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No. 72

The Law of the People's Republic of China on Control of Guns, adopted at the 20th Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on July 5, 1996, is hereby promulgated and shall enter into force as of October 1, 1996.

Jiang Zemin

President of the People's Republic of China

July 5, 1996

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON CONTROL OF GUNS

(Adopted at the 20th Meeting of the Standing Committee of the Eighth National People's Congress on July 5, 1996, promulgated by Order No. 72 of the President of the People's Republic of China, and effective as of October 1, 1996)

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中华人民共和国主席令
(第七十二号)

《中华人民共和国枪支管理法》已由中华人民共和国第八届全国人民代表大会常务委员会第二十次会议于1996年7月5日通过，现予公布，自1996年10月1日起施行。

中华人民共和国主席 江泽民

1996年7月5日

中华人民共和国枪支管理法

(1996年7月5日第八届#S全国人民代表大会常务委员会第二十次会议通过)

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CHAPTER I GENERAL PROVISIONS

第一章 总则

Article 1 This Law is enacted for the purpose of tightening control over guns, preserving public security and order and ensuring public safety.

Article 2 This Law applies to control of guns within the territory of the people's Republic of China.

Where other regulations are formulated by the State Council and the Central Military Commission regarding control of guns with which the Chinese People's Liberation Army, the Chinese People's Armed Police Forces and the Militia are armed, those regulations shall apply.

Article 3 The State establishes strict control over guns. All units and individuals are prohibited to possess, manufacture (alter and assemble included), trade in, transport, lease or loan guns in violation of the provisions of laws.

The State shall severely punish any criminal act committed in violation of the control of guns. Every unit and individual has the obligation to inform against any violations against the control of guns. The State shall protect the informant and reward the persons who have rendered meritorious service by informing against criminal acts committed against the control of guns.

Article 4 The public security department under the State Council shall be in charge of control of guns throughout the country. Public security organs of the people's governments at or above the county level shall be in charge of the control of guns in their administrative regions respectively. The public security organs of the people's governments at higher levels shall exercise supervision over the control of guns by the public security organs of the people's governments at lower levels.

CHAPTER II UNITS AND INDIVIDUALS ALLOWED TO BE ARMED OR EQUIPPED WITH GUNS

第一条 为了加强枪支管理，维护社会治安秩序，保障公共安全，制定本法。

第二条 中华人民共和国境内的枪支管理，适用本法。
对中国人民解放军、中国人民武装警察部队和民兵装备枪支的管理，国务院中央军事委员会另有规定的，适用有关规定。

Article 5 People's policemen of the public security organs, State security organs, prisons and institutions of reeducation through labour, judicial

policemen of the People's Courts and the People's Procuratorates, people's procurators who are charged with the task of investigation of cases, and customs coast guards may, when performing their functions pursuant to law and when it is definitely necessary for them to use guns, be armed with guns for the discharge of official duties.

Professional guards and escorts of the country's important defence enterprises, banking institutions, storehouses and scientific research institutions may, when performing their tasks and when it is definitely necessary for them to use guns, be armed with guns for the discharge of official duties.

Specific measures for arming with guns for the discharge of official duties shall, in accordance with the principle of strict control, be formulated by the public security department under the State Council together with other State organs concerned and submitted to the State Council for approval before enforcement.

Article 6 The following units may be equipped with guns for civilian use:

(1) Sports units that are set up with the approval of the physical culture and sports administration department of the people's government at the provincial level to engage specially in target shooting competitions and profit-making shooting ranges that are set up with the approval of the public security organ of the people's government at the provincial level may be equipped with sports guns;

(2) Hunting grounds that are built with the approval of the forestry administration department of the people's government at or above the provincial level may be equipped with hunting guns; and

(3) Units for protecting and raising wild animals and for conducting scientific research of such animals may, due to need of the work, be equipped with hunting guns and narcotic injection guns. Hunters in hunting zones and herdsmen in pastoral areas may apply for equipment with guns. Hunting zones and pastoral areas shall be delineated by the people's governments at the provincial level.

第三条 国家严格管制枪支。禁止任何单位或者个人违反法律规定持有、制造（包括变造、装配）、买卖、运输、出租、出借枪支。国家严厉惩处违反枪支管理的违法犯罪行为。任何单位和个人对违反枪支管理的行为有检举的义务。国家对检举人给予保护，对检举违反枪支管理犯罪行为有功的人员，给予奖励。

第四条 国务院公安部门主管全国的枪支管理工作。县级以上地方各级人民政府公安机关主管本行政区域内的枪支管理工作。上级人民政府公安机关监督下级人民政府公安机关的枪支管理工作。

Specific measures for equipment with guns for civilian use shall, in adherence to the principle of strict control, be formulated by the public security department under the State Council and submitted to the State Council for approval before enforcement.

Article 7 Arming with guns for the discharge of official duties shall be subject to exclusive examination and approval by the public security department under the State Council.

