175

放火燒燬前二條以外之他人所有物，致生公共危險者，處一年以上、七年以下有期徒刑。

放火燒燬前二條以外之自己所有物，致生公共危險者，處三年以下有期徒刑。

失火燒燬前二條以外

yuan.

An attempt to commit an offence specified in paragraph I is punishable.

A person who prepares to commit an offence specified in paragraph I shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

Article 174

A person who sets fire to and destroys an unoccupied dwelling house belonging to another or who sets fire to and destroys an unoccupied structure, mine, train, electric car, or other vehicle, vessel, or aircraft for public transport on water, land, or in the air which belongs to another shall be punished with imprisonment for not less than three and not more than ten years.

A person who endangers public safety by setting fire to and destroying a thing belonging to himself which is specified in the preceding paragraph shall be punished with imprisonment for not less than six months and not more than five years.

A person who negligently sets fire to and destroy a thing specified in paragraph I shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan; a person who negligently endangers public safety by setting fire to and destroying a thing specified in paragraph II shall be subject to the same punishment.

An attempt to commit an offence specified in paragraph I is punishable.

Article 175

A person who endangers public safety by setting fire to and destroying a thing belonging to another not specified in the preceding two articles shall be punished with imprisonment for not less than one and not more than seven years.

A person who endangers public safety by setting fire to and destroying a thing belonging to himself not specified in the preceding two articles shall be punished with imprisonment of not more than three years.

A person who negligently endangers public safety

之物，致生公共危險者，處拘役或三百元以下罰金。

之物，致生公共危險者，處拘役或三百元以下罰金。

by setting fire to and destroying a thing not specified in the preceding two articles shall be punished with detention or a fine of not more than 300 yuan.

176 ()

故意或因過失，以火藥、蒸氣、電氣、煤氣或其他爆裂物，炸燬前三條之物者，準用各該條放火、失火之規定。

176

故意或因過失，以火藥、蒸氣、電氣、煤氣或其他爆裂物，炸燬前三條之物者，準用各該條放火、失火之規定。

Article 176

A person who intentionally or negligently causes the destruction of a thing specified in one of the three preceding articles by means of gunpowder, steam, electricity, gas, or other explosive substance shall be punished mutatis mutandis in accordance with the provisions relating to fire caused intentionally or negligently.

177 ()

漏逸或間隔蒸氣、電氣、煤氣或其他氣體，致生公共危險者，處三年以下有期徒刑、拘役或三百元以下罰金。

因而致人於死者，處無期徒刑或七年以上有期徒刑。致重傷者，處三年以上十年以下有期徒刑。

177

漏逸或間隔蒸氣、電氣、煤氣或其他氣體，致生公共危險者，處三年以下有期徒刑、拘役或三百元以下罰金。

因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

Article 177

A person who endangers public safety by causing to escape or by obstructing the flow of steam, electricity, gas or another gaseous substance shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300 yuan.

If death results from the commission of the offence the offender shall be punished with life imprisonment or imprisonment for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

178 ()

決水浸害現供人使用之住宅或現有人所在之建築物、礦坑或火車、電車者，處無期徒刑或五年以上有期徒刑。

因過失決水浸害前項之物者，處一年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

178

決水浸害現供人使用之住宅或現有人所在之建築物、礦坑或火車、電車者，處無期徒刑或五年以上有期徒刑。

因過失決水浸害前項之物者，處一年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

Article 178

A person who by flooding causes damage to an occupied dwelling house or who by flooding causes damage to an occupied structure, mine, train, or electric car shall be punished with imprisonment for life or for not less than five years.

A person who negligently by flooding causes damage to a thing specified in the preceding paragraph shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

An attempt to commit an offence specified in paragraph I is punishable.

179 ()

179

Article 179

)
 決水浸害現非供人使用之他人所有住宅或現未有人所在之他人所有建築物或礦坑者，處一年以上七年以下有期徒刑。
 決水浸害前項之自己所有物，致生公共危險者，處六月以上五年以下有期徒刑。

因過失決水浸害第一項之物者，處六月以下有期徒刑、拘役或三百元以下罰金。
 因過失決水浸害前項之物，致生公共危險者，亦同。

第一項之未遂犯罰之。

180 (

)
 決水浸害前二條以外之他人所有物，致生公共危險者，處五年以下有期徒刑。

決水浸害前二條以外之自己所有物，致生公共危險者，處二年以下有期徒刑。

因過失決水浸害前二條以外之物，致生公共危險者，處拘役或三百元以下罰金。

181 (

)
 決潰隄防、破壞水閘或損壞自來水池，致生公共危險者，處五年以下有期徒刑。
 因過失犯前項之罪

決水浸害現非供人使用之他人所有住宅或現未有人所在之他人所有建築物或礦坑者，處一年以上、七年以下有期徒刑。
 決水浸害前項之自己所有物，致生公共危險者，處六月以上、五年以下有期徒刑。

因過失決水浸害第一項之物者，處六月以下有期徒刑、拘役或三百元以下罰金。因過失決水浸害前項之物，致生公共危險者亦同。

第一項之未遂犯罰之。

180

決水浸害前二條以外之他人所有物，致生公共危險者，處五年以下有期徒刑。

決水浸害前二條以外之自己所有物，致生公共危險者，處二年以下有期徒刑。

因過失決水浸害前二條以外之物，致生公共危險者，處拘役或三百元以下罰金。

181

決潰隄防、破壞水閘或損壞自來水池，致生公共危險者，處五年以下有期徒刑。
 因過失犯前項之罪

A person who by flooding causes damage to an unoccupied dwelling house which belongs to another or who by flooding causes damage to an unoccupied structure or mine which belongs to another shall be punished with imprisonment for not less than one and not more than seven years.

A person who by flooding endangers public safety by causing damage to a thing belonging to himself specified in the preceding paragraph shall be punished with imprisonment for not less than six months and not more than five years.

A person who negligently by flooding causes damage to a thing specified in paragraph I shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan; a person who negligently by flooding endangers public safety by causing damage to a thing specified in the preceding paragraph shall be subject to the same punishment.

An attempt to commit an offence specified in paragraph I is punishable.

Article 180

A person who by flooding endangers public safety by causing damage to a thing belonging to another not specified in one of the two preceding articles shall be punished with imprisonment for not more than five years.

A person who by flooding endangers public safety by causing damage to a thing belonging to himself not specified in one of the two preceding articles shall be punished with imprisonment for not more than two years.

A person who negligently by flooding endangers public safety by causing damage to a thing not specified in one of the two preceding articles shall be punished with detention or a fine of not more than 300 yuan.

Article 181

A person who endangers public safety by breaking a dike, destroying a lock, or damaging a water reservoir shall be punished with imprisonment for not more than five years.

A person who negligently commits an offence

者，處拘役或三百元以下罰金。

第一項之未遂犯罰之。

182 (

)
於火災、水災、風災、震災、爆炸或其他相類災害發生之際，隱匿或損壞防禦之器械或以他法妨害救災者，處三年以下有期徒刑、拘役或三萬元以下罰金。

183 (

)
傾覆或破壞現有人所在之火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機者，處無期徒刑或五年以上有期徒刑。因過失犯前項之罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

從事業務之人，因業務上之過失犯第一項之罪者，處三年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

184 (

)
損壞軌道、燈塔、標識或以他法致生火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機往來之危險者，處三年以上十年以下有期徒刑

者，處拘役或三百元以下罰金。

第一項之未遂犯罰之。

182

於火災、水災之際，隱匿或損壞防禦之器械或以他法妨害救火、防水者，處三年以下有期徒刑、拘役或三百元以下罰金。

183

傾覆或破壞現有人所在之火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機者，處無期徒刑或五年以上有期徒刑。因過失犯前項之罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

從事業務之人，因業務上之過失犯第一項之罪者，處三年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

184

損壞軌道、燈塔、標識或以他法致生火車、電車或其他供水、陸、空公眾運輸之舟、車、航空機往來之危險者，處三年以上、十年以下有期

specified in the preceding paragraph shall be punished with detention or a fine of not more than 300 yuan.

An attempt to commit an offence specified in paragraph I is punishable.

Article 182

A person who during a fire or flood conceals, damages, or destroys an instrument or apparatus intended for protection against fire or flood or who otherwise impairs the work of fire protection or flood prevention shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300 yuan.

Article 183

A person who overturns, damages, or destroys an occupied train, electric car, or other vehicle, vessel, or aircraft; for public transport on water, land, or in the air shall be punished with imprisonment for life or for not less than five years.

A person who negligently commits an offence specified in the preceding paragraph shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

A person who in the performance of his occupation commits an offence specified in paragraph I by neglecting the degree of care required by such occupation shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.

An attempt to commit an offence specified in paragraph I is punishable.

Article 184

A person who damages or destroys a railroad, lighthouse, or signal, or who uses other means to cause danger to the passage of a train, electric car, or other vehicle, vessel, or aircraft for public transport on water, land, or in the air shall be punished with imprisonment for not less than three and not more than ten years.

刑。
因而致前項之舟、車、航空機傾覆或破壞者，依前條第一項之規定處斷。

因過失犯第一項之罪者，處六月以下有期徒刑、拘役或三百元以下罰金。
從事業務之人，因業務上之過失犯第一項之罪者，處二年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

185 ()

損壞或壅塞陸路、水路、橋樑或其他公眾往來之設備或以他法致生往來之危險者，處五年以下有期徒刑，拘役或五百元以下罰金。
因而致人於死者，處無期徒刑或七年以上有期徒刑。致重傷者，處三年以上十年以下有期徒刑。

第一項之未遂犯罰之。

185-1 ()

以強暴、脅迫或其他非法方法劫持使用中之航空器或控制其飛行者，處死刑、無期徒刑或七年以上有期徒刑。其情節輕微者，處七年以下有期徒刑。
因而致人於死者，處

徒刑。
因而致前項之舟、車、航空機傾覆或破壞者，依前條第一項之規定處斷。

因過失犯第一項之罪者，處六月以下有期徒刑、拘役或三百元以下罰金。
從事業務之人，因業務上之過失犯第一項之罪者，處二年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

185

損壞或壅塞陸路、水路、橋樑或其他公眾往來之設備或以他法致生往來之危險者，處五年以下有期徒刑，拘役或五百元以下罰金。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。

第一項之未遂犯罰之。

If the commission of the offence results in damage to or the overturning or destruction of the vehicle, vessel, or aircraft specified in the preceding paragraph, the offender shall be punished in accordance with the provisions of paragraph I of the preceding article.

A person who negligently commits an offence specified in paragraph I shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan.

A person who in the performance of his occupation commits an offence specified in paragraph I by neglecting the degree of care required by such occupation shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 500 yuan.

An attempt to commit an offence specified in paragraph I is punishable.

Article 185

A person who obstructs, damages, or destroys a road, waterway, bridge, or other means of general communication, or who uses other similar means to endanger the safety of public traffic shall be punished with imprisonment for not more than five years, detention, or a fine- of not more than 500 yuan.

If death results from the commission of the offence, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

An attempt to commit an offence specified in paragraph I is punishable.

死刑或無期徒刑；致重傷者，處死刑、無期徒刑或十年以上有期徒刑。

以第一項之方法劫持使用中供公眾運輸之舟、車或控制其行駛者，處五年以上有期徒刑。其情節輕微者，處三年以下有期徒刑。

因而致人於死者，處無期徒刑或十年以上有期徒刑；致重傷者，處七年以上有期徒刑。

第一項、第三項之未遂犯罰之。

預備犯第一項之罪者，處三年以下有期徒刑。

185-2 ()

以強暴、脅迫或其他非法方法危害飛航安全或其設施者，處七年以上有期徒刑、拘役或三十萬元以下罰金。

因而致航空器或其他設施毀損者，處三年以上十年以下有期徒刑。

因而致人於死者，處死刑、無期徒刑或十年以上有期徒刑；致重傷者，處五年以上十二年以下有期徒刑。

第一項之未遂犯罰之。

185-3 ()

服用毒品、麻醉藥品、酒類或其他相類之物，不能安全駕駛動力交通工具而駕駛

者，處一年以下有期徒刑、拘役或科或併科十五萬元以下罰金。

185-4 (

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駕駛動力交通工具肇事，致人死傷而逃逸者，處六月以上五年以下有期徒刑。

186 (

)
未受允准，而製造、販賣、運輸或持有炸藥、棉花藥、雷汞或其他相類之爆裂物或軍用槍砲、子彈而無正當理由者，處二年以下有期徒刑、拘役或五百元以下罰金。

186-1 (

)
無正當理由使用炸藥、棉花藥、雷汞或其他相類之爆裂物爆炸，致生公共危險者，處一年以上七年以下有期徒刑。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。
因過失致炸藥、棉花藥、雷汞或其他相類之爆裂物爆炸而生公共危險者，處二年以下有期徒刑、拘役或五千元以下罰金。
第一項之未遂犯罰之。

187 (

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意圖供自己或他人犯

186

未受允准，而製造、販賣、運輸或持有炸藥、棉花藥、電汞或其他相類之爆裂物或軍用槍、子彈，而無正當理由者，處二年以下有期徒刑、拘役或五百元以下罰金。

187

意圖供自己或他人犯

Article 186

A person who without authority manufactures, sells, transports, or possesses without good reason dynamite, gun-cotton, fulminating mercury, or other explosive of a similar nature; or a gun, cannon, or ammunition for military use shall be punished with imprisonment for not more than two years detention, or a fine of not more than 500 yuan.

Article 187

A person who manufactures, sells, transports, or

罪之用，而製造、販賣、運輸或持有炸藥、棉花藥、雷汞或其他相類之爆裂物或軍用槍砲、子彈者，處五年以下有期徒刑。

罪之用，而製造、販賣、運輸或持有炸藥、棉花藥、雷汞或其他相類之爆裂物或軍用槍□、子彈者，處五年以下有期徒刑。

possesses dynamite, gun-cotton, fulminating mercury, or other explosive of a similar nature; or a gun, cannon, or ammunition for military use, with intent that such thing be used by himself or by another to commit an offence, shall be punished with imprisonment for not more than five years

187-1 (

)
不依法令製造、販賣、運輸或持有核子原料、燃料、反應器、放射性物質或其原料者，處五年以下有期徒刑。

187-2 (

)
放逸核能、放射線，致生公共危險者，處五年以下有期徒刑。因而致人於死者，處無期徒刑或十年以上有期徒刑；致重傷者，處五年以上有期徒刑。因過失犯第一項之罪者，處二年以下有期徒刑、拘役或五千元以下罰金。第一項之未遂犯罰之。

187-3 (

)
無正當理由使用放射線，致傷害人之身體或健康者，處三年以上十年以下有期徒刑。因而致人於死者，處無期徒刑或十年以上有期徒刑；致重傷者，處五年以上有期徒刑。

第一項之未遂犯罰之。

188 ()

妨害鐵路、郵務、電報、電話或供公眾之用水、電氣、煤氣事業者，處五年以下有期徒刑、拘役或五百元以下罰金。

189 ()

損壞礦坑、工廠或其他相類之場所內關於保護生命之設備，致生危險於他人生命者，處一年以上七年以下有期徒刑。

因而致人於死者，處無期徒刑或七年以上有期徒刑，致重傷者，處三年以上十年以下有期徒刑。

因過失犯第一項之罪者，處六月以下有期徒刑、拘役或三百元以下罰金。

從事業務之人，因業務上之過失犯第一項之罪者，處二年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

189-1 ()

損壞礦場、工廠或其他相類之場所內關於保護生命之設備或致令不堪用，致生危險於他人之身體健康者，處一年以下有期徒刑、拘役或三千元

188

妨害鐵路、郵務、電報、電話或供公眾之用水、電氣、煤氣事業者，處五年以下有期徒刑、拘役或五百元以下罰金。

189

損壞礦坑、工廠或其他相類之場所內關於保護生命之設備，致生危險於他人生命者，處一年以上、七年以下有期徒刑。

因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

因過失犯第一項之罪者，處六月以下有期徒刑、拘役或三百元以下罰金。

從事業務之人，因業務上之過失犯第一項之罪者，處二年以下有期徒刑、拘役或五百元以下罰金。

第一項之未遂犯罰之。

Article 188

A person who interferes with the operation of railway, postal, telegraph, or telephone service, or with the public supply of water, electricity, or gas shall be punished with imprisonment for not more than five years, detention, or a fine of not more than 500 yuan.

Article 189

A person who damages or destroys a safety or lifesaving device installed in a mine, factory, or similar establishment and thereby endangers the life of another shall be punished with imprisonment for not less than one and not more than seven years.

