

## **Criminal Code**

Promulgated State Gazette No. 26/02.04.1968 (effective 1.05.1968), corrected SG No. 29/12.04.1968; amended, SG No. 92/28.11.1969; amended and supplemented, SG No. 26/30.03.1973; supplemented, SG No. 27/3.04.1973; amended, SG No. 89/15.11.1974 (effective 1.03.1975); amended and supplemented, SG No. 95/12.12.1975; amended, SG No. 3/11.01.1977; supplemented, SG No. 54/11.07.1978, No. 89/9.11.1979; amended and supplemented, SG No. 28/9.04.1982 (effective 1.07.1982); corrected SG No. 31/20.04.1982; supplemented, SG No. 44/5.06.1984; amended and supplemented, SG No. 41/28.05.1985; supplemented, SG No. 79/11.10.1985; corrected SG No. 80/15.10.1985; amended and supplemented, SG No. 89/18.11.1986; corrected SG No. 90/21.11.1986; amended, SG No. 37/16.05.1989, effective 16.05.1989, No. 91/24.11.1989, effective 24.11.1989, No. 99/22.12.1989, effective 22.12.1989 supplemented, SG No. 10/2.02.1990; amended, SG No. 31/17.04.1990; amended and supplemented, SG No. 81/9.10.1990, effective 9.10.1990, No. 1/4.01.1991, No. 86/18.10.1991; corrected SG No. 90/1.11.1991; amended, SG No. 105/19.12.1991; supplemented, SG No. 54/3.07.1992, effective 3.07.1992, amended and supplemented, SG No. 10/5.02.1993, No. 50/1.06.1995; Decision No. 19/12.10.1995 of the Constitutional Court - SG No. 97/3.11.1995; supplemented, SG No. 102/21.11.1995 (effective 21.01.1996); amended and supplemented, SG No. 107/17.12.1996; No. 62/5.08.1997; amended, SG No. 85/26.09.1997; Decision No. 19/21.11.1997 of the Constitutional Court - SG No. 120/16.12.1997; supplemented, SG No. 83/21.07.1998; amended and supplemented, SG No. 85/24.07.1998; supplemented, SG No. 132/10.11.1998 (effective 1.01.1999); amended, SG No. 133/11.11.1998; amended and supplemented, SG No. 153/23.12.1998, No. 7/26.01.1999; amended, SG No. 51/4.06.1999, No. 81/14.09.1999 (effective 15.12.1999); amended and supplemented, SG No. 21/17.03.2000, No. 51/23.06.2000; Decision No. 14/23.11.2000 of the Constitutional Court - SG No. 98/1.12.2000; supplemented, SG No. 41/24.04.2001; amended, SG No. 101/23.11.2001, No. 45/30.04.2002; amended and supplemented, SG No. 92/27.09.2002, No. 26/30.03.2004, SG No. 103/23.11.2004 (effective 1.01.2005), SG No. 24/22.03.2005, SG No. 43/20.05.2005 effective 1.09.2005, amended, SG No. 76/ 20.09.2005, effective 1.01.2007, amended and supplemented, SG No. 86/28.10.2005, effective 29.04.2006

-----

## **GENERAL PART**

### **Chapter One**

## **OBJECTIVE AND SCOPE OF APPLICATION OF THE CRIMINAL CODE**

### **Section I**

### **Objective of the Criminal code**

#### **Article 1**

(1) (Amended, SG No. 1/1991) The objective of the Criminal code shall be to protect the person and rights of citizens and the whole legal order established in this country against criminal encroachments.

(2) For achievement of this objective the Criminal code shall determine which acts dangerous to society constitute crimes and what punishments shall be imposed for them, and shall specify the cases where instead of punishment measures for social influence and education may be imposed.

## **Section II**

### **Scope of application of the Criminal code**

#### **Article 2**

(1) To each crime applied shall be that law, which was in force at the time of its perpetration.

(2) If by the entry of the sentence into force different laws are issued, that law shall be applied which is most favourable for the perpetrator.

#### **Article 3**

(1) The Criminal code shall apply to all crimes committed on the territory of the Republic of Bulgaria.

(2) The issue of liability of foreign citizens who enjoy immunity with respect to the penal jurisdiction of the Republic of Bulgaria shall be decided in compliance with the norms of international law adopted thereby.

#### **Article 4**

(1) The Criminal code shall apply to the Bulgarian citizens also for crimes committed by them abroad.

(2) Bulgarian citizens shall not be extradited to foreign states for court trial or for serving of punishment.

#### **Article 5**

The Criminal code shall also apply to foreign citizens who have committed crimes of general nature abroad, whereby the interests of the Republic of Bulgaria or of Bulgarian citizens have been affected.

#### **Article 6**

(1) The Criminal code shall also apply to foreign citizens who have committed abroad crimes against peace and humanity, whereby the interests of another state or foreign citizens have been affected.

(2) The Criminal code shall also apply to other crimes committed by foreign citizens abroad, where this is stipulated in an international agreement, to which the Republic of Bulgaria is a party.

#### **Article 7**

In the cases of Articles 4 and 5 the pre-trial detention and the punishment served abroad shall be deducted. Where the two punishments are different in kind, the punishment served abroad shall be taken into consideration in determining the punishment by the court.

#### **Article 8**

The sentence of a foreign court for a crime to which the Bulgarian Criminal code is applicable shall be taken into consideration in the cases specified in an international agreement to which the Republic of Bulgaria is a party.

## **Chapter Two**

### **CRIME**

#### **Section I**

## General Provisions

### Article 9

(1) Crime shall be an act dangerous to society (action or inaction), which has been culpably committed and which has been declared punishable by law.

(2) Criminal shall not be an act which, although formally containing the elements of crime provided by law, because of its insignificance is not dangerous to society or its danger to society is obviously insignificant.

### Article 10

(Amended, SG No. 50/1995)

Dangerous to society shall be an act which threatens or harms the person, the rights of the citizens, the property, the legal order established by the Constitution in the Republic of Bulgaria or other interests, protected by the legal system.

### Article 11

(1) An act dangerous to society shall be considered culpably committed where it is intentional or committed through negligence.

(2) An act shall be considered intentional where its perpetrator was conscious its nature of dangerous to society, foresaw its consequences as dangerous to society and wished or allowed the occurrence of such consequences.

(3) An act shall be considered committed through negligence where the perpetrator did not foresee the occurrence of consequences dangerous to society, but was obliged to and could foresee them, or where he foresaw the occurrence of such consequences but intended to avert them.

(4) Acts committed through negligence shall be punishable only in the cases provided by law.

(5) Where the law qualifies an act as aggravated crime due to the occurrence of additional consequences dangerous to society, if no intent is required for such consequences the perpetrator shall be held responsible for aggravated crime where he has acted with negligence with regard to those consequences.

### Article 12

(1) An act shall be considered not dangerous to society where it has been committed in situation of inevitable self-defence against immediate unlawful attack on state or public interests, on the person or the rights of the person defending himself or of another person, by inflicting harm on the attacker within the framework of the necessary limits.

(2) The limits of inevitable self-defence shall be considered exceeded where the defence obviously did not compare to the nature and danger of the attack.

(3) (New, SG No. 62/1997) Regardless of the nature and the danger of the defence, the limits of inevitable self-defence shall not be considered exceeded if:

1. (Declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 120/1997)

-----  
the attack was committed by two or more persons;  
-----

2. (Declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 120/1997)

-----  
the attacker was armed;  
-----

-----  
3. (Declared partly unconstitutional with respect to the words 'villa property or business site' by Constitutional Court of the Republic of Bulgaria - SG No. 120/1997)  
-----

the attack was committed by forced entry or breaking into a dwelling, villa property or business site;

-----  
4. (Declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 120/1997)  
-----

the attack was onboard a motor vehicle, an aircraft, a vessel or railway rolling stock;

-----  
5. (Declared unconstitutional by Constitutional Court of the Republic of Bulgaria - SG No. 120/1997)  
-----

the attack was committed at night;

-----  
6. the attack could not be repelled in another way.

(4) (Amended, SG No. 28/1982, renumbered from Paragraph 3, SG No. 62/1997) The acting person shall not be punishable if he has committed the act of exceeding the limits of inevitable self-defence due to fright or confusion.

**Article 12a**

(New, SG No. 62/1997)

(1) It shall not be considered dangerous to society if damages are inflicted on a person who has committed a crime, where this occurs in the course of detention of such person for his/her delivery to the authorities and for prevention of opportunities for committing another crime, provided there is no other way to detain such person and provided the necessary lawful measures have not been exceeded.

(2) The necessary lawful measures for detention of a person who has committed a crime shall be considered exceeded in the case of obvious discrepancy between the nature and the degree of public danger of the crime committed by the person detained, and the circumstances of detention, as well as where obviously excessive damages are inflicted on the person without necessity. In such cases penal responsibility shall be sought only in the event of deliberately inflicted damages.

**Article 13**

(1) An act shall be considered not dangerous to society where committed by a person in situation of emergency - in order to save state or public interests, as well as personal or property rights belonging to him or to others, from immediate danger which the acting person could not possibly avert in another way, provided the damages caused by the act are less significant than those averted.

(2) There shall be no situation of emergency where the evading of danger itself constitutes a crime.

**Article 13a**

(New, SG No. 28/1982)

(1) An act shall be considered not dangerous to society where committed under justified economic risk - in order to achieve substantial results for the benefit of society or to avoid considerable damages, provided it is not counter to explicit ban established by normative act,

complies to the modern scientific and technical achievements and experience, does not endanger the life and health of another, and if the acting person has done everything within his capacity to avert the occurrence of the harmful consequences.

(2) In deciding the issue whether the risk was justified, taken into consideration must also be the correlation between the expected positive result and the eventual negative consequences, as well as the probability of their occurrence.

#### **Article 14**

(1) The lack of knowledge of the factual circumstances, which belong to the elements of the crime, shall exclude the intentional nature of this crime.

(2) This rule shall apply also to acts committed through negligence, where the lack of knowledge itself of the factual circumstances was not due to negligence.

#### **Article 15**

An act shall be considered not culpably committed where the perpetrator was not obliged to or was unable to foresee the occurrence of the consequences dangerous to society (accidental act).