When arming persons with guns for the discharge of official duties, the public security department under the State Council or the public security organ of a people's government at the provincial level shall issue to them certificates permitting them to hold guns for the discharge of official duties.

Article 8 With regard to equipment with sports guns for a unit that is specially engaged in target shooting competition as a sport event, the competent administrative department for physical culture and sports under the State Council shall submit the matter to the public security department under the State Council for examination and approval. With regard to equipment with sports guns for profit-making shooting grounds, the matter shall be submitted by the public security organ of a people's government at the provincial level to the public security department under the State Council for approval.

When equipping with sports guns, the public security organ of the people's government at the provincial level shall issue certificates permitting the holding of guns for civilian use.

Article 9 To obtain hunting guns for a hunting ground, one must, by producing the document of approval issued by the competent forestry administration department of the people's government at or above the provincial level, apply to the public security organ of such government for examination and approval, before the public security organ of the people's government of a city divided into districts shall, after verification, issue a certificate for rationed purchase of guns for civilian use.

Article 10 To apply for equipment with hunting guns or narcotic injection guns, the units for protecting and raising wild animals or for conducting scientific research of such animals shall, by producing their hunting

第二章 枪支的配备和配置

第五条 公安机关、国家安全机关、监狱、劳动教养机关的人民警察，人民法院的司法警察，人民检察院的司法警察和担负案件侦查任务的检察人员，海关的缉私人员，在依法履行职责时确有必要使用枪支的，可以配备公务用枪。

国家重要的军工、金融、仓储、科研等单位的专职守护、押运人员在执行守护、押运任务时确有必要使用枪支的，可以配备公务用枪。

配备公务用枪的具体办法，由国务院公安部门会同其他有关国家机关按照严格控制的原则制定，报国务院批准后施行。

certificates or their special permits for hunting and capturing animals issued by the competent administrative department for wild animals of the local people's government at the county level, as well as their business licenses, submit their application to the public security organ of the local people's government at the county level. In the case of hunters who wish to apply for equipment with hanging guns, they shall, by producing their hunting certificates issued by the competent administrative department for wild animals of the local people's government at the county level as well as their identification cards, submit their application to the public security organ of the local people's government at the county level. In the case of herdsmen who wish to apply for equipment with hunting guns, they shall, by producing their identification cards, submit their application to the public security organ of the local people's government at the county level. After examining and approving the application it accepts, the public security organ shall report the matter to the public security organ of a city divided into districts for issue of a certificate for rationed purchase of guns for civilian use after verification.

Article 11 Units or individuals that are to conduct rationed purchase of hunting guns or narcotic injection guns must, within 30 days from the day they purchase the guns, apply to the public security organ that, after verification, issued to them the certificates for rationed purchase of guns for civilian use for issue of certificates permitting the holding of guns for civilian use.

Article 12 Guns for civilian use which profit-making shooting grounds and hunting grounds are equipped with may not be taken out of such grounds. Hunting guns which hunters and herdsmen are equipped with may not be taken out of the hunting zones or the pastoral areas.

CHAPTER III MANUFACTURE OF GUNS AND RATIONED SALE OF GUNS FOR CIVILIAN USE

Article 13 The State applies a special permit system governing the manufacture and rationed sale of guns. Without permission, no unit or individual may manufacture or trade in guns.

Article 14 Guns used for the discharge of official duties shall be manufactured by enterprises designated by the State.

第六条 下列单位可以配置民用枪支：

（一）经省级人民政府体育行政主管部门批准专门从事射击竞技体育运动的单位、经省级人民政府公安机关批准的营业性射击场，可以配置射击运动枪支；

（二）经省级以上人民政府林业行政主管部门批准的狩猎场，可以配置猎枪；

（三）野生动物保护、饲养、科研单位因业务需要，可以配置猎枪、麻醉注射枪。

猎民在猎区、牧民在牧区，可以申请配置猎枪。猎区和牧区的区域由省级人民政府划定。

配置民用枪支的具体办法，由国务院公安部门按照严格控制的原则制定，报国务院批准后施行。

Article 15 Enterprises that are to manufacture guns for civilian use shall be proposed by the relevant competent department under the State Council and determined by the public security department under the State Council.

Enterprises that are to engage in rationed sale of guns for civilian use shall be determined by the public security organ of a people's government at the provincial level.

Enterprises that manufacture guns for civilian use shall be issued, after verification, by the public security department under the State Council certificates permitting manufacture of guns for civilian use.

Enterprises that engage in rationed sale of guns for civilian use shall be issued, after verification, by the public security organ of a people's government at the provincial level certificates permitting rationed sale of guns for civilian use.

The certificate permitting manufacture of guns for civilian use and the certificate permitting rationed sale of guns for civilian use shall be valid for a period of three years. Enterprises that need to continue manufacture or rationed sale of guns for civilian use at the expiration of the certificates, shall make another application for issue of such certificates.

Article 16 The State applies a quota system governing the number of guns for civilian use to be manufactured and rationed for sale.

