

Order of the President of the People's Republic of China

(No.18)

The Decision of the Standing Committee of the National People's Congress on Amending Some Laws, which was adopted at the 10th meeting of the Standing Committee of the 11th National People's Congress of the People's Republic of China on August 27, 2009, is hereby promulgated, and shall come into force on the date of promulgation.

President of the People's Republic of China Hu Jintao

August 27, 2009

Decision of the Standing Committee of the National People's Congress on Amending Some Laws  
(Adopted at the 10th Meeting of the Standing Committee of the 11th National People's Congress of the People's Republic of China on August 27, 2009)

It is decided at the 10th meeting of the Standing Committee of the 11th National People's Congress that:

I. The provisions that obviously go against the socialist market economic and social development demands in the following laws shall be amended.

1. Article 7 of the General Principles of the Civil Law of the People's Republic of China shall be amended as: "Civil activities shall have respect for social ethics and shall not harm the public interest or disrupt social economic order."

Item 6, Paragraph 1 of Article 58 shall be deleted.

2. Paragraph 4 of Article 2, Article 23, Paragraph 1 of Article 35 and Article 55 of the Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People shall be deleted.

3. Article 47 of the Law of the People's Republic of China on Physical Culture and Sports shall be deleted.

4. Paragraph 3 of Article 57 and Article 59 of the Education Law of the People's Republic of China shall be deleted.

5. Article 52 of the Flood Control Law of the People's Republic of China shall be deleted.

II. The provisions containing "expropriation" in the following laws and legal interpretations shall be amended.

(I) The term "expropriation" in the following laws and legal interpretations shall be amended as "expropriation or requisition"

6. Article 18 of the Forest Law of the People's Republic of China

7. Article 12 of the Law of the People's Republic of China on the Protection of Military Installations

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8. Article 48 of the National Defense Law of the People's Republic of China
  
9. Article 13 of the Law of the People's Republic of China on the Protection of the Rights and Interests of Returned Overseas Chinese and Their Family Members
  
10. Articles 16 and 59 of the Rural Land Contracting Law of the People's Republic of China
11. Articles 38, 39 and 63 of the Grassland Law of the People's Republic of China
12. Articles 381 and 410 of the Criminal Law of the People's Republic of China
13. Interpretation of the Standing Committee of the National People's Congress on Paragraph 2 of Article 93 of the Criminal Law of the People's Republic of China
14. Interpretation of the Standing Committee of the National People's Congress on Articles 228, 342 and 410 of the Criminal Law of the People's Republic of China
- (II) The term "expropriation" in the following laws shall be amended as "requisition".
15. Article 14 of the Fisheries Law of the People's Republic of China
16. Article 36 of the Railway Law of the People's Republic of China
  
17. Article 9 of the Law of the People's Republic of China on Urban Real Estate Administration
18. Article 16 of the Electric Power Law of the People's Republic of China
19. Article 20 of the Coal Law of the People's Republic of China
20. Article 30 of the Administrative Reconsideration Law of the People's Republic of China
21. Article 71 of the Agricultural Law of the People's Republic of China
  
- III. The criminal responsibility provisions in the following laws shall be amended.
- (I) In the following laws, the term "according to Article x of the Criminal Law" or "according to Article x of the Criminal Law by analogy" shall be amended as "according to the relevant provisions of the Criminal Law".
22. Article 29 of the Metrological Law of the People's Republic of China
23. Articles 39, 40, 43, 44 and 48 of the Mineral Resources Law of the People's Republic of China
24. Article 22 of the Frontier Quarantine Law of the People's Republic of China
25. Articles 62 and 63 of the Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People
26. Articles 32 and 37 of the Law of the People's Republic of China on the Protection of Wildlife