If death results from the commission of the offence, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

A person who negligently commits an offence specified in paragraph I shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan.

A person who in the performance of his occupation commits an offence specified, in paragraph I by neglecting the degree of care required by such occupation shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 500 yuan.

An attempt to commit an offence specified in paragraph I is punishable.

以下罰金。
損壞前項以外之公共場所內關於保護生命之設備或致令不堪用，致生危險於他人之身體健康者，亦同。

189-2 ()

阻塞戲院、商場、餐廳、旅店或其他公眾得出入之場所或公共場所之逃生通道，致生危險於他人生命、身體或健康者，處三年以下有期徒刑。阻塞集合住宅或共同使用大廈之逃生通道，致生危險於他人生命、身體或健康者，亦同。
因而致人於死者，處七年以下有期徒刑；致重傷者，處五年以下有期徒刑。

190 ()

投放毒物或混入妨害衛生物品於供公眾所飲之水源、水道或自來水池者，處一年以上、七年以下有期徒刑。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

因過失犯第一項之罪者，處六月以下有期徒刑、拘役或三百元以下罰金。
第一項之未遂犯罰之。

190-1 ()

190

投放毒物或混入妨害衛生物品於供公眾所飲之水源、水道或自來水池者，處一年以上、七年以下有期徒刑。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

因過失犯第一項之罪者，處六月以下有期徒刑、拘役或三百元以下罰金。
第一項之未遂犯罰之。

Article 190

A person who places a poisonous or harmful substance in a water source, waterway, or reservoir intended for the supply of water to the public shall be punished with imprisonment for not less than one and not more than seven years.

If death results from the commission of the offence, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

A person who negligently commits an offence specified in paragraph I shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan.
An attempt to commit, an offence specified in paragraph I is punishable.

)
投棄、放流、排出或放逸毒物或其他有害健康之物，而污染空氣、土壤、河川或其他水體，致生公共危險者，處五年以下有期徒刑。
廠商、事業場所負責人或監督策劃人員，因事業活動而犯前項之罪者，處七年以下有期徒刑。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。
因過失犯第一項之罪者，處六月以下有期徒刑、拘役或五千元以下罰金。

191 (

)
製造、販賣或意圖販賣而陳列妨害衛生之飲食物品或其他物品者，處六月以下有期徒刑、拘役或科或併科一千元以下罰金。

191-1 (

)
對他人公開陳列、販賣之飲食物品或其他物品滲入、添加或塗抹毒物或其他有害人體健康之物質者，處七年以下有期徒刑。
將已滲入、添加或塗抹毒物或其他有害人體健康之飲食物品或其他物品混雜於公開陳列、販賣之飲食物品或其他物品者，亦同。
犯前二項之罪而致人

191

製造、販賣或意圖販賣而陳列妨害衛生之飲食物品或其他物品者，處六月以下有期徒刑、拘役或科或併科一千元以下罰金。

Article 191

A person who manufactures, sells, or offers for sale food, drink, or other thing injurious to health shall be punished with imprisonment for not more than six months or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。
第一項及第二項之未遂犯罰之。

192 (

)
違背關於預防傳染病所公布之檢查或進口之法令者，處二年以下有期徒刑、拘役或一千元以下罰金。

暴露有傳染病菌之屍體，或以他法散布病菌，致生公共危險者，亦同。

193 (

)
承攬工程人或監工人於營造或拆卸建築物時，違背建築術成規，致生公共危險者，處三年以下有期徒刑、拘役或三千元以下罰金。

194 (

)
於災害之際，關於與公務員或慈善團體締結供給糧食或其他必需品之契約，而不履行或不照契約履行，致生公共危險者，處五年以下有期徒刑，得併科三千元以下罰金。

195 (

192

違背關於預防傳染病所公布之檢查或進口之法令者，處二年以下有期徒刑、拘役或一千元以下罰金。

暴露有傳染病菌之屍體，或以他法散布病菌，致生公共危險者亦同。

193

承攬工程人或監工人，於營造或拆卸建築物時，違背建築術成規，致生公共危險者，處三年以下有期徒刑、拘役或三千元以下罰金。

194

於災害之際，關於與公務員或慈善團體締結供給糧食或其他必需品之契約，而不履行或不照契約履行，致生公共危險者，處五年以下有期徒刑，得併科三千元以下罰金。

195

Article 192

A person who violates a quarantine law or order concerning inspection or immigration promulgated for the prevention of contagious disease shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 1,000 yuan.

A person who endangers public safety by exposing a corpse having infectious germs or who by other means spreads disease germs shall be subject to the same punishment.

Article 193

A contractor or an overseer who endangers public safety by violating an established rule of construction in erecting or demolishing a structure shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 3,000 yuan.

Article 194

A person who during a time of public calamity endangers public safety by failing to deliver provisions or other necessities which he has contracted to deliver to a public official or philanthropic institution or by delivering things not in conformity with the terms of a contract shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

Chapter XII Offences of Counterfeiting Currency

Article 195

)
意圖供行使之用，而偽造、變造通用之貨幣、紙幣、銀行券者，處五年以上有期徒刑，得併科五千元以下罰金。
前項之未遂犯罰之。

意圖供行使之用，而偽造、變造通用之貨幣、紙幣、銀行券者，處五年以上有期徒刑，得併科五千元以下罰金。
前項之未遂犯罰之。

A person who counterfeits or alters a currently used coin, paper currency, or banknote with intent that it be put into circulation shall be punished with imprisonment for not less than five years; In addition thereto, a fine of not more than 5,000 yuan may be imposed.
An attempt to commit an offence specified in the preceding paragraph is punishable.

196 (

)
行使偽造、變造之通用貨幣、紙幣、銀行券，或意圖供行使之用而收集或交付於人者，處三年以上十年以下有期徒刑，得併科五千元以下罰金。
收受後方知為偽造、變造之通用貨幣、紙幣、銀行券而仍行使，或意圖供行使之用而交付於人者，處五百元以下罰金。

196

行使偽造、變造之通用貨幣、紙幣、銀行券，或意圖供行使之用而收集或交付於人者，處三年以上、十年以下有期徒刑，得併科五千元以下罰金。
收受後方知為偽造、變造之通用貨幣、紙幣、銀行券，而仍行使，或意圖供行使之用而交付於人者，處五百元以下罰金。
第一項之未遂犯罰之。

Article 196

A person who puts into circulation a counterfeit or altered currently used coin, paper currency, or banknote or who collects it from or delivers it to another with intent that it be put into circulation shall be punished with imprisonment for not less than three and not more than ten years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.
A person who not knowing until after he has obtained possession that a currently used coin, paper currency, or banknote has been counterfeited or altered puts it into circulation or delivers it to another with intent that it be put into circulation shall be punished with a fine of not more than 500 yuan.
An attempt to commit an offence specified in paragraph I is punishable.

197 (

)
意圖供行使之用而減損通用貨幣之分量者，處五年以下有期徒刑，得併科三千元以下罰金。
前項之未遂犯罰之。

197

意圖供行使之用而減損通用貨幣之分量者，處五年以下有期徒刑，得併科三千元以下罰金。
前項之未遂犯罰之。

Article 197

A person who reduces the weight of a currently used coin with intent that it be put into circulation shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.
An attempt to commit an offence specified in the preceding paragraph is punishable.

198 (

)
行使減損分量之通用貨幣，或意圖供行使之用而收集或交付於人者，處三年以下有期徒刑，得併科一千元以下罰金。
收受後方知為減損分量之通用貨幣而仍行

198

行使減損分量之通用貨幣，或意圖供行使之用而收集或交付於人者，處三年以下有期徒刑，得併科一千元以下罰金。
收受後方知為減損分量之通用貨幣而仍行

Article 198

A person who puts into circulation a currently used coin of reduced weight or who collects it from or delivers it to another with intent that it be put into circulation shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.
A person who not knowing until after he has obtained possession that a currently used coin is of reduced weight puts it into circulation or

使，或意圖供行使之用而交付於人者，處一百元以下罰金。
第一項之未遂犯罰之。

199 (

)
意圖供偽造、變造通用之貨幣、紙幣、銀行券或意圖供減損通用貨幣分量之用，而製造、交付或收受各項器械原料者，處五年以下有期徒刑，得併科一千元以下罰金。

200 (

)
偽造、變造之通用貨幣、紙幣、銀行券，減損分量之通用貨幣及前條之器械原料，不問屬於犯人與否，沒收之。

201 (

)
意圖供行使之用，而偽造、變造公債票、公司股票或其他有價證券者，處三年以上十年以下有期徒刑，得併科三千元以下罰金。
行使偽造、變造之公債票、公司股票或其他有價證券，或意圖供行使之用，而收集或交付於人者，處一年以上七年以下有期徒刑，得併科三千元以下罰金。

使，或意圖供行使之用而交付於人者，處一百元以下罰金。
第一項之未遂犯罰之。

199

意圖供偽造、變造通用之貨幣、紙幣、銀行券或意圖供減損通用貨幣分量之用，而製造、交付或收受各項器械、原料者，處五年以下有期徒刑，得併科一千元以下罰金。

200

偽造、變造之通用貨幣、紙幣、銀行券，減損分量之通用貨幣及前條之器械、原料，不問屬於犯人與否，沒收之。

201

意圖供行使之用，而偽造、變造公債票、公司股票或其他有價證券者，處三年以上、十年以下有期徒刑，得併科三千元以下罰金。
行使偽造、變造之公債票、公司股票或其他有價證券，或意圖供行使之用而收集或交付於人者，處一年以上、七年以下有期徒刑，得併科三千元以下罰金。

delivers it to another with intent that it be put into circulation shall be punished with a fine of not more than 100 yuan.

An attempt to commit an offence specified in paragraph I is punishable.

Article 199

A person who manufactures, delivers, or receives an instrument or material with intent that it be used to counterfeit or alter a currently used coin, paper currency, or banknote or that it be used to reduce the weight of a currently used coin shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

Article 200

A counterfeit or altered currently used coin, paper currency, or banknote, currently used coin of reduced weight, or an instrument or material specified in the preceding article shall be confiscated whether or not it belongs to the offender.

Chapter XIII Offences of Counterfeiting Valuable Securities

Article 201

A person who counterfeits or alters a government bond, stock certificate, or other valuable security with intent that it be put into circulation shall be punished with imprisonment for not less than three and not more than ten years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

A person who circulates a counterfeit or altered government bond, stock certificate, or other valuable security or who collects it from or delivers it to another with intent that it be put into circulation shall be punished with imprisonment for not less than one year and not more than seven years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

201-1 (

)
意圖供行使用，而偽造、變造信用卡、金融卡、儲值卡或其他相類作為簽帳、提款、轉帳或支付工具之電磁紀錄物者，處一年以上七年以下有期徒刑，得併科三萬元以下罰金。

行使前項偽造、變造之信用卡、金融卡、儲值卡或其他相類作為簽帳、提款、轉帳或支付工具之電磁紀錄物，或意圖供行使用，而收受或交付於人者，處五年以下有期徒刑，得併科三萬元以下罰金。

202 (

)
意圖供行使用，而偽造、變造郵票或印花稅票者，處六月以上五年以下有期徒刑，得併科一千元以下罰金。

行使偽造、變造之郵票或印花稅票，或意圖供行使用而收集或交付於人者，處三年以下有期徒刑，得併科一千元以下罰金。

意圖供行使用，而塗抹郵票或印花稅票上之註銷符號者，處一年以下有期徒刑、拘役或三百元以下罰金；其行使之者亦同。

203 (

202

)
意圖供行使用，而偽造、變造郵票或印花稅票者，處六月以上、五年以下有期徒刑，得併科一千元以下罰金。

行使偽造、變造之郵票或印花稅票或意圖供行使用而收集或交付於人者，處三年以下有期徒刑，得併科一千元以下罰金。

意圖供行使用，而塗抹郵票或印花稅票上之註銷符號者，處一年以下有期徒刑、拘役或三百元以下罰金；其行使之者亦同。

203

Article 202

A person who counterfeits or alters a postal stamp or revenue stamp with intent that it be put into circulation shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine of not more than 1,000 yuan may be imposed

A person who circulates a counterfeit or altered postal stamp or revenue stamp or who collects it from or delivers it to another with intent that it be put into circulation shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

A person who removes the cancellation mark on a postal or revenue stamp with intent that it be put into circulation shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 3,000 yuan; a person who puts it into circulation shall be subject to the same punishment.

Article 203

)
意圖供行使之用，而偽造、變造船票、火車、電車票或其他往來客票者，處一年以下有期徒刑、拘役或三百元以下罰金。其行使之者亦同。

204 (

)
意圖供偽造、變造有價證券、郵票、印花稅票、信用卡、金融卡、儲值卡或其他相類作為簽帳、提款、轉帳或支付工具之電磁紀錄物之用，而製造、交付或收受各項器械、原料、或電磁紀錄者，處二年以下有期徒刑，得併科五千元以下罰金。
從事業務之人利用職務上機會犯前項之罪者，加重其刑至二分之一。

205 ()

偽造、變造之有價證券、郵票、印花稅票、信用卡、金融卡、儲值卡或其他相類作為提款、簽帳、轉帳或支付工具之電磁紀錄物及前條之器械原料及電磁紀錄，不問屬於犯人與否，沒收之。

206 (

)
意圖供行使之用，而製造違背定程之度量

意圖供行使之用，而偽造、變造船票、火車、電車票或其他往來客票者，處一年以下有期徒刑、拘役或三百元以下罰金；其行使之者亦同。

204

意圖供偽造、變造有價證券、郵票或印花稅票之用，而製造、交付或收受各項器械、原料者，處二年以下有期徒刑，得併科五百元以下罰金。

205

偽造、變造之有價證券、郵票或印花稅票及前條之器械、原料，不問屬於犯人與否，沒收之。

206

意圖供行使之用，而製造違背定程之度量

A person who counterfeits or alters a ticket issued to transport a passenger on a vessel, train, electric car, or other ticket of similar nature with intent that be put into circulation shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan; a person who puts it into circulation shall be subject to the same punishment.

Article 204

A person who manufactures, delivers, or receives an instrument or material with intent that it be used to counterfeit or alter a valuable security or postal or revenue stamp shall be punished with imprisonment for not more than two years; in addition thereto, a fine of not more than 5000 yuan may be imposed.

Article 205

A counterfeit or altered valuable security, postal or revenue stamp, or an instrument or material specified in the preceding article shall be confiscated whether or not it belongs to the offender.

Chapter XIV Offences of Falsifying Weights and Measures

Article 206

A person who manufactures a weight or measure not in conformity with the legal standard or alters

衡，或變更度量衡之定程者，處一年以下有期徒刑、拘役或三百元以下罰金。

207 (

)
意圖供行使之用，而販賣違背定程之度量衡者，處六月以下有期徒刑、拘役或三百元以下罰金。

208 (

)
行使違背定程之度量衡者，處三百元以下罰金。
從事業務之人，關於其業務犯前項之罪者，處六月以下有期徒刑、拘役或五百元以下罰金。

209 ()

違背定程之度量衡，不問屬於犯人與否，沒收之。

210 (

)
偽造、變造私文書，足以生損害於公眾或他人者，處五年以下有期徒刑。

211 (

)
偽造、變造公文書，足以生損害於公眾或他人者，處一年以上七年以下有期徒刑。

衡，或變更度量衡之定程者，處一年以下有期徒刑、拘役或三百元以下罰金。

207

意圖供行使之用，而販賣違背定程之度量衡者，處六月以下有期徒刑、拘役或三百元以下罰金。

208

行使違背定程之度量衡者，處三百元以下罰金。
從事業務之人，關於其業務犯前項之罪者，處六月以下有期徒刑、拘役或五百元以下罰金。

209

違背定程之度量衡，不問屬於犯人與否，沒收之。

210

偽造、變造私文書，足以生損害於公眾或他人者，處五年以下有期徒刑。

211

偽造、變造公文書，足以生損害於公眾或他人者，處一年以上七年以下有期徒刑。

a weight or measure which is in conformity with the legal standard with intent that it be used shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

Article 207

A person who sells a weight or measure not in conformity with the legal standard with intent that it be used shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan

Article 208

A person who uses a weight or measure not in conformity with the legal standard shall be fined not more than 300 yuan.
A person who in the performance of his occupation commits the offence specified in the preceding paragraph shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 500 yuan.

Article 209

A weight or measure not in conformity with the legal standard shall be confiscated whether or not it belongs to the offender.