The annual quota for manufacture of guns for civilian use shall be proposed by the relevant competent departments of forestry and physical culture and sports under the State Council and the public security organs of the people's governments at the provincial level, and determined by the public security department under the State Council, which shall prepare the uniform serial numbers for such guns and allocate assignments to the enterprises manufacturing such guns.

The annual quota for rationed sale of guns for civilian use shall be proposed by the relevant competent departments of forestry and physical culture and sports under the State Council and the public security organs of the people's governments at the provincial level, and determined by the public security department under the State Council, which shall allocate assignments to the enterprises engaged in rationed sale of such guns.

Article 17 Enterprises manufacturing guns for civilian use shall not turn out such guns in excess of the quota, all the guns they have manufactured shall be delivered to the enterprises designated for rationed sale of such guns and they shall not sell the guns themselves. Enterprises engaged in rationed sale of guns for civilian use shall, within the quota for rationed sale, sell such guns manufactured by the designated enterprises.

Article 18 An enterprise must manufacture guns for civilian use strictly in

第七条 配备公务用枪，由国务院公安部门统一审批。

配备公务用枪时，由国务院公安部门或者省级人民政府公安机关发给公务用枪持枪证件。

第八条 专门从事射击竞技体育运动的单位配置射击运动枪支，由国务院体育行政主管部门提出，由国务院公安部门审批。营业性射击场配置射击运动枪支，由省级人民政府公安机关报国务院公安部门批准。

配置射击运动枪支时，由省级人民政府公安机关发给民用枪支持枪证件。

conformity with the technical standards set by the State, it shall not alter the performance or structure of such guns. It shall have its name, the coded variety of the gun and the serial number prepared uniformly by the public security department under the State Council typecast in the designated parts of the gun; it shall not manufacture guns for civilian use without a number or with a duplicate or false number. Enterprises manufacturing guns for civilian use shall be kept under close control, and necessary security measures shall be taken to prevent loss of such guns or their parts or components.

Article 19 An enterprise engaged in rationed sale of guns for civilian use shall sell such guns after checking of the certificate of rationed purchase and strictly in accordance with the variety, type and number as stated in the certificate; the rationed sale of ammunition shall be conducted after checking of the certificate permitting the holding of guns. Enterprises engaged in rationed sale of guns for civilian use must, in accordance with the regulations of the public security department under the State Council, keep long-term account books for rationed sale for future examination.

Article 20 Public security organs shall conduct regular inspection of the manufacture, rationed sale, storage and book-keeping of the enterprises that manufacture or engage in rationed sale of guns for civilian use; when necessary, they may send their men specially to stay at the manufacturing enterprises for the purpose of supervision and inspection.

Article 21 The relevant competent department under the State Council shall work together with the public security department under the State Council to arrange for development and finalizing the design of guns for civilian use.

Article 22 It is forbidden to manufacture and sell imitation guns.

CHAPTER IV EVERYDAY CONTROL OF GUNS

第九条 狩猎场配置猎枪，凭省级以上人民政府林业行政主管部门的批准文件，报省级以上人民政府公安机关审批，由设区的市级人民政府公安机关核发民用枪支配购证件。

第十条 野生动物保护、饲养、科研单位申请配置猎枪、麻醉注射枪的，应当凭其所在地的县级人民政府野生动物行政主管部门核发的狩猎证或者特许猎捕证和单位营业执照，向所在地的县级人民政府公安机关提出；猎民申请配置猎枪的，应当凭其所在地的县级人民政府野生动物行政主管部门核发的狩猎证和个人身份证件，向所在地的县级人民政府公安机关提出；牧民申请配置猎枪的，应当凭个人身份证件，向所在地的县级人民政府公安机关提出。受理申请的公安机关审查批准后，应当报请设区的市级人民政府公安机关核发民用枪支配购证件。

第十一条 配购猎枪、麻醉注射枪的单位和个人，必须在配购枪支后三十日内向核发民用枪支配购证件的公安机

关申请领取民用枪支持枪证件。

Article 23 Units and individuals that are armed or equipped with guns must maintain the guns properly and ensure their safety.

Units that are armed or equipped with guns must explicitly define the responsibilities for control of guns, designate special persons to take charge of the guns, install strong facilities specially for keeping of the guns and have the guns and ammunition kept in separate places. With regard to guns for personal use, a strict control system must be established for registration, handing over, inspection and maintenance of the guns, and the guns must be taken back as soon as they are not to be used any more.

With regard to guns armed or equipped for personal use, effective measures must be taken strictly to prevent their being stolen, robbed or lost, as well as other accidents.

Article 24 Persons who use guns must know the performance of the guns, observe the relevant regulations governing the use of guns and guarantee that the guns are used lawfully and safely. Persons who use guns for the discharge of official duties must receive special training.