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27. Article 29 of the Law of the People's Republic of China on Assembly, Parade and Demonstration
28. Articles 33 and 34 of the Law of the People's Republic of China on the Protection of Military Installations
29. Articles 60, 64 and 65 of the Railway Law of the People's Republic of China
30. Articles 42 and 43 of the Law of the People's Republic of China on the Entry and Exit Quarantine for Animals and Plants
31. Article 39 of the Law of the People's Republic of China on Deputies to the National People's Congress and the Local People's Congresses at All Levels
32. Articles 46 and 47 of the Mine Safety Law of the People's Republic of China
33. Articles 26, 27 and 32 of the National Security Law of the People's Republic of China
34. Article 36 of the Law of the People's Republic of China on Teachers
35. Article 15 of the Law of the People's Republic of China on the Red Cross Society
36. Article 92 of the Labor Law of the People's Republic of China
37. Article 36 of the Law of the People's Republic of China on Maternal and Infant Health Care
38. Articles 194, 196, 198 and 199 of the Civil Aviation Law of the People's Republic of China
39. Articles 71, 72 and 74 of the Electric Power Law of the People's Republic of China
40. Article 61 of the Administrative Penalty Law of the People's Republic of China
41. Articles 40, 42 and 43 of the Law of the People's Republic of China on the Control of Guns
42. Articles 78 and 79 of the Coal Law of the People's Republic of China
- (II) In the following laws, the provisions quoting the decisions on the punishment of crimes that have been incorporated into the Criminal Law and have been abolished shall be amended as "according to the relevant provisions of the Criminal Law".
43. Article 31 of the Law of the People's Republic of China on the Protection of Wildlife
44. Article 35 of the Law of the People's Republic of China on the Protection of Military Installations
45. Article 69 of the Railway Law of the People's Republic of China
46. Articles 40 and 42 of the Tobacco Monopoly Law of the People's Republic of China
47. Article 191 of the Civil Aviation Law of the People's Republic of China
- (III) The term "engaging in speculation and profiteering" or "the crime of speculation and profiteering" in the following laws shall be deleted and the provisions containing them shall be amended accordingly.
48. Article 28 of the Metrological Law of the People's Republic of China shall be amended as:

"Whoever manufactures, sells or uses measuring instruments for the purpose of deceiving consumers shall have the measuring instruments and illegal gains confiscated and may be concurrently punished by a fine. If the circumstances are serious, the individual, or the directly responsible person of the entity, shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

49. Paragraph 2 of Article 35 of the Law of the People's Republic of China on the Protection of Wildlife shall be amended as: "Whoever, in violation of this Law, sells or purchases wildlife under special state protection or the products thereof, if the circumstances are serious enough to constitute a crime, shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

50. Article 70 of the Railway Law of the People's Republic of China shall be amended as: "Any railway worker who, by taking advantage of his position, engages in smuggling or collaborates with any other person in smuggling shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

51. Paragraph 1 of Article 38 of the Tobacco Monopoly Law of the People's Republic of China shall be amended as: "Whoever resells tobacco monopoly commodities for profit, if any crime is constituted, shall be subject to criminal responsibility according to law; if the circumstances are not so serious as to constitute a crime, the administrative department for industry and commerce shall confiscate the tobacco monopoly commodities and illegal gains, and may concurrently impose a fine."

(IV) The specific criminal responsibility provisions in the following laws shall be amended.

52. Article 16 of the Law of the People's Republic of China on the Control of the Entry and Exit of Citizens shall be amended as: "Where a state functionary implementing this Law takes advantage of his position and power to extort and accept bribes or commits any other transgression of the law and neglect of duty, if the circumstances are serious enough to constitute a crime, he shall be subject to criminal responsibility according to law."

53. Article 61 of the Railway Law of the People's Republic of China shall be amended as: "Any person who intentionally damages or moves any railway signaling installation, or places on the railway track any obstacle that might lead to the overturning of a train shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

Article 62 shall be amended as: "Any person who steals any spare part or component of a train operation facility installed on a railway line or any equipment attached to a railway line and thus endangers the safe operation of the train shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

Article 63 shall be amended as: "The ringleader and core members of persons who gather together to intercept or block the way of a train or assault a railway traffic control office and pay no heed to the order to stop shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

Article 66 shall be amended as: "Any person who resells passenger tickets for profit shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law if a

crime is constituted. Any railway worker who resells passengers tickets for profit or collaborates with any other person in reselling passenger tickets for profit shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

54. Article 39 of the Tobacco Monopoly Law of the People's Republic of China shall be amended as: "Any enterprise or individual that forges, alters, buys or sells the licenses prescribed in this Law such as those for tobacco monopoly manufacturing enterprises and tobacco monopoly business as well as transportation permits, shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law.