#### **Article 16**

An act shall be considered not culpably committed where perpetrated in fulfilment of unlawful official order given in the established manner, unless it imposes the commission of crime obvious to the perpetrator.

### **Section II**

#### **Preparation and Attempt**

##### **Article 17**

(1) Preparation shall be the getting ready of the means, the finding of accomplices and the creating of conditions in general for the perpetration of intended crime, before the commencement of its perpetration.

(2) Preparation shall be punishable only in the cases provided for by the law.

(3) The acting person shall not be punished where he has given up the perpetration of the crime of his own accord.

##### **Article 18**

(1) An attempt shall be the commenced perpetration of intentional crime, whereas the act has not been completed or, although completed, the consequences dangerous to society provided by the law and desired by the perpetrator have not occurred.

(2) For an attempt, the perpetrator shall be punished by the punishment provided for completed crime, with due consideration taken of the degree of implementation of the intent and the reasons because of which the crime remained unaccomplished.

(3) For an attempt, the perpetrator shall not be punished where of his own accord:

- a) he has given up the completion of the crime, or
- b) he has averted the occurrence of criminal consequences.

##### **Article 19**

In the cases of Article 17, paragraph (3), and Article 18, paragraph (3), if the act of preparation or attempt contained elements of another crime, the perpetrator shall be held liable for that crime.

### **Section III**

#### **Complicity**

##### **Article 20**

(1) Accomplices in the perpetration of intentional crime shall be: perpetrators, abettors and accessories.

(2) A perpetrator shall be a person who took part in the perpetration itself of the crime.

(3) An abettor shall be a person who intentionally incited another to commit a crime.

(4) An accessory shall be a person who intentionally facilitated the perpetration of a crime through advice, explanations, promises to render assistance after the act, removal of obstacles, supply of means or in any other way.

#### **Article 21**

(1) All accomplices shall be punished by the punishment provided for the perpetrated crime, with due consideration of the nature and degree of their participation.

(2) Abettors and accessories shall be held responsible only for what they have intentionally abetted or by what they have assisted the perpetrator.

(3) Where because of certain personal characteristics or attitude of the perpetrator the law treats the perpetrated act as a crime, liable for this crime shall be both the abettor and the accessory with respect to whom such circumstances do not exist.

(4) The special circumstances, due to which the law excludes, reduces or increases the punishment for some of the accomplices, shall not be taken into account for the remaining accomplices with respect to whom such circumstances do not exist.

#### **Article 22**

(1) The abettor and the accessory shall not be punished, if of their own accord they have given up further participation and hindered the perpetration of the act or averted the occurrence of criminal consequences.

(2) In such cases the provisions of Article 19 shall apply, respectively.

### **Section IV**

#### **Multiple Crimes**

#### **Article 23**

(1) If by one act several crimes have been committed, or if a person has committed several separate crimes before the issue of sentence that has entered into force for any of them, the court shall, after determining punishments for each crime separately, impose the most severe thereof.

(2) (Amended, SG No. 92/2002 - effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) Imposed punishments such as public censure and deprivation of rights under Article 37, sub-paragraphs 6, 7 and 9, shall be added to the most severe punishment determined. Where deprivation of the same rights has been ruled, imposed shall be deprivation for the longest period of time.

(3) Where the punishments are different in kind and one of them is fine or confiscation, the court may add it entirely or in part to the most severe punishment.

#### **Article 24**

Where the punishments imposed are of the same kind, the court may increase the determined total most severe punishment by at most one half, but the punishment thus increased may not exceed neither the sum total of the separate punishments, nor the maximum extent provided for the respective kind of punishment.

#### **Article 25**

(1) The provisions of Articles 23 and 24 shall also apply where the person has been convicted with separate sentences.

(2) In such cases, if the punishment under any of the sentences has been served entirely or in part, it shall be deducted, provided it is of the same kind as the cumulated punishment determined to be served.

(3) (Amended, SG No. 103/2004) The service of a probation sentence shall be fully deductible from deprivation of liberty and vice versa, two days of probation counting as one day of deprivation of liberty.

(4) (New, SG No. 28/1982) Where under one or more of the sentences the person has been exempted from serving the imposed punishment pursuant to Article 64, paragraph (1), or to Article 66, the issue of serving the cumulative punishment shall be decided at the time of its determination.

#### **Article 26**

(Amended and supplemented, SG No. 28/1982, supplemented, SG No. 10/1993, amended, SG No. 50/1995, SG No. 62/1997, SG No. 92/2002)

(1) Provisions of Articles 23 - 25 shall not apply to cases of undisrupted crime - a series of two or more acts, which, taken separately, would qualify under the same or under different sub-headings of a specific crime, are committed over short periods of time, in similar surrounding circumstances, and are characterized with a homogenous form of guilt, the subsequent acts appearing, both objectively and subjectively - as regards guilt - a continuation of the preceding ones.

(2) In cases of undisrupted crime perpetrator shall be punished in accordance with constitutive acts thereof, taken as a whole, as well as in accordance with the overall criminal outcomes by them caused.

(3) Where separate acts qualify under different sub-headings of a specific crime, undisrupted crime shall be punished as provided for with regard to the aggravated act committed, consideration being had to the implications of the aggravated acts for the overall criminal activity, and to the aggravating circumstances proper.

(4) Where aggravating circumstances do not have significant impact in increasing the seriousness of overall criminal activity, it shall qualify under the privileged sub-heading of a specific crime, particular circumstances being reckoned with in determining the amount of punishment to serve.

(5) Where some of the acts have been completed, while others have ended at the stage of attempt, and the acts completed do not have significant impact in increasing the overall seriousness of criminal activity, perpetrator shall be punished as provided for attempted crime.

(6) Provisions of this article shall not apply to crimes committed against various citizens, qualifying as Crimes against the Person, nor shall they apply to crimes committed following submission of indictment to the courts, or to crimes committed prior to submission of indictment, which have not, however, been therein included.

#### **Article 27**

(1) (Amended, SG No. 28/1982) Where a person commits a crime after he has been sentenced to deprivation of liberty by sentence that has entered into force, but before serving this punishment, the court shall add to the unserved part, entirely or in part, the punishment of the second sentence, provided it is deprivation of liberty. The total punishment as determined may not be less than the punishment under the second sentence.

(2) (Supplemented, SG No. 28/1982) The punishment under the second sentence shall be added entirely if it is deprivation of liberty for more than five years or if it is imposed for repeated crime or crime constituting a case of dangerous recidivism.

(3) Where the person has committed a crime after serving the punishment imposed by the preceding sentence, the punishment imposed for this crime shall be served entirely.

#### **Article 28**

(1) The punishment for repeated crime provided in the special part of this Code shall be imposed, if the perpetrator has committed a crime after he has been convicted with sentence that has entered into force for another similar crime.

(2) This provision shall also apply to cases of crimes of one and the same kind against public and personal property.

#### **Article 29**

(1) The more severe punishments provided in the special part of this Code for crimes which constitute dangerous recidivism, shall be imposed where the perpetrator:

a) (Amended, SG No. 28/1982) commits the crime after he has been convicted for grave intentional crime to deprivation of liberty for not less than one year, and the serving of the punishment has not been suspended pursuant to Article 66;

b) (Amended, SG No. 28/1982) has committed the crime after he has been convicted two or more times to deprivation of liberty for intentional crimes of general nature, provided at least for one of them the serving of the punishment has not been suspended under Article 66.

c) (Repealed, SG No. 28/1982)

(2) In applying the provisions of the preceding paragraph the crimes committed by the perpetrator as a minor shall not be taken into consideration.

(3) (New, SG No. 95/1975) Where for a certain crime there are provisions for concurrent elements of crime as repeated perpetration and as dangerous recidivism and the act implements the characteristics of both elements, the provision for dangerous recidivism shall apply.

#### **Article 30**

(1) The provisions of Article 28 and 29 shall not be applied, if more than five years have elapsed since the serving of punishment under the preceding sentences. Rehabilitation within this period of time shall not exclude their application.

(2) (New, SG No. 28/1982) In the case of conditional sentence and in the case of conditional early release from prison (parole) the term as per paragraph (1) shall commence as from the date of the probation period expiration.

### **Chapter Three**

#### **PENALLY RESPONSIBLE PERSONS**

#### **Article 31**

(1) Penally responsible shall be any person of full age - who has completed 18 years of age, and who has perpetrated a crime in the state of being responsible for his acts.

(2) A minor - a person who has completed 14 years of age, but has not completed 18 years of age yet - shall be penally responsible if he was able to understand the nature and meaning of the act and to manage his actions.

(3) (Amended, SG No. 107/1996) Minors who cannot be considered culpable of their acts shall be admitted by a decision of the court to a correctional boarding school or to another appropriate establishment, should this be found necessary considering the circumstances of the case.

(4) With regard to the penal responsibility of minors, the special rules provided by this Code shall be applicable.

#### **Article 32**



(1) Underage persons who have not completed 14 years of age shall not be held penally responsible.

(2) With respect to minors who have committed socially dangerous acts, the relevant educational measures may be applied.

#### **Article 33**

(1) Penally responsible shall not be a person, who has acted in a state of insanity - where due to retarded mentality or derangement of his consciousness of prolonged or short duration, the person has not been able to understand the nature and meaning of the act or to manage his actions.

(2) (Amended, SG No. 95/1975) No punishment shall be imposed on a person who has committed a crime, where by the pronouncement of the sentence that person falls into a state of deranged consciousness, as a result of which he cannot understand the nature and meaning of his actions or manage them. Such a person shall be subject to punishment if he recovers his health.

#### **Article 34**

With regard to the persons mentioned in the preceding article, the relevant compulsory medical measures may be applied in the cases provided in this Code.

### **Chapter Four**

## **PUNISHMENT**

### **Section I**

#### **General Provisions**

#### **Article 35**

(1) Penal responsibility is personal.

(2) A punishment may be imposed only on a person who has committed a crime provided for by the law.

(3) The punishment shall correspond to the crime.

(4) A punishment for a crime shall be imposed only by the established courts of law.

#### **Article 36**

(1) The punishment shall be imposed for the purpose of: 1) correcting and re-educating the convict to comply to the laws and rules of socialist community, 2) exerting warning impact on him and depriving him of the possibility to commit other crimes, and 3) producing an educative and deterring effect on the other members of society.