第十二条 营业性射击场、狩猎场配置的民用枪支不得携带出营业性射击场、狩猎场。
猎民、牧民配置的猎枪不得携带出猎区、牧区。

Article 25 Units and individuals that are armed or equipped with guns must observe the following provisions:

(1) When carrying guns, they must have with them the certificates permitting the holding of guns; otherwise their guns shall be seized by public security organs;

(2) They shall not carry guns in areas or places where it is prohibited to carry guns; and

(3) They shall report to public security organs once their guns are stolen, robbed or lost.

第三章 枪支的制造和民用枪支的配售

Article 26 When persons equipped with guns for the discharge of official duties no longer meet the qualifications for holding guns, the units where they belong shall take back the guns along with the certificates permitting the holding of guns.

When units or individuals equipped with guns for civilian use no longer meet the qualifications for holding guns, they must immediately hand over the guns along with the certificates permitting the holding of guns to the public security organs that issued the certificates after verification. The guns that are not handed over promptly shall be taken over by the public security organs.

第十三条 国家对枪支的制造、配售实行特别许可制度。未经许可，任何单位或者个人不得制造、买卖枪支。

Article 27 Guns that do not measure up to the technical standards of the State and that cannot be used safely shall be reported as useless. The units and individuals that are equipped with or hold guns shall hand over the useless guns along with the certificates permitting the holding of guns to the public security organs that issued the certificates after verification. The guns that are not handed over promptly shall be taken over by the public security organs. Useless guns shall be destroyed without delay. Destruction of guns shall be arranged by public security organs of the people's governments at the provincial level.

Article 28 The State applies an inspection system for guns. Units and individuals that hold guns shall undergo inspection at the time and place as designated by public security organs. When conducting inspection, the public security organs shall examine whether the units and individuals that hold the guns meet the qualifications as prescribed by this Law, and the condition and use of the guns. Guns that are used unlawfully, that are held by people who do not meet the qualifications for holding guns or that should be reported as useless must be taken over as well as the certificates permitting the holding of guns. Units or individuals that refuse to undergo inspection, their guns and their certificates permitting the holding of guns shall be taken over by public security organs.

Article 29 In case of special need for maintaining public security and order, public security organs of the local people's governments at or above the county level may, with approval of the public security department under the State Council, take special control measures for guns lawfully armed or equipped in certain areas, such as concentrated preservation of the guns.

CHAPTER V TRANSPORT OF GUNS

Article 30 No units or individuals may transport guns without permission. Any unit or individual that needs to transport guns must submit an application to the public security organ, in which the variety and number of the guns and the route and means of transport shall be truthfully stated, and must have a permit for transport of guns. If the guns are to be transported within a province, autonomous region or municipality directly under the Central Government, an application for issue of a permit for transport of guns shall be submitted to the public security organ of the

第十四条 公务用枪，由国家指定的企业制造。

第十五条 制造民用枪支的企业，由国务院有关主管部门提出，由国务院公安部门确定。
配售民用枪支的企业，由省级人民政府公安机关确定。
制造民用枪支的企业，由国务院公安部门核发民用枪支制造许可证件。配售民用枪支的企业，由省级人民政府公安机关核发民用枪支配售许可证件。
民用枪支制造许可证件、配售许可证件的有效期为三年；有效期届满，需要继续制造、配售民用枪支的，应当重新申请领取许可证件。

第十六条 国家对制造、配售民用枪支的数量，实行限额管理。
制造民用枪支的年度限额，由国务院林业、体育等有关主管部门、省级人民政府公安机关提出，由国务院公安部门确定并统一编制民用枪支序号，下达到民用枪支制造企业。
配售民用枪支的年度限额，由国务院林

people's government of the city divided into districts under the jurisdiction of which is the place of delivery. If the guns are to be transported across provinces, autonomous regions or municipalities directly under the Central Government, an application for issue of a permit for transport of guns shall be submitted to the public security organ of the people's government at the provincial level under the jurisdiction of which is the place of delivery.

Units and individuals that do not have permits for transport of guns shall not undertake transport of guns but shall report the matter immediately to the local public security organs.

The public security organs shall seize the guns that are transported without a permit for transport of guns or at variance with the particulars stated in the permit for transport of guns.

Article 31 Safe, reliable and closed transport facilities shall be used for transport of guns and the transport shall be escorted by professional people, as is required by regulations; where it is necessary to stop overnight on the way, the local public security organ must be informed of the matter.

Guns and ammunition must be transported separately, as is required by regulations.

Article 32 It is forbidden to mail guns or mail them in the midst of other postal materials.

CHAPTER VI ENTERING AND LEAVING THE COUNTRY WITH GUNS

Article 33 The State exercise strict control over guns with which people enter or leave the country. Without permission, no unit or individual shall enter or leave the country with guns.