Chapter XV Offences of Forging Instruments Or Seals

Article 210

A person who in a manner likely to cause injury to the public or to another forges or alters a private document shall be punished with imprisonment for not more than five years.

Article 211

A person who in a manner likely to cause injury to the public or to another forges or alters a public document shall be punished with imprisonment for not less than one and not more than seven years.

212 ()

偽造、變造護照、旅券、免許證、特許證及關於品行、能力服務或其他相類之證書、介紹書，足以生損害於公眾或他人者，處一年以下有期徒刑、拘役或三百元以下罰金。

213 ()

公務員明知為不實之事項，而登載於職務上所掌之公文書，足以生損害於公眾或他人者，處一年以上七年以下有期徒刑。

214 ()

明知為不實之事項，而使公務員登載於職務上所掌之公文書，足以生損害於公眾或他人者，處三年以下有期徒刑、拘役或五百元以下罰金。

215 ()

從事業務之人，明知為不實之事項，而登載於其業務上作成之文書，足以生損害於公眾或他人者，處三年以下有期徒刑、拘役或五百元以下罰金。

216 ()

行使第二百十條至第二百十五條之文書者，依偽造、變造文書或登載不實事項或

212

偽造、變造護照、旅券、免許證、特許證及關於品行、能力、服務或其他相類之證書、介紹書，足以生損害於公眾或他人者，處一年以下有期徒刑、拘役或三百元以下罰金。

213

公務員明知為不實之事項，而登載於職務上所掌之公文書，足以生損害於公眾或他人者，處一年以上，七年以下有期徒刑。

214

明知為不實之事項，而使公務員登載於職務上所掌之公文書，足以生損害於公眾或他人者，處三年以下有期徒刑、拘役或五百元以下罰金。

215

從事業務之人，明知為不實之事項，而登載於其業務上作成之文書，足以生損害於公眾或他人者，處三年以下有期徒刑、拘役或五百元以下罰金。

216

行使第二百十條至第二百十五條之文書者，依偽造、變造文書或登載不實事項或

Article 212

A person who in a manner likely to cause injury to the public or to another forges or alters a passport, transportation ticket, exemption permit, special permit; or a certificate, letter of introduction, or the like concerning the character, capacity, service, or other qualification of a person shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

Article 213

A public official who in a manner likely to cause injury to the public or to another makes in a public document within his charge an entry which he knows to be false shall be punished with imprisonment for not less than one and not more than seven years.

Article 214

A person who in a manner likely to cause injury to the public or to another causes a public official to make in a public document an entry which such person knows to be false shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.

Article 215

A person who in a manner likely to cause injury to the public or to another makes in a document or certificate prepared in the course of his occupation an entry which he knows to be false shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.

Article 216

A person who puts into circulation a document specified in one of the Articles 210 through 215 shall be punished in accordance with the provisions relating to forging or altering

使登載不實事項之規定處斷。

217 ()

偽造印章、印文或署押，足以生損害於公眾或他人者，處三年以下有期徒刑。

盜用印章、印文或署押，足以生損害於公眾或他人者，亦同。

218 ()

偽造公印或公印文者，處五年以下有期徒刑。

盜用公印或公印文足以生損害於公眾或他人者，亦同。

219 ()

偽造之印章、印文或署押，不問屬於犯人與否，沒收之。

220 ()

在紙上或物品上之文字、符號、圖畫、照像，依習慣或特約，足以為表示其用意之證明者，關於本章及本章以外各罪，以文書論。

錄音、錄影或電磁紀錄，藉機器或電腦之處理所顯示之聲音、影像或符號，足以為表示其用意之證明者，亦同。

使登載不實事項之規定處斷。

217

偽造印章、印文或署押，足以生損害於公眾或他人者，處三年以下有期徒刑。

盜用印章、印文或署押，足以生損害於公眾或他人者亦同。

218

偽造公印或公印文者，處五年以下有期徒刑。

盜用公印或公印文，足生損害於公眾或他人者亦同。

219

偽造之印章、印文或署押，不問屬於犯人與否，沒收之。

220

在紙上或物品上之文字、符號，依習慣或特約，足以為表示其用意之證明者，關於本章之罪，以文書論。

documents, to making a false entry, or to causing a false entry to be made.

Article 217

A person who in a manner likely to cause injury to the public or to another forges a seal, the impression of a seal, or a signature shall be punished with imprisonment for not more than three years.

A person who in a manner likely to cause injury to the public or to another uses without authority a seal, the impression of a seal, or a signature shall be subject to the same punishment.

Article 218

A person who forges a public seal or the impression of a public seal shall be punished with imprisonment for not more than five years.

A person who in a manner likely to cause injury to the public or to another uses without authority a public seal or the impression of a public seal shall be subject to the same punishment.

Article 219

A forged seal, impression of a seal, or a signature shall be confiscated whether or not it belongs to the offender.

Article 220

A writing or mark on a paper or on a thing which by custom or by special agreement is sufficient evidence of the intention therein contained shall be considered a document within the meaning of this Chapter.

Chapter XVI Offences against Morals

221 ()
對於男女以強暴、脅迫、恐嚇、催眠術或其他違反其意願之方法而為性交者，處三年以上十年以下有期徒刑。

前項之未遂犯罰之。

222 ()
犯前條之罪而有下列情形之一者，處七年以上有期徒刑：
一、二人以上共同犯之者。
二、對未滿十四歲之男女犯之者。
三、對精神、身體障礙或其他心智缺陷之人犯之者。
四、以藥劑犯之者。
五、對被害人施以凌虐者。
六、利用駕駛供公眾或不特定人運輸之交通工具之機會犯之者。
七、侵入住宅或有人居住之建築物、船艦或隱匿其內犯之者。
八、攜帶兇器犯之者。
前項之未遂犯罰之。

223
(刪除)

224 ()

221
對於婦女以強暴、脅迫、藥劑、催眠術或其他法，至使不能抗拒而姦淫之者，為強姦罪，處五年以上有期徒刑。

姦淫未滿十四歲之女子，以強姦論。

前二項之未遂犯罰之。

222
二人以上犯前條第一項或第二項之罪，而共同輪姦者，處無期徒刑或七年以上有期徒刑。

223
犯強姦罪而故意殺被害人者，處死刑。

224

Article 221
A person who renders resistance impossible by threats or violence, by administering drugs, by inducing hypnosis, or by other means and who has carnal relations with a female person shall be considered to have committed rape and shall be punished with imprisonment for not less than five years.
A person who has carnal relations with a female person who has not completed the fourteenth year of her age shall be considered to have committed rape.
An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

Article 222
If two or more persons act together to commit an offence specified in paragraphs I or II of the preceding article and successively have carnal relations with a female person, each shall be punished with imprisonment for life or for not less than seven years.

Article 223
A person who commits rape and intentionally kills his victim shall be punished with death.

Article 224

對於男女以強暴、脅迫、恐嚇、催眠術或其他違反其意願之方法，而為猥褻之行為者，處六月以上五年以下有期徒刑。

對於男女以強暴、脅迫、藥劑、催眠術或其他法，至使不能抗拒而為猥褻之行為者，處七年以下有期徒刑。
對於未滿十四歲之男女為猥褻之行為者亦同。

A person who renders resistance impossible by threats or violence, by administering drugs, by inducing hypnosis, or by other means and who commits an indecent act against a male or female person shall be punished with imprisonment for not more than seven years.

A person who commits an indecent act against a male or female person who has not completed the fourteenth year of his age shall be subject to the same punishment.

224-1 ()

犯前條之罪而有第二百二十二條第一項各款情形之一者，處三年以上十年以下有期徒刑。

225 ()

對於男女利用其精神、身體障礙、心智缺陷或其他相類之情形，不能或不知抗拒而為性交者，處三年以上十年以下有期徒刑。

對於男女利用其精神、身體障礙、心智缺陷或其他相類之情形，不能或不知抗拒而為猥褻之行為者，處六月以上五年以下有期徒刑。

第一項之未遂犯罰之。

225

對於婦女乘其心神喪失或其他相類之情形，不能抗拒而姦淫之者，處三年以上、十年以下有期徒刑。

對於男女乘其心神喪失或其他相類之情形，不能抗拒而為猥褻之行為者，處五年以下有期徒刑。

第一項之未遂犯罰之。

Article 225

A person who takes advantage of the insanity of a female person or of a similar condition which makes resistance impossible and who has carnal relations with such female person shall be punished with imprisonment for not less than three and not more than ten years.

A person who takes advantage of the insanity of a male or female person or of a similar condition which makes resistance impossible and who commits an indecent act against such person shall be punished with imprisonment for not more than five years.

An attempt to commit an offence specified in paragraph I is punishable.

226 ()

犯第二百二十一條、第二百二十二條、第二百二十四條、第二百二十四條之一或第二百二十五條之罪，因而致被害人於死者，處無期徒刑或十年以上有期徒刑；致重傷者，處十年以上有期徒刑。

226

犯第二百二十一條、第二百二十四條或第二百二十五條之罪，因而致被害人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處七年以上有期徒刑。

Article 226

If the commission of an offence specified in one of the Articles 221, 224, or 225 results in the death of the victim, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than seven years.

因而致被害人羞忿自殺或意圖自殺而致重傷者，處十年以上有期徒刑。

因而致被害人羞忿自殺或意圖自殺而致重傷者，處七年以上有期徒刑。

If the offence-causes suicide .of the victim because of shame or humiliation or causes serious bodily harm in an attempt to commit suicide, the offender shall be punished with imprisonment for not less than seven years.

226-1 (

)
犯第二百二十一條、第二百二十二條、第二百二十四條、第二百二十四條之一或第二百二十五條之罪，而故意殺害被害人者，處死刑或無期徒刑；使被害人受重傷者，處無期徒刑或十年以上有期徒刑。

227 ()

對於未滿十四歲之男女為性交者，處三年以上十年以下有期徒刑。

對於未滿十四歲之男女為猥褻之行為者，處六月以上五年以下有期徒刑。

對於十四歲以上未滿十六歲之男女為性交者，處七年以下有期徒刑。

對於十四歲以上未滿十六歲之男女為猥褻之行為者，處三年以下有期徒刑。

第一項、第三項之未遂犯罰之。

227-1 (

)
十八歲以下之人犯前條之罪者，減輕或免除其刑。

228 (

)
對於因親屬、監護、

227

姦淫十四歲以上未滿十六歲之女子者，處一年以上、七年以下有期徒刑。

對於十四歲以上未滿十六歲之男女為猥褻之行為者，處五年以下有期徒刑。

Article 227

A person who has carnal relations with a female person who has completed the fourteenth but not the sixteenth year of her age shall be punished with imprisonment for not less than one and not more than seven years.

A person who commits an indecent act against a male or female person who has completed the fourteenth but not the sixteenth year of his age shall be punished with imprisonment for not more than five years.

228

對於因親屬、監護、

Article 228

A person who takes advantage of his authority

教養、教育、訓練、救濟、醫療、公務、業務或其他相類關係受自己監督、扶助、照護之人，利用權勢或機會為性交者，處六個月以上五年以下有期徒刑。
因前項情形而為猥褻之行為者，處三年以下有期徒刑。
第一項之未遂犯罰之。

教養、救濟、公務或業務關係服從自己監督之人，利用權勢而姦淫或為猥褻之行為者，處五年以下有期徒刑。

over another who is subject to his supervision because of family, guardian, tutor, benefactor, official, or occupational relationship and who has carnal relations with or commits an indecent act against such other shall be punished with imprisonment for not more than five years.

229 (

)
以詐術使男女誤信為自己配偶，而聽從其為性交者，處三年以上十年以下有期徒刑。
前項之未遂犯罰之。

229

以詐術使婦女誤信為自己配偶而聽從其姦淫者，處三年以上、十年以下有期徒刑。
前項之未遂犯罰之。

Article 229

A person who by fraudulent means induces a female person to mistake him for her spouse and has carnal relations with her shall be punished with imprisonment for not less than three and not more than ten years.
An attempt to commit an offence specified in the preceding paragraph is punishable.

229-1 ()

對配偶犯第二百二十一條、第二百二十四條之罪者，或未滿十八歲之人犯第二百二十七條之罪者，須告訴乃論。

230 (

)
與直系或三親等內旁系血親為性交者，處五年以下有期徒刑。

230

直系或三親等內旁系血親相和姦者，處五年以下有期徒刑。

Article 230

A person who has carnal relations with a lineal blood relative or collateral blood relative within the third degree of relationship shall be punished with imprisonment for not more than five years.

231 (

)
意圖使男女與他人為性交或猥褻之行為，而引誘、容留或媒介以營利者，處五年以下有期徒刑，得併科

231

意圖營利，引誘或容留良家婦女與他人姦淫者，處三年以下有期徒刑，得併科五百元以下罰金。

Article 231

A person who for the purpose of gain induces a female person of respectable character to have carnal relations with a third person or who retains her for that purpose shall be punished with imprisonment for not more than three years; in

十萬元以下罰金。以
詐術犯之者，亦同。

意圖營利，使人為猥
褻之行為者亦同。

以犯前二項之罪為常
業者，處五年以下有
期徒刑，得併科一千
元以下罰金。

公務員包庇他人犯前
項之罪者，依前項之
規定加重其刑至二分
之一。

公務員包庇他人犯前
三項之罪者，依各該
項之規定，加重其刑
至二分之一。

231-1 (

)
意圖營利，以強暴、
脅迫、恐嚇、監控、
藥劑、催眠術或其他
違反本人意願之方法
使男女與他人為性交
或猥褻之行為者，處
七年以上有期徒刑，
得併科三十萬元以下
罰金。

媒介、收受、藏匿前
項之人或使之隱避
者，處一年以上七年
以下有期徒刑。

公務員包庇他人犯前
二項之罪者，依各該
項之規定加重其刑至
二分之一。

第一項之未遂犯罰
之。

232 (

)
對於第二百二十八條
所定受自己監督、扶
助、照護之人，或夫
對於妻，犯第二百三
十一條第一項、第二
百三十一條之一第一
項、第二項之罪者，
依各該條項之規定加

232

對於第二百二十八條
所定服從自己監督之
人，或夫對於妻，犯
前條第一項之罪者，
處五年以下有期徒
刑，得併科一千元以
下罰金。

addition thereto, a fine of not more than 500 yuan may be imposed.

A person who for the purpose of gain causes another to commit an indecent act shall be subject to the same punishment.

A person who makes the commission of an offence specified in one of the two preceding paragraphs an occupation shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

A public official who harbors a person who commits an offence specified in one of the three preceding paragraphs shall be punished with the punishment prescribed for such offence increased up to one half.

Article 232

A person who commits an offence specified in paragraph I of the preceding article against a person subject to his supervision as specified in Article 228 or a husband who commits such offence against his wife shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

重其刑至二分之一。

233 (

)
意圖使未滿十六歲之男女與他人為性交或猥褻之行為，而引誘、容留或媒介之者，處五年以下有期徒刑、拘役或五千元以下罰金。以詐術犯之者，亦同。
意圖營利犯前項之罪者，處一年以上七年以下有期徒刑，得併科五萬元以下罰金。

233

引誘未滿十六歲之男女，與他人為猥褻之行為或姦淫者，處五年以下有期徒刑。

Article 233

A person who induces a male or female person who has not completed the sixteenth year of his age to commit an indecent act or submit to carnal relations with another shall be punished with imprisonment for not more than five years.

234 (

)
意圖供人觀覽，公然為猥褻之行為者，處一年以下有期徒刑、拘役或三千元以下罰金。
意圖營利犯前項之罪者，處二年以下有期徒刑、拘役或科或併科一萬元以下罰金。

234

公然為猥褻之行為者，處拘役或一百元以下罰金。

Article 234

A person who publicly commits an indecent act shall be punished with detention or a fine of not more than 100 yuan.

235 (

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散布、播送或販賣猥褻之文字、圖畫、聲音、影像或其他物品，或公然陳列，或以他法供人觀覽、聽聞者，處二年以下有期徒刑、拘役或科或併科三萬元以下罰金。
意圖散布、播送、販賣而製造、持有前項文字、圖畫、聲音、影像及其附著物或其他物品者，亦同。
前二項之文字、圖畫、聲音或影像之附

235

散布或販賣猥褻之文字、圖畫及其他物品，或公然陳列，或以他法供人觀覽者，處一千元以下罰金。
意圖販賣而製造、持有前項之文字、圖畫及其他物品者亦同。

Article 235

A person who distributes, sells, publicly displays, or by other means shows to another person an indecent writing, drawing, or other shall be punished with a fine of not more than 1,000 yuan. A person who with intent to sell makes or is found in possession of a writing, drawing, or other thing specified in the preceding paragraph shall be subject to the same punishment.