(2) The punishment may not have as purpose the causing of physical suffering or crushing of human dignity.

(3) (New, SG No. 153/1998) There shall be no capital punishment in the Republic of Bulgaria.

#### **Article 37**

(1) Punishments shall be:

1) (New, SG No. 50/1995) life imprisonment;

1a) (Renumbered from Item 1 - SG No. 50/1995) deprivation of liberty;

2) (New, SG No. 92/2002 - effective 1.01.2005, with respect to the punishment of probation - amended SG No. 26/2004, effective 1.01.2004) probation;

2a) (Renumbered from Item 2 - SG No. 92/2002, repealed, SG No. 103/2004);

3) confiscation of existing property;

4) a fine;

5) (Repealed, SG No. 92/2002);

- 6) deprivation of the right to hold a certain state or public office;
- 7) deprivation of the right to exercise a certain vocation or activity;
- 8) (Repealed, SG No. 92/2002);
- 9) deprivation of the right to receive orders, honorary titles and distinctions;
- 10) deprivation of military rank;
- 11) public censure.

(2) (Amended, SG No. 153/1998) For the gravest crimes which endanger the foundations of the Republic, as well as for other particularly dangerous deliberate crimes, life imprisonment without substitution shall be provided as provisional and exceptional measure.

## **Section II**

### **Kinds of Punishments**

#### **Article 38**

(Amended and supplemented, SG No. 28/1982, amended, SG No. 153/1998)

(1) The punishment life imprisonment without substitution, provided in the Special Part hereof for a certain kind of crime, shall be imposed only if the specific crime committed was extremely grave and the purposes set forth in Article 36 hereof could not be attained by any milder punishment.

(2) Life imprisonment without substitution shall not be inflictable on any person who had not, at the time of committing the crime, turned twenty years of age, and with respect to servicemen, as well as in wartime - eighteen years of age. Life imprisonment without substitution shall not be inflictable also on a female, who was in the state of pregnancy at the time of perpetration of the crime or of pronouncement of the sentence.

#### **Article 38a**

(New, SG No. 50/1995)

(1) Imprisonment for life shall be compulsory isolation of a convict for the remaining portion of the convict's life at penitentiary institutions for serving punishment by deprivation of liberty.

(2) Life imprisonment shall be inflicted where the crime committed is extremely grave.

(3) Imprisonment for life may be substituted for deprivation of liberty for a term of thirty years, provided the convict has served no less than twenty years.

(4) Work days shall not be counted during the serving of punishment by Imprisonment for life.

(5) The served punishment by life imprisonment shall be recognised as deprivation of liberty.

#### **Article 39**

(1) (Amended, SG No. 28/1982, SG No. 89/1986, 50/1995) Deprivation of liberty may be from three months to twenty years.

(2) (Supplemented, SG No. 95/1975, SG No. 28/1982, repealed, renumbered from Paragraph 3, amended, SG No. 89/1986, supplemented SG No. 50/1995, amended, SG No. 153/1998) By way of exception, the punishment by deprivation of liberty may be inflicted for a term of thirty years in the event of substitution of life imprisonment in case of multiple crimes as per Articles 24 and 27, paragraph (1) hereof, as well as for certain particularly grave intentional crimes in the cases specially stipulated for in the Special Part hereof.

#### **Article 40**

(1) (Amended, SG No. 28/1982) The punishment by deprivation of liberty shall be served in prisons and correctional establishments, as well as in the labour-correctional communities with them.

(2) (Amended, SG No. 89/1986; repealed, SG No. 92/2002)

(3) Special care shall be taken of the young people of full age.

(4) With respect to convicts with grave psychopath, or those suffering from mental derangement which does not exclude penal responsibility, medical care shall be provided as appropriate.

#### **Article 41**

(1) The serving of punishment by deprivation of liberty shall be accompanied by appropriate, duly paid socially useful labour, for the purpose of re-education of the convicts and formation and upgrading of their vocational qualifications.

(2) Further to the above also other measures for education and training shall be applied.

(3) The labour performed shall be recognised as a way of diminishing the term of the punishment, two work days being recognised for three days of deprivation of liberty.

(4) (Supplemented, SG No. 28/1982, amended, SG No. 89/1986) Where the sentenced person in serving the punishment by deprivation of liberty systematically avoids doing socially useful work, commits deliberate crime, or grave offences of the established order and thereby shows that he does not correct himself, the court may revoke entirely or in part the recognition of his work days for the last two years prior to the perpetration of the last offence.

(5) (Repealed, renumbered from Paragraph 6, SG, No. 89/1986) The procedure and manner of serving the punishment by deprivation of liberty and the special care under paragraph (3) of Article 40, the payment of the labour of convicts, as well as their appointment to jobs after their release, shall be regulated by law.

(6) (Amended, SG No. 89/1974, renumbered from Paragraph 7, SG, No. 89/1986) The initial regime of serving punishment by deprivation of liberty shall be determined by the court in compliance with the provisions of this Code and the special law.

#### **Article 42**

(1) In time of war the military court may suspend to the end of military operations the serving of imposed punishment by deprivation of liberty, by sending the convict to the field army. The suspension of serving the punishment may be revoked, if the convict commits a new crime.

(2) At the proposal of his commander the court may, entirely or in part, exempt the convict sent to the field army, pursuant to paragraph (1), from serving the imposed punishment, if he proves to be good defender of the fatherland.

(3) The court may, even without the proposal of his commander, exempt the convict discharged from the field army due to invalidity, from serving the imposed punishment.

#### **Article 42a**

(New, SG No. 92/2002 - effective 1.01.2005 -  
amended, SG No. 26/2004, effective 1.01.2004)

(1) (Amended, SG No. 103/2004) Probation is a system of non-custodial measures for control and intervention that shall be imposed separately or collectively.

(2) (Amended, SG No. 103/2004) Probation measures shall be:

1. Compulsory registration at the current address;
2. Mandatory regular appointments with a probation officer;
3. Restrictions on free movement;
4. Admission to vocational training courses and/or public intervention programmes;

5. Corrective labour;
6. Community service.

(3) (Amended, SG No. 103/2004) Probation measures shall have the following duration:

1. From 6 months to three years - with respect to the measures under para 2, items 1 - 4;
2. From three months to two years - with respect to corrective labour;

3. From 100 to 320 hours a year in no more than three consecutive years - with respect to community service.

(4) Measures under para 2, items 1 and 2 shall be mandatorily imposed on all offenders sentenced to probation, whereas measures under para 2, items 5 and 6 shall not be imposed on young persons who have not turned 16 years of age.

(5) Probation shall be served in pursuance of a procedure specified by law.

#### **Article 42b**

(New, SG No. 103/2004)

(1) The probation measure of compulsory registration at the current address shall consist in the reporting for signature of the sentenced offender before the probation officer or an official designated by him/her.

(2) The probation measure of mandatory regular appointments with a probation officer shall be implemented at the probation office within the territory of which the current address of the sentenced offender is. By exception these may take place at another appropriate location fixed by the probation officer where important reasons so require. Appointments shall be planned or extraordinary, at the request of the probation officer or the sentenced offender.

(3) The probation measure of restrictions on free movement shall consist in the imposition of one or more of the following prohibitions from:

1. Attending locations, areas, and establishments, as strictly specified in the sentence;

2. Leaving the populated area for more than 24 hours without permission from the probation officer or public prosecutor;

3. Leaving his/her residence during certain hours of the day or night.

(4) The probation measure of admission to vocational training courses and/or public intervention programmes shall be aimed at ensuring the occupational integration and/or development of social habits of and skills for lawful behaviour in the sentenced offender.

(5) The probation measure of community service shall consist in labour furnished to the benefit of the public without any restrictions on the liberty of the sentenced offender.

#### **Article 43**

(Amended, SG No. 95/1975, amended and supplemented, SG No. 28/1982, amended, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002, SG No. 26/2004, SG No. 103/2004)

(1) The probation measure of corrective labour shall be implemented at the workplace of the sentenced offender and shall consist in deductions to the benefit of the state from his/her remuneration, amounting to between 10 and 25 percent. The service duration of this measure shall not count toward the overall length of service.

(2) Where a sentenced offender loses his/her work, the court shall substitute the remaining duration of corrective labour for community service, one day of the remaining duration being equal to one hour of community service. In this hypothesis the duration of community service may go below the minimum set under Art. 42a, para 3, item 3.

(3) The provision of para 2 shall also apply where the sentenced offender leaves the workplace where he/she serves the above sentence and where he/she fails, within one month therefrom, to notify the probation officer of his/her new workplace.

(4) The time during which deductions under para 1 above are not paid in, shall not count toward the service period of the probation measure of corrective labour.

**Article 43a**

(New, SG No. 103/2004)

If the sentenced offender fails, without a valid reason, to serve the probations measure imposed on him/her, at the proposal of the competent Probation Board the court may:

1. Rule the imposition of another probation measure;
2. Substitute probation, fully or partially, for deprivation of liberty; in such hypotheses the duration of deprivation of liberty may go below the minimum under Art. 39, para 1.

**Article 44**

(1) Confiscation shall be compulsory appropriation without compensation of property in favour of the state, of assets belonging to the convict or of part thereof, of specified pieces of property of the culprit, or of parts of such pieces of property.

(2) (Supplemented, SG No. 28/1982, repealed - No. 62/1997)

**Article 45**

(1) Confiscation shall not be ordered if the culprit does not possess available property which could be subject to such punishment.

(2) Subject to confiscation may not be the objects needed by the convict and his family for personal and family use, the objects necessary for the exercise of his vocation specified in a list approved by the Council of Ministers, as well as means for support of his family for one year.

**Article 46**

In case of confiscation the state shall be liable to the amount of the value of the confiscated property for compensation of the damages caused by the crime, and after that for the debts of the convict formed by the time of initiation of the penal proceedings, where his remaining personal property is not enough for compensation of the damages and payment of the debts.

**Article 47**

(1) (Amended, SG. No. 28/1982, SG No. 10/1993, SG No. 92/2002) The fine shall correspond to the property status, the income and family obligations of the perpetrator, and in determining the fine the provisions of Chapter Five shall also be applied. The fine may not be less than BGN one hundred.

(2) The fine shall be collected from the estate left by the convict, and also after his death, if the sentence has entered into force before that.