Article 34 If persons of foreign diplomatic missions or consulates are to enter the territory of China with guns, they must apply to the Ministry of Foreign Affairs of the People's Republic of China for approval in advance; and if they are to leave China with guns, they shall present a note to the

业、体育等有关主管部门、省级人民政府公安机关提出，由国务院公安部门确定并下达到民用枪支配售企业。

第十七条 制造民用枪支的企业不得超过限额制造民用枪支，所制造的民用枪支必须全部交由指定的民用枪支配售企业配售，不得自行销售。配售民用枪支的企业应当在配售限额内，配售指定的企业制造的民用枪支。

第十八条 制造民用枪支的企业，必须严格按照国家规定的技术标准制造民用枪支，不得改变民用枪支的性能和结构；必须在民用枪支指定部位铸印制造厂的厂名、枪种代码和国务院公安部门统一编制的枪支序号，不得制造无号、重号、假号的民用枪支。制造民用枪支的企业必须实行封闭式管理，采取必要的安全保卫措施，防止民用枪支以及民用枪支零部件丢失。

Ministry of Foreign Affairs of the People's Republic of China and go through the relevant formalities in advance.

Guns brought into the territory of China in accordance with the provisions of the preceding paragraph shall not be carried out of the missions or consulates in China.

Article 35 When sports delegations of other countries enter China to take part in target shooting competitions or Chinese sports delegations leave China to take part in such competitions and thus need to take their sports guns along with them, they shall seek approval of the competent administrative department for physical culture and sports under the State Council.

Article 36 Persons, other than the ones mentioned in Article 34 and 35 of this Law, who are to enter or leave China with guns shall seek approval of the public security department under the State Council beforehand.

Article 37 When persons who have obtained approval of entering China with guns enter the country, they shall, by producing the documents of approval, go through registration procedure for the guns with the frontier inspection station at the place of entry, apply for the issue of certificate permitting the carrying of guns, and declare the guns to the Customs, which shall let them go after checking the certificates. After reaching their places of destination, they shall, by producing the certificates permitting the carrying of guns, apply to the public security organ of the people's government of a city divided into districts in order to exchange their certificates permitting the carrying of guns for certificates permitting the holding of guns.

When persons who have obtained approval of leaving China with guns leave the country, they shall, by producing the documents of approval, declare the guns to the Customs at the place of departure, and the frontier inspection station shall let them go after checking the documents.

Article 38 When guns are carried by foreign means of transport into or through the territory of China, the persons who are responsible for the means of transport must apply to the frontier inspection station for sealing of the means of transport, which shall be unsealed at the time it leaves the country.

CHAPTER VII LEGAL RESPONSIBILITY

Article 39 Any unit or individual that, in violation of the provisions of this Law, manufactures, trades in or transports guns without permission shall be investigated for criminal responsibility in accordance with the

第十九条 配售民用枪支，必须核对配购证件，严格按照配购证件载明的品种、型号和数量配售；配售弹药，必须核对持枪证件。民用枪支配售企业必须按照国务院公安部门的规定建立配售帐册，长期保管备查。

第二十条 公安机关对制造、配售民用枪支的企业制造、配售、储存和帐册登记等情况，必须进行定期检查；必要时，可以派专人驻厂对制造企业进行监督、检查。

第二十一条 民用枪支的研制和定型，由国务院有关业务主管部门会同国务院公安部门组织实施。

provisions of [Article 112](#) of the [Criminal Law](#) and of the [Decision of the Standing Committee of the National People's Congress Regarding Severe Punishment of Criminals Who Seriously Endanger Public Security](#).

The unit that commits any violations mentioned in the preceding paragraph shall be fined, and the persons who are directly in charge of the unit and other persons who are directly responsible for the violations shall be investigated for criminal responsibility in accordance with the provisions of [Article 112](#) of the [Criminal Law](#).

Article 40 If, in violation of the provisions of this Law, the enterprises designated or determined pursuant to law for manufacturing or selling guns commit any of the following acts, they shall be fined, and the persons who are directly in charge of the enterprises and other persons who are directly responsible for the act shall be investigated for criminal responsibility in accordance with the provisions of [Article 112](#) of the [Criminal Law](#); public security organs may order the enterprises to suspend operation for rectification or revoke the certificates permitting manufacture of guns or rationed sale of guns:

(1) to manufacture or sell guns in excess of the quota or at variance with the variety prescribed;

(2) to manufacture guns without numbers or with duplicate or false numbers; or

(3) to sell, without authorization, guns or sell guns in China that are manufactured for export.

Article 41 Whoever, in violation of the provisions of this Law, illegally possesses or conceals guns shall be investigated for criminal responsibility in accordance with the provisions of [Article 163](#) of the [Criminal Law](#).

Whoever illegally transports or carries guns into or out of the territory of China shall be investigated for criminal responsibility in accordance with the [Supplementary Provisions of the Standing Committee of the National People's Congress Concerning the Punishment of the Crimes of Smuggling](#).