Any staff member of an administrative department of tobacco monopoly or a tobacco company who, by taking advantage of his position, commits the crime prescribed in the preceding two paragraphs shall be subject to a heavier punishment according to law."

55. Paragraph 2 of Article 71 of the Law of the People's Republic of China on Urban Real Estate Administration shall be amended as: "Any worker of the real estate administrative department or the land administrative department who, by taking advantage of his position, extorts other's property or illegally accepts other's property to seek interests for any other person shall be subject to criminal responsibility if any crime is constituted or shall be given an administrative penalty if no crime is constituted."

56. Article 192 of the Civil Aviation Law of the People's Republic of China shall be amended as: "Any person who uses force against any staff aboard a civil aircraft in flight and imperils the flight safety shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

Paragraph 1 of Article 193 shall be amended as: "Any person who, in violation of this Law, secretly carries explosives, detonators or any other hazardous articles when taking a civil aircraft or consigns any hazardous articles in the name of non-hazardous articles shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

Paragraph 3 shall be amended as: "Any person who secretly carries any gun, bullet or cutting tool which is under control when taking a civil aircraft shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

Article 195 shall be amended as: "Any person who intentionally places any hazardous article on a civil aircraft in use or instigates any other person to do so shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law if the hazardous article is hazardous enough to destroy the civil aircraft and endangers flight safety."

Article 197 shall be amended as: "Any person who steals or intentionally damages, destroys or moves any aviation facility in use shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law if his abovementioned act endangers flight safety and may cause the falling or wrecking of the civil aircraft."

57. Article 39 of the Law of the People's Republic of China on the Control of Guns shall be amended as: "Any person who, in violation of this Law, manufactures, trades or transports guns without permit shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law.

"Where any entity commits the act mentioned in the preceding paragraph, a fine shall be imposed upon it, and the directly responsible person in charge and other directly liable persons of the entity shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

Article 41 shall be amended as: "Any person, in violation of this Law, illegally possesses guns or illegally transports or carries guns into or outside China shall be subject to criminal responsibility according to the relevant provisions of the Criminal Law."

58. Paragraph 1 of Article 62 of the Military Service Law of the People's Republic of China shall be amended as: "Any soldier in active service who refuses to fulfill obligations or escapes from the army for the purpose of avoiding performing military services shall be punished according to the provisions of the Military Commission of the Central Committee and, if any crime is constituted, subject to criminal responsibility according to law."

IV. The public security administrative punishment provisions in the following laws and decisions on the relevant legal matters shall be amended.

(I) The term "Regulation on Public Security Administrative Punishments" as quoted in the following laws and decisions on the relevant legal matters shall be amended as "Law on Public Security Administrative Punishments".

59. Article 64 of the Military Service Law of the People's Republic of China

60. Articles 41 and 48 of the Mineral Resources Law of the People's Republic of China

61. Article 39 of the Law of the People's Republic of China on the Protection of Wildlife

62. Articles 28 and 32 of the Law of the People's Republic of China on Assembly, Parade and Demonstration

63. Article 67 of the Railway Law of the People's Republic of China

64. Article 37 of the Soil and Water Conservation Law of the People's Republic of China

65. Article 41 of the Tobacco Monopoly Law of the People's Republic of China

66. Article 51 of the Trade Union Law of the People's Republic of China

67. Article 69 of the Product Quality Law of the People's Republic of China

68. Article 52 of the Law of the People's Republic of China on the Protection of Consumers' Rights and Interests

69. Articles 51 through 53 of the Law of the People's Republic of China on Physical Culture and Sports

70. Article 200 of the Civil Aviation Law of the People's Republic of China

71. Article 70 of the Electric Power Law of the People's Republic of China

72. Article 42 of the Administrative Punishment Law of the People's Republic of China

73. Article 76 of the Coal Law of the People's Republic of China

74. Articles 46 and 48 of the Law of the People's Republic of China on the Protection of the Rights and Interests of the Elderly