(3) Objects which are not subject to confiscation may not be sold for compulsory collection of the fine.

**Article 48**

(Supplemented, SG No. 28/1982, repealed, SG No. 92/2002, effective 1.01.2005 - amended SG No. 26/2004, effective 1.01.2004)

**Article 49**

(1) (Amended, SG No. 92/2002 - effective 1.01.2005, with respect to the punishment of probation, Amended SG No. 26/2004) The punishment by deprivation of rights under Article 37, paragraph 1, sub-paragraphs 6 and 7, where imposed separately or with another punishment, not connected to deprivation of liberty, shall be pronounced for a specified term of up to three years within the limits established in the special part of this Code.

(2) (Supplemented, SG No. 54/1978) Where the deprivation of such rights is imposed together with deprivation of liberty, its term may exceed the term of the latter by at most three years, unless otherwise provided in the Special Part of this Code.

(3) The term shall commence as from the entry of the sentence into force, but the convict may not avail himself of the rights of which he has been deprived prior to completion of the punishment by deprivation of liberty.

(4) The term of deprivation of rights shall be reduced by the period of time for reduction of the term of deprivation of liberty due to remission, work or deduction of period of preliminary detention.

(5) (Amended, SG No. 153/1998) A person sentenced to life without substitution shall be deprived of the rights set forth in the sentence for good.

#### **Article 50**

(1) The punishment by deprivation of the right to hold a certain state or public office and deprivation of the right to exercise a certain vocation or activity shall be imposed in the cases provided by the law, if holding the respective office or exercising the respective vocation or activity is incompatible with the nature of the committed crime.

(2) (New, SG No. 28/1982; repealed, SG No. 92/2002, effective 1.01.2005 - SG No. 26/2004, effective 1.01.2004)

3) (Renumbered from Paragraph 2 SG, No. 28/1982) The punishment by deprivation of right to be awarded orders, honorary titles and distinctions and deprivation of military rank may be imposed only in convictions for grave crimes.

#### **Article 51**

After the expiry of the term, the convict shall be able again to exercise the rights of which he was deprived by the sentence. This shall not apply to the rights under Article 37, subparagraphs 9 and 10, which may be acquired anew only by the procedure established therefor.

#### **Article 52**

The punishment of public censure consists in public denouncement of the culprit, which shall be made known to the respective work collective, through the press or in another appropriate manner, in accordance with the instructions given in the sentence.

#### **Article 53**

(1) Notwithstanding the penal responsibility, confiscated in favour of the state shall be:

a) objects belonging to the convict, which were intended or have served for the perpetration of intentional crime;

b) objects belonging to the culprit, which were subject of intentional crime - in the cases expressly provided in the Special Part of this Code.

(2) (New, SG No. 28/1982) Confiscated in favour of the state shall also be:

a) articles that have been subject or means of the crime, the possession of which is forbidden, and

b) objects acquired through the crime, if they do not have to be returned or restored. Where the acquired objects are not available or have been disposed of, an equivalent amount shall be adjudged.

## **Chapter Five**

### **METING OUT OF PUNISHMENTS**

#### **Article 54**

(1) The court shall mete out punishments within the limits provided by law for the crime committed, guided by the provisions of the general part of this Code and taking into consideration the following:

the degree of social danger of the act and the perpetrator,

the motives for crime perpetration, and other attenuating or aggravating circumstances.

(2) The attenuating circumstances shall condition the infliction of a milder punishment, and the aggravating ones of a severer punishment.

#### **Article 55**

(1) In case of exceptional or of a great number of attenuating circumstances, where even the mildest punishment provided by law proves disproportionately severe, the court:

1. shall fix a punishment under the lowest limit;
2. shall substitute:

a) (Amended, SG No. 153/1998) life imprisonment for deprivation of liberty for a term from fifteen to twenty years;

b) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, amended and supplemented, SG No. 92/2002 - effective 01.01.2005, with respect to the punishment of probation, amended, SG No. 26/2004, SG No. 103/2004) deprivation of liberty, where the lowest limit has not been specified - for probation, and with respect to minors - for probation or public censure.

c) (Amended, SG Nos. No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002, SG No. 103/2004) probation - for a fine BGN of one hundred (100) up to five hundred (500)

(2) In the cases of sub-paragraph 1 of the preceding paragraph where the punishment is a fine, the court may specify punishment under the lowest limit by one half at most.

(3) In such cases the court may not impose the lesser punishment provided by law along with punishment by deprivation of liberty.

(4) (Repealed, SG No. 28/1982).

#### **Article 56**

The circumstances considered by law in defining the respective crime shall not be attenuating and aggravating circumstances.

#### **Article 57**

(1) Where the Special Part of this Code provides possibility to impose one punishment from a choice of two or more punishments for the perpetrated crime, the court shall determine the most appropriate punishment, in kind and measure, guided by the rules of the preceding articles.

(2) Where the Special Part of this Code provides possibility to impose concurrently two or more punishments for a certain crime, the court shall, guided by the rules of the preceding articles, determine the extent of each punishment so that they shall, in their totality, comply to the objectives set forth under Article 36.

#### **Article 58**

The court may also apply the provisions of Article 55 in the following cases:

a) in the case of attempt - due to the non-completion of the crime, considering also the circumstances under Article 18, paragraph (2);

b) in the case of accessory - where the extent of the perpetrator's participation in the crime is small.

#### **Article 59**

(1) (Amended, SG No. 92/2002 - effective 1.01.2005 with respect to the punishment of probation, amended, SG No. 26/2004, SG No. 103/2004) The time period of detention or home arrest of the convict shall be deducted from the period of serving the punishment of deprivation of liberty or probation. Where the punishment imposed is probation, one day of detention on remand or home arrest shall count as two days.

(2) (New, SG No. 28/1982) The provision of the preceding paragraph shall also be applied where the convict has been detained under charges for another crime, the proceedings for which

were terminated or ended by sentence of acquittal, if the provision of Article 23, paragraph (1) may be applied with respect to the acts.

(3) (New, SG No. 28/1982, amended, SG No. 103/2004) In serving of punishment by deprivation of liberty under Article 37, para 1, items 6 and 7 (1), deducted shall be the time during which the convict has been deprived of the possibility to exercise such rights by administrative order.

## **Chapter Six**

### **SPECIAL RULES FOR UNDERAGE PERSONS**

#### **Article 60**

Punishment shall be imposed on underage persons above all with the objective to re-educate and prepare them for socially useful work.

#### **Article 61**

(1) (Amended, SG No. 89/1986) With respect to an underage person who has committed a crime carried away by circumstances or because of thoughtlessness, which does not constitute great social danger, the prosecutor may decide to abstain from instigating preliminary proceedings or to terminate the instigated proceedings, and the court may decide not to have him brought to court or not to have him tried, provided with regard to him educative measures can successfully be applied pursuant to the Fighting Against Anti-Social Acts of Minors and Underage Persons Act.

(2) In such cases the court itself may impose an educative measure, informing thereof the local Commission Against Anti-Social Acts of Minors and Underage Persons, or forwarding thereto the court file for imposition of such a measure.

(3) (Amended, SG No. 89/1986, SG No. 107/1996, SG No. 26/2004) Where the prosecutor decides not to institute preliminary proceedings or to put an end to proceedings which have been formed, he shall send the case-file to the Commission, which shall impose a measure of education.

#### **Article 62**

Imposed on underage persons may be only the following punishments:

1) deprivation of liberty;

1a) (New, SG No. 92/2002 - effective 1.01.2005 with respect to the punishment of probation - amended SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) probation;

2) public censure;

3) (Amended, SG No. 103/2004) deprivation of the right to exercise certain vocation or activity under Article 37. para 1, sub-paragraph 7.

#### **Article 63**

(1) For underage persons the punishments provided in the Special Part of this Code shall be substituted as follows:

1) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) life imprisonment without substitution and life imprisonment - for deprivation of liberty for a term of from three up to ten years;

2) deprivation of liberty for more than ten years - for deprivation of liberty for a term of up to five years;

3) deprivation of liberty for more than five years - for deprivation of liberty for a term of up to three years;

4) deprivation of liberty for a term of up to five years inclusive - for deprivation of liberty for a term of up to two years, but not more than as provided by the law;



5) (Amended, SG No. 92/2002 - effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) probation and fine - for public censure;

6) (New, SG No. 92/2002 - effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004) probation for juveniles below 16 years of age - for public censure.

(2) (Amended, SG No. 28/1982) For underage persons who have turned sixteen years of age, the punishments provided in the Special Part of this Code shall be substituted as follows:

1) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) life imprisonment without substitution and deprivation of liberty for more than fifteen years - for deprivation of liberty for a term of five to twelve years;

2) deprivation of liberty for more than ten years - for deprivation of liberty for a term of two to eight years.

(3) (Amended, SG No. 28/1982) Within the limits of the preceding paragraphs, the court shall determine the punishment in compliance with the provisions of Chapter Five hereof.

#### **Article 64**

(1) (Amended, SG No. 107/1996) Where the punishment as determined is deprivation of liberty for less than one (1) year and its serving has not been suspended pursuant to Article 66, the underage convict shall be exempted from serving it and the court shall assign him to a correctional boarding school or shall impose on him another educational corrections measure provided by the Fighting Against Anti-Social Acts of Minors and Underage Persons Act.

(2) (Amended, SG No. 107/1996) Upon the proposal of the prosecutor or the respective local Commission Against Anti-Social Acts of Minors and Underage Persons, the court may also, after pronouncement of the sentence, substitute the commission to a correctional boarding school for another educational corrective measure.

(3) The rule of paragraph (1) shall not apply: a) where the underage convict has committed a crime during the serving of punishment by deprivation of liberty, and b) where he has been convicted after completing full age.

(4) The rule of paragraph (1) shall not be applied also in cases of second conviction, provided the court finds that for the correction and re- education of the perpetrator it is necessary for him to serve the sentence of deprivation of liberty and where: a) the term is not less than six months, or b) the perpetrator has already served a punishment by deprivation of liberty.

#### **Article 65**

(1) Before reaching full age underage persons shall serve punishments by deprivation of liberty in reformatory establishments.

(2) After reaching full age they shall be transferred to prison or reformatory community. In view of completing their education or vocational training, upon the proposal of the Pedagogical Council and with permission of the prosecutor, they may be admitted to reformatory establishment until completion of twenty years of age.