Article 42 Whoever, when transporting guns, fails to use safe and reliable transport facilities, or send escorts, or separate the guns from ammunition, or report to the public security organ for stopping overnight on the way, if the violation is serious, shall be investigated for criminal

第二十二條 禁止製造、銷售仿真槍。

第四章 槍支的日常管理

第二十三條 配備、配置槍支的單位和個人必須妥善保管槍支，確保槍支安全。

配備、配置槍支的單位，必須明確槍支管理責任，指定專人負責，應當有牢固的專用保管設施，槍支、彈藥應當分開存放。對交由個人使用的槍支，必須建立嚴格的槍支登記、交接、檢查、保養等管理制度，使用完畢，及時收回。

配備、配置給個人使用的槍支，必須採取有效措施，嚴防被盜、被搶、丟失或者發生其他事故。

responsibility by applying mutatis mutandis the provisions of [Article 187](#) of the [Criminal Law](#); if the violation does not constitute a crime, the person who is directly responsible for the violation shall be detained by the public security organ for not more than 15 days.

Article 43 Whoever, in violation of the regulations governing control of guns, leases or loans guns that are used for the discharge of official duties shall be punished by applying mutatis mutandis the provisions of [Article 187](#) of the [Criminal Law](#).

If a unit commits an act mentioned in the preceding paragraph, the persons who are directly in charge of the unit and other persons who are directly responsible for the act shall be punished in accordance with the provisions of the preceding paragraph.

If, in violation of the regulations governing control of guns, a unit that is equipped with guns for civilian use leases or loans such guns and has thus led to grave consequences, or if other serious violations are involved, the persons who are directly in charge of the unit and other persons who are directly responsible for the violation shall be punished by applying mutatis mutandis the provisions of [Article 187](#) of the [Criminal Law](#).

If, in violation of the regulations governing control of guns, an individual who is equipped with guns for civilian use, leases or loans such guns and has thus led to grave consequences, he shall be punished by applying mutatis mutandis the provisions of [Article 163](#) of the [criminal Law](#).

If, in violation of the regulations governing control of guns, a unit or individual leases or loans guns and if the violation is of a minor nature and does not constitute a crime, the public security organ shall detain for not more than 15 days the individual or the persons who are directly in charge of the unit and other persons who are directly responsible for the violation and may also impose a fine of not more than 5,000 yuan; and it shall confiscate the guns leased or loaned.

Article 44 If an individual or unit that, in violation of the provisions of this Law, commits any of the following acts, the public security organ shall serve a disciplinary warning on the individual or the persons who are directly in charge of the unit and other persons who are directly responsible for the violation or detain the individual or persons for not more than 15 days; if the violation constitutes a crime, criminal responsibility shall be investigated in accordance with law:

(1) to manufacture guns for civilian use at variance with the prescribed technical standards;

(2) to carry guns in areas or places where it is forbidden to carry guns;

第二十四条 使用枪支的人员，必须掌握枪支的性能，遵守使用枪支的有关规定，保证枪支的合法、安全使用。使用公务用枪的人员，必须经过专门培训。

第二十五条 配备、配置枪支的单位和人员必须遵守下列规定：

（一）携带枪支必须同时携带持枪证件，未携带持枪证件的，由公安机关扣留枪支；

(3) to fail to hand over guns that are reported as useless;

(4) to fail to report immediately after guns are stolen, robbed or lost; or

(5) to manufacture or sell imitation guns.

If a person commits one of the acts mentioned in sub-paragraphs (1), (2), and (3), his guns shall be confiscated and he may also be fined not more than 5,000 yuan. If a person commits the act mentioned in sub-paragraph (5), the public security organ and the administrative department for industry and commerce shall, within the scope of their respective functions, confiscate the imitation guns and may also impose a fine of not more than five times the amount of money spent on their manufacture or earned from their sale; if the case is serious, the administrative department for industry and commerce shall revoke the person's business license.

Article 45 If a member of the public security organ commits one of the following acts, he shall be investigated for criminal responsibility according to law; if the act does not constitute a crime, he shall be given an administrative sanction in accordance with law:

(1) to arm or equip with guns units or individuals other than the ones as prescribed in Articles 5 and 6 of this Law;

(2) to issue certificates for control of guns illegally;

(3) to take confiscated guns into his own possession; or

(4) to lead to bad consequences by failing to perform his duties for control of guns.

(二) 不得在禁止携带枪支的区域、场所携带枪支;

(三) 枪支被盗、被抢或者丢失的, 立即报告公安机关。

第二十六条 配备公务用枪的人员不再符合持枪条件时, 由所在单位收回枪支和持枪证件。

配置民用枪支的单位和个人不再符合持枪条件时, 必须及时将枪支连同持枪证件上缴核发持枪证件的公安机关; 未按时上缴的, 由公安机关收缴。

第二十七条 不符合国家技术标准、不能安全使用的枪支, 应当报废。配备、持有枪支的单位和个人应当将报废的枪支连同持枪证件上缴核发持枪证件的公安机关; 未按时上缴的, 由公安机关收缴。报废的枪支应当及时销毁。销毁枪支, 由省级人民政府公安机关负责组织实施。

第二十八条 国家对枪支实行查验制度。持有枪支的单位和个人, 应当在公安机关指定的时间、地点接受查验。公安机关在查验时, 必须严格审查持枪单位和个人是否符合本法规定的条件, 检查枪支状况及使用情况; 对违反使用枪支、不符合持枪条件或者枪支应当报

废的，必须收缴枪支和持枪证件。拒不接受查验的，枪支和持枪证件由公安机关收缴。

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 46 For purposes of this Law, the work "guns" means the various kinds of guns that, with gunpowder or compressed gas as the propelling force and with a barrel for projecting metal bullets or other substances, can readily inflict injury upon people, cause death or render them unconscious.