75. Article 50 of the Civil Air Defense Law of the People's Republic of China

76. Articles 61, 62 and 64 of the Flood Control Law of the People's Republic of China

77. Article 40 of the Law of the People's Republic of China on Medical Practitioners

78. Article 94 of the Work Safety Law of the People's Republic of China

79. Article 72 of the Water Law of the People's Republic of China

80. Articles 2 and 3 of the Decision of the Standing Committee of the National People's Congress on Punishing Criminals Who Smuggle, Produce, Sell or Disseminate Pornographic Articles

81. Article 4 of the Decision of the Standing Committee of the National People's Congress on Seriously Punishing Criminals Who Kidnap and Sell Women and Children

82. Article 6 of the Decision of the Standing Committee of the National People's Congress on Maintaining Internet Security

(ii) The specific public security administrative punishment provisions in the following laws and decisions on legal matters shall be amended.

83. Paragraph 1 of Article 64 of the Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People shall be deleted.

Paragraph 2 shall be amended as: "Whoever disturbs the order of an enterprise, and thereby causes the discontinuity of its normal production, business operations and work, but has not caused serious losses, shall be punished by the public security organ in the locality of the enterprise in accordance with the Law of the People's Republic of China on Public Security Administrative Punishments."

84. Paragraph 2 of Article 33 of the Law of the People's Republic of China on the Protection of Wildlife shall be amended as: "Whoever, in violation of this Law, hunts wildlife with a gun without a license for the gun shall be punished by the public security organ according to Article 32 of the Law on Public Security Administrative Law."

85. The phrase "according to Article 19 of the Regulation on Public Security Administrative Punishments by analogy" as mentioned in Articles 32, 33 and 34 of the Law of the People's Republic of China on the Protection of Military Installations shall be amended as "according to Article 23 of the Law of the People's Republic of China on Public Security Administrative Punishments".

86. Article 19 of the National Flag Law of the People's Republic of China shall be amended as: "Whoever desecrates the National Flag of the People's Republic of China by publicly and willfully burning, destroying, scrawling on, defiling or trampling upon it shall be subject to criminal responsibility according to law. If the offence is relatively minor, the offender shall be detained by the public security organ for not more than 15 days."

87. Article 13 of the National Emblem Law of the People's Republic of China shall be amended as:

"Whoever desecrates the National Emblem of the People's Republic of China by publicly and willfully burning, destroying, scrawling on, defiling or trampling upon it shall be subject to criminal responsibility according to law. If the offence is relatively minor, the offender shall be detained by the public security organ for not more than 15 days."

88. The phrase "according to Article 19 of the Regulation on Public Security Administrative Punishments" as mentioned in Paragraph 3 of Article 39 of the Law of the People's Republic of China on Deputies to the National People's Congress and the Local People's Congresses at All Levels shall be amended as "according to Article 50 of the Law of the People's Republic of China on Public Security Administrative Punishments".

89. The phrase "according to Article 19 of the Regulation on Public Security Administrative Punishments by analogy" as mentioned in Paragraph 2 of Article 15 of the Law of the People's Republic of China on the Red Cross Society shall be amended as "according to Article 50 of the Law of the People's Republic of China on Public Security Administrative Punishments".

90. Article 83 of the Highway Law of the People's Republic of China shall be amended as: "Whoever impedes the construction or urgent repair of a highway and thereby disturbs the normal construction or urgent repair of the highway shall be punished according to the Law of the People's Republic of China on Public Security Administrative Punishments if no serious losses are caused.

"Whoever damages any highway or moves any highway sign without permit, which may affect traffic safety but is not serious enough to be punishable by a criminal punishment, shall be punished according to Article 99 of the Law of the People's Republic of China on Road Traffic Safety.

"Whoever refuses or impedes the performing of duties by highway supervisors or inspectors but does not use violence or threat shall be punished according to the Law of the People's Republic of China on Public Security Administrative Punishments."

91. The phrase "according to Article 30 of the Regulation on Public Security Administrative Punishments" as mentioned in Articles 3 and 4 of the Decision of the Standing Committee of the National People's Congress on Prohibiting Prostitution and Going Whoring shall be amended as "according to the provisions of the Law of the People's Republic of China on Public Security Administrative Punishments".