著物及物品，不問屬於犯人與否，沒收之。

236 ()
第二百三十條之罪，須告訴乃論。

236
第二百二十一條至第二百三十條之罪，須告訴乃論。

Article 236

Prosecution for an offence specified in one of the Articles 221 through 230 may be instituted only upon complaint.

Chapter XVII Offences against Marriage and Family

237 ()
有配偶而重為婚姻或同時與二人以上結婚者，處五年以下有期徒刑。其相婚者亦同。

237
有配偶而重為婚姻或同時與二人以上結婚者，處五年以下有期徒刑；其相婚者亦同。

Article 237

A person who has a spouse and marries again or who marries two or more persons at the same time shall be punished with imprisonment for not more than five years; the other party to such marriage shall be subject to the same punishment.

238 ()
以詐術締結無效或得撤銷之婚姻，因而致婚姻無效之裁判或撤銷婚姻之裁判確定者，處三年以下有期徒刑。

238
以詐術締結無效或得撤銷之婚姻，因而致婚姻無效之裁判或撤銷婚姻之裁判確定者，處三年以下有期徒刑。

Article 238

A person who by fraudulent means enters into a void or voidable marriage which is declared void or is annulled by final decision shall be punished with imprisonment for not more than three years.

239 ()
有配偶而與人通姦者，處一年以下有期徒刑。其相姦者亦同。

239
有配偶而與人通姦者，處一年以下有期徒刑；其相姦者亦同。

Article 239

A married person who commits adultery with another shall be punished with imprisonment for not more than one year; the other party to the adultery shall be subject to the same punishment.

240 ()
和誘未滿二十歲之男女，脫離家庭或其他有監督權之人者，處三年以下有期徒刑。

240
和誘未滿二十歲之男女脫離家庭或其他有監督權之人者，處三年以下有期徒刑。

Article 240

A person who with the consent of a male or female person who has not completed the twentieth year of his age abducts such male or female person from his family or from another who has the right of supervision over him shall be punished with imprisonment for not more than three years.

和誘有配偶之人脫離家庭者，亦同。

和誘有配偶之人脫離家庭者亦同。

A person who with the consent of a married person abducts such married person from his family shall be subject to the same punishment.

意圖營利，或意圖使被誘人為猥褻之行為或性交，而犯前二項

意圖營利或意圖使被誘人為猥褻之行為或姦淫，而犯前二項之

A person who for the purpose of gain or for the purpose of causing an abducted person to submit to an indecent act or to carnal relations commits

之罪者，處六月以上五年以下有期徒刑，得併科一千元以下罰金。

前三項之未遂犯罰之。

241 ()

略誘未滿二十歲之男女，脫離家庭或其他有監督權之人者，處一年以上七年以下有期徒刑。

意圖營利，或意圖使被誘人為猥褻之行為或性交，而犯前項之罪者，處三年以上十年以下有期徒刑，得併科一千元以下罰金。

和誘未滿十六歲之男女，以略誘論。

前三項之未遂犯罰之。

242 ()

移送前二條之被誘人出中華民國領域外者，處無期徒刑或七年以上有期徒刑。

前項之未遂犯罰之。

243 ()

意圖營利，或意圖使第二百四十條或第二百四十一條之被誘人為猥褻之行為或性交，而收受、藏匿被

罪者，處六月以上、五年以下有期徒刑，得併科一千元以下罰金。

前三項之未遂犯罰之。

241

略誘未滿二十歲之男女脫離家庭或其他有監督權之人者，處一年以上、七年以下有期徒刑。

意圖營利或意圖使被誘人為猥褻之行為或姦淫，而犯前項之罪者，處三年以上、十年以下有期徒刑，得併科一千元以下罰金。

和誘未滿十六歲之男女，以略誘論。

前三項之未遂犯罰之。

242

移送前二條之被誘人出中華民國領域外者，處無期徒刑或七年以上有期徒刑。

前項之未遂犯罰之。

243

意圖營利，或意圖使第二百四十條或第二百四十一條之被誘人為猥褻之行為或姦淫，而收受、藏匿被

the offence specified in one of the two preceding paragraphs shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

An attempt to commit an offence specified in one of the three preceding paragraphs is punishable.

Article 241

A person who forcibly abducts from his family or from another who has the right of supervision over him a male or female person who has not completed the twentieth year of his age shall be punished with imprisonment for not less than one and not more than seven years.

A person who for the purpose of gain or for the purpose of causing an abducted person to submit to an indecent act or to carnal relations commits an offence specified in the preceding paragraph shall be punished with imprisonment for not less than three and not more than ten years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

Abduction with consent of a male or female person who has not completed the sixteenth year of his age shall be considered to be forcible abduction.

An attempt to commit an offence specified in one of the three preceding paragraphs is punishable.

Article 242

A person who causes an abducted person specified in one of the two preceding articles to be transported beyond the territory of the Republic of China shall be punished with imprisonment for life or for not less than seven years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

Article 243

A person who for the purpose of gain or for the purpose of causing an abducted person specified in one of the Articles 240 or 241 to submit to an indecent act or to carnal relations receives or harbors such abducted person or

誘人或使之隱避者，處六月以上五年以下有期徒刑，得併科五百元以下罰金。
前項之未遂犯罰之。

誘人或使之隱避者，處六月以上、五年以下有期徒刑，得併科五百元以下罰金。
前項之未遂犯罰之。

causes him to be concealed shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine of not more than 500 yuan may be imposed.
An attempt to commit an offence specified in the preceding paragraph is punishable.

244 ()

犯第二百四十條至第二百四十三條之罪，於裁判宣告前送回被誘人或指明所在地因而尋獲者，得減輕其刑。

244

犯第二百四十條至第二百四十三條之罪，於裁判宣告前送回被誘人或指明所在地因而尋獲者，得減輕其刑。

Article 244

A person who commits an offence specified in one of the Articles'240 through 243 and who returns the abducted person or reveals the location of such person resulting in his recovery before a decision has been pronounced may have his punishment reduced.

245 ()

第二百三十八條、第二百三十九條之罪及第二百四十條第二項之罪，須告訴乃論。第二百三十九條之罪配偶縱容或有怨者，不得告訴。

245

第二百三十八條、第二百三十九條之罪及第二百四十條第二項之罪，須告訴乃論。第二百三十九條之罪，配偶縱容或有怨者，不得告訴。

Article 245

Prosecution for an offence specified in one of the Articles 238, 239, or paragraph II of Article 240 may be instituted only upon complaint.
No complaint may be made for an offence specified in Article 236 if the spouse has connived at or forgiven such offence.

Chapter XVIII Offences against Religion, Graves, and Corpses

246 ()

對於壇廟、寺觀、教堂、墳墓或公眾紀念處所，公然侮辱者，處六月以下有期徒刑、拘役或三百元以下罰金。
妨害喪、葬、祭禮、說教、禮拜者，亦同。

246

對於壇廟、寺觀、教堂、墳墓或公眾紀念處所公然侮辱者，處六月以下有期徒刑、拘役或三百元以下罰金。
妨害喪、葬、祭禮、說教、禮拜者亦同。

Article 246

A person who publicly insults a shrine, temple, church, grave, or public memorial place shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 300 yuan.
A person who interferes with a funeral, burial, sacrifice, religious service, or worship shall be subject to the same punishment.

247 ()

損壞、遺棄、污辱或盜取屍體者，處六月以上五年以下有期徒刑

247

損壞、遺棄、污辱或盜取屍體者，處六月以上、五年以下有期

Article 247

A person who mutilates, abandons, insults, or steals a corpse shall be punished with imprisonment for not less than five years.

刑。
損壞、遺棄或盜取遺骨、遺髮、殮物或火葬之遺灰者，處五年以下有期徒刑。
前二項之未遂犯罰之。

248 (

)
發掘墳墓者，處六月以上五年以下有期徒刑。
前項之未遂犯罰之。

249 (

)
發掘墳墓而損壞、遺棄、污辱或盜取屍體者，處三年以上十年以下有期徒刑。
發掘墳墓而損壞、遺棄或盜取遺骨、遺髮、殮物或火葬之遺灰者，處一年以上七
年以下有期徒刑。

250 (

)
對於直系血親尊親屬犯第二百四十七條至第二百四十九條之罪者，加重其刑至二分之一。

251 (

)
以強暴、脅迫或詐術為左列行為之一者，處五年以下有期徒刑、拘役或三千元以下罰金：
一、妨害販運穀類及其他公共所需之飲食

徒刑。
損壞、遺棄或盜取遺骨、遺髮、殮物或火葬之遺灰者，處五年以下有期徒刑。
前二項之未遂犯罰之。

248

發掘墳墓者，處六月以上、五年以下有期徒刑。
前項之未遂犯罰之。

249

發掘墳墓而損壞、遺棄、污辱或盜取屍體者，處三年以上、十年以下有期徒刑。
發掘墳墓而損壞、遺棄、或盜取遺骨、遺髮、殮物或火葬之遺灰者，處一年以上、七年以下有期徒刑。

250

對於直系血親尊親屬犯第二百四十七條至第二百四十九條之罪者，加重其刑至二分之一。

251

以強暴、脅迫或詐術為左列行為之一者，處五年以下有期徒刑、拘役或三千元以下罰金：
一、妨害販運穀類及其他公共所需之飲食

A person who damages, abandons, or steals the bones, hair, burial articles, or cremated remains of a deceased person shall be punished with imprisonment for not more than five years.
An attempt to commit an offense specified in one of the two preceding paragraphs is punishable.

Article 248

A person who opens a grave shall be punished with imprisonment for not more than five years.
An attempt to commit an offense specified in the preceding paragraph is punishable.

Article 249

A person who opens a grave and murtheres, abandons, insults, or steals the corpses shall be punished with imprisonment for not less than three and not more than ten years.
A person who opens a grave and damages, abandons, or steals the bones, hair, burial articles, or cremated remains of a deceased person shall be punished with imprisonment for not less than one and not more than seven years.

Article 250

A person who commits an offense specified in one of the Articles 247 through 249 against his lineal blood ascendant shall be subject to the punishment prescribed for such offense increased up to one half.

Chapter XIX Offences against Agriculture, Industry, and Commerce

Article 251

A person who by threats, violence, or fraud commits one of the following offences shall be punished with imprisonment for not more than five years, detention, or a fine of not more than 3,000 yuan:
1. Obstructs the sale or transportation of grain or other foodstuff needed by the public and thereby

物品，致市上生缺乏者。
二、妨害販運種子、肥料、原料及其他農業、工業所需之物品，致市上生缺乏者。
前項之未遂犯罰之。

物品，致市上生缺乏者。
二、妨害販運種子、肥料、原料及其他農藥、工業所需之物品，致市上生缺乏者。
前項之未遂犯罰之。

causes a deficiency in the market;

2. Obstructs the sale or transportation of seed, fertilizer, raw material, or other thing needed in agriculture or industry and thereby causes a deficiency in the market.

An attempt to commit an offence specified in the preceding paragraph is punishable.

252 ()

意圖加損害於他人而妨害其農事上之水利者，處二年以下有期徒刑、拘役或三百元以下罰金。

252

意圖加損害於他人而妨害其農事上之水利者，處二年以下有期徒刑、拘役或三百元以下罰金。

Article 252

A person who with intent to cause injury impairs the agricultural irrigation works of another shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 300 yuan.

253 ()

意圖欺騙他人而偽造或仿造已登記之商標、商號者，處二年以下有期徒刑、拘役或科或併科三千元以下罰金。

253

意圖欺騙他人而偽造或仿造已登記之商標、商號者，處二年以下有期徒刑、拘役或科或併科三千元以下罰金。

Article 253

A person who with intent to defraud, another counterfeits or imitates a registered trade mark or firm name shall be punished with imprisonment for not more than two years of detention; in lieu thereof, or in addition thereto, a fine of not more than 3,000 yuan shall be imposed.

254 ()

明知為偽造或仿造之商標、商號之貨物而販賣，或意圖販賣而陳列，或自外國輸入者，處二千元以下罰金。

254

明知為偽造或仿造之商標、商號之貨物而販賣，或意圖販賣而陳列，或自外國輸入者，處二千元以下罰金。

Article 254

A person who sells, offers for sale, or imports a thing which he knows to have a counterfeit or imitation trademark or firm name shall be punished with a fine of not more than 2,000 yuan.

255 ()

意圖欺騙他人，而就商品之原產國或品質，為虛偽之標記或其他表示者，處一年以下有期徒刑、拘役或一千元以下罰金。明知為前項商品而販賣，或意圖販賣而陳列，或自外國輸入

255

意圖欺騙他人，而就商品之原產國或品質，為虛偽之標記或其他表示者，處一年以下有期徒刑，拘役或一千元以下罰金。明知為前項商品而販賣，或意圖販賣而陳列，或自外國輸入者

Article 255

A person who with intent to defraud another makes a false mark or other sign on a thing which describes its country of Origin or quality shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 1,000 yuan.

A person who knowingly sells, offers for sale, or imports a thing specified in the preceding paragraph shall be subject to the same

者，亦同。

亦同。

punishment.

○

256 (

製造鴉片者，處七年以下有期徒刑，得併科三千元以下罰金。

製造嗎啡、高根、海洛因或其化質料者，處無期徒刑或五年以上有期徒刑，得併科五千元以下罰金。
前二項之未遂犯罰之。

257 (

販賣或運輸鴉片者，處七年以下有期徒刑，得併科三千元以下罰金。

販賣或運輸嗎啡、高根、海洛因或其化質料者，處三年以上十年以下有期徒刑，得併科五千元以下罰金。
自外國輸入前二項之物者，處無期徒刑或五年以上有期徒刑，得併科一萬元以下罰金。
前三項之未遂犯罰之。

258 (

製造、販賣或運輸專供吸食鴉片之器具者，處三年以下有期徒刑，得併科五百元以下罰金。
前項之未遂犯罰之。

256

製造鴉片者，處七年以下有期徒刑，得併科三千元以下罰金。

製造嗎啡、高根、海洛因或其化質料者，處無期徒刑或五年以上有期徒刑，得併科五千元以下罰金。
前二項之未遂犯罰之。

257

販賣或運輸鴉片者，處七年以下有期徒刑，得併科三千元以下罰金。

販賣或運輸嗎啡、高根、海洛因或其化質料者，處三年以上、十年以下有期徒刑，得併科五千元以下罰金。
自外國輸入前二項之物者，處無期徒刑或五年以上有期徒刑，得併科一萬元以下罰金。
前三項之未遂犯罰之。

258

製造、販賣或運輸專供吸食鴉片之器具者，處三年以下有期徒刑，得併科五百元以下罰金。
前項之未遂犯罰之。

Chapter XX Offences Relating to Opium

Article 256

A person who manufactures opium shall be punished with imprisonment for not more than seven years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

A person who manufactures morphine, cocaine, heroin, or one of their compounds shall be punished with imprisonment for life or for not less than five years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.

An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

Article 257

A person who sells or transports opium shall be punished with imprisonment for not more than seven years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

A person who sells or transports morphine, cocaine, heroin, or one of their compounds shall be punished with imprisonment for not less than three and not more than ten years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.

A person who imports a thing specified in one of the two preceding paragraphs shall be punished with imprisonment for life or for not less than five years; in addition thereto, a fine of not more than 10,000 yuan may be imposed.

An attempt to commit an offence specified in one of the three preceding paragraphs is punishable.

Article 258

A person who manufactures, sells, or transports an instrument used specially to smoke or take opium shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 500 yuan may be imposed.