Article 47 Units and individuals that facilitate recreational activities may be equipped with no greater than 4.5mm. pneumatic rifles. Specific measures of control in this regard shall be formulated by the public security department under the State Council.

Measures for control of guns used as props for production of films and television plays shall be formulated by the public security department under the State Council together with the radio, film and television administration department under the State Council.

Measures for control of guns preserved or displayed in museums, memorial halls and exhibition halls shall be formulated by the public security department under the State Council together with the relevant competent administrative department under the State Council.

Article 48 The relevant provisions of this Law apply to the manufacture, rationed sale and transport of the main parts or components of guns and of the ammunition for the guns.

Article 49 Certificates for control of guns shall be made by the public security department under the State Council.

Article 50 This Law shall be put into force as of October 1, 1996.

第二十九条 为了维护社会治安秩序的特殊需要，经国务院公安部门批准，县级以上地方各级人民政府公安机关可以对局部地区合法配备、配置的枪支采取集中保管等特别管制措施。

第五章 枪支的运输

第三十条 任何单位或者个人未经许可，不得运输枪支。需要运输枪支的，必须向公安机关如实申报运输枪支的品种、数量和运输的路线、方式，领取枪支运输许可证件。在本省、自治区、直辖市内运输的，向运往地设区的市级人民政府公安机关申请领取枪支运输许可证件；跨省、自治区、直辖市运输的，向运往地省级人民政府公安机关申请领取枪支运输许可证件。没有枪支运输许可证的，任何单位和个人都不得承运，并应当立即报告所在地公安机关。公安机关对没有枪支运输许可证件或者

没有按照枪支运输许可证件的规定运输枪支的，应当扣留运输的枪支。

第三十一条 运输枪支必须依照规定使用安全可靠的封闭式运输设备，由专人押运；途中停留住宿的，必须报告当地公安机关。
运输枪支、弹药必须依照规定分开运输。

第三十二条 严禁邮寄枪支，或者在邮寄的物品中夹带枪支。

第六章 枪支的入境和出境

第三十三条 国家严格管理枪支的入境和出境。任何单位或者个人未经许可，不得私自携带枪支入境、出境。

第三十四条 外国驻华外交代表机构、领事机构的人员携带枪支入境，必须事先报经中华人民共和国外交部批准；携带枪支出境，应当事先照会中华人民共和国外交部，办理有关手续。依照前款规定携带入境的枪支，不得携带出所在的驻华机构。

第三十五条 外国体育代表团入境参加射击竞技体育活动，或者中国体育代表团出境参加射击竞技体育活动，需要携带射击运动枪支入境、出境的，必须经国务院体育行政主管部门批准。

第三十六条 本法第三十四条、第三十五条规定以外的其他人员携带枪支入境、出境，应当事先经国务院公安部门批准。

第三十七条 经批准携带枪支入境的，入境时，应当凭批准文件在入境地边防检查站办理枪支登记，申请领取枪支携运许可证件，向海关申报，海关凭枪支携运许可证件放行；到达目的地后，凭枪支携运许可证件向设区的市级人民政府公安机关申请换发持枪证件。经批准携带枪支出境的，出境时，应当凭批准文件向出境地海关申报，边防检查站凭批准文件放行。

第三十八条 外国交通运输工具携带枪支入境或者过境的，交通运输工具负责人必须向边防检查站申报，由边防检查站加封，交通运输工具出境时予以启封。

第七章 法律责任

第三十九条 违反本法规定，未经许可制造、买卖或者运输枪支的，依照[刑法第一百一十二条](#)和《[全国人民代表大会常务委员会关于严惩严重危害社会治安的犯罪分子的决定](#)》的规定追究刑事责任。

单位有前款行为的，对单位处罚金，并对其直接负责的主管人员和其他直接责任人员依照[刑法第一百一十二条](#)的规定追究刑事责任。

第四十条 依法被指定、确定的枪支制造企业、销售企业，违反本法规定，有下列行为之一的，对单位处罚金，并对其直接负责的主管人员和其他直接责任人员依照[刑法第一百一十二条](#)的规定追究刑事责任；公安机关可以责令其停业整顿或者吊销其枪支制造许可证件、枪支配售许可证件：