### **Chapter Seven**

## **EXEMPTION FROM SERVING AN IMPOSED PUNISHMENT**

### **Section I**

#### **Conditional Sentencing**

#### **Article 66**

(1) (Amended, SG No. 28/1982, corrected, SG No. 31/1982, amended, SG No. 92/2002, effective 01.01.2005 - SG No. 26/2004, effective 1.01.2004) Where the court imposes

punishment by deprivation of liberty for up to three years, it may suspend the serving of the imposed punishment for a period of three to five years, provided the person has not been sentenced to deprivation of liberty for a crime of general nature and if the court finds that for the purpose of achievement of the objectives of the punishment, and above all for correction of the convict it is not imperative for him to serve the punishment.

(2) (Amended, SG No. 92/2002, effective 1.01.2005, - SG No. 26/2004, effective 1.01.2004) The term of probation may not exceed the term of the imposed punishment by deprivation of liberty by more than three years.

(3) (Repealed, SG No. 92/2002, effective 1.01.2005 - SG No. 26/2004, effective 1.01.2004)

(4) (New, SG No. 28/1982) The convict shall be obliged to work or study during the probation period.

#### **Article 67**

(1) Where the court suspends the serving of punishment, it may assign to the respective public organisation or labour collective, with their consent, the task to devote educational care with respect to the convict during the probation period.

(2) Where there is no such consent, or where the court finds it necessary, it shall entrust to a specified person the educational care for the conditionally sentenced person. If the convict has his place of residence in another inhabited place, such person shall be appointed by the respective district court.

(3) (New, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation, amended, SG No. 26/2004 - effective 1.01..2004) Where the sentence suspended is to deprivation of liberty for a period not lesser than six months, the court may impose probation for the testing provided for in the sentence.

(4) (New, SG No. 28/1982, repealed, renumbered from Paragraph 3, SG No. 92/2002, effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004) Where the court suspends the serving of punishment with regards to an underage person, the court shall inform the respective local Commission, which shall organise the educational care.

(5) (Amended, SG No. 95/1975) The overall control over the educational care and the conduct of conditionally sentenced persons shall be exercised by the District Court at their place of residence.

(6) (Renumbered from Paragraph 5, SG No. 28/1982) The procedure and manner of application of the provisions of the preceding paragraphs shall be regulated by law.

#### **Article 68**

(1) If by the expiry of the probation period fixed by the court the sentenced person commits another intentional crime of general nature, for which punishment by deprivation of liberty is imposed on him even after the above period, that person shall serve also the suspended sentence.

(2) If the sentenced person commits a crime through negligence, pursuant to the provisions of paragraph (1), the court may rule the suspended punishment not to be served, or to be served fully or in part.

(3) (Amended, SG No. 28/1982, SG No. 92/2002, effective 1.01.2005, amended - SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) If a conditionally sentenced offender fails, without valid reason, to comply with any of the probation measures pursuant to Article 67, paragraph (3) imposed on him, at the proposal of the Probation Board the court may substitute it for another or shall rule that person to serve fully or partially the suspended punishment of deprivation of liberty.

(4) (Amended, SG No. 28/1982) Except in the cases under the preceding paragraphs, a suspended punishment shall not be served.

#### **Article 69**

(1) With regard to a person conditionally sentenced for a crime committed while he was underage, the probation period shall be from one to three years.

(2) With regard to such a person, in cases under paragraph (1) of the preceding Article the court may order that he shall be exempted, fully or in part, from serving the suspended punishment.

#### **Article 69a**

(New, SG No. 28/1982, amended, SG No. 103/2004)

In the cases under Article 68, paragraphs (2), (3) and (4) and Article 69, paragraph (2), if the sentenced person commits a new public-prosecution crime during the probation period, for which punishment by deprivation of liberty is imposed thereon, or still fails, without valid reason, to comply with any of the probation measures under Art. 67, para 3 imposed on him, he shall serve the remaining part of the punishment.

## **Section II**

### **Early Release**

#### **Article 70**

(1) (Amended, SG No. 153/1998, supplemented, SG No. 103/2004) The court may rule supervised early conditional release from service of the remaining part of deprivation of liberty or probation with respect to a sentenced offender who has given proof of his correction by good conduct and honest attitude towards labour, and has in fact served no less than half of the sentence.

(2) (Amended, SG No. 92/2002) The provisions of paragraph 1 shall also apply to individuals convicted of crimes qualifying as dangerous recidivism, where not less than two thirds of the sentence imposed have been actually served in fact, and the remainder of the punishment to serve is not more than three years.

(3) Conditional early release shall not be allowed for a second time, unless the perpetrator was rehabilitated for the crime to which conditional early release has been applied.

(4) (Amended, SG No. 92/2002, effective 1.01.2005, SG No. 26/2004) Conditional early release affects also the term of punishments by deprivation of rights under Article 37, paragraph 1, sub-paragraphs 6 and 7.

(5) (Amended, SG No. 92/2002, effective 1.01.2005 - SG No. 26/2004, effective 1.01.2004) In granting conditional early release, the court may also release the sentenced person from serving the punishment by deprivation of rights under Article 37, paragraph 1, sub-paragraphs 6 or 7.

(6) (Supplemented, SG No. 28/1982, SG No. 92/2002, effective 01.01.2005 - amended SG No. 26/2004, effective 1.01.2004, supplemented, SG No. 103/2004) In case of conditional early release, a testing period shall be established for the convict for a term equal to the unserved part of the punishment, but not less than six months, throughout which the court may impose probation, taking into account a report from the probation officer.

(7) (Supplemented, SG No. 92/2002, effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004) An early released person shall serve separately also the unserved part of the punishment, if within the testing period he commits a new intentional crime, for which punishment by deprivation of liberty is provided or fails to comply with probation imposed.

Should the early released person commit within that period a crime through negligence, the court may rule the suspended punishment not be served, or to be served fully or in part.

(8) (Corrected, SG No. 29/1968) In the cases under the preceding paragraph the sentenced person shall serve the full punishment of which he has been released pursuant to paragraph (5) of this Article.

(9) The term for rehabilitation under Article 86 in case of conditional early release shall commence as from the expiry of the probation period.

#### **Article 71**

(1) The court may release early an underage person sentenced to deprivation of liberty, if he has corrected himself, after having actually served not less than one third of the punishment imposed.

(2) With respect to a person sentenced for a crime committed by him when he was under age, after reaching full age the provisions of Article 70 shall be applied with regard to the effect of early release.

#### **Article 72**

(Repealed, SG No. 92/2002 - effective 01.01.2005, SG No. 26/2004)

#### **Article 73**

(1) With respect to those early released, the court shall assign the organisation of supervision and educational care for them during the probation period to the respective Supervisory Commission, and for the underage persons - to the respective local Commission Against Anti-Social Acts of Minors and Underage Persons.

(2) Where necessary, the court shall assign the supervision and educational care to a specified public organisation with the consent of the latter or to a certain person, and shall inform thereof the Supervisory or Local Commission.

(3) General control and guidance with respect to the educational care and conduct of early released persons shall be implemented by the District Court of their place of residence.

(4) The procedure and manner of applying the provisions of the preceding paragraphs shall be regulated by law.

### **Section III**

#### **Pardon**

#### **Article 74**

The President may, by granting pardon, exempt from serving the entire or part of the imposed punishment, and in the case of the capital punishment to grant pardon, or to substitute it for another punishment.

### **Chapter Eight**

#### **RELEASE FROM PENAL RESPONSIBILITY**

##### **Section I**

**(Repealed - No. 62/1997)**

#### **Conditional Release from Penal Responsibility by Placing under Social Warranty**

#### **Article 75**

(Amended, SG No. 28/1982, repealed, SG No. 62/1997)

**Article 76**

(Amended, SG No. 28/1982, repealed, SG No. 62/1997)

**Section II**

**(Repealed, SG No. 105/1991)**

**Release from Penal Responsibility with Imposition of Measures  
for Social Impact by the Comrades' Court**

**Article 77**

(Repealed, SG No. 105/1991)

**Section III**

**Release from Penal Responsibility of Underage Persons  
with Application of Educational Measures**

**Article 78**

In the cases indicated in Article 61 the underage person may be released from penal responsibility by applying an appropriate educational measure.

**Section IV**

**(New, SG No. 28/1982)**

**Release from Penal Responsibility with Imposing  
of Administrative Punishment**

**Article 78a**

(New, SG No. 28/1982)

(1) (Amended, SG No. 10/1993, SG No. 62/1997, SG No. 21/2000) A person of full legal age shall be released from penal responsibility by the court, whereas the punishment imposed on him shall be a fine BGN from five hundred up to one thousand, where the following conditions are concurrently available:

a) (amended, SG No. 86/2005) for such crime punishment by deprivation of liberty for up to three years or another milder punishment is provided, if committed intentionally, or deprivation of liberty for up to five years or another milder punishment, if committed through negligence;

b) the perpetrator has not been sentenced for a common crime and has not been previously released from penal responsibility pursuant to this Section; and

c) the damages to property, which have been caused by the crime, have been restored.

(2) (Repealed, SG No. 21/2000).

(3) (Repealed, SG No. 21/2000).

(4) The court which imposes a fine under paragraph (1), may also impose administrative punishment by deprivation of the right to practice a certain vocation or activity for up to three years, if deprivation of such right has been provided for the respective crime.

(5) Where for the crime committed a fine only, or a fine and another milder punishment have been provided, the administrative punishment may not exceed the amount of such fine.

(6)(New, SG No. 86/2005) When the grounds under para 1 are present and the act has been committed by an underage individual, the court shall exempt him/her from criminal liability. In this case the court shall impose the perpetrator an administrative sanction of public reprimand,

where he/she has turned 16 years of age or an educational measures, where he/she has not turned 16 years of age.

## **Section V**

**(New, SG No. 28/1982, repealed, SG No. 62/1997)**

### **Determining the Type of Release from Penal Responsibility**

#### **Article 78b**

(Repealed, SG No. 62/1997)

## **Chapter Nine**

### **LAPSE OF PENAL PROSECUTION AND OF IMPOSED PUNISHMENT**

#### **Article 79**

(1) Penal prosecution and the serving of punishment shall be excluded:

1. where the perpetrator has died;
2. where the term of statutory prescription has expired;
3. where an amnesty has followed.

