

# Notice by the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice of Issuing the Opinions on Punishing Criminal and Illegal Activities that Hinder the Prevention and Control of Novel Coronavirus Pneumonia

最高人民法院、最高人民检察院、公安部、司法部印发《关于依法惩治妨害新型冠状病毒感染肺炎疫情防控违法犯罪的意见》的通知

[CLI Code] CLI.3.339217(EN)

Statement

Document Number: No. 7 [2020] of the Supreme People's Court  
Area of Law: [Crimes and Criminal Responsibility](#) [Prevention and Control of Infectious Diseases](#) [Epidemic Prevention and Control](#)  
Level of Authority: [Working Documents of the Supreme People's Court and the Supreme People's Procuratorate](#)  
Date Issued: 02-06-2020 Effective Date: 02-06-2020  
Issuing Authority: [Supreme People's Court](#) [Supreme People's Procuratorate](#) [Ministry of Public Security](#) [Ministry of Justice](#)  
Status: [Effective](#)

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(No. 7 [2020] of the Supreme People's Court)

(法发〔2020〕7号)

The higher people's courts, higher people's procuratorates, public security departments (bureaus), judicial departments (bureaus) of all provinces, autonomous regions and municipalities directly under the Central Government; the Military Court and Military Procuratorate of the People's Liberation Army; the Production and Construction Corps Branch of the Higher People's Court of Xinjiang Uygur Autonomous Region, and the People's Procuratorate, the Public Security Bureau and the Judicial Bureau of Xinjiang Production and Construction Corps:

各省、自治区、直辖市高级人民法院、人民检察院、公安厅（局）、司法厅（局），解放军军事法院、军事检察院，新疆维吾尔自治区高级人民法院生产建设兵团分院、新疆生产建设兵团人民检察院、公安局、司法局：

For the purpose of implementing the Opinions of the Central Comprehensive Law-based Governance Commission on Preventing and Controlling the Outbreak of Novel **Coronavirus** Pneumonia and Maintaining the Life Safety and Physical Health of the General Public, the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice have jointly developed the Opinions on Punishing Criminal and Illegal Activities that Hinder the Prevention and Control of Novel **Coronavirus** Pneumonia, which are hereby issued for your earnest implementation. Any new circumstance or new issue during the implementation shall be reported to the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice in a timely manner.

Supreme People's Court

Supreme People's Procuratorate

Ministry of Public Security

Ministry of Justice

February 6, 2020

Opinions of the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security, and the Ministry of Justice on Punishing Criminal and Illegal Activities that Hinder the Prevention and Control of Novel **Coronavirus** Pneumonia

The Opinions are developed according to the relevant laws and judicial interpretations for the purposes of punishing criminal and illegal activities that hinder the prevention and control of novel **coronavirus** pneumonia, protecting the life safety and physical health of the general public, maintaining social stability and order, and ensuring smooth progress of the epidemic prevention and control.

I. Enhancing political stance, and recognizing the significance of maintaining overall social stability during the epidemic prevention and control

为贯彻落实2020年2月5日中央全面依法治国委员会第三次会议审议通过的《中央全面依法治国委员会关于依法防控新型冠状病毒感染肺炎疫情、切实保障人民群众生命健康安全的意见》，最高人民法院、最高人民检察院、公安部、司法部联合制定了《关于依法惩治妨害新型冠状病毒感染肺炎疫情防控违法犯罪的意见》。现予以印发，请结合实际认真贯彻执行。在执行中遇到的新情况、新问题，请及时分别报告最高人民法院、最高人民检察院、公安部、司法部。

最高人民法院

最高人民检察院

公安部

司法部

2020年2月6日

最高人民法院、最高人民检察院、公安部、司法部关于依法惩治妨害新型冠状病毒感染肺炎疫情防控违法犯罪的意见

为依法惩治妨害新型冠状病毒感染肺炎疫情防控违法犯罪行为，保障人民群众生命安全和身体健康，保障社会安定有序，保障疫情防控工作顺利开展，根据有关法律、司法解释的规定，制定本意见。