V. The inconsistent names and articles of laws quoted in the following laws shall be amended.

92. The term "Regulation on the Service of the Officers of the Chinese People's Liberation Army" as mentioned in Article 27 of the Military Service Law of the People's Republic of China shall be amended as "Law of the People's Republic of China on Officers in Active Service and the Law of the People's Republic of China on Officers on Reserve Service".

93. The term "Urban Planning Law of the People's Republic of China" as mentioned in Paragraph 2 of Article 35 of the Meteorology Law of the People's Republic of China shall be amended as "Urban and Rural Planning Law of the People's Republic of China".

94. Article 2 of the Regulation of the People's Republic of China on the Police Ranks of the



People's Police shall be amended as: "A system of police ranks shall be practiced for the people's police."

95. The term "Paragraph 2 of Article 217 of the Civil Procedure Law" as mentioned in Article 63 of the Arbitration Law of the People's Republic of China shall be amended as "Paragraph 2 of Article 213 of the Civil Procedure Law"; the term "Paragraph 1 of Article 260 of the Civil Procedure Law" as mentioned in Articles 70 and 71 shall be amended as "Paragraph 1 of Article 258 of the Civil Procedure Law".

This Decision shall come into force on the date of promulgation.

中华人民共和国主席令

第十八号

《全国人民代表大会常务委员会关于修改部分法律的决定》已由中华人民共和国第十一届全国人民代表大会常务委员会第十次会议于2009年8月27日通过，现予公布，自公布之日起施行。

中华人民共和国主席 胡锦涛

2009年8月27日

全国人民代表大会常务委员会

关于修改部分法律的决定

(2009年8月27日第十一届全国人民代表大会常务委员会第十次会议通过)

第十一届全国人民代表大会常务委员会第十次会议决定：

一、对下列法律中明显不适应社会主义市场经济和社会发展要求的规定作出修改

1. 将《中华人民共和国民事诉讼法》第七条修改为：“民事活动应当尊重社会公德，不得损害社会公共利益，扰乱社会经济秩序。”

删去第五十八条第一款第六项。

2. 删去《中华人民共和国全民所有制工业企业法》第二条第四款、第二十三条、第三十五条第一款、第五十五条。

3. 删去《中华人民共和国体育法》第四十七条。

4. 删去《中华人民共和国教育法》第五十七条第三款、第五十九条。

5. 删去《中华人民共和国防洪法》第五十二条。

二、对下列法律和法律解释中关于“征用”的规定作出修改

(一) 将下列法律和法律解释中的“征用”修改为“征收、征用”

6. 《中华人民共和国森林法》第十八条

7. 《中华人民共和国军事设施保护法》第十二条

8. 《中华人民共和国国防法》第四十八条

9. 《中华人民共和国归侨侨眷权益保护法》第十三条

1 0. 《中华人民共和国农村土地承包法》第十六条、第五十九条

1 1. 《中华人民共和国草原法》第三十八条、第三十九条、第六十三条

1 2. 《中华人民共和国刑法》第三百八十一条、第四百一十条

1 3. 全国人民代表大会常务委员会关于《中华人民共和国刑法》第九十三条第二款的解释

1 4. 全国人民代表大会常务委员会关于《中华人民共和国刑法》第二百二十八条、第三百四十二条、第四百一十条的解释

(一) 将下列法律中的“征用”修改为“征收”

1 5. 《中华人民共和国渔业法》第十四条

1 6. 《中华人民共和国铁路法》第三十六条

1 7. 《中华人民共和国城市房地产管理法》第九条

1 8. 《中华人民共和国电力法》第十六条

1 9. 《中华人民共和国煤炭法》第二十条

2 0. 《中华人民共和国行政复议法》第三十条

2 1. 《中华人民共和国农业法》第七十一条

三、对下列法律中关于刑事责任的规定作出修改

(一) 将下列法律中的“依照刑法第×条的规定”、“比照刑法第×条的规定”修改为“依照刑法有关规定”