An attempt to commit an offence specified in the preceding paragraph is punishable.

| | | |
|---|---|--|
| <p><u>259</u> ()</p> <p>意圖營利，為人施打嗎啡，或以館舍供人吸食鴉片或其化合物者，處一年以上七年以下有期徒刑，得併科一千元以下罰金。 前項之未遂犯罰之。</p> | <p>259</p> <p>意圖營利，為人施打嗎啡，或以館舍供人吸食鴉片或其化合物者，處一年以上、七年以下有期徒刑，得併科一千元以下罰金。 前項之未遂犯罰之。</p> | <p>Article 259</p> <p>A person who for the purpose of gain gives another a morphine injection or supplies a place for him to smoke or take opium or one of its compounds shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 1,000 yuan may be imposed. An attempt to commit an offence specified in the preceding paragraph is punishable.</p> |
| <p><u>260</u> ()</p> <p>意圖供製造鴉片、嗎啡之用，而栽種罌粟者，處五年以下有期徒刑，得併科三千元以下罰金。</p> <p>意圖供製造鴉片、嗎啡之用，而販賣或運輸罌粟種子者，處三年以下有期徒刑，得併科三千元以下罰金。 前二項之未遂犯罰之。</p> | <p>260</p> <p>意圖供製造鴉片、嗎啡之用而栽種罌粟者，處五年以下有期徒刑，得併科三千元以下罰金。</p> <p>意圖供製造鴉片，嗎啡之用，而販賣或運輸罌粟種子者，處三年以下有期徒刑，得併科三千元以下罰金。 前二項之未遂犯罰之。</p> | <p>Article 260</p> <p>A person who cultivates the poppy plant with intent that it be used to manufacture opium or morphine shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 3,000 yuan may be imposed. A person who sells or transports poppy seeds with intent that they be used to manufacture opium or morphine shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 3,000 yuan may be imposed. An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.</p> |
| <p><u>261</u> ()</p> <p>公務員利用權力強迫他人犯前條之罪者，處死刑或無期徒刑。</p> | <p>261</p> <p>公務員利用權力強迫他人犯前條之罪者，處死刑或無期徒刑。</p> | <p>Article 261</p> <p>A public official who uses his authority to compel another to commit an offence specified in the preceding article shall be punished with death or imprisonment for life.</p> |
| <p><u>262</u> ()</p> <p>吸食鴉片或施打嗎啡或使用高根、海洛因或其化合物者，處六月以下有期徒刑、拘役或五百元以下罰金。</p> | <p>262</p> <p>吸食鴉片或施打嗎啡或使用高根、海洛因或其化合物者，處六月以下有期徒刑、拘役或五百元以下罰金。</p> | <p>Article 262</p> <p>A person who smokes or takes opium, takes a morphine injection, or uses cocaine, heroin, or one of their compounds shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 500 yuan.</p> |
| <p><u>263</u> ()</p> | <p>263</p> | <p>Article 263</p> |

)
意圖供犯本章各罪之用，而持有鴉片、嗎啡、高根、海洛因或其化合質料，或專供吸食鴉片之器具者，處拘役或五百元以下罰金。

意圖供犯本章各罪之用，而持有鴉片、嗎啡、高根、海洛因或其化合質料，或專供吸食鴉片之器具者，處拘役或五百元以下罰金。

A person who with the intent to commit an offence specified in this Chapter possesses opium, morphine, cocaine, heroin, or one of their compounds or an instrument specially used to smoke or take opium shall be punished with detention or a fine of not more than 500 yuan.

264 (

)
公務員包庇他人犯本章各條之罪者，依各該條之規定，加重其刑至二分之一。

264

公務員包庇他人犯本章各條之罪者，依各該條之規定，加重其刑至二分之一。

Article 264

A public official who harbors another who commits an offence specified in this Chapter shall be subject to the punishment prescribed for such offence increased up to one half.

265 ()

犯本章各條之罪者，其鴉片、嗎啡、高根、海洛因或其化合質料，或種子或專供吸食鴉片之器具，不問屬於犯人與否，沒收之。

265

犯本章各條之罪者，其鴉片、嗎啡、高根、海洛因或其化合質料，或種子，或專供吸食鴉片之器具，不問屬於犯人與否，沒收之。

Article 265

If an offence specified in this Chapter is committed, the opium, morphine, cocaine, heroin, one of their compounds, their seeds, or an instrument specially used to smoke opium shall be confiscated whether or not it belongs to the offender.

Chapter XXI Offences Of Gambling

266 (

)
在公共場所或公眾得出入之場所賭博財物者，處一千元以下罰金。但以供人暫時娛樂之物為賭者，不在此限。
當場賭博之器具與在賭檯或兌換籌碼處之財物，不問屬於犯人與否，沒收之。

266

在公共場所或公眾得出入之場所賭博財物者，處一千元以下罰金。但以供人暫時娛樂之物為賭者，不在此限。
當場賭博之器具與在賭檯或兌換籌碼處之財物，不問屬於犯人與否，沒收之。

Article 266

A person who gambles in a public place or a place open to the public shall be punished with a fine of not more than 1,000 yuan unless the item for which he gambles is one to provide temporary amusement.

Gambling apparatus at the site or a thing of value found at the gambling table or place for exchange of gambling tokens shall be confiscated whether or not it belongs to the offender.

267

(刪除)

267

以賭博為常業者，處二年以下有期徒刑，得併科一千元以下罰金。

Article 267

A person who makes, gambling an occupation shall be punished with imprisonment for not more than two years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

268 (

268

Article 268

意圖營利，供給賭博場所或聚眾賭博者，處三年以下有期徒刑，得併科三千元以下罰金。

269 (

)
意圖營利，辦理有獎儲蓄或未經政府允准而發行彩票者，處一年以下有期徒刑或拘役，得併科三千元以下罰金。

經營前項有獎儲蓄或為買賣前項彩票之媒介者，處六月以下有期徒刑、拘役或科或併科一千元以下罰金。

270 (

)
公務員包庇他人犯本章各條之罪者，依各該條之規定，加重其刑至二分之一。

271 (

)
殺人者，處死刑、無期徒刑或十年以上有期徒刑。
前項之未遂犯罰之。

預備犯第一項之罪者，處二年以下有期徒刑。

272 (

)
殺直系血親尊親屬者，處死刑或無期徒刑。

意圖營利，供給賭博場所或聚眾賭博者，處三年以下有期徒刑，得併科三千元以下罰金。

269

意圖營利，辦理有獎儲蓄或未經政府允准而發行彩票者，處一年以下有期徒刑或拘役，得併科三千元以下罰金。

經營前項有獎儲蓄或為買賣前項之彩票之媒介者，處六月以下有期徒刑、拘役或科或併科一千元以下罰金。

270

公務員包庇他人犯本章各條之罪者，依各該條之規定，加重其刑至二分之一。

271

殺人者，處死刑、無期徒刑或十年以上有期徒刑。
前項之未遂犯罰之。

預備犯第一項之罪者，處二年以下有期徒刑。

272

殺直系血親尊親屬者，處死刑或無期徒刑。

A person who for the purpose of gain furnishes a place to gamble or assembles persons to gamble shall be punished with imprisonment for not more than three years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

Article 269

A person who for the purpose of gain operates a prize-giving savings business or issues lottery tickets without permission of the Government shall be punished with imprisonment for not more than one year or detention; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

An agent who acts as an intermediary in a prize-giving savings business or in the sale of lottery tickets as specified in the preceding paragraph shall be punished with imprisonment for not more than six months or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

Article 270

A public official who harbors another who commits an offence specified in this Chapter shall be subject to the punishment prescribed for such offence increased up to one half.

Chapter XXII Offences of Homicide

Article 271

A person who kills another shall be punished with death, imprisonment for life, or for not less than ten years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

A person who makes preparation to commit an offence specified in paragraph 1 shall be punished with imprisonment for not more than two years.

Article 272

A person who kills his lineal blood ascendant shall be punished with death or imprisonment for

刑。
前項之未遂犯罰之。

預備犯第一項之罪者，處三年以下有期徒刑。

273 (

)
當場激於義憤而殺人者，處七年以下有期徒刑。
前項之未遂犯罰之。

274 (

)
母於生產時或甫生產後，殺其子女者，處六月以上五年以下有期徒刑。
前項之未遂犯罰之。

275 (

)
教唆或幫助他人使之自殺，或受其囑託或得其承諾而殺之者，處一年以上七年以下有期徒刑。
前項之未遂犯罰之。

謀為同死而犯第一項之罪者，得免除其刑。

276 (

)
因過失致人於死者，處二年以下有期徒刑、拘役或二千元以下罰金。
從事業務之人，因業務上之過失犯前項之罪者，處五年以下有期徒刑或拘役，得併科三千元以下罰金。

刑。
前項之未遂犯罰之。

預備犯第一項之罪者，處三年以下有期徒刑。

273

當場激於義憤而殺人者，處七年以下有期徒刑。
前項之未遂犯罰之。

274

母於生產時或甫生產後殺其子女者，處六月以上、五年以下有期徒刑。
前項之未遂犯罰之。

275

教唆或幫助他人使之自殺，或受其囑託或得其承諾而殺之者，處一年以上、七年以下有期徒刑。
前項之未遂犯罰之。

謀為同死而犯第一項之罪者，得免除其刑。

276

因過失致人於死者，處二年以下有期徒刑、拘役或二千元以下罰金。
從事業務之人，因業務上之過失，犯前項之罪者，處五年以下有期徒刑或拘役，得併科三千元以下罰金。

life.
An attempt to commit an offence specified in the preceding paragraph is punishable.
A person who makes preparation to commit an offence specified in paragraph I shall be punished with imprisonment for not more than three years.

Article 273

A person who being justly angered thereupon kills another shall be punished with imprisonment for not more than seven year's.
An attempt to commit an offence specified in the preceding paragraph is punishable.

Article 274

A mother who kills her child at the time of or immediately after its birth shall be punished with imprisonment for not less than six months and not more than five years.
An attempt to commit an offence specified in the preceding paragraph is punishable.

Article 275

A person who instigates or assists another to commit suicide or who kills another upon his request or with his consent shall be punished with imprisonment for not less than one and not more than seven years.
An attempt to commit an offence specified in the preceding paragraph is punishable.
If two or more persons agree to die together and commit an offence specified in paragraph I, the punishment may be remitted.

Article 276

A person who negligently kills another shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 2,000 yuan.
A person who in the performance of his occupation commits an offence specified in the preceding paragraph by neglecting the degree of care required by such occupation shall be punished with imprisonment for not more than five years or detention; in addition thereto, a fine

of not more than 3,000 yuan may be imposed.

Chapter XXIII Offences of Causing Bodily Harm

277 (

)
傷害人之身體或健康者，處三年以下有期徒刑、拘役或一千元以下罰金。
犯前項之罪因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。

277

傷害人之身體或健康者，處三年以下有期徒刑、拘役或一千元以下罰金。
犯前項之罪，因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

Article 277

A person who injures the body or health of another shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 1,000 yuan.
If death results from the commission of an offence specified in the preceding paragraph, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

278 ()

使人受重傷者，處五年以上十二年以下有期徒刑。
犯前項之罪因而致人於死者，處無期徒刑或七年以上有期徒刑。
第一項之未遂犯罰之。

278

使人受重傷者，處五年以上、十二年以下有期徒刑。
犯前項之罪因而致人於死者，處無期徒刑或七年以上有期徒刑。
第一項之未遂犯罰之。

Article 278

A person who causes serious bodily harm to another shall be punished with imprisonment for not less than five and not more than twelve years.
If death results from the commission of an offence specified in the preceding paragraph, the offender shall be punished with imprisonment for life or for not less than seven years.
An attempt to commit an offence specified in paragraph I is punishable.

279 (

)
當場激於義憤犯前二條之罪者，處二年以下有期徒刑、拘役或一千元以下罰金。但致人於死者，處五年以下有期徒刑。

279

當場激於義憤犯前二條之罪者，處二年以下有期徒刑、拘役或一千元以下罰金。但致人於死者，處五年以下有期徒刑。

Article 279

A person who being justly angered thereupon commits an offence specified in one of the two preceding articles shall be punished with imprisonment for not more than two years detention, or a fine of not more than 1,000 yuan; if death results from the commission of such offence, he shall be punished with imprisonment for not more than five years.

280 (

)
對於直系血親尊親屬，犯第二百七十七條或第二百七十八條之罪者，加重其刑至二分之一。

280

對於直系血親尊親屬，犯第二百七十七條或二百七十八條之罪者，加重其刑至二分之一。

Article 280

A person who commits an offence specified in one of the Articles 277 or 278 against his lineal blood ascendant shall be subject to the punishment prescribed for such offence increased up to one half.

281 (

)
施強暴於直系血親尊親屬，未成傷者，處一年以下有期徒刑、拘役或五百元以下罰金。

282 (

)
教唆或幫助他人使之自傷，或受其囑託或得其承諾而傷害之，成重傷者，處三年以下有期徒刑。因而致死者，處六月以上五年以下有期徒刑。

283 (

)
聚眾鬥毆致人於死或重傷者，在場助勢而非出於正當防衛之人，處三年以下有期徒刑，下手實施傷害者，仍依傷害各條之規定處斷。

284 (

)
因過失傷害人者，處六月以下有期徒刑、拘役或五百元以下罰金，致重傷者，處一年以下有期徒刑、拘役或五百元以下罰金。
從事業務之人，因業務上之過失傷害人者，處一年以下有期徒刑、拘役或一千元以下罰金，致重傷者，處三年以下有期徒刑、拘役或二千元以下罰金。

281

施強暴於直系血親尊親屬未成傷者，處一年以下有期徒刑、拘役或五百元以下罰金。

282

教唆或幫助他人使之自傷，或受其囑託或得其承諾而傷害之，成重傷者，處三年以下有期徒刑；因而致死者，處六月以上、五年以下有期徒刑。

283

聚眾鬥毆致人於死或重傷者，在場助勢而非出於正當防衛之人，處三年以下有期徒刑；下手實施傷害者，仍依傷害各條之規定處斷。

284

因過失傷害人者，處六月以下有期徒刑、拘役或五百元以下罰金；致重傷者，處一年以下有期徒刑、拘役或五百元以下罰金。
從事業務之人，因業務上之過失傷害人者，處一年以下有期徒刑、拘役或一千元以下罰金；致重傷者，處三年以下有期徒刑、拘役或二千元以下罰金。

Article 281

A person who commits an act of violence against his lineal blood ascendant without causing him an injury shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

Article 282

A person who instigates or assists another to injure himself or causes injury to another upon his request or with his consent shall, if serious bodily harm results, be punished with imprisonment for not more than three years; if death results, he shall be punished with imprisonment for not less than six months and not more than five years.

Article 283

A person not acting in proper self-defense who participates in an affray which results in death or serious bodily harm shall be punished with imprisonment for not more than three years; a person who actually causes such bodily harm shall be punished in accordance with the provisions of articles relating to offences of causing bodily harm.

Article 284

A person who negligently causes bodily harm to another shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 1,000 yuan; if serious bodily harm results, he shall be punished with imprisonment for not more than one year, detention or a fine of not more than 500 yuan.
A person who in the performance of his occupation causes bodily harm to another by neglecting the degree of care required by such occupation shall be punished with imprisonment for not more than one year, detention or a fine of not more than 1,000 yuan; if serious bodily harm results, he shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 2,000 yuan.

285 ()
明知自己有花柳病或麻瘋，隱瞞而與他人為猥褻之行為或姦淫，致傳染於人者，處一年以下有期徒刑、拘役或五百元以下罰金。

286 ()
對於未滿十六歲之男女，施以凌虐或以他法致妨害其身體之自然發育者，處五年以下有期徒刑、拘役或五百元以下罰金。

意圖營利，而犯前項之罪者，處五年以上有期徒刑，得併科一千元以下罰金。

287 ()
第二百七十七條第一項、第二百八十一條、第二百八十四條及第二百八十五條之罪，須告訴乃論。但公務員於執行職務時，犯第二百七十七條第一項之罪者，不在此限。

288 ()
懷胎婦女服藥或以他法墮胎者，處六月以下有期徒刑、拘役或一百元以下罰金。
懷胎婦女聽從他人墮胎者，亦同。

因疾病或其他防止生

285
明知自己有花柳病或麻瘋，隱瞞而與他人為猥褻之行為或姦淫，致傳染於人者，處一年以下有期徒刑、拘役或五百元以下罰金。

286
對於未滿十六歲之男女，施以凌虐或以他法致妨害其身體之自然發育者，處五年以下有期徒刑、拘役或五百元以下罰金。

意圖營利而犯前項之罪者，處五年以上有期徒刑，得併科一千元以下罰金。

287
第二百七十七條第一項、第二百八十一條、第二百八十四條及第二百八十五條之罪，須告訴乃論。但公務員於執行職務時，犯第二百七十七條第一項之罪者，不在此限。

288
懷胎婦女服藥或以他法墮胎者，處六月以下有期徒刑、拘役或一百元以下罰金。
懷胎婦女聽從他人墮胎者亦同。

因疾病或其他防止生

Article 285
A person who knows that he has a venereal disease or leprosy, conceals such fact, commits an indecent act or has carnal relations with another and causes such other to be infected shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

Article 286
A person who maltreats a male or female person who has not completed the sixteenth year of his age or who by other means impairs the natural development of the body of such male or female person shall be punished with imprisonment for not more than five years, detention, or a fine of not more than 500 yuan.