一、提高政治站位，充分认识疫情防控时期维护社会大局稳定的重大意义

The people's courts, the people's procuratorates, the public security organs, and the administrative organs of justice shall effectively bring their thoughts and actions in line with the spirit of the important instructions of General Secretary Xi Jinping regarding the epidemic prevention and control of novel **coronavirus** pneumonia; firmly implement the decisions and arrangements of the CPC Central Committee as well as the work plans made by the leading group of the Central Government in coping with the outbreak of novel **coronavirus** pneumonia; and, according to the requirements of the Committee of Political and Legislative Affairs, heighten the "awareness of maintaining political integrity, thinking in big-picture terms, keeping the CPC as the core of leadership, and acting consistently with the policies of the CPC Central Committee", have confidence in "our path, guiding theories, political system, and culture", resolutely "defend the status of General Secretary as the core of the CPC Central Committee and the whole Party and defend the authority and leadership of the CPC Central Committee". Furthermore, The people's courts, the people's procuratorates, the public security organs, and the administrative organs of justice shall always put the people's life safety and physical health in the first place, stand firm to placing the epidemic prevention and control as the top priority, follow the provisions of laws and regulations, strictly punish various crimes and illegal acts that impede the epidemic prevention and control in a timely manner, and provide strong legal guarantee for the battle against the epidemic.

## II. Correctly applying laws, and punishing various criminal and illegal activities that hinder the epidemic prevention and control

1. Severely punishing crimes that resist the epidemic prevention and control: Those who intentionally spread the pathogen of novel **coronavirus**-infected pneumonia under one of the following circumstances and endanger public security shall be convicted of and punished for the crime of endangering public security by dangerous means in accordance with Article 114 and paragraph 1 of Article 115 of the Criminal Law:

1) Confirmed patients of novel **coronavirus** pneumonia and pathogen carriers refuse isolation treatment or leave the isolation treatment before the quarantine period expires, and enter public places or public transportation; or

各级人民法院、人民检察院、公安机关、司法行政机关要切实把思想和行动统一到习近平总书记关于新型冠状病毒感染肺炎疫情防控工作的系列重要指示精神上来，坚决贯彻落实党中央决策部署、中央应对新型冠状病毒感染肺炎疫情防控工作领导小组工作安排，按照中央政法委要求，增强“四个意识”、坚定“四个自信”、做到“两个维护”，始终将人民群众的生命安全和身体健康放在第一位，坚决把疫情防控作为当前压倒一切的头等大事来抓，用足用好法律规定，依法及时、从严惩治妨害疫情防控的各类违法犯罪，为坚决打赢疫情防控阻击战提供有力法治保障。

## 二、准确适用法律，依法严惩妨害疫情防控的各类违法犯罪

(一) 依法严惩抗拒疫情防控措施犯罪。故意传播新型冠状病毒感染肺炎病原体，具有下列情形之一，危害公共安全的，依照**刑法第一百一十四条**、**第一百一十五条**第一款的规定，以**以危险方法危害公共安全罪**定罪处罚：

1.已经确诊的新型冠状病毒感染肺炎病人、病原携带者，拒绝隔离治疗或者隔离期未滿擅自脱离隔离治疗，并进入公共场所或者公共交通工具的；

2) Patients suspected of having contracted novel **coronavirus** pneumonia refuse isolation treatment or leave the isolation treatment before the quarantine period expires and enter public places or public transportation.

Others who refuse to implement the prevention and control measures proposed by the health and epidemic prevention agencies in accordance with the Law on the Prevention and Treatment of Infectious Diseases, thus resulting in transmission of novel **coronavirus** or serious danger of transmission, shall be convicted of and punished for the crime of impairing the prevention and treatment of infectious diseases in accordance with Article 330 of the Criminal Law.

Those who use violence or threat to obstruct staff members of the state organs (including personnel who perform public services in organizations that exercise the state administrative power relating to the epidemic prevention and control according to laws and regulations, and those who perform public services in organizations that are entrusted by the state organs to exercise the power on behalf thereof, and those who are not state functionaries but perform public services relating to the epidemic prevention and control in the state organs) from implementing measures to prevent and control the outbreak, such as epidemic prevention, quarantine, compulsory isolation, isolation treatment, shall be convicted of and punished for the crime of obstructing public services in accordance with paragraphs 1 and 3 of Article 277 of the Criminal Law; and whoever attacks by violence any policeman who is performing his or her duties according to the law shall be convicted of the crime of obstructing public services and be given a heavier punishment.

2. Severely punishing crimes of hurting doctors by violence: During the epidemic prevention and control, those who cause intentional injury to medical staff resulting in minor injuries or more serious consequences, or who tear protective equipment of medical staff or spit on medical staff and other acts, causing medical staff to be infected with novel **coronavirus**, shall be convicted of and punished for the crime of intentional injury in accordance with Article 234 of the Criminal Law.