(2) Not excluded by prescription shall be the penal prosecution and the serving of punishment with respect to crimes against peace and humanity.

#### **Article 80**

(1) Penal prosecution shall be excluded by prescription where it has not been instigated in the course of:

1. (Amended, SG No. 31/1990, SG No. 153/1998) twenty years in respect of acts punishable by life imprisonment without substitution or life imprisonment, and 35 years in respect of a murder of two or more persons;
2. fifteen years with respect to acts punishable by deprivation of liberty for more than ten years;
3. ten years with respect to acts punishable by deprivation of liberty for more than three years;
4. (Amended, SG No. 62/1997) five years in respect of acts punishable by deprivation of liberty for more than three years, and
5. two years in respect of all remaining cases.

(2) The prescription terms under the preceding paragraph for crimes committed by underage persons shall be determined after taking into consideration the substitution of punishments pursuant to Article 63.

(3) Prescription of prosecution shall commence as from the completion of the crime, in the case of attempt and preparation - as from the day of completion of the last action, and for continuous crimes as well as for crimes in progress - as from the moment of their termination.

#### **Article 81**

(1) Prescription shall be interrupted where the beginning or continuation of the penal prosecution depends upon the solution of some preliminary issues with judicial act that has entered into force.

(2) Prescription shall be interrupted by every act of the respective bodies undertaken for the purposes of prosecution, and only in respect of the person against whom the prosecution is directed. After completion of the act, whereby prescription was interrupted, a new prescription term shall commence.

(3) Notwithstanding the termination or interruption of prescription, penal proceedings shall be excluded provided a term has expired which exceeds by one half the term provided under the preceding Article.

**Article 82**

(1) The punishment imposed shall not be served where the following terms have elapsed:

1. (Amended, SG No. 153/1998) twenty years, if the punishment was life imprisonment without substitution or life imprisonment;
2. fifteen years, if the punishment was deprivation of liberty for more than ten years;
3. ten years, if the punishment was deprivation of liberty from three to ten years;
4. five years, if the punishment was deprivation of liberty for less than three years, and
5. two years for all remaining cases.

(2) Prescription for enforcing a punishment shall start commence as from the day the sentence has entered into force, and with regard to punishment with suspended enforcement pursuant to Article 66 - as from the entry into force of the sentence or the court ruling under Article 68.

(3) Prescription shall be interrupted by any act undertaken by the respective bodies with regard to the convict for enforcement of the sentence. After the termination of the act whereby the prescription has been interrupted, a new prescription shall commence.

(4) Irrespective of the interruption and termination of prescription, the punishment shall not be enforced where a term has elapsed which exceeds the term provided in paragraph (1) by one half.

(5) (New, SG No. 28/1982) The provision of the preceding paragraph shall not be applied with respect to a fine, where enforcement proceedings have been started for its collection.

**Article 83**

An amnesty shall cancel the criminal nature of a certain kind of perpetrated acts or shall exempt from penal responsibility and from the consequences of conviction for certain crimes.

**Article 84**

(1) For crimes prosecuted on the grounds of complaint by the aggrieved party, penal prosecution shall not be instituted, even where the prescription has not expired, if no complaint has been lodged within six months as from the date on which the aggrieved party has come to knowledge of the committed crime.

(2) Where the aggrieved party has died before the expiry of the above term, the complaint may be lodged by his/hers heirs prior to the expiry of the term.

(3) For such crimes the punishment shall not be enforced, provided the complainant has not so requested prior to the beginning of its enforcement.

## **Chapter Ten**

### **REHABILITATION**

**Article 85**

(1) Rehabilitation shall delete the conviction and shall revoke for the future the consequences ascribed by laws to the conviction itself, unless otherwise provided in certain aspects by law or decree.

(2) (New, SG No. 28/1982) The provision of the preceding paragraph shall not apply to persons convicted for crimes against peace and humanity.

**Article 86**

(1) Rehabilitation shall occur de jure in the following cases:

1. Where a person has been sentenced conditionally, provided during the probation period that person has not committed another crime for which he must serve the suspended punishment;

2. (Amended, SG No. 92/2002, effective 1.01.2005 in respect of the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) Where a person has been sentenced to deprivation of liberty for up to three years, or to probation, provided in the course of three years following the expiry of the term of punishment imposed by the sentence or decreased by work or by pardon, no other crime punishable by deprivation of liberty or by more severe punishment has been committed by that person;

3. Where a person has been sentenced, jointly or severally, to a fine, public censure or deprivation of rights, provided in the course of one year following the enforcement of the punishment that person has not committed another crime of general nature, and

4. Where a person has been sentenced as a minor, provided in the course of two years following the serving of the punishment that person has not committed another crime of general nature for which punishment by deprivation of liberty has been imposed on him.

(2) (Amended, SG No. 28/1982) Rehabilitation de jure shall not occur for a crime committed by a person of full age, who has been rehabilitated once.

#### **Article 87**

(1) Apart from the cases under the preceding paragraph any sentenced person may be rehabilitated by the court which has issued the sentence as first instance, provided in the course of three years following the expiry of the term of the punishment imposed by the sentence or reduced by work or pardon, he has not committed another crime punishable by deprivation of liberty or more severe punishment:

1. if that person has had good conduct, and

2. if that person has compensated the damages in the case of deliberate crime.

(2) The court may rehabilitate the convict even where he has not compensated the damages, if there are good reasons therefor.

(3) (Amended, SG No. 92/2002, effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) Where together with the punishment by deprivation of liberty also punishment by deprivation of rights under Article 37, paragraph 1, sub-paragraphs 6 and 7 or probation has been imposed, the term of such punishment must have expired in order to rule on rehabilitation. Where a fine has been imposed, it must have been paid.

#### **Article 88**

Rehabilitation may also be requested by the heirs of the convict after his death, provided he has been entitled to it.

#### **Article 88a**

(New, SG No. 28/1982)

(1) (Supplemented, SG No. 89/1986) Where after the serving of the punishment a term has expired equal to that under Article 82, paragraph (1), and the convicted person has not committed new deliberate crime of general nature for punishment by deprivation of liberty is provided, the sentencing and the consequences thereof shall be deleted notwithstanding the provisions of other laws or decrees.

(2) Where the punishment imposed is deprivation of liberty for more than one year and the person has not been exempted from serving it pursuant to Article 66, the term under paragraph (1) may not be less than ten years.

(3) In the case of conditional sentencing and conditional early release the term under paragraph (1) shall commence as from the date of expiry of the probation period.



(4) (New, SG No. 89/1986) Where the person has committed two or more crimes for which he has not been rehabilitated, the sentencing and the consequences thereof shall be deleted after the expiry of the terms provided for all sentences under the preceding paragraphs.

(5) (Renumbered from Paragraph 4, SG No. 89/1986) The provisions of the preceding paragraphs shall not be applied with regard to persons convicted for grave crimes against the People's Republic and for crimes against peace and humanity.

## **Chapter Eleven**

### **COMPULSORY MEDICAL MEASURES**

#### **Article 89**

With regard to a person who has committed an act dangerous to society in a state of penal irresponsibility, or who has come to such a state before the pronouncement of the sentence or in the course of serving the punishment, the court may rule:

- a) surrender of the person to his next-of-kin, provided they assume the obligation for his treatment under supervision by psycho-neurological dispensary;
- b) compulsory treatment at ordinary psycho-neurological establishment;
- c) compulsory treatment at special psychiatric hospital or at special ward in ordinary psycho-neurological establishment;

#### **Article 90**

(1) Compulsory treatment at an ordinary psycho-neurological establishment may be ruled by the court with regard to a mentally ill person, who, in view of his psychic condition and the nature of the perpetrated socially dangerous act, is in need of compulsory hospital care and treatment.

(2) Compulsory treatment at a special psychiatric hospital or in a special ward may be ruled by the court with regard to a mentally ill person, who, in view of his psychic condition and of the nature of the perpetrated socially dangerous act, is particularly dangerous to society and his next-of-kin. In these cases the person shall be held under strong supervision which excludes the possibility for him to commit a new act dangerous to society.

#### **Article 91**

(1) The termination or modification of the so ruled compulsory medical measures shall be decided by the court, should that be necessary due to changes in the status of the patient or by the needs of his treatment.

(2) In all cases, after the expiry of a six-month term following the admission of the person to hospital establishment, the court shall render a decision on the termination, continuation or substitution of the compulsory treatment.

#### **Article 92**

(1) Where the crime was committed by a person suffering from alcoholism, or another type of narcomania, the court may, along with the punishment, rule also compulsory treatment.

(2) Where punishment has been imposed without deprivation of liberty, compulsory treatment shall be implemented at medical establishments with special curative and working regime.

(3) The compulsory treatment of those sentenced to deprivation of liberty shall be effected during the serving of the punishment. The term for compulsory treatment shall be deducted from the term of deprivation of liberty.

(4) Where necessary, the court may rule that the treatment should continue also after the release of the sentenced person from the place of deprivation of liberty - at the medical establishments indicated in paragraph (2).

(5) The compulsory treatment may be terminated by the court, where its continuation is no longer necessary.

Additional provision

Explanation of Certain Words

**Article 93**

(Amended, SG No. 28/1982, SG No. 10/1993, SG No. 50/1995, SG No. 62/1997, SG No. 153/1998, SG No. 7/1999)

The words and expressions indicated below shall be construed for the purpose of this Code to mean the following:

1. "Official" shall be construed as any person assigned to carry out against remuneration or without pay, temporarily or permanently:

a) the duties of an office in a state institution, with the exception of persons who carry out activities relevant solely to material production;

b) (amended, SG No. 10/1993; supplemented SG No. 62/1997, SG No. 43/2005) management work and work related to safeguarding or managing property belonging to others in a state enterprise, co-operative, public organisation, another legal person or sole proprietor, as well as private notary and assistant-notary, private enforcement agent and assistant enforcement agent.

2. (Amended, SG No. 92/2002) "Body of power" are the bodies of state power, the bodies of state government, the authorities of the judiciary, as well as the officials therein, who are entrusted to exercise ruling functions.

3. "Representative of the public" is a person appointed by a public organisation to exercise a specified function, on the basis of the law or another normative act.