A person who for the purpose of gain commits an offence specified in the preceding paragraph shall be punished with imprisonment for not less than five years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

Article 287
Prosecution for an offence specified in paragraph I of Article 277, Articles 281, 284, or 285 may be instituted only upon complaint unless the offence specified in paragraph I of Article 277 is committed by a public official.

Chapter XXIV Offences Of Abortion

Article 288
A pregnant woman who by taking drugs or by other means causes her abortion shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 100 yuan.
A pregnant woman who permits another to cause her abortion shall be subject to the same punishment.

If the commission of an offence specified in one

命上危險之必要，而犯前二項之罪者，免除其刑。

命上危險之必要，而犯前二項之罪者，免除其刑。

of the two preceding paragraphs is necessary because sickness or to avert danger to life, the punishment shall be remitted.

289 (

)
受懷胎婦女之囑託或得其承諾，而使之墮胎者，處二年以下有期徒刑。

因而致婦女於死者，處六月以上五年以下有期徒刑。致重傷者，處三年以下有期徒刑。

289

受懷胎婦女之囑託或得其承諾，而使之墮胎者，處二年以下有期徒刑。

因而致婦女於死者，處六月以上、五年以下有期徒刑；致重傷者，處三年以下有期徒刑。

Article 289

A person who at the request or with the consent of a pregnant woman causes her abortion shall be punished with imprisonment for not more than two years.

If the commission of the offence results in the death of the woman, the offender shall be punished with imprisonment for not less than six months and not more than five years; if serious bodily harm results, the offender shall be punished with imprisonment for not more than three years.

290 (

)
意圖營利，而犯前條第一項之罪者，處六月以上五年以下有期徒刑，得併科五百元以下罰金。

因而致婦女於死者，處三年以上十年以下有期徒刑，得併科五百元以下罰金。致重傷者，處一年以上七年以下有期徒刑，得併科五百元以下罰金。

290

意圖營利而犯前條第一項之罪者，處六月以上、五年以下有期徒刑，得併科五百元以下罰金。

因而致婦女於死者，處三年以上、十年以下有期徒刑，得併科五百元以下罰金；致重傷者，處一年以上、七年以下有期徒刑，得併科五百元以下罰金。

Article 290

A person who for the purpose of gain commits an offence specified in paragraph I of the preceding article shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine of not more than 500 yuan may be imposed.

If the commission of the offence results in the death of the woman, the offender shall be punished with imprisonment for not less than three and not more than ten years; in addition thereto, a fine of not more than 500 yuan may be imposed; if serious bodily harm results, the offender shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 500 yuan may be imposed.

291 (

)
未受懷胎婦女之囑託或未得其承諾，而使之墮胎者，處一年以上七年以下有期徒刑。

因而致婦女於死者，處無期徒刑或七年以上有期徒刑。致重傷者，處三年以上十年以下有期徒刑。

291

未受懷胎婦女之囑託或未得其承諾，而使之墮胎者，處一年以上、七年以下有期徒刑。

因而致婦女於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

Article 291

A person who without the request or consent of a pregnant woman causes her abortion shall be punished with imprisonment for not less than one and not more than seven years.

If the commission of the offence results in the death of the woman, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with

第一項之未遂犯罰之。

292 (

)
以文字、圖畫或他法，公然介紹墮胎之方法或物品，或公然介紹自己或他人為墮胎之行為者，處一年以下有期徒刑、拘役或科或併科一千元以下罰金。

293 (

)
遺棄無自救力之人者，處六月以下有期徒刑、拘役或一百元以下罰金。
因而致人於死者，處五年以下有期徒刑；致重傷者，處三年以上有期徒刑。

294 (

)
對於無自救力之人，依法令或契約應扶助、養育或保護而遺棄之，或不為其生存所必要之扶助、養育或保護者，處六月以上、五年以下有期徒刑。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。

294-1 ()

第一項之未遂犯罰之。

292

以文字、圖畫或他法，公然介紹墮胎之方法或物品，或公然介紹自己或他人為墮胎之行為者，處一年以下有期徒刑、拘役或科或併科一千元以下罰金。

293

遺棄無自救力之人者，處六月以下有期徒刑、拘役或一百元以下罰金。
因而致人於死者，處五年以下有期徒刑；致重傷者，處三年以上有期徒刑。

294

對於無自救力之人，依法令或契約應扶助、養育或保護而遺棄之，或不為其生存所必要之扶助、養育或保護者，處六月以上、五年以下有期徒刑。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。

imprisonment for not less than three and not more than ten years.

An attempt to commit an offence specified in paragraph I is punishable.

Article 292

A person who by a writing, drawing or other means publicly advertises a method or thing to be used for abortion or who offers the services of himself or of another for abortion shall be punished with imprisonment for not more than one year or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

Chapter XXV Offences Of Abandonment

Article 293

A person who abandons a helpless person shall be punished with imprisonment for not more than six months, detention, or a fine of not more than 100 yuan.

If the commission of the offence results in death, the offender shall be punished with imprisonment for not more than five years; if serious bodily harm results, the offender shall be punished with imprisonment for not more than three years.

Article 294

A person who by law, order, or contract must support or protect a helpless person but who abandons him or does not give him support or protection necessary to preserve his life shall be punished by imprisonment for not less than six months and not more than five years.

If the commission of the offence results in death, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

對於無自救力之人，依民法親屬編應扶助、養育或保護，因有下列情形之一，而不為無自救力之人生存所必要之扶助、養育或保護者，不罰：

一、無自救力之人前為最輕本刑六月以上有期徒刑之罪之行為，而侵害其生命、身體或自由者。

二、無自救力之人前對其為第二百二十七條第三項、第二百二十八條第二項、第二百三十一條第一項、第二百八十六條之行為或人口販運防制法第三十二條、第三十三條之行為者。

三、無自救力之人前侵害其生命、身體、自由，而故意犯前二款以外之罪，經判處逾六月有期徒刑確定者。

四、無自救力之人前對其無正當理由未盡扶養義務持續逾二年，且情節重大者。

295 ()

對於直系血親尊親屬犯第二百九十四條之罪者，加重其刑至二分之一。

295

對於直系血親尊親屬犯前條之罪者，加重其刑至二分之一。

Article 295

A person who commits an offence specified in the preceding article against his lineal blood ascendant shall be subject to the punishment prescribed for such offence increased up to one half.

Chapter XXVI Offences Against Personal Liberty

296 ()

使人為奴隸或使人居於類似奴隸之不自由地位者，處一年以上

296

使人為奴隸或使人居於類似奴隸之不自由地位者，處一年以

Article 296

A person who enslaves another or place him in a position without freedom similar to slavery shall be punished with imprisonment for not less than

七年以下有期徒刑。
前項之未遂犯罰之。

上、七年以下有期徒刑。
前項之未遂犯罰之。

one and not more than seven years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

296-1 ()

買賣、質押人口者，處五年以上有期徒刑，得併科五十萬元以下罰金。
意圖使人為性交或猥褻之行為而犯前項之罪者，處七年以上有期徒刑，得併科五十萬元以下罰金。
以強暴、脅迫、恐嚇、監控、藥劑、催眠術或其他違反本人意願之方法犯前二項之罪者，加重其刑至二分之一。
媒介、收受、藏匿前三項被買賣、質押之人或使之隱避者，處一年以上七年以下有期徒刑，得併科三十萬元以下罰金。
公務員包庇他人犯前四項之罪者，依各該項之規定加重其刑至二分之一。
第一項至第三項之未遂犯罰之。

297 ()

意圖營利，以詐術使人出中華民國領域外者，處三年以上十年以下有期徒刑，得併科三十萬元以下罰金。

前項之未遂犯罰之。

297

意圖營利，以詐術使人出中華民國領域外者，處三年以上、十年以下有期徒刑，得併科三千元以下罰金。
以犯前項之罪為常業者，處五年以上有期徒刑，得併科五千元以下罰金。

第一項之未遂犯罰

Article 297

A person who for the purpose of gain fraudulently causes another to leave the territory of the Republic of China shall be punished with imprisonment for not less than three and not more than ten years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

A person who makes the commission of an offence specified in the preceding paragraph an occupation shall be punished with imprisonment for not less than five years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.

An attempt to commit an offence specified in

之。

paragraph I is punishable.

298 (

)
意圖使婦女與自己或他人結婚而略誘之者，處五年以下有期徒刑。
意圖營利、或意圖使婦女為猥褻之行為或性交而略誘之者，處一年以上七年以下有期徒刑，得併科一千元以下罰金。

前二項之未遂犯罰之。

298

意圖使婦女與自己或他人結婚而略誘之者，處五年以下有期徒刑。
意圖營利，或意圖使婦女為猥褻之行為或姦淫，而略誘之者，處一年以上、七年以下有期徒刑，得併科一千元以下罰金。

前二項之未遂犯罰之。

Article 298

A person who forcibly abducts a female person with intent that she marry him or another shall be punished with imprisonment for not more than five years.

A person who forcibly abducts a female person for the purpose of gain or with intent to cause her to commit an indecent act or submit to carnal relations shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

299 (

)
移送前條被略誘人出中華民國領域外者，處五年以上有期徒刑。

前項之未遂犯罰之。

299

移送前條被略誘人出中華民國領域外者，處五年以上有期徒刑。

前項之未遂犯罰之。

Article 299

A person who transports a forcibly abducted person specified in the preceding article beyond the territory of the Republic of China shall be punished with imprisonment for not less than five years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

300 (

)
意圖營利，或意圖使被略誘人為猥褻之行為或性交，而收受、藏匿被略誘人或使之隱避者，處六月以上五年以下有期徒刑，得併科五百元以下罰金。

前項之未遂犯罰之。

300

意圖營利，或意圖使被略誘人為猥褻之行為或姦淫，而收受、藏匿被略誘人或使之隱避者，處六月以上、五年以下有期徒刑，得併科五百元以下罰金。

前項之未遂犯罰之。

Article 300

A person who conceals or causes to be concealed a forcibly abducted person for the purpose of gain or with the intent that such abducted person commit an indecent act or have carnal relations shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine of not more than 500 yuan may be imposed.

An attempt to commit an offence specified in the preceding paragraph is punishable.

301 (

)
犯第二百九十八條至第三百條之罪，於裁判宣告前，送回被誘人或指明所在地因而尋獲者，得減輕其刑。

301

犯第二百九十八條至第三百條之罪，於裁判宣告前，送回被誘人或指明所在地因而尋獲者，得減輕其刑。

Article 301

A person who commits an offence specified in one of the Articles 298 through 300 and who returns the abducted person or reveals the location of such person resulting in his recovery before a decision has been pronounced may have his punishment reduced.

302 ()

私行拘禁或以其他非法方法，剝奪人之行動自由者，處五年以下有期徒刑、拘役或三百元以下罰金。
因而致人於死者，處無期徒刑或七年以上有期徒刑，致重傷者，處三年以上十年以下有期徒刑。

第一項之未遂犯罰之。

303 ()

對於直系血親尊親屬犯前條第一項或第二項之罪者，加重其刑至二分之一。

304 ()

以強暴、脅迫使人行無義務之事或妨害人行使權利者，處三年以下有期徒刑、拘役或三百元以下罰金。
前項之未遂犯罰之。

305 ()

以加害生命、身體、自由、名譽、財產之事，恐嚇他人致生危害於安全者，處二年以下有期徒刑、拘役或三百元以下罰金。

306 ()

無故侵入他人住宅、建築物或附連圍繞之

302

私行拘禁或以其他非法方法，剝奪人之行動自由者，處五年以下有期徒刑、拘役或三百元以下罰金。
因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

第一項之未遂犯罰之。

303

對於直系血親尊親屬犯前條第一項或第二項之罪者，加重其刑至二分之一。

304

以強暴、脅迫使人行無義務之事或妨害人行使權利者，處三年以下有期徒刑、拘役或三百元以下罰金。
前項之未遂犯罰之。

305

以加害生命、身體、自由、名譽、財產之事恐嚇他人，致生危害於安全者，處二年以下有期徒刑、拘役或三百元以下罰金。

306

無故侵入他人住宅、建築物或附連圍繞之

Article 302

A person who without authority detains another or by other illegal means deprives him of freedom of movement shall be punished with imprisonment for not more than five years, detention, or a fine of not more than 300 yuan.
If death results from the commission of the offence, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.
An attempt to commit an offence specified in paragraph I is punishable.

Article 303

A person who commits an offence specified in one of the paragraphs I or II of the preceding article against his lineal blood ascendant shall be subject to the punishment prescribed for such offence increased up to one half.

Article 304

A person who by violence or threats causes another to do a thing which he has no obligation to -do or who prevents another from doing a thing which he has the right to do shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300 yuan.
An attempt to commit an offence specified in the preceding paragraph is punishable.

Article 305

A person who threatens to cause injury to the life, person, liberty, reputation, or property of another and thereby endangers his safety shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 300 yuan.

Article 306

A person who without reason breaks and enters a dwelling house or structure of another, the

土地或船艦者，處一年以下有期徒刑、拘役或三百元以下罰金。

無故隱匿其內，或受退去之要求而仍留滯者，亦同。

307 (

)
不依法令搜索他人身體、住宅、建築物、舟、車或航空機者，處二年以下有期徒刑、拘役或三百元以下罰金。

308 ()

第二百九十八條及第三百零六條之罪，須告訴乃論。

第二百九十八條第一項之罪，其告訴以不違反被略誘人之意思為限。

309 (

)
公然侮辱人者，處拘役或三百元以下罰金。

以強暴犯前項之罪者，處一年以下有期徒刑、拘役或五百元以下罰金。

310 ()

意圖散布於眾，而指摘或傳述足以毀損他人名譽之事者，為誹謗罪，處一年以下有期徒刑、拘役或五百元以下罰金。

土地或船艦者，處一年以下有期徒刑、拘役或三百元以下罰金。

無故隱匿其內，或受退去之要求而仍留滯者亦同。

307

不依法令搜索他人身體、住宅、建築物、舟、車或航空機者，處二年以下有期徒刑、拘役或三百元以下罰金。

308

第二百九十八條及第三百零六條之罪，須告訴乃論。

第二百九十八條第一項之罪，其告訴以不違反被略誘人之意思為限。

309

公然侮辱人者，處拘役或三百元以下罰金。

以強暴犯前項之罪者，處一年以下有期徒刑、拘役或五百元以下罰金。

310

意圖散布於眾而指摘或傳述足以毀損他人名譽之事者，為誹謗罪，處一年以下有期徒刑、拘役或五百元以下罰金。

adjacent or surrounding grounds, or a vessel belonging to another shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

A person who without reason conceals himself in the property specified in the preceding paragraph or refuses to leave upon request shall be subject to the same punishment.

Article 307

A person who searches the person, dwelling house, structure, vessel, carriage, or aircraft of another contrary to law or order shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 300 yuan.

Article 308

Prosecution for an offence specified in one of the Articles 298 or 306 may be instituted only upon complaint.

If the offence is one specified in paragraph I of Article 298, a complaint may not be made contrary to the will of the abducted person.

Chaptres XXVII Offences Against Reputation and Credit

Article 309

A person who publicly insults another shall be punished with detention or a fine of not more than 300 yuan.

A person who by violence commits an offence specified in the preceding paragraph shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

Article 310

A person who points out or circulates a fact which will injure the reputation of another with intent that it be communicated to the public commits the offence of defamation and shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

散布文字、圖畫犯前項之罪者，處二年以下有期徒刑、拘役或一千元以下罰金。

對於所誹謗之事，能證明其為真實者，不罰。但涉於私德而與公共利益無關者，不在此限。

311 ()

以善意發表言論，而有左列情形之一者，不罰：

- 一、因自衛、自辯或保護合法之利益者。
- 二、公務員因職務而報告者。
- 三、對於可受公評之事，而為適當之評論者。
- 四、對於中央及地方之會議或法院或公眾集會之記事，而為適當之載述者。

312 ()

對於已死之人公然侮辱者，處拘役或三百元以下罰金。

對於已死之人犯誹謗罪者，處一年以下有期徒刑、拘役或一千元以下罰金。

313 ()

散布流言或以詐術損害他人之信用者，處二年以下有期徒刑、拘役或科或併科一千元以下罰金。

314 ()

本章之罪，須告訴乃論。

散布文字、圖畫犯前項之罪者，處二年以下有期徒刑、拘役或一千元以下罰金。

對於所誹謗之事，能證明其為真實者，不罰。但涉於私德而與公共利益無關者，不在此限。

311

以善意發表言論，而有左列情形之一者，不罰：

- 一、因自衛、自辯或保護合法之利益者。
- 二、公務員因職務而報告者。
- 三、對於可受公評之事，而為適當之評論者。
- 四、對於中央及地方之會議或法院或公眾集會之記事，而為適當之載述者。

312

對於已死之人公然侮辱者，處拘役或三百元以下罰金。

對於已死之人犯誹謗罪者，處一年以下有期徒刑、拘役或一千元以下罰金。

313

散布流言或以詐術損害他人之信用者，處二年以下有期徒刑、拘役或科或併科一千元以下罰金。

314

本章之罪，須告訴乃論。

A person who by circulating a writing or drawing commits, an offence specified in the preceding paragraph shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 1,000 yuan.