2.新型冠状病毒感染肺炎疑似病人拒绝隔离治疗或者隔离期满擅自脱离隔离治疗，并进入公共场所或者公共交通工具，造成新型冠状病毒传播的。

其他拒绝执行卫生防疫机构依照**传染病防治法**提出的防控措施，引起新型冠状病毒传播或者有传播严重危险的，依照**刑法第三百三十条**的规定，以妨害传染病防治罪定罪处罚。

以暴力、威胁方法阻碍国家机关工作人员（含在依照法律、法规规定行使国家有关疫情防控行政管理职权的组织中从事公务的人员，在受国家机关委托代表国家机关行使疫情防控职权的组织中从事公务的人员，虽未列入国家机关人员编制但在国家机关中从事疫情防控公务的人员）依法履行为防控疫情而采取的防疫、检疫、强制隔离、隔离治疗等措施的，依照**刑法第二百七十七条**第一款、第三款的规定，以妨害公务罪定罪处罚。暴力袭击正在依法执行职务的人民警察的，以妨害公务罪定罪，从重处罚。

（二）依法严惩暴力伤医犯罪。在疫情防控期间，故意伤害医务人员造成轻伤以上的严重后果，或者对医务人员实施撕扯防护装备、吐口水等行为，致使医务人员感染新型冠状病毒的，依照**刑法第二百三十四条**的规定，以故意伤害罪定罪处罚。

Those who beat medical staff at will shall, if the circumstances are execrable, be convicted of and punished for the crime of picking quarrels and provoking trouble in accordance with Article 293 of the Criminal Law.

Those who openly insult or intimidate medical staff by violent means or in any other manner shall be convicted of and punished for the crime of insulting other people or the crime of picking quarrels and provoking trouble in accordance with Article 246 and Article 293 of the Criminal Law.

Those who illegally restrict personal freedom of any medical staff by prohibiting him or her from leaving the workplace or by other means shall be convicted of and punished for the crime of illegal detention in accordance with Article 238 of the Criminal Law.

### 3. Severely punishing crimes of producing or selling fake goods:

During the epidemic prevention and control, those who produce or sell fake or substandard preventive or protective products or materials, or produce or sell fake or inferior medicines used for the prevention and treatment of novel coronavirus pneumonia shall be convicted of and punished for the crime of producing or selling fake or substandard products, the crime of producing or selling fake medicines, or the crime of producing or selling inferior medicines in accordance with Article 140, Article 141, and Article 142 of the Criminal Law.

During the epidemic prevention and control, those who produce medical masks, protective goggles, protective suits and other medical equipment that do not meet the national standards or industrial standards for safeguarding human health, or knowingly sell medical equipment that do not meet the relevant standards and that may cause serious harm to human health shall be convicted of and punished for the crime of producing or selling medical equipment that do not meet the relevant standards in accordance with Article 145 of the Criminal Law.

随意殴打医务人员，情节恶劣的，依照刑法第二百九十三条的规定，以寻衅滋事罪定罪处罚。

采取暴力或者其他方法公然侮辱、恐吓医务人员，符合刑法第二百四十六条、第二百九十三条规定的，以侮辱罪或者寻衅滋事罪定罪处罚。

以不准离开工作场所等方式非法限制医务人员人身自由，符合刑法第二百三十八条规定的，以非法拘禁罪定罪处罚。

(三) 依法严惩制假售假犯罪。在疫情防控期间，生产、销售伪劣的防治、防护产品、物资，或者生产、销售用于防治新型冠状病毒感染的肺炎的假药、劣药，符合刑法第一百四十条、第一百四十一条、第一百四十二条规定的，以生产、销售伪劣产品罪，生产、销售假药罪或者生产、销售劣药罪定罪处罚。

在疫情防控期间，生产不符合保障人体健康的国家标准、行业标准的医用口罩、护目镜、防护服等医用器材，或者销售明知是不符合标准的医用器材，足以严重危害人体健康的，依照刑法第一百四十五条的规定，以生产、销售不符合标准的医用器材罪定罪处罚。

4. Severely punishing crimes of price gouging: During the epidemic prevention and control, those who violate the state's provisions regarding market operation and price management, hoard medical supplies for speculation, bid up the prices of medical masks, protective goggles, protective suits, disinfectants and other protective products, medicines, or other goods involving people's livelihood urgently needed in the epidemic prevention and control, seek exorbitant profits, and thus seriously disrupt the market order, if the amount of illegal gains is relatively large or there are other serious circumstances, shall be convicted of and punished for the crime of illegal business operation in accordance with item 4 of Article 225 of the Criminal Law.

