

## Criminal Penalties

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**CRIMINAL PENALTIES:** While in a foreign country, a U.S. citizen is subject to that country's laws and regulations, which, in China, differ significantly from those in the United States and do not afford the protections available to the individual under U.S. law. Penalties for breaking the law can be more severe than in the United States for similar offenses. Persons violating China's laws, even unknowingly, may be expelled, arrested or imprisoned. Penalties for possession of, use of, or trafficking in illegal drugs in China are severe, and convicted offenders can expect long jail sentences and heavy fines. Non-American foreigners have been executed for drug offenses. Engaging in sexual conduct with children or using or disseminating child pornography in a foreign country is a crime, prosecutable in the United States. Please see our information on Criminal Penalties. Read on for more about: registering with police, questioning by police, detention, abuse, Christian literature

On March 1, 2006, a Public Security Law went into effect that gives police powers relating to the commission of a wide range of offenses, including the authority to detain and deport foreigners. The list of offenses has been expanded to include certain religious activities and prostitution-related crimes.

Americans in China, who are not staying at hotels, including Americans who are staying with friends or relatives, must register with local police as soon as they arrive. Otherwise, they may be fined up to 500 RMB per day. Americans who are questioned by police should immediately notify the U.S. Embassy or the nearest consulate. Foreigners detained for questioning may not be allowed to contact their national authorities until the questioning is concluded. Foreigners who are detained pending trial have often waited over a year for their trial to begin. Foreigners suspected of committing a crime are rarely granted bail. Criminal punishments, especially prison terms, are much more severe than those in the United States. Several Americans currently incarcerated in China have been implicated in financial fraud schemes involving falsified bank or business documents, tax evasion schemes and assisting alien smuggling, including selling passports to provide aliens with travel documents. In the past, protesters detained for engaging in pro-Falun Gong activities have been quickly deported from China after being questioned. Several of these protesters alleged they were physically abused during their detention. In addition, they allege that personal property, including clothing, cameras, and computers have not always been returned to them upon their deportation. Chinese authorities report that while they have deported these foreigners quickly after public demonstrations in favor of the Falun Gong, future adherents who intentionally arrive in China to protest against Chinese policy may receive longer terms of detention and possibly face prison sentences. In one instance, an American Falun Gong practitioner who was traveling in China on personal business was detained and asked to provide information on other Falun Gong sympathizers in the United States. Several Americans have been detained and expelled for passing out non-authorized Christian literature. Sentences for distributing this material may range from three to five years imprisonment, if someone is convicted. Chinese customs authorities have enforced strict regulations concerning importation into China of religious literature, including bibles. Foreigners may import only a "reasonable" amount of religious literature, which is for personal use only. Larger quantities will likely be confiscated and other penalties may apply.