A person who can prove the truth of the defamatory fact shall not be punished for the offence of defamation unless the fact concerns private life and is of no public concern.

Article 311

A person who makes a statement with good intent under one of the following circumstances shall not be punished:

- 1. Self-defense, self-justification, or the protection of a legal interest;
- 2. A report made by a public official in his official capacity;
- 3. Fair comment on a fact subject to public criticism;
- 4. Fair report on the proceedings of a national or local assembly, court, or a public meeting.

Article 312

A person who publicly insults a deceased person shall be punished with detention or a fine of not more than 300 yuan.

A person who commits the offence of defamation of a deceased person shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 1,000 yuan.

Article 313

A person who injures the credit of another by circulating rumors or by fraudulent means shall be punished with imprisonment for not more than two years or with detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

Article 314

Prosecution for an offence specified in this Chapter may be instituted only upon complaint.

Chapter XXVIII Offences Against Privacy

315 (

)
無故開拆或隱匿他人之封緘信函、文書或圖畫者，處拘役或三千元以下罰金。無故以開拆以外之方法，窺視其內容者，亦同。

315

無故開拆或隱匿他人之封緘信函或其他封緘文書者，處拘役或三百元以下罰金。

Article 315

A person who without reason opens or conceals a sealed letter or other sealed document belonging to another shall be punished with detention or a fine of not more than 300 yuan.

315-1 (

)
有下列行為之一者，處三年以下有期徒刑、拘役或三萬元以下罰金：
一、無故利用工具或設備窺視、竊聽他人非公開之活動、言論、談話或身體隱私部位者。
二、無故以錄音、照相、錄影或電磁紀錄竊錄他人非公開之活動、言論、談話或身體隱私部位者。

315-2 (

)
意圖營利供給場所、工具或設備，便利他人為前條第一項之行為者，處五年以下有期徒刑、拘役或科或併科五萬元以下罰金。
意圖散布、播送、販賣而有前條第二款之行為者，亦同。
製造、散布、播送或販賣前二項或前條第二款竊錄之內容者，依第一項之規定處斷。

前三項之未遂犯罰之。

315-3 ()

前二條竊錄內容之附著物及物品，不問屬於犯人與否，沒收之。

316 ()

醫師、藥師、藥商、助產士、心理師、宗教師、律師、辯護人、公證人、會計師或其業務上佐理人，或曾任此等職務之人，無故洩漏因業務知悉或持有之他人秘密者，處一年以下有期徒刑、拘役或五萬元以下罰金。

316

醫師、藥師、藥商、助產士、宗教師、律師、辯護人、公證人、會計師或其業務上佐理人或曾任此等職務之人，無故洩漏因業務知悉或持有之他人秘密者，處一年以下有期徒刑、拘役或五百元以下罰金。

Article 316

A medical doctor, pharmacist, druggist, midwife, clergyman, lawyer, advocate, notary public, accountant, one of their business assistants, or one who has previously engaged in such occupation who discloses without reason the secrets of another which he knows or possesses because of his occupation shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 500 yuan.

317 ()

依法令或契約有守因業務知悉或持有工商秘密之義務，而無故洩漏之者，處一年以下有期徒刑、拘役或一千元以下罰金。

317

依法令或契約有守因業務知悉或持有工商秘密之義務而無故洩漏之者，處一年以下有期徒刑、拘役或一千元以下罰金。

Article 317

A person who is required by law, order, or contract to preserve the commercial or industrial secrets of another which he knows or possesses because of his occupation and who discloses such secrets without reason shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 1,000 yuan.

318 ()

公務員或曾任公務員之人，無故洩漏因職務知悉或持有他人之工商秘密者，處二年以下有期徒刑、拘役或二千元以下罰金。

318

公務員或曾任公務員之人，無故洩漏因職務知悉或持有他人之工商秘密者，處二年以下有期徒刑、拘役或二千元以下罰金。

Article 318

A public official or one who has previously been a public official who discloses without reason commercial or industrial secrets of another which he knows or possesses because of his official position shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 2,000 yuan.

318-1 ()

無故洩漏因利用電腦或其他相關設備知悉或持有他人之秘密者，處二年以下有期

徒刑、拘役或五千元以下罰金。

318-2 ()

利用電腦或其相關設備犯第三百十六條至第三百十八條之罪者，加重其刑至二分之一。

319 ()

第三百十五條、第三百十五條之一及第三百十六條至第三百十八條之二之罪，須告訴乃論。

320 ()

意圖為自己或第三人不法之所有，而竊取他人之動產者，為竊盜罪，處五年以下有期徒刑、拘役或五百元以下罰金。

意圖為自己或第三人不法之利益，而竊佔他人之不動產者，依前項之規定處斷。

前二項之未遂犯罰之。

321 ()

犯竊盜罪而有左列情形之一者，處六月以上、五年以下有期徒刑：

一、於夜間侵入住宅或有人居住之建築物、船艦或隱匿其內而犯之者。

二、毀越門扇、牆垣或其他安全設備而犯之者。

319

本章之罪，須告訴乃論。

320

意圖為自己或第三人不法之所有，而竊取他人之動產者，為竊盜罪，處五年以下有期徒刑、拘役或五百元以下罰金。

意圖為自己或第三人不法之利益，而竊佔他人之不動產者，依前項之規定處斷。

前二項之未遂犯罰之。

321

犯竊盜罪而有左列情形之一者，處六月以上、五年以下有期徒刑：

一、於夜間侵入住宅或有人居住之建築物、船艦或隱匿其內而犯之者。

二、毀越門扇、牆垣或其他安全設備而犯之者。

Article 319

Prosecution for an offence specified in this Chapter may be instituted only upon complaint.

Chapter XXIX Offences Of Larceny

Article 320

A person who wrongfully takes the movable property of another with intent illegally to appropriate it for himself or for a third person commits larceny and shall be punished with imprisonment for not more than five years, detention, or a fine of not more than 500 yuan.

A person who wrongfully occupies the immovable property of another with intent to procure an illegal benefit for himself or for a third person shall be punished in accordance with the provisions of the preceding paragraph.

An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

Article 321

A person who commits larceny under one of the following circumstances shall be punished with imprisonment for not less than six months and not more than five years:

1. Breaking and entering at night a dwelling house, structure used as a dwelling house, or vessel, or concealing himself therein;

2. Breaking or scaling a window, door, wall, or other protective feature;

三、攜帶兇器而犯之者。
四、結夥三人以上而犯之者。
五、乘火災、水災或其他災害之際而犯之者。
六、在車站或埠頭而犯之者。
前項之未遂犯罰之。

322

(刪除)

323

電能、熱能及其他能量，關於本章之罪，以動產論。

324

於直系血親、配偶或同財共居親屬之間，犯本章之罪者，得免除其刑。

前項親屬或其他五親等內血親或三親等內姻親之間，犯本章之罪者，須告訴乃論。

○

325

意圖為自己或第三人不法之所有，而搶奪他人之動產者，處六月以上五年以下有期徒刑。

三、攜帶兇器而犯之者。
四、結夥三人以上而犯之者。
五、乘火災、水災或其他災害之際而犯之者。
六、在車站或埠頭而犯之者。
前項之未遂犯罰之。

322

以犯竊盜罪為常業者，處一年以上、七年以下有期徒刑。

323

電氣，關於本章之罪，以動產論。

324

於直系血親、配偶或同財共居親屬之間，犯本章之罪者，得免除其刑。

前項親屬或其他五親等內血親或三親等內姻親之間，犯本章之罪者，須告訴乃論。

325

意圖為自己或第三人不法之所有，而搶奪他人之動產者，處六月以上、五年以下有期徒刑。

3. Carrying a dangerous weapon;
4. Forming a group of three or more persons;
5. Taking advantage of fire, flood, or other disaster;
6. At a station or wharf.
An attempt to commit an offence specified in the preceding paragraph is punishable.

Article 322

A person who makes the commission of larceny an occupation shall be punished with imprisonment for not less than one and not more than seven years.

Article 323

Electricity shall be considered a movable within the meaning of this Chapter.

Article 324

If an offence specified in this Chapter is committed among lineal blood relatives, between spouses, or among other relatives who live together and share their property, the punishment may be remitted.
Prosecution for an offence specified in this Chapter committed among the relatives specified in the preceding paragraph, blood relatives within the fifth degree of relationship, or relatives by marriage within the third degree of relationship may be instituted only upon complaint.

Chapter XXX Offences of Forceful Taking. Robbery and Piracy

Article 325

A person who forcefully takes from the person of another movable property with the intent illegally to appropriate it for himself or for a third person shall be punished with imprisonment for not less than six months and not more than five years.

因而致人於死者，處無期徒刑或七年以上有期徒刑，致重傷者，處三年以上十年以下有期徒刑。

第一項之未遂犯罰之。

326 (

)
犯前條第一項之罪，而有第三百二十一條第一項各款情形之一者，處一年以上七年以下有期徒刑。

前項之未遂犯罰之。

327

(刪除)

328 (

)
意圖為自己或第三人不法之所有，以強暴、脅迫、藥劑、催眠術或他法，至使不能抗拒，而取他人之物或使其交付者，為強盜罪，處五年以上有期徒刑。

以前項方法得財產上不法之利益或使第三人得之者，亦同。

犯強盜罪因而致人於死者，處死刑、無期徒刑或十年以上有期徒刑；致重傷者，處無期徒刑或七年以上有期徒刑。

第一項及第二項之未

因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上、十年以下有期徒刑。

第一項之未遂犯罰之。

326

犯前條第一項之罪，而有第三百二十一條第一項各款情形之一者，處一年以上、七年以下有期徒刑。

前項之未遂犯罰之。

327

以犯第三百二十五條第一項之罪為常業者，處三年以上、十年以下有期徒刑。

328

意圖為自己或第三人不法之所有，以強暴、脅迫、藥劑、催眠術或他法，至使不能抗拒，而取他人之物或使其交付者，為強盜罪，處三年以上、十年以下有期徒刑。

以前項方法得財產上不法之利益或使第三人得之者亦同。

犯強盜罪因而致人於死者，處死刑或無期徒刑；致重傷者，處無期徒刑或七年以上有期徒刑。

第一項及第二項之未

If death results from the commission of the offence, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

An attempt to commit an offence specified in paragraph I is punishable.

Article 326

A person who commits an offence specified in paragraph I of the preceding article under one of the circumstances specified in paragraph I of Article 321 shall be punished with imprisonment for not less than one and not more than seven years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

Article 327

A person who makes the commission of an offence specified in paragraph I of Article 325 an occupation shall be punished with imprisonment for not less than three and not more than ten years.

Article 328

A person who by violence, threats, administering drugs, inducing hypnosis, or by other means rendering resistance impossible takes away a thing belonging to another or causes him to deliver it over with intent illegally to appropriate it for himself or for a third person commits robbery and shall be punished with imprisonment for not less than three and not more than ten years.

A person who by the means specified in the preceding paragraph obtains for himself or for a third person an illegal benefit in property shall be subject to the same punishment.

If death results from the commission of robbery the offender shall be punished with death or imprisonment for life; if serious bodily harm results, the offender shall be punished with imprisonment for life or for not less than seven years.

An attempt to commit an offence specified in one

遂犯罰之。
預備犯強盜罪者，處一年以下有期徒刑、拘役或三千元以下罰金。

329 ()

竊盜或搶奪，因防護贓物、脫免逮捕或湮滅罪證，而當場施以強暴脅迫者，以強盜論。

330 ()

犯強盜罪而有第三百二十一條第一項各款情形之一者，處七年以上有期徒刑。

前項之未遂犯罰之。

331

(刪除)

332 ()

犯強盜罪而故意殺人者，處死刑或無期徒刑。

犯強盜罪而有下列行為之一者，處死刑、無期徒刑或十年以上有期徒刑：

- 一、放火者。
- 二、強制性交者。
- 三、擄人勒贖者。
- 四、使人受重傷者。

333 ()

未受交戰國之允准或不屬於各國之海軍，而駕駛船艦，意圖施強暴、脅迫於他船或他船之人或物者，為海盜罪，處死刑、無

遂犯罰之。
預備犯強盜罪者，處一年以下有期徒刑、拘役或三百元以下罰金。

329

竊盜或搶奪，因防護贓物、脫免逮捕或湮滅罪證，而當場施以強暴、脅迫者，以強盜論。

330

犯強盜罪而有第三百二十一條第一項各款情形之一者，處五年以上、十二年以下有期徒刑。

前項之未遂犯罰之。

331

以犯強盜罪為常業者，處七年以上有期徒刑。

332

犯強盜罪而有左列行為之一者，處死刑或無期徒刑：

- 一、放火者。
- 二、強姦者。
- 三、擄人勒贖者。
- 四、故意殺人者。

333

未受交戰國之允准或不屬於各國之海軍，而駕駛船艦，意圖施強暴、脅迫於他船或他船之人或物者，為海盜罪，處死刑、無

of the paragraphs I or II is punishable.

A person who makes preparation to commit robbery shall be punished with imprisonment for not more than one year, detention, or a fine of not more than 300 yuan.

Article 329

A person who commits forceful taking from the person or larceny and thereupon uses threats or violence to defend the property, to escape arrest, or to destroy evidence of the offence shall be considered to have committed robbery.

Article 330

A person who commits robbery under one of the circumstances specified in paragraph I of Article 321 shall be punished with imprisonment for not less than five and not more than twelve years.

An attempt to commit an offence specified in the preceding paragraph is punishable.

Article 331

A person who makes the commission of robbery an occupation shall be punished with imprisonment for not less than seven years.

Article 332

A person who commits robbery and one of the following acts shall be punished with death or imprisonment for life.

- 1. Arson;
- 2. Rape;
- 3. Kidnapping for ransom;
- 4. Intentional homicide.

Article 333

A person who without the permission of a belligerent state or who does not belong to the naval forces of such state navigates a vessel with intent to commit violence or employ threats against another vessel or against a person or thing on board such other vessel commits the offence of

期徒刑或七年以上有期徒刑。

船員或乘客意圖掠奪財物，施強暴、脅迫於其他船員或乘客，而駕駛或指揮船艦者，以海盜論。

因而致人於死者，處死刑、無期徒刑或十二年以上有期徒刑；致重傷者，處死刑、無期徒刑或十年以上有期徒刑。

334 (

)
犯海盜罪而故意殺人者，處死刑或無期徒刑。
犯海盜罪而有左列行為之一，處死刑、無期徒刑或十二年以上有期徒刑：
一、放火者。
二、強姦者。
三、擄人勒贖者。
四、使人受重傷者。

334-1 (

)
第三百二十三條之規定，於本章之罪準用之。

335 (

)
意圖為自己或第三人不法之所有，而侵占自己持有他人之物者，處五年以下有期徒刑、拘役或科或併科一千元以下罰金。

前項之未遂犯罰之。

期徒刑或七年以上有期徒刑。

船員或乘客意圖掠奪財物，施強暴、脅迫於其他船員或乘客，而駕駛或指揮船艦者，以海盜論。

因而致人於死者，處死刑；致重傷者，處死刑或無期徒刑。

334

犯海盜罪而有左列行為之一者，處死刑：
一、放火者。
二、強姦者。
三、擄人勒贖者。
四、故意殺人者。

335

意圖為自己或第三人不法之所有，而侵占自己持有他人之物者，處五年以下有期徒刑、拘役或科或併科一千元以下罰金。

前項之未遂犯罰之。

piracy and shall be punished with death, imprisonment for life, or for not less than seven years.