5. Severely punishing crimes of frauds or assembling a crowd for robbing: During the epidemic prevention and control, those who fraudulently obtain public or private property under the disguise of developing, producing or selling goods for the epidemic prevention and control, or fabricate facts to defraud the public of donations of a relatively large amount shall be convicted of and punished for the crime of fraud in accordance with Article 266 of the Criminal Law.

During the epidemic prevention and control, those who use advertisements to publicize the commodities or services they sell in violation of the state's provisions under the disguise of preventing and controlling the epidemic, and deceive many people, if the amount of illegal gains is relatively large or there are other serious circumstances, shall be convicted of and punished for the crime of false advertisement in accordance with Article 222 of the Criminal Law.

During the epidemic prevention and control, if a crowd is assembled to rob public or private property, particularly materials for epidemic prevention and control or emergency supplies, and the amount is relatively large or there are other serious circumstances, principal offenders and active participants shall be convicted of and punished for the crime of assembling a crowd for robbing in accordance with Article 268 of the Criminal Law.

(四) 依法严惩哄抬物价犯罪。在疫情防控期间, 违反国家有关市场经营、价格管理等规定, 囤积居奇, 哄抬疫情防控急需的口罩、护目镜、防护服、消毒液等防护用品、药品或者其他涉及民生的物品价格, 牟取暴利, 违法所得数额较大或者有其他严重情节, 严重扰乱市场秩序的, 依照刑法第二百二十五条第四项的规定, 以非法经营罪定罪处罚。

(五) 依法严惩诈骗、聚众哄抢犯罪。在疫情防控期间, 假借研制、生产或者销售用于疫情防控的物品的名义骗取公私财物, 或者捏造事实骗取公众捐赠款物, 数额较大的, 依照刑法第二百六十六条的规定, 以诈骗罪定罪处罚。

在疫情防控期间, 违反国家规定, 假借疫情防控的名义, 利用广告对所推销的商品或者服务作虚假宣传, 致使多人上当受骗, 违法所得数额较大或者有其他严重情节的, 依照刑法第二百二十二条的规定, 以虚假广告罪定罪处罚。

在疫情防控期间, 聚众哄抢公私财物特别是疫情防控和保障物资, 数额较大或者有其他严重情节的, 对首要分子和积极参加者, 依照刑法第二百六十八条的规定, 以聚众哄抢罪定罪处罚。

6. Severely punishing crimes of creating and spreading rumors: Those who make up false information on the epidemic situation and spread it on information networks or other media, or knowingly spread the false information on information networks or other media, thus seriously disrupting social order, shall be convicted of and punished for the crime of making up or intentionally spreading false information in accordance with paragraph 2 of Article 291 (I) of the Criminal Law.

Those who make up false information or knowingly spread it on information networks, or arrange for or direct other people to spread it on information networks and make trouble, which causes serious public disorder, shall be convicted of and punished for the crime of picking quarrels and provoking trouble in accordance with item 4, paragraph 1 of Article 293 of the Criminal Law.

Those who, by taking advantage of the outbreak of novel coronavirus pneumonia, fabricate or spread rumors to incite others to split the state or undermine the national unity, or incite others to subvert state power or overthrow the socialist system shall be convicted of and punished for the crime of inciting others to split the state or the crime of inciting subversion of state power in accordance with paragraph 2 of Article 103 or paragraph 2 of Article 105.

Any network service provider that fails to perform the information network security management obligation as prescribed in any law or administrative regulation and refuses to make corrections after being ordered by the regulatory authority to take correction measures, which causes the spread of a large amount of false information on the epidemic or other illegal information, shall be convicted of and punished for the crime of refusing to perform the information network security management obligation in accordance with Article 286 (I) of the Criminal Law.

Cases regarding false information on the epidemic shall be accurately and properly handled according to the law. Those who maliciously fabricate such false information, generate social panic, incite social sentiments, disrupt public order, particularly maliciously attack the Party and the Chinese government, and, by taking the opportunity of the epidemic, incite others to subvert state power or overthrow the socialist system, shall be severely punished according to the law. Those who readily believe in such false information and spread it with no serious harm shall not be considered to have committed a crime.