4. (Supplemented SG No. 51/2000) "Public property" are the pieces of property of the state, the municipalities, the co-operatives, the public organisations and other legal persons, in which they participate.

5. "Official document" is a document issued in compliance with the established procedure and format by an official within the scope of his duties, or by a representative of the public within the range of functions entrusted to him.

6. "False document" is a document which has been given the appearance of representing specific written statement by another person, but not by the person who has actually made it.

7. (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) "Grave crime" is any crime for which the law provides punishment by deprivation of liberty for more than five years, life imprisonment or life imprisonment without substitution.

8. "Particularly grave case" is that in which the crime perpetrated, in view of the harmful consequences that have occurred and of other aggravating circumstances, reveals extremely high degree of social danger of the act and the perpetrator.

9. "Minor case" is that in which the crime perpetrated, in view of the lack of or insignificance of the harmful consequences, or in view of other attenuating circumstances, constitutes a lower degree of social danger, as compared with ordinary crime cases of the respective kind.

10. "Next-of-kin" are the spouses, relatives in ascending or descending line (including adopted children and step children), brothers, sisters and their spouses, and collateral relatives up to the fourth degree.

11. "Time of war" is the time from the declaration of war or the actual commencement of military operations to the declaration for their termination.

12. (New, SG No. 28/1982) A crime is committed "by two or more persons" where in the perpetration itself at least two persons have taken part.

13. (New, SG No. 28/1982) International protection enjoy persons for whom such protection has been provided under international agreement, to which the Republic of Bulgaria is a party.

14. (New, SG No. 62/1997, amended SG No. 21/2000) "Taxes of large amount" shall be those exceeding BGN three thousand, and "taxes of particularly large amount" shall be those exceeding BGN twelve thousand.

15. (New, SG No. 7/1999) "A foreign official" shall be any person performing:

a) duties in a foreign country's office or agency;

b) functions assigned by a foreign country, inclusive of a foreign state-owned enterprise or organisation;

c) (supplemented, SG No. 92/2002) duties, assignments or tasks delegated by an international organisation, as well as holding office in an international parliamentary assembly or an international court of justice.

16. (New SG No. 21/2000) "Drug" means any high risk and risk narcotic drug and psychotropic substance within the meaning of the Drugs and Precursors Control Act.

17. (New SG No. 21/2000; supplemented, SG No. 92/2002) "Precursor" means any substance within the meaning of the Drugs and Precursors Control Act and any chemical substance within the meaning of the Chemical Weapons Prohibition and Toxic Chemical Substances and Precursors Control Act.

18. (New SG No. 21/2000; supplemented, SG No. 92/2002) "Illicit traffic" means any illicit activity or acts relating to plants containing drugs, drugs and precursors, to biological, chemical and radiation weaponry, to explosive substances, radioactive material, toxic and chemical substances, their precursors, to biological agents and toxins.

19. (New SG No. 21/2000) "Analogue" means any substance that is not listed in the Drugs and Precursors Control Act but having a chemical structure matching that of a drug and causing similar effect on the human organism.

20. (New, SG No. 92/2002) An "organized criminal group" is the permanent structured association of three or more individuals intended for the agreed perpetration, inside the country or abroad, of crime punishable by deprivation of liberty of more than three years, through which a material benefit is sought. An association shall also be considered structured in the absence of any formal distribution of functions among its participants, duration of their involvement or any developed internal structure.

21. (New, SG No. 92/2002) A "computerized information system" is any device or a group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data.

22. (New, SG No. 92/2002) "Computerized information data" is any representation of facts, information or concepts in a form suitable for automatic processing, including a program suitable to cause a computer system to perform a function.

23. (New, SG No. 92/2002) A "provider of computerized information services" is any individual or entity that provides opportunities for communication by means of a computer system or that processes or stores computer data with regard to the above communication service or its users.

24. (New, SG No. 92/2002) An "instrument of payment" is a physical object, such as a debit card, credit card, electronic portfolio or any other card issued by a financial institution, a check or travellers' checks, which differs from a valid means of payment (a banknote or coin),

and on account of its specific nature, alone or in combination with other means, allows its title-holder to transfer money or equivalent value.

Special Provision

**Article 94**

The provisions of the General Part of this Code shall also apply to crimes envisaged in other laws.

**SPECIAL PART**

**Chapter One**

**CRIMES AGAINST THE REPUBLIC**

**Section I**

**Treason**

**Article 95**

(Supplemented, SG No. 50/1995, amended, SG No. 153/1998)

A person who, for the purpose of overthrowing, undermining or weakening the state power in the Republic, takes part in the perpetration of an attempt of coup for forceful seizure of power in the centre or locally, or in rebellion or armed uprising, shall be punished by deprivation of liberty from ten to twenty years, by life imprisonment or by life imprisonment without substitution.

**Article 96**

(1) (Supplemented, SG No. 41/1985, SG No. 50/1995, amended, SG No. 153/1998) A person who, for the purpose of undermining or weakening the state power in the Republic, or for the purpose of creating difficulties for the Republic, deprives of life a state or public figure, shall be punished by deprivation of liberty for twenty years, by life imprisonment or life imprisonment without substitution.

(2) A person who, for the same purpose causes severe bodily injury to such a person, shall be punished by deprivation of liberty for five to fifteen years.

(3) (New, SG no. 41/1985, supplemented, SG No. 50/1995, amended, SG No. 153/1998) A person who, for the purposes as per paragraph (1) above, causes through arson, explosive, flooding or any other generally dangerous act, the death of one or more persons, shall be punished by deprivation of liberty for fifteen to twenty years, by life imprisonment or by life imprisonment without substitution.

**Article 97**

(Supplemented, SG No. 50/1995, amended, SG No. 153/1998)

A person who, for the purpose indicated in the preceding article, commits a generally dangerous crime under Articles 349 or 350, shall be punished by deprivation of liberty for ten to twenty years, by life imprisonment or by life imprisonment without substitution.

**Article 97a**

(New, SG No. 41/1985)

(1) A person who, for the purpose under Article 96 holds someone as hostage, making the release of such person dependent upon the fulfilment of a certain condition by the state, by a state or public organisation, or by a third party, shall be punished by deprivation of liberty for three to ten years.

(2) Where in the cases of the preceding paragraph the perpetrator threatens that if the condition put by him fails to be fulfilled, he will cause the death or severe or medium bodily

injury to the person he holds, the punishment shall be deprivation of liberty from five to fifteen years.

## **Section II**

### **Betrayal and Spying**

#### **Article 98**

(1) A person who incites a foreign state or social group abroad to war or another hostile action against the Republic, shall be punished by deprivation of liberty for five to fifteen years.

(2) The same punishment shall be imposed on persons, who commit an act for the purpose of provoking war or other hostile action against the Republic.

#### **Article 99**

(1) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) A person who deprives of life a representative of a foreign state for the purpose of provoking war or international complications against the Republic, shall be punished by deprivation of liberty for ten to twenty years, by life imprisonment or by life imprisonment without substitution.

(2) For severe bodily injury on such a person for the same purpose, the punishment shall be deprivation of liberty for five to fifteen years.

#### **Article 100**

(1) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) A Bulgarian citizen who at a time of declared or started war joins of his own free will the ranks of the enemy army or armed groups, or takes part in hostile actions against the Republic, or defects to the side of the enemy in any form, shall be punished by deprivation of liberty for ten to twenty years, by life imprisonment or by life imprisonment without substitution.

(2) The same punishment shall also be imposed on a Bulgarian citizen who assists in any way a foreign state or social group abroad in the carrying out military or other hostile activities against the Republic.

#### **Article 101**

(1) A Bulgarian citizen who leaves the country or refuses to return to the country for the purpose of placing himself in service of a foreign state or a foreign organisation, in order to serve it to the detriment of the Republic, shall be punished by deprivation of liberty for three to ten years.

(2) If the act has been committed by a serviceman, the punishment shall be deprivation of liberty for five to fifteen years.

#### **Article 102**

(1) A person who, for the purpose of decreasing the defence capacity of the Republic, provokes rebellion or insubordination in the Bulgarian army, or desertion therefrom, or for the same purpose disorganises its preparedness or supplies, shall be punished by deprivation of liberty for five to fifteen years.

(2) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) If serious consequences have occurred in result of such act, or if it has been committed in wartime, the punishment shall be deprivation of liberty for ten to twenty years, life imprisonment or life imprisonment without substitution.

#### **Article 103**

A person who, in carrying out his duties of state office or commission to a foreign government or international organisation, conducts them deliberately to the detriment of the Republic, shall be punished by deprivation of liberty for ten to fifteen years.

#### **Article 104**

(1) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998, SG No. 26/2004) A person who reveals or collects information qualifying as a state secret for the purpose of revealing it to a foreign state or to a foreign organisation, shall be punished for spying by deprivation of liberty for ten to twenty years, by life imprisonment or by life imprisonment without substitution.

(2) If the perpetrator reveals of his own accord to the state authorities the committed crime, he shall be punished under attenuating circumstances.

(3) (Amended, SG Nos. 95/1975, SG No. 99/1989, SG No. 26/2004) Information qualifying as a state secret shall be determined by a law.

#### **Article 105**

(1) A person who places himself in service of a foreign state or a foreign organisation in order to serve it as a spy, if he has not committed an act under the preceding article, shall be punished by deprivation of liberty for five to fifteen years.

(2) The perpetrator shall not be punished if he voluntarily reveals himself to the state authorities.

### **Section III**

#### **Diversion and Sabotage**

#### **Article 106**

(Supplemented, SG No. 50/1995, amended, SG No. 153/1998)

Any person who, for the purpose of weakening the state power or of creating difficulties therefor, destroys or damages public buildings, construction projects, installations, equipment, transport vehicles or means of communication or other significant public property; shall be punished for diversion by deprivation of liberty for five to fifteen years, and in particularly grave cases - by deprivation of liberty for twenty years, by life imprisonment or by life imprisonment without substitution.

#### **Article 107**

A person who, for the purpose of weakening the state power, or of creating difficulties for it, disorganises or undermines industry, transport, agriculture, the monetary and credit system, other economic branches or separate economic enterprises, by making use of state institutions, economic enterprises or public organisations by hindering their activity or by failing to fulfil important economic tasks entrusted to him, shall be punished for sabotage by deprivation of liberty for three to ten years, and in particularly grave cases - by deprivation of liberty for five to fifteen years.