A member of the crew or a passenger on board a vessel who has intent to plunder or rob property, who commits violence or employs threats against another member of the crew or a passenger, and who operates or takes command of the vessel commits the offence of piracy.

If death results from the commission of piracy, the offender shall be punished with death; if serious bodily harm results, the offender shall be punished with death or imprisonment for life.

Article 334

A person who commits piracy and one of the following acts shall be punished with death:

1. Arson;
2. Rape;
3. Kidnapping for ransom;
4. Intentional homicide.

Chapter XXXI Offences of Misappropriation

Article 335

A person who has custody of a thing belonging to another and who misappropriates it with intent illegal to obtain possession for himself or for a third person shall be punished with imprisonment for not more than five years or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

An attempt to commit an offence specified in the

preceding paragraph is punishable.

336 (

對於公務上或因公益所持有之物，犯前條第一項之罪者，處一年以上七年以下有期徒刑，得併科五千元以下罰金。

對於業務上所持有之物，犯前條第一項之罪者，處六月以上五年以下有期徒刑，得併科三千元以下罰金。

前二項之未遂犯罰之。

337 (

意圖為自己或第三人不法之所有，而侵占遺失物、漂流物或其他離本人所持有之物者，處五百元以下罰金。

338 (

第三百二十三條及第三百二十四條之規定，於本章之罪準用之。

339 (

意圖為自己或第三人不法之所有，以詐術使人將本人或第三人之物交付者，處五年以下有期徒刑、拘役

336

對於公務上或因公益所持有之物，犯前條第一項之罪者，處一年以上、七年以下有期徒刑，得併科五千元以下罰金。

對於業務上所持有之物，犯前條第一項之罪者，處六月以上、五年以下有期徒刑，得併科三千元以下罰金。

前二項之未遂犯罰之。

337

意圖為自己或第三人不法之所有，而侵占遺失物、漂流物或其他離本人所持有之物者，處五百元以下罰金。

338

第三百二十三條及第三百二十四條之規定，於本章之罪準用之。

339

意圖為自己或第三人不法之所有，以詐術使人將本人或第三人之物交付者，處五年以下有期徒刑、拘役

Article 336

A person who commits an offence specified in the preceding article with respect to a thing of which he has custody because of his public functions or for public benefit shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 5,000, yuan may be imposed.

A person who commits an offence specified in paragraph I of the preceding article with respect to a thing of which he has custody because of his occupation shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine not more than 3,000 yuan may be imposed.

An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

Article 337

A person who with intent illegally to obtain possession for himself or for a third person misappropriates a lost thing, wreck, or other thing not in the custody of the owner shall be punished with a fine of not more than 500 yuan.

Article 338

The provisions of Articles 323 and 324 shall apply mutatis mutandis to offences specified in this Chapter.

Chapter XXXII Offences of Fraud, Breach of Trust, and Usury

Article 339

A person who by fraud causes another to deliver to him a thing belonging to such other or to a third person with intent illegally to appropriate it for himself or for a fourth person shall be punished with imprisonment for not more than

或科或併科一千元以下罰金。

以前項方法得財產上不法之利益或使第三人得之者，亦同。

前二項之未遂犯罰之。

或科或併科一千元以下罰金。

以前項方法得財產上不法之利益或使第三人得之者亦同。

前二項之未遂犯罰之。

five years or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

A person who by the means specified in the preceding paragraph procures an illegal benefit for himself or for a third person shall be subject to the same punishment.

An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

339-1 (

)

意圖為自己或第三人不法之所有，以不正方法由收費設備取得他人之物者，處一年以下有期徒刑、拘役或三千元以下罰金。以前項方法得財產上不法之利益或使第三人得之者，亦同。

339-2 (

)

意圖為自己或第三人不法之所有，以不正方法由自動付款設備取得他人之物者，處三年以下有期徒刑、拘役或一萬元以下罰金。以前項方法得財產上不法之利益或使第三人得之者，亦同。

339-3 (

)

意圖為自己或第三人不法之所有，以不正方法將虛偽資料或不正指令輸入電腦或其相關設備，製作財產權之得喪、變更紀錄，而取得他人財產者，處七年以下有期徒刑。以前項方法得財產上

不法之利益或使第三人得之者，亦同。

340

(刪除)

341 ()

意圖為自己或第三人不法之所有，乘未滿二十歲人之知慮淺薄，或乘人精神障礙、心智缺陷而致其辨識能力顯有不足或其他相類之情形，使之將本人或第三人之物交付者，處五年以下有期徒刑、拘役或科或併科十萬元以下罰金。

以前項方法得財產上不法之利益，或使第三人得之者，亦同。

前二項之未遂犯罰之。

342 ()

為他人處理事務，意圖為自己或第三人不法之利益，或損害本人之利益，而為違背其任務之行為，致生損害於本人之財產或其他利益者，處五年以下有期徒刑、拘役或科或併科一千元以下罰金。

前項之未遂犯罰之。

343 ()

第三百二十三條及第

340

以犯前條之罪為常業者，處一年以上、七年以下有期徒刑，得併科五千元以下罰金。

341

意圖為自己或第三人不法之所有，乘未滿二十歲人之知慮淺薄或乘人之精神耗弱，使之將本人或第三人之物交付者，處五年以下有期徒刑、拘役或科或併科一千元以下罰金。

以前項方法得財產上不法之利益或使第三人得之者亦同。

前二項之未遂犯罰之。

342

為他人處理事務，意圖為自己或第三人不法之利益，或損害本人之利益，而為違背其任務之行為，致生損害於本人之財產或其他利益者，處五年以下有期徒刑、拘役或科或併科一千元以下罰金。

前項之未遂犯罰之。

343

第三百二十三條及第

Article 340

A person who makes the commission of an offence specified in the preceding article an occupation shall be punished with imprisonment for not less than one and not more than seven years; in addition thereto, a fine of not more than 5,000 yuan may be imposed.

Article 341

A person who takes advantage of the ignorance or inexperience of another who has not completed the twentieth year of his age or of the leebledness of another and who causes such other to deliver over a thing belonging to such other or to a third person with intent illegally to appropriate it for himself or for a fourth person shall be punished with imprisonment for not more than five years or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

A person who by the means specified in the preceding paragraph procures an illegal benefit for himself or for a third person shall be subject to the same punishment.

An attempt to commit an offence specified in the one of the two preceding paragraphs is punishable.

Article 342

A person who manages the affairs of another with intent to procure an illegal benefit for himself or for a third person or to harm the interests of his principal and who acts contrary to his duties and thereby causes loss to the property or other interest of such principal shall be punished with imprisonment for not more than five years or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

An attempt to commit an offence cited in the preceding paragraph is punishable.

Article 343

The provisions of Articles 323 and 324 shall apply

三百二十四條之規定，於前六條之罪準用之。

三百二十四條之規定，於前四條之罪準用之。

mutatis mutandis to offences specified in the four preceding articles.

344 ()

乘他人急迫、輕率或無經驗貸以金錢或其他物品，而取得與原本顯不相當之重利者，處一年以下有期徒刑、拘役或科或併科一千元以下罰金。

344

乘他人急迫、輕率或無經驗貸以金錢或其他物品，而取得與原本顯不相當之重利者，處一年以下有期徒刑、拘役或科或併科一千元以下罰金。

Article 344

A person who takes advantage of the urgent need, carelessness, or inexperience of another and who lends him money or other thing at a usurious interest obviously inappropriate to the principal shall be punished with imprisonment for not more than one year or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

345

(刪除)

345

以犯前條之罪為常業者，處五年以下有期徒刑，得併科三千元以下罰金。

Article 345

A person who makes the commission of an offence specified in the preceding article an occupation shall be punished with imprisonment for not more than five years; in addition thereto, a fine of not more than 3,000 yuan may be imposed.

Chapter XXXIII Offences of Intimidation and Kidnapping for Ransom

346 ()

意圖為自己或第三人不法之所有，以恐嚇使人將本人或第三人之物交付者，處六月以上五年以下有期徒刑，得併科一千元以下罰金。

346

意圖為自己或第三人不法之所有，以恐嚇使人將本人或第三人之物交付者，處六月以上、五年以下有期徒刑，得併科一千元以下罰金。

Article 346

A person who by intimidation causes another to deliver over a thing belonging to such other or to a third person with intent illegally to appropriate it for himself or for a fourth person shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine of not more than 1,000 yuan may be imposed.

以前項方法得財產上不法之利益，或使第三人得之者，亦同。

以前項方法得財產上不法之利益或使第三人得之者亦同。

A person who by the means specified in the preceding paragraph procures an illegal benefit for himself or a third person shall be subject to the same punishment.

前二項之未遂犯罰之。

前二項之未遂犯罰之。

An attempt to commit an offence specified in one of the two preceding paragraphs is punishable.

347 ()

意圖勒贖而擄人者，處死刑、無期徒刑或七年以上有期徒刑。因而致人於死者，處

347

意圖勒贖而擄人者，處死刑、無期徒刑或七年以上有期徒刑。

Article 347

A person who kidnaps another with intent to extort ransom shall be punished with death or imprisonment for life for not less than seven years.

死刑、無期徒刑或十二年以上有期徒刑；致重傷者，處死刑、無期徒刑或十年以上有期徒刑。

第一項之未遂犯罰之。

預備犯第一項之罪者，處二年以下有期徒刑。

犯第一項之罪，未經取贖而釋放被害人者，減輕其刑；取贖後而釋放被害人者，得減輕其刑。

348 ()

犯前條第一項之罪而故意殺害人者，處死刑或無期徒刑。

犯前條第一項之罪而有下列行為之一者，處死刑、無期徒刑或十二年以上有期徒刑：

- 一、強制性交者。
- 二、使人受重傷者。

348-1 ()

擄人後意圖勒贖者，以意圖勒贖而擄人論。

349 ()

收受贓物者，處三年以下有期徒刑、拘役或五百元以下罰金。

搬運、寄藏、故買贓物或為牙保者，處五年以下有期徒刑、拘

因而致人於死或重傷者，處死刑或無期徒刑。

第一項之未遂犯罰之。

預備犯第一項之罪者，處二年以下有期徒刑。

犯第一項之罪，未經取贖而釋放被害人者，得減輕其刑。

348

犯前條第一項之罪而故意殺被害人者，處死刑。

犯前條第一項之罪而強姦被害人者，處死刑或無期徒刑。

349

收受贓物者，處三年以下有期徒刑、拘役或五百元以下罰金。

搬運、寄藏、故買贓物或為牙保者，處五年以下有期徒刑、拘

If death or serious bodily harm results from the commission of the offence, the offender shall be punished with death or imprisonment for life.

An attempt to commit an offence Specified in paragraph I is punishable.

A person who makes preparation to commit an offence specified in paragraph I shall be punished with imprisonment for not more than two years.

A person who commits an offence specified in paragraph I and who releases the victim before payment of ransom may have his punishment reduced.

Article 348

A person who commits an offence specified in paragraph I of the preceding article and who intentionally kills his victim shall be punished with death.

A person who commits an offence specified in paragraph I of the preceding article and who rapes his victim shall be punished with death or imprisonment for life.

Chapter XXXIV Offences of Receiving Stolen Property

Article 349

A person who receives stolen property shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.

A person who transports, accepts for storage, knowingly purchases, or acts as a broker for stolen property shall be punished with

役或科或併科一千元以下罰金。

因贓物變得之財物，以贓物論。

350

(刪除)

351 (

)
於直系血親、配偶或同財共居親屬之間，犯本章之罪者，得免除其刑。

352 (

)
毀棄、損壞他人文書或致令不堪用，足以生損害於公眾或他人者，處三年以下有期徒刑、拘役或一萬元以下罰金。

353 (

)
毀壞他人建築物、礦坑、船艦或致令不堪用者，處六月以上五年以下有期徒刑。

因而致人於死者，處無期徒刑或七年以上有期徒刑，致重傷者，處三年以上十年以下有期徒刑。

役或科或併科一千元以下罰金。

因贓物變得之財物，以贓物論。

350

以犯前條之罪為常業者，處六月以上、五年以下有期徒刑，得併科三千元以下罰金。

351

於直系血親、配偶或同財共居親屬之間，犯本章之罪者，得免除其刑。

352

毀棄、損壞他人文書或致令不堪用，足以生損害於公眾或他人者，處三年以下有期徒刑、拘役或五百元以下罰金。

353

毀壞他人建築物、礦坑、船艦或致令不堪用者，處六月以上五年以下有期徒刑。

因而致人於死者，處無期徒刑或七年以上有期徒刑；致重傷者，處三年以上十年以下有期徒刑。

imprisonment for not more than five years or detention; in lieu thereof, or in addition thereto, a fine of not more than 1,000 yuan may be imposed.

A thing obtained from the conversion of stolen property shall be considered to be stolen property.

Article 350

A person who makes the commission of an offence specified in the preceding article an occupation shall be punished with imprisonment for not less than six months and not more than five years; in addition thereto, a fine of not more than 3,000 yuan may, be imposed.

Article 351

If an offence specified in this Chapter is committed among lineal blood relatives, between spouses or among other relatives who live together and. share their property, the punishment may be remitted.

Chapter XXXV Offences of Destruction, Abandonment, and Damage

Article 352

A person who in a manner likely to cause injury to the public or to another destroys, abandons, or damages a document belonging to another shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.

Article 353

A person who destroys, damages, or renders useless a structure, mine, or vessel belonging to another shall be punished with imprisonment for not less than six months and not more than five years.

If death results from the commission of the offence, the offender shall be punished with imprisonment for life or for not less than seven years; if serious bodily harm results, the offender shall be punished with imprisonment for not less than three and not more than ten years.

第一項之未遂犯罰之。

354 (

)
毀棄、損壞前二條以外之他人之物或致令不堪用，足以生損害於公眾或他人者，處二年以下有期徒刑、拘役或五百元以下罰金。

355 (

)
意圖損害他人，以詐術使本人或第三人為財產上之處分，致生財產上之損害者，處三年以下有期徒刑、拘役或五百元以下罰金。

356 (

)
債務人於將受強制執行之際，意圖損害債權人之債權，而毀壞、處分或隱匿其財產者，處二年以下有期徒刑、拘役或五百元以下罰金。

357 ()

第三百五十二條、第三百五十四條至第三百五十六條之罪，須告訴乃論。

358 (

)
無故輸入他人帳號密碼、破解使用電腦之保護措施或利用電腦系統之漏洞，而入侵

第一項之未遂犯罰之。

354

毀棄、損壞前二條以外之他人之物或致令不堪用，足以生損害於公眾或他人者，處二年以下有期徒刑、拘役或五百元以下罰金。

355

意圖損害他人，以詐術使本人或第三人為財產上之處分，致生財產上之損害者，處三年以下有期徒刑、拘役或五百元以下罰金。

356

債務人於將受強制執行之際，意圖損害債權人之債權，而毀壞、處分或隱匿其財產者，處二年以下有期徒刑、拘役或五百元以下罰金。

357

第三百五十二條、第三百五十四條至第三百五十六條之罪，須告訴乃論。

An attempt to commit an offence specified in paragraph I is punishable.

Article 354

A person who in a manner likely to cause injury to the public or to another destroys, abandons, damages, or renders useless a thing belonging to another which is not specified in the two preceding articles shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 500 yuan.

Article 355

A person who with intent to cause loss to another fraudulently causes him or a third person to dispose of property thereby causing a property loss shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 500 yuan.

Article 356

A debtor who with intent to impair the rights of his creditors destroys, damages, disposes of, or conceals his property at a time when compulsory execution is about to take place shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 500 yuan.

Article 357

Prosecution for an offence specified in one of the Articles 352 or 354 through 356 may be instituted only upon complaint.

他人之電腦或其相關設備者，處三年以下有期徒刑、拘役或科或併科十萬元以下罰金。

359 ()

無故取得、刪除或變更他人電腦或其相關設備之電磁紀錄，致生損害於公眾或他人者，處五年以下有期徒刑、拘役或科或併科二十萬元以下罰金。

360 ()

無故以電腦程式或其他電磁方式干擾他人電腦或其相關設備，致生損害於公眾或他人者，處三年以下有期徒刑、拘役或科或併科十萬元以下罰金。

361 ()

對於公務機關之電腦或其相關設備犯前三條之罪者，加重其刑至二分之一。

362 ()

製作專供犯本章之罪之電腦程式，而供自己或他人犯本章之罪，致生損害於公眾或他人者，處五年以下有期徒刑、拘役或科或併科二十萬元以下罰金。

363 ()

第三百五十八條至第三百六十條之罪，須告訴乃論。