(六) 依法严惩造谣传谣犯罪。编造虚假的疫情信息，在信息网络或者其他媒体上传播，或者明知是虚假疫情信息，故意在信息网络或者其他媒体上传播，严重扰乱社会秩序的，依照刑法第二百九十一条之一第二款的规定，以编造、故意传播虚假信息罪定罪处罚。

编造虚假信息，或者明知是编造的虚假信息，在信息网络上散布，或者组织、指使人员在信息网络上散布，起哄闹事，造成公共秩序严重混乱的，依照刑法第二百九十三条第一款第四项的规定，以寻衅滋事罪定罪处罚。

利用新型冠状病毒感染肺炎疫情，制造、传播谣言，煽动分裂国家、破坏国家统一，或者煽动颠覆国家政权、推翻社会主义制度的，依照刑法第一百零三条第二款、第一百零五条第二款的规定，以煽动分裂国家罪或者煽动颠覆国家政权罪定罪处罚。

网络服务提供者不履行法律、行政法规规定的信息网络安全管理义务，经监管部门责令采取改正措施而拒不改正，致使虚假疫情信息或者其他违法信息大量传播的，依照刑法第二百八十六条之一的规定，以拒不履行信息网络安全管理义务罪定罪处罚。

对虚假疫情信息案件，要依法、精准、恰当处置。对恶意编造虚假疫情信息，制造社会恐慌，挑动社会情绪，扰乱公共秩序，特别是恶意攻击党和政府，借机煽动颠覆国家政权、推翻社会主义制度的，要依法严惩。对于因轻信而传播虚假信息，危害不大的，不以犯罪论处。

7. Severely punishing crimes of breach of duty, dereliction of duty, corruption or misappropriation in the epidemic prevention and control: If staff members of state organs, who are responsible for organization, coordination, commanding, disaster investigation and control, medical rescue and treatment, information transfer, transportation, material support and other functions, abuse their power or neglect their duties, thus causing losses to public property and the state's and people's interests, they shall be convicted of and punished for the crime of abusing power or the crime of neglecting duties in accordance with Article 397 of the Criminal Law.

Staff members of public health administrative departments who grossly neglect their duties, fail to fulfill or earnestly fulfill the duties of prevention, treatment and supervision, which causes the spread or prevalence of novel **coronavirus** pneumonia, shall, in cases of a serious nature, be convicted of and punished for the crime of malfeasance in the prevention and treatment of infectious diseases.

If personnel engaging in the experimentation, storage, carrying and transporting of infectious diseases' bacterial and viral strains violate the relevant provisions of the public health administrative departments of the State Council, which causes the spread of novel **coronavirus** and results in serious consequences, they shall be convicted of and punished for the crime of spreading infectious diseases' viral strains in accordance with Article 331 of the Criminal Law.

(七) 依法严惩疫情防控失职渎职、贪污挪用犯罪。在疫情防控工作中, 负有组织、协调、指挥、灾害调查、控制、医疗救治、信息传递、交通运输、物资保障等职责的国家机关工作人员, 滥用职权或者玩忽职守, 致使公共财产、国家和人民利益遭受重大损失的, 依照**刑法第三百九十七条**的规定, 以滥用职权罪或者玩忽职守罪定罪处罚。

卫生行政部门的工作人员严重不负责任, 不履行或者不认真履行防治监管职责, 导致新型冠状病毒感染肺炎传播或者流行, 情节严重的, 依照**刑法第四百零九条**的规定, 以传染病防治失职罪定罪处罚。

从事实验、保藏、携带、运输传染病菌种、毒种的人员, 违反国务院卫生行政部门的有关规定, 造成新型冠状病毒毒种扩散, 后果严重的, 依照**刑法第三百三十一条**的规定, 以传染病菌种扩散罪定罪处罚。

Functionaries of state organs, personnel entrusted with the management of state-owned property, or personnel of companies, enterprises or other entities who take advantage of their offices to encroach on, withhold or use other illegal means to acquire funds or materials used for the prevention and control of novel coronavirus pneumonia, or misappropriate the above funds or materials for their own use shall be convicted of and punished for the crime of embezzlement, the crime of duty-related encroachment, the crime of misappropriate of public funds, or the crime of misappropriation of funds in accordance with Article 382, Article 383, Article 271, Article 384, and Article 272 of the Criminal Law. Personnel directly responsible for misappropriating funds and materials for disaster relief, support to disabled servicemen and the families of revolutionary martyrs and servicemen or social relief that are used for the prevention and control of novel coronavirus pneumonia outbreak shall be convicted of and punished for the crime of misappropriating specific funds or materials in accordance with Article 273 of the Criminal Law.