2 2. 《中华人民共和国计量法》第二十九条

2 3. 《中华人民共和国矿产资源法》第三十九条、第四十条、第四十三条、第四十四条、第四十八条

2 4. 《中华人民共和国国境卫生检疫法》第二十二条

2 5. 《中华人民共和国全民所有制工业企业法》第六十二条、第六十三条

2 6. 《中华人民共和国野生动物保护法》第三十二条、第三十七条

2 7. 《中华人民共和国集会游行示威法》第二十九条

2 8. 《中华人民共和国军事设施保护法》第三十三条、第三十四条

2 9. 《中华人民共和国铁路法》第六十条、第六十四条、第六十五条

3 0. 《中华人民共和国进出境动植物检疫法》第四十二条、第四十三条

3 1. 《中华人民共和国全国人民代表大会和地方各级人民代表大会代表法》第三十九条

3 2. 《中华人民共和国矿山安全法》第四十六条、第四十七条

- 3 3. 《中华人民共和国国家安全法》第二十六条、第二十七条、第三十二条
- 3 4. 《中华人民共和国教师法》第三十六条
- 3 5. 《中华人民共和国红十字会法》第十五条
- 3 6. 《中华人民共和国劳动法》第九十二条
- 3 7. 《中华人民共和国母婴保健法》第三十六条
- 3 8. 《中华人民共和国民用航空法》第一百九十四条、第一百九十六条、第一百九十八条、第一百九十九条
- 3 9. 《中华人民共和国电力法》第七十一条、第七十二条、第七十四条
- 4 0. 《中华人民共和国行政处罚法》第六十一条
- 4 1. 《中华人民共和国枪支管理法》第四十条、第四十二条、第四十三条
- 4 2. 《中华人民共和国煤炭法》第七十八条、第七十九条

(二) 将下列法律中引用已纳入刑法并被废止的关于惩治犯罪的决定的规定修改为“依照刑法有关规定”。

- 4 3. 《中华人民共和国野生动物保护法》第三十一条
- 4 4. 《中华人民共和国军事设施保护法》第三十五条
- 4 5. 《中华人民共和国铁路法》第六十九条
- 4 6. 《中华人民共和国烟草专卖法》第四十条、第四十二条
- 4 7. 《中华人民共和国民用航空法》第一百九十一条

(三) 删去下列法律中关于“投机倒把”、“投机倒把罪”的规定，并作出修改

4 8. 将《中华人民共和国计量法》第二十八条修改为：“制造、销售、使用以欺骗消费者为目的的计量器具的，没收计量器具和违法所得，处以罚款；情节严重的，并对个人或者单位直接责任人员依照刑法有关规定追究刑事责任。”

4 9. 将《中华人民共和国野生动物保护法》第三十五条第二款修改为：“违反本法规定，出售、收购国家重点保护野生动物或者其产品，情节严重，构成犯罪的，依照刑法有关规定追究刑事责任。”

5 0. 将《中华人民共和国铁路法》第七十条修改为：“铁路职工利用职务之便走私的，或者与其他人员勾结走私的，依照刑法有关规定追究刑事责任。”

5 1. 将《中华人民共和国烟草专卖法》第三十八条第一款修改为：“倒卖烟草专卖品，构成犯罪的，依法追究刑事责任；情节轻微，不构成犯罪的，由工商行政管理部门没收倒卖的烟草专卖品和违法所得，可以并处罚款。”

(四) 对下列法律中关于追究刑事责任的具体规定作出修改

5 2. 将《中华人民共和国公民出境入境管理法》第十六条修改为：“执行本法的国家工作人员，利用职权索取、收受贿赂，或者有其他违法失职行为，情节严重，构成犯罪的，

依法追究刑事责任。”

53. 将《中华人民共和国铁路法》第六十一条修改为：“故意损毁、移动铁路行车信号装置或者在铁路线路上放置足以使列车倾覆的障碍物的，依照刑法有关规定追究刑事责任。”

第六十二条修改为：“盗窃铁路线路上行车设施的零件、部件或者铁路线路上的器材，危及行车安全的，依照刑法有关规定追究刑事责任。”

第六十三条修改为：“聚众拦截列车、冲击铁路行车调度机构不听制止的，对首要分子和骨干分子依照刑法有关规定追究刑事责任。”