（一）超过限额或者不按照规定的品种制造、配售枪支的；

（二）制造无号、重号、假号的枪支的；

（三）私自销售枪支或者在境内销售为出口制造的枪支的。

第四十一条 违反本法规定，非法持有、私藏枪支的，依照[刑法第一百六十三条](#)的规定追究刑事责任。

非法运输、携带枪支入境、出境的，依照《[全国人民代表大会常务委员会关于惩治走私罪的补充规定](#)》追究刑事责任。

第四十二条 违反本法规定，运输枪支未使用安全可靠的运输设备、不设专人押运、枪支弹药未分开运输或者运输途中停留住宿不报告公安机关，情节严重的，比照[刑法第一百八十七条](#)的规定追究刑事责任；未构成犯罪的，由公安机关对直接责任人员处十五日以下拘留。

第四十三条 违反枪支管理规定，出租、出借公务用枪的，比照[刑法第一百八十七条](#)的规定处罚。

单位有前款行为的，对其直接负责的主管人员和其他直接责任人员依照前款规定处罚。

配置民用枪支的单位，违反枪支管理规定，出租、出借枪支，造成严重后果或者其他严重情节的，对其直接负责的主管人员和其他直接责任人员比照[刑法第一百八十七条](#)的规定处罚。

配置民用枪支的个人，违反枪支管理规定，出租、出借枪支，造成严重后果的，比照[刑法第一百六十三条](#)的规定处罚。

违反枪支管理规定，出租、出借枪支，情节轻微未构成犯罪的，由公安机关对个人或者单位负有直接责任的主管人员和其他直接责任人员处十五日以下拘留，可以并处五千元以下罚款；对出租、出借的枪支，应当予以没收。

第四十四条 违反本法规定，有下列行为之一的，由公安机关对个人或者单位负有直接责任的主管人员和其他直接责任人员处警告或者十五日以下拘留；构成犯罪的，依法追究刑事责任：

（一）未按照规定的技术标准制造民用枪支的；

（二）在禁止携带枪支的区域、场所携带枪支的；

（三）不上缴报废枪支的；

（四）枪支被盗、被抢或者丢失，不及时报告的；

（五）制造、销售仿真枪的。

有前款第（一）项至第（三）项所列行为的，没收其枪支，可以并处五千元以下罚款；有前款第（五）项所列行为的，由公安机关、工商行政管理部门按照各自职责范围没收其仿真枪，可以并处制造、销售金额五倍以下的罚款，情节严重的，由工商行政管理部门吊销营业执照。

第四十五条 公安机关工作人员有下列行为之一的，依法追究刑事责任；未构成犯罪的，依法给予行政处分：

（一）向本法第五条、第六条规定以外的单位和个人配备、配置枪支的；

（二）违法发给枪支管理证件的；

（三）将没收的枪支据为己有的；

（四）不履行枪支管理职责，造成后果的。

第八章 附则

第四十六条 本法所称枪支，是指以火药或者压缩气体等为动力，利用管状器具发射金属弹丸或者其他物质，足以致人伤亡或者丧失知觉的各种枪支。

第四十七条 单位和个人为开展游艺活动，可以配置口径不超过4.5毫米的气步枪。具体管理办法由国务院公安部门制定。

制作影视剧使用的道具枪支的管理办法，由国务院公安部门会同国务院广播电影电视行政主管部门制定。

博物馆、纪念馆、展览馆保存或者展览枪支的管理办法，由国务院公安部门会同国务院有关行政主管部门制定。

第四十八条 制造、配售、运输枪支的主要零部件和用于枪支的弹药，适用本法的有关规定。

第四十九条 枪支管理证件由国务院公安部门制定。

第五十条 本法自1996年10月1日起施行。

附：法律有关条文

[刑法](#)有关条款

第一百一十二条 非法制造、买卖、运输枪支、弹药的，或者盗窃、抢夺国家机关、军警人员、民兵的枪支、弹药的，处七以下有期徒刑；情节严重的，处七年以上有期徒刑或者无期徒刑。

第一百六十三条 违反枪支管理规定，私藏枪支、弹药拒不交出的，处二以下有期徒刑或者拘役。

第一百八十七条 国家工作人员由于玩忽职守，致使公共财产、国家和人民利益遭受重大损失的，处五年以下有期徒刑或者拘役。

全国人民代表大会常务委员会

[关于严惩严重危害社会治安的犯罪分子的决定](#)有关条款

一、对下列严重危害社会治安的犯罪分子，可以在[刑法](#)规定的最高刑以上处刑，直至判处死刑：

4、非法制造、买卖、运输或者盗窃、抢夺枪支、弹药、爆炸物，情节特别严重的，或者造成严重后果的；

全国人民代表大会常务委员会

[关于惩治走私罪的补充规定](#)有关条款

一、走私鸦片等毒品、武器、弹药或者伪造的货币的，处七年以上有期徒刑，

并处罚金或者没收财产；情节特别严重的，处无期徒刑或者死刑，并处没收财产；情节较轻的，处七以下有期徒刑，并处罚金。

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