8. Severely punishing crimes of damaging transportation facilities: During the epidemic prevention and control, those who sabotages railroads, bridges, tunnels, highways, airports, waterways, lighthouses or signs, or conducts other destructive activities in a manner sufficient to threaten the overturning or destruction of trains, motor vehicles, streets, ships or airplanes shall be convicted of and punished for the crime of sabotaging transportation facilities in accordance with Article 117 and paragraph 1 of Article 119 of the Criminal Law.

The cases of sabotaging transportation facilities shall be prudently handled according to specific conditions. Those who, for the purpose of preventing the spread of the epidemic, block roads to impede traffic without approval, which does not cause serious consequences shall generally not be considered to have committed a crime, but instead be ordered to make corrections by the competent authorities.

国家工作人员，受委托管理国有财产的人员，公司、企业或者其他单位的人员，利用职务便利，侵吞、截留或者以其他手段非法占有用于防控新型冠状病毒感染肺炎的款物，或者挪用上述款物归个人使用，符合刑法第三百八十二条、第三百八十三条、第二百七十一条、第三百八十四条、第二百七十二条规定的，以贪污罪、职务侵占罪、挪用公款罪、挪用资金罪定罪处罚。挪用用于防控新型冠状病毒感染肺炎的救灾、优抚、救济等款物，符合刑法第二百七十三条规定的，对直接责任人员，以挪用特定款物罪定罪处罚。

(八) 依法严惩破坏交通设施犯罪。在疫情防控期间，破坏轨道、桥梁、隧道、公路、机场、航道、灯塔、标志或者进行其他破坏活动，足以使火车、汽车、电车、船只、航空器发生倾覆、毁坏危险的，依照刑法第一百一十七条、第一百一十九条第一款的规定，以破坏交通设施罪定罪处罚。

办理破坏交通设施案件，要区分具体情况，依法审慎处理。对于为了防止疫情蔓延，未经批准擅自封路阻碍交通，未造成严重后果的，一般不以犯罪论处，由主管部门予以纠正。

9. Severely punishing crimes of destroying wildlife resources: Those who illegally hunt and kill rare and endangered wild animals which are under the national major conservation, or illegally purchase, transport or sell those rare and endangered wild animals and their products shall be convicted of and punished for the crime of illegally hunting and killing rare and endangered wild animals or the crime of illegally purchasing, transporting or selling rare and endangered wild animals and their products in accordance with paragraph 1 of Article 341 of the Criminal Law.

Those who violate hunting laws and regulations and use tools and methods which are forbidden to be used in no-hunting zones or non-hunting periods and thus damage the wildlife resources shall, if the circumstances are serious, be convicted of and punished for the crime of illegal hunting in accordance with paragraph 2 of Article 341 of the Criminal Law.

Those who, in violation of the state provisions, illegally distribute wild animals not under the national major conservation and their products (including building trading venues, conducting online sales, and selling processed foods) and disrupt market order shall, if the circumstances are serious, be convicted of and punished for the crime of illegal business operations in accordance with item 4 of Article 225 of the Criminal Law.

Those who know or should have known that what is to be purchased is a rare or endangered wild animal under the national major conservation or any product made thereof but still illegally purchase it for eating or other purposes shall be convicted of and punished for the crime of illegally purchasing rare and endangered wild animals and their products in accordance with paragraph 1 of Article 341 of the Criminal Law.

Those who know or should have known that what is to be purchased is a wild animal hunt illegally shall be convicted of and punished for the crime of covering up or concealing crime-related income in accordance with the provisions of Article 312 of the Criminal Law.