第六十六条修改为：“倒卖旅客车票，构成犯罪的，依照刑法有关规定追究刑事责任。铁路职工倒卖旅客车票或者与其他人员勾结倒卖旅客车票的，依照刑法有关规定追究刑事责任。”

54. 将《中华人民共和国烟草专卖法》第三十九条修改为：“伪造、变造、买卖本法规定的烟草专卖生产企业许可证、烟草专卖经营许可证等许可证件和准运证的，依照刑法有关规定追究刑事责任。”

“烟草专卖行政主管部门和烟草公司工作人员利用职务上的便利犯前款罪的，依法从重处罚。”

55. 将《中华人民共和国城市房地产管理法》第七十一条第二款修改为：“房产管理部门、土地管理部门工作人员利用职务上的便利，索取他人财物，或者非法收受他人财物为他人谋取利益，构成犯罪的，依法追究刑事责任；不构成犯罪的，给予行政处分。”

56. 将《中华人民共和国民用航空法》第一百九十二条修改为：“对飞行中的民用航空器上的人员使用暴力，危及飞行安全的，依照刑法有关规定追究刑事责任。”

第一百九十三条第一款修改为：“违反本法规定，隐匿携带炸药、雷管或者其他危险品乘坐民用航空器，或者以非危险品品名托运危险品的，依照刑法有关规定追究刑事责任。”

第三款修改为：“隐匿携带枪支子弹、管制刀具乘坐民用航空器的，依照刑法有关规定追究刑事责任。”

第一百九十五条修改为：“故意在使用中的民用航空器上放置危险品或者唆使他人放置危险品，足以毁坏该民用航空器，危及飞行安全的，依照刑法有关规定追究刑事责任。”

第一百九十七条修改为：“盗窃或者故意损毁、移动使用中的航行设施，危及飞行安全，足以使民用航空器发生坠落、毁坏危险的，依照刑法有关规定追究刑事责任。”

57. 将《中华人民共和国枪支管理法》第三十九条修改为：“违反本法规定，未经许可制造、买卖或者运输枪支的，依照刑法有关规定追究刑事责任。”

“单位有前款行为的，对单位判处罚金，并对其直接负责的主管人员和其他直接责任人员依照刑法有关规定追究刑事责任。”

第四十一条修改为：“违反本法规定，非法持有、私藏枪支的，非法运输、携带枪支入境、出境的，依照刑法有关规定追究刑事责任。”

58. 将《中华人民共和国兵役法》第六十二条第一款修改为：“现役军人以逃避服兵

役为目的，拒绝履行职责或者逃离部队的，按照中央军委委员会的规定给予处分；构成犯罪的，依法追究刑事责任。”

四、对下列法律和有关法律问题的决定中关于治安管理处罚的规定作出修改

(一) 将下列法律和有关法律问题的决定中引用的“治安管理处罚条例”修改为“治安管理处罚法”