(九) 依法严惩破坏野生动物资源犯罪。非法猎捕、杀害国家重点保护的珍贵、濒危野生动物的，或者非法收购、运输、出售国家重点保护的珍贵、濒危野生动物及其制品的，依照刑法第三百四十一条第一款的规定，以非法猎捕、杀害珍贵、濒危野生动物罪或者非法收购、运输、出售珍贵、濒危野生动物、珍贵、濒危野生动物制品罪定罪处罚。

违反狩猎法规，在禁猎区、禁猎期或者使用禁用的工具、方法进行狩猎，破坏野生动物资源，情节严重的，依照刑法第三百四十一条第二款的规定，以非法狩猎罪定罪处罚。

违反国家规定，非法经营非国家重点保护野生动物及其制品（包括开办交易场所、进行网络销售、加工食品出售等），扰乱市场秩序，情节严重的，依照刑法第二百二十五条第四项的规定，以非法经营罪定罪处罚。

知道或者应当知道是国家重点保护的珍贵、濒危野生动物及其制品，为食用或者其他目的而非法购买，符合刑法第三百四十一条第一款规定的，以非法收购珍贵、濒危野生动物、珍贵、濒危野生动物制品罪定罪处罚。

知道或者应当知道是非法狩猎的野生动物而购买，符合刑法第三百一十二条规定的，以掩饰、隐瞒犯罪所得罪定罪处罚。

10. Severely punishing illegal activities of impairing epidemic prevention and control: Those who are involved in the aforesaid activities from 1 to 9 shall, if a crime is not constituted, be imposed public security administration punishment by the public security organs according to the provisions of the Public Security Administration Punishments Law regarding fabricating facts to disrupt public order, the order of entities and the order of public places, picking quarrels and provoking trouble, refusing to implement decisions and orders under emergency conditions, obstructing others from performing their duties, rushing into a warning area or warning zone, assaulting any other person, intentionally hurting or insulting any other person, defrauding others, illegally digging holes, quarrying of stone or sand along railways, stealing, damaging or destroying any public facilities, damaging or destroying any railway transport facilities, intentionally damaging or destroying properties, robbing public or private property, or be imposed other administrative penalties by the relevant departments.

For those who commit illegal activities or crimes during the epidemic prevention and control, a heavier punishment shall be considered to comply with the policy requirements for severe punishment, effectively punish and form a strong deterrent to illegal or criminal activities, defend the authority of the law, maintain social order, and protect the life safety and physical health of the general public.

### III. Improving working mechanism, and ensuring the effects and safety in handling cases

1. Investigating cases without delay: The public security organs shall, without delay, file and investigate cases regarding activities that impede the epidemic prevention and control of novel **coronavirus** pneumonia, and collect and fix evidences from all sources. For any person who refuses isolation treatment or leave the isolation treatment before the quarantine period expires, the public security organs shall assist medical institutions and the relevant departments in adopting measures for compulsory isolation treatment. Law enforcement shall be strictly regulated with impartiality and discipline.

(十) 依法严惩妨害疫情防控的违法行为。实施上述（一）至（九）规定的行为，不构成犯罪的，由公安机关根据**治安管理处罚法**有关虚构事实扰乱公共秩序，扰乱单位秩序、公共场所秩序、寻衅滋事，拒不执行紧急状态下的决定、命令，阻碍执行职务，冲闯警戒带、警戒区，殴打他人，故意伤害，侮辱他人，诈骗，在铁路沿线非法挖掘坑穴、采石取沙，盗窃、损毁路面公共设施，损毁铁路设施设备，故意损毁财物、哄抢公私财物等规定，予以治安管理处罚，或者由有关部门予以其他行政处罚。

对于在疫情防控期间实施有关违法犯罪的，要作为从重情节予以考量，依法体现从严的政策要求，有力惩治震慑违法犯罪，维护法律权威，维护社会秩序，维护人民群众生命安全和身体健康。

### 三、健全完善工作机制，保障办案效果和安全

(一) 及时查处案件。公安机关对于妨害新型冠状病毒感染肺炎疫情防控的案件，要依法及时立案查处，全面收集固定证据。对于拒绝隔离治疗或者隔离期未满擅自脱离隔离治疗的人员，公安机关要依法协助医疗机构和有关部门采取强制隔离治疗措施。要严格规范公正文明执法。

2. Strengthening communication and coordination: The people's courts, the people's procuratorates, the public security organs, and the administrative organs of justice shall strengthen communication and coordination, and ensure that investigation, prosecution, trial and delivery for execution of cases will be carried out smoothly. For major, sensitive and complicated cases, the public security organs shall listen to the opinions and suggestions of the people's procuratorates. In handling major cases with huge social impact and high attention of the public, organizational leadership shall be strengthened, the requirements for handling cases according to law, guiding public opinions, and managing social security shall be implemented, the progress of case handling shall be publicized in a timely manner, facts and truth shall be clarified, and public opinions shall be properly guided.

3. Protecting the right to litigation: Various procedural rights of criminal suspects and defendants, particularly their rights to defense, shall be protected according to the law. For a defendant who has not authorized a defender, a lawyer shall be designated to defend or provide legal aid to him or her according to the requirements for full coverage of defense lawyers in criminal cases. The administrative organs of justice at all levels shall strengthen guidance to and supervision on lawyers' defense and representation work, guide lawyers in performing the defense and representation functions as required, effectively protect the lawful rights and interests of criminal suspects and defendants, and ensure law enforcement will be carried out in a correct way.

4. Strengthening publicity and education: The people's courts, the people's procuratorates, the public security organs, and the administrative organs of justice shall earnestly implement the accountability system of "whoever enforces law shall disseminate the knowledge of law", and take specific measures to publicize the rule of law in combination of case handling. They shall also select several typical cases, interpret law with actual cases, and strengthen efforts to caution and deter potential perpetrators. Furthermore, they shall guide the people in observing disciplines and laws, educate them on not believing in or spreading rumors, and encourage them to support and cooperate with the epidemic prevention and control work, so as to create a favorable legal and social environment for the epidemic prevention and control.

(二) 强化沟通协调。人民法院、人民检察院、公安机关、司法行政机关要加强沟通协调, 确保案件顺利侦查、起诉、审判、交付执行。对重大、敏感、复杂案件, 公安机关要及时听取人民检察院的意见建议。对社会影响大、舆论关注度高的重大案件, 要加强组织领导, 按照依法处置、舆论引导、社会面管控“三同步”要求, 及时向社会通报案件进展情况, 澄清事实真相, 做好舆论引导工作。

(三) 保障诉讼权利。要依法保障犯罪嫌疑人、被告人的各项诉讼权利特别是辩护权。要按照刑事案件律师辩护全覆盖的要求, 积极组织律师为没有委托辩护人的被告人依法提供辩护或者法律帮助。各级司法行政机关要加强对律师辩护代理工作的指导监督, 引导广大律师依法依规履行辩护代理职责, 切实维护犯罪嫌疑人、被告人的合法权益, 保障法律正确实施。

(四) 加强宣传教育。人民法院、人民检察院、公安机关、司法行政机关要认真落实“谁执法谁普法”责任制, 结合案件办理深入细致开展法治宣传教育工作。要选取典型案例, 以案释法, 加大警示教育, 震慑违法犯罪分子, 充分展示坚决依法严惩此类违法犯罪、维护人民群众生命安全和身体健康的决心。要引导广大群众遵纪守法, 不信谣、不传谣, 依法支持和配合疫情防控工作, 为疫情防控工作的顺利开展营造良好的法治和社会环境。

5. Paying attention to safety in handling cases: During the epidemic prevention and control, when handling cases regarding illegal activities that hinder the prevention and control of novel **coronavirus** pneumonia, case-handling personnel shall pay close attention to their own safety, raise the awareness of prevention, and strengthen their capability of self-protection and prevention in performing duties of case acceptance and handling, capturing, detention, interrogation, trial, and enforcement. Unless face-to-face contact is required, case-handling personnel may investigate cases in the form of written examination, and, if necessary, may interrogate criminal suspects, interview victims or witnesses, or listen to the opinions of defending lawyers through video or by other means. The people's courts shall, when hearing the relevant cases during the epidemic prevention and control, minimize the public gatherings, maintain the safety and health of litigation participants, observers, and court officers and policemen.

(五) 注重办案安全。在疫情防控期间, 办理妨害新型冠状病毒感染肺炎疫情防控案件, 办案人员要注重自身安全, 提升防范意识, 增强在履行接处警、抓捕、羁押、讯问、审判、执行等职能时的自我保护能力和防范能力。除依法必须当面接触的情形外, 可以尽量采取书面审查方式, 必要时, 可以采取视频等方式讯问犯罪嫌疑人、询问被害人、证人、听取辩护律师意见。人民法院在疫情防控期间审理相关案件的, 在坚持依法公开审理的同时, 要最大限度减少人员聚集, 切实维护诉讼参与人、旁听群众、法院干警的安全和健康。

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