5 9. 《中华人民共和国兵役法》第六十四条

6 0. 《中华人民共和国矿产资源法》第四十一条、第四十八条

6 1. 《中华人民共和国野生动物保护法》第三十九条

6 2. 《中华人民共和国集会游行示威法》第二十八条、第三十二条

6 3. 《中华人民共和国铁路法》第六十七条

6 4. 《中华人民共和国水土保持法》第二十七条

6 5. 《中华人民共和国烟草专卖法》第四十一条

6 6. 《中华人民共和国工会法》第五十一条

6 7. 《中华人民共和国产品质量法》第六十九条

6 8. 《中华人民共和国消费者权益保护法》第五十二条

6 9. 《中华人民共和国体育法》第五十一条至第五十三条

7 0. 《中华人民共和国民用航空法》第二百条

7 1. 《中华人民共和国电力法》第七十条

7 2. 《中华人民共和国行政处罚法》第四十二条

7 3. 《中华人民共和国煤炭法》第七十六条

7 4. 《中华人民共和国老年人权益保障法》第四十六条、第四十八条

7 5. 《中华人民共和国人民防空法》第五十条

7 6. 《中华人民共和国防洪法》第六十一条、第六十二条、第六十四条

7 7. 《中华人民共和国执业医师法》第四十条

7 8. 《中华人民共和国安全生产法》第九十四条

7 9. 《中华人民共和国水法》第七十二条

8 0. 《全国人民代表大会常务委员会关于惩治走私、制作、贩卖、传播淫秽物品的犯罪分子的决定》第二条、第三条

8 1. 《全国人民代表大会常务委员会关于严惩拐卖、绑架妇女、儿童的犯罪分子的决定》第四条

8 2. 《全国人民代表大会常务委员会关于维护互联网安全的决定》第六条

(二) 对下列法律和有关法律问题的决定中关于治安管理处罚的具体规定作出修改

8 3. 删去《中华人民共和国全民所有制工业企业法》第六十四条第一款:

第二款修改为:“扰乱企业的秩序,致使生产、营业、工作不能正常进行,尚未造成严重损失的,由企业所在地公安机关依照《中华人民共和国治安管理处罚法》的规定处罚。”

8 4. 将《中华人民共和国野生动物保护法》第三十三条第二款修改为:“违反本法规定,未取得持枪证持枪捕杀野生动物的,由公安机关依照治安管理处罚法第三十二条的规定处罚。”

8 5. 将《中华人民共和国军事设施保护法》第三十二条、第三十三条、第三十四条中的“比照治安管理处罚条例第十九条的规定处罚”修改为“适用《中华人民共和国治安管理处罚法》第三十三条的处罚规定”。

8 6. 将《中华人民共和国国旗法》第十九条修改为:“在公共场合故意以焚烧、毁损、涂划、玷污、践踏等方式侮辱中华人民共和国国旗的,依法追究刑事责任;情节较轻的,由公安机关处以十五日以下拘留。”

8 7. 将《中华人民共和国国徽法》第十三条修改为:“在公共场合故意以焚烧、毁损、涂划、玷污、践踏等方式侮辱中华人民共和国国徽的,依法追究刑事责任;情节较轻的,由公安机关处以十五日以下拘留。”

8 8. 将《中华人民共和国全国人民代表大会和地方各级人民代表大会代表法》第二十九条第三款中的“依照治安管理处罚条例第十九条的规定处罚”修改为“适用《中华人民共和国治安管理处罚法》第五十条的处罚规定”。

8 9. 将《中华人民共和国红十字会法》第十五条第二款中的“比照治安管理处罚条例第十九条的规定处罚”修改为“适用《中华人民共和国治安管理处罚法》第五十条的处罚规定”。

9 0. 将《中华人民共和国公路法》第八十三条修改为:“阻碍公路建设或者公路抢修,致使公路建设或者抢修不能正常进行,尚未造成严重损失的,依照《中华人民共和国治安管理处罚法》的规定处罚。”

“损毁公路或者擅自移动公路标志,可能影响交通安全,尚不够刑事处罚的,适用《中华人民共和国道路交通安全法》第九十九条的处罚规定。”

“拒绝、阻碍公路监督检查人员依法执行职务未使用暴力、威胁方法的,依照《中华人民共和国治安管理处罚法》的规定处罚。”

9 1. 将《全国人民代表大会常务委员会关于严禁卖淫嫖娼的决定》第三条、第四条中的“依照治安管理处罚条例第三十条的规定处罚”修改为“依照《中华人民共和国治安管理处罚法》的规定处罚”。

五、对下列法律中引用其他法律名称或者条文不对应的规定作出修改

9 2. 将《中华人民共和国兵役法》第二十七条中的“中国人民解放军军官服役条例”修改为“《中华人民共和国现役军官法》和《中华人民共和国预备役军官法》”。

9 3. 将《中华人民共和国气象法》第三十五条第二款中的“《中华人民共和国城市规划法》”修改为“《中华人民共和国城乡规划法》”。

94. 将《中华人民共和国人民警察警衔条例》第二条修改为“人民警察实行警衔制度。”

95. 将《中华人民共和国仲裁法》第六十三条中的“民事诉讼法第二百一十七条第二款”修改为“民事诉讼法第二百一十三条第二款”；第七十条、第七十一条中的“民事诉讼法第二百六十条第一款”修改为“民事诉讼法第二百五十八条第一款”。

本决定自公布之日起施行。