### **Section IV**

#### **Other Crimes**

(Title amended, SG No. 99/1989)

#### **Article 108**

(Supplemented, SG No. 41/1985, amended, SG No. 99/1989, SG No. 10/1993)

(1) A person who preaches fascist or another anti-democratic ideology or forceful change of the social and state order as established by the Constitution of the Republic of Bulgaria, shall be punished by deprivation of liberty for up to three years or a fine from BGN one hundred to three hundred.

(2) A person who in any way defames the coat of arms, the flag or the anthem of the Republic of Bulgaria, shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred.

#### **Article 108a**

(New, SG No. 92/2002)

(1) Anyone who, in view of causing disturbance or fear among the population or of threatening, or forcing a competent authority, a representative of a public institution or of a foreign state or international organization to perform or omit part of his/her duties, commits a crime under art. 115, 128, art. 142, par. 1, art. 216, par. 1, art. 326, art. 330, par. 1, art. 333, art. 334, par. 1, art. 337, par. 1, art. 339, par. 1, art. 340, paras. 1 and 2, art. 341a, paras. 1 - 3, art. 341b, par. 1, art. 344, art. 347, par. 1, art. 348, art. 349, paras. 1 and 3, art. 350, par. 1, art. 352, par. 1, art. 354, par. 1, art. 356f, par. 1, art. 356h, shall be punished for terrorism by deprivation of liberty from five to fifteen years, and where death has been caused - by deprivation of liberty of up to thirty years, to life imprisonment or to life imprisonment less substitution.

(2) Anyone who, regardless of the specific mode of operation, directly or indirectly collects or provides means for accomplishing acts under par. 1, in full knowledge or based on the assumption these would be utilized to the above purposes, shall be punished by deprivation of liberty of three to fifteen years and a fine of up to BGN thirty thousand (30,000).

(3) The object under par. 2 above, that has been the focus of crime, shall be expropriated to the benefit of the State, and where this object may not be found or has been disposed of, payment of the equivalent sum in cash shall be ruled.

#### **Article 109**

(1) (Amended, SG No. 99/1989, SG No. 92/2002) A person who forms or leads an organized criminal group, which has set itself the aim of committing crimes under the present Chapter, shall be punished by deprivation of liberty for up to twelve years, but not more than the punishment provided for the respective crime.

(2) (Amended, SG No. 92/2002) A person who is a member of such a group shall be punished by deprivation of liberty for up to ten years, but not more than the punishment provided for the respective crime.

(3) (Supplemented, SG No. 95/1975, amended, SG No. 92/2002) A participant in the group who, of his own accord gives himself up to the authorities and discloses all the information he/she has available about the group and thus considerably facilitates detection of, and collection of evidence with regard to, crimes by it committed, shall be punished in accordance with art. 55.

(4) (Amended, SG No. 92/2002) A participant in the group who, of his own accord gives himself up to the authorities and reveals the existence of the group before this individual or the group has committed another crime, shall not be punished.

#### **Article 110**

(Amended, SG No. 99/1989, SG No. 92/2002)

For preparation of a crime under Articles 95, 96, 99, 106, 107, and 108a, s. 1, the punishment shall be deprivation of liberty for up to six years.

Articles 111 - 113

(Repealed, SG No. 99/1989)

ADDITIONAL PROVISIONS

#### **Article 114**

(1) (Amended, SG No. 28/1982, SG No. 92/2002, effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) For crimes under this Chapter, the court may rule deprivation of rights under Article 37, para 1, sub-paragraphs 6 - 10.

(2) (Supplemented, SG No. 92/2002) For crimes under Articles 95 - 107, 108a, and 109, the court may rule confiscation of part or of the entire property of the convict.

## **Chapter Two**

### **CRIMES AGAINST THE PERSON**

#### **Section I**

#### **Murder**

##### **Article 115**

A person who deliberately kills another person shall be punished for murder by deprivation of liberty for ten to twenty years.

##### **Article 116**

(1) (Previous Article 116, SG No. 62/1997) For murder:

1. (supplemented, SG No. 28/1982, amended, SG No. 62/1997) of an official, of a representative of the public, as well as of a serviceman, including one of an allied or friendly state or army, during or in connection with the performance of his duty or function, or of a person enjoying international protection;

2. by an official, as well as by a representative of the public, by a person from the Police Force, during or in connection with the performance of his duty or function;

3. of father or mother, as well as of one's own son or daughter;

4. (amended, SG No. 62/1997) of a pregnant woman, of a minor or of more than one person;

5. of a person in helpless state;

6. in a way or by means dangerous for the life of many, in a particularly painful manner for the victim or with particular cruelty;

7. for a venal goal;

8. for the purpose of facilitating or concealing another crime;

9. performed with premeditation;

10. (new, SG No. 92/2002) committed by an individual acting at the orders or in implementing a decision of an organized criminal group;

11. (renumbered from Item 10, SG No. 92/2002) performed by hooligan motives, and

12. (renumbered from Item 11, SG No. 92/2002) representing a case of dangerous recidivism or performed by a person who has committed another intentional murder under the preceding or this article, for which no sentence has been pronounced,

(amended, SG No. 28/1982, supplemented, SG 50/1995, amended, SG No. 153/1998, SG No. 92/2002, effective 1.01.2005 in respect of the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) the punishment shall be deprivation of liberty for fifteen to twenty years, life imprisonment or life imprisonment without substitution.

(2) (New, SG No. 62/1997, amended, SG No. 153/1998, amended and supplemented, SG No. 103/2004, supplemented, SG No. 43/2005) For murder of a judge, prosecutor, examining magistrate, or a person from the staff of the Ministry of Interior, a public enforcement agent, a private enforcement agent or an assistant enforcement agent, as well as of a Customs officer, a tax administration officer, an officer of the National Forestry Directorate, or an officer of the Ministry of Environment and Waters performing a control activity in the course of or in the event of carrying out his/her duties or functions, the punishment shall be deprivation of liberty for twenty to thirty years, life imprisonment or life imprisonment without substitution.

##### **Article 117**



(1) Preparation for murder under Articles 115 and 116 shall be punished by deprivation of liberty for up to three years.

(2) The same punishment shall also be imposed on a person who abets another person to murder.

**Article 118**

(Amended, SG No. 28/1982)

For murder committed in a state of strong vexation, provoked by the victim with violence, with a grave insult or slander or with another unlawful action, from which serious consequences have set in or could set in for the culprit or his next-of-kin, the punishment shall be: in the cases of Article 115 - deprivation of liberty for one to eight years, and in the cases under Article 116, sub-paragraphs 1 - 6 deprivation of liberty for three to ten years.

**Article 119**

For murder, committed by exceeding the limits of self-defence, the punishment shall be deprivation of liberty for up to five years.

**Article 120**

For murder committed by a mother on her offspring during the time of delivery or immediately thereafter, the punishment shall be deprivation of liberty for up to three years.

**Article 121**

For murder of a newly born offspring of monstrous appearance, the culpable parent shall be punished by deprivation of liberty for up to one year or by probation.

**Article 122**

(1) A person who causes the death of another through negligence shall be punished by deprivation of liberty for up to three years.

(2) If the death has been caused by firearms or by strong poisonous substance, or if death has been caused to two or more persons, the punishment shall be deprivation of liberty for up to five years.

**Article 123**

(1) A person who causes the death of another through ignorance or negligent performance of vocation or other legally regulated activity, constituting a source of major danger, shall be punished by deprivation of liberty for up to five years.

(2) A person who causes through negligence the death of another by actions referred to a vocation or activity under the preceding paragraph, which he does not have the right to exercise, shall be punished by deprivation of liberty for one to five years.

(3) If in the cases of the preceding paragraphs the perpetrator has been in a state of drunkenness, or if death has been caused to more than one person, the punishment shall be deprivation of liberty for three to eight years, and in particularly grave cases - deprivation of liberty for five to fifteen years.

(4) If the perpetrator after the act has done everything within his capacity to save the victim, the punishment shall be: under paragraphs (1) and (2) - deprivation of liberty for up to three years; under paragraph (3) - deprivation of liberty for up to five years, and in particularly grave cases - deprivation of liberty for three to ten years.

**Article 124**

(1) A person who through negligence causes the death of another, as the result of an intentionally inflicted bodily injury, shall be punished by deprivation of liberty for three to twelve years in cases of grave bodily injury, for two to eight years in case of medium bodily injury, and up to five years in case of trivial bodily injury.

(2) (New, SG No. 95/1975, amended, SG No. 28/1982, SG No. 89/1986) If the act under the preceding paragraph has been committed in a state of strong vexation, which has been provoked by the victim with violence, grave insult or slander, or with another unlawful action from which grave consequences have occurred or could occur for the culprit or his next-of-kin, the punishment shall be: in case of grave bodily injury - deprivation of liberty for up to five years; in case of medium bodily injury - deprivation of liberty for up to three years; in case of a trivial bodily injury - deprivation of liberty for up to two years.

(3) (New, SG No. 89/1986, amended, SG No. 92/2002, effective 1.01.2005 in respect of the punishment of probation, - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) If the bodily injury which caused the death represents a dangerous recidivism, the punishment shall be: in case of grave bodily injury - deprivation of liberty from five to fifteen years, and in case of medium bodily injury - deprivation of liberty from three to ten years.

(4) (New, SG No. 89/1896) Where the act under paragraphs (1) and (3) has been committed by exceeding the limits of self-defence, the punishment shall be: in case of grave bodily injury - deprivation of liberty up to five years, in case of medium bodily injury - deprivation of liberty up to four years, and in case of trivial bodily injury - deprivation of liberty up to two years.

#### **Article 125**

Not punishable shall be a mother who through negligence causes the death of her not fully delivered or just delivered offspring.

#### **Article 126**

(1) (Amended, SG No. 62/1997) A person who with the consent of a pregnant woman puts to death her foetus outside the health establishments specified by the Ministry of Public Health and Social Welfare<sup>1</sup>, or in violation of the rules established by the said Ministry, shall be punished by deprivation of liberty for up to five years.

(2) (Amended, SG No. 62/1997) If the offender has no higher medical education or has put to death the foetus of two or more women, the punishment shall be deprivation of liberty for up to eight years.

(3) (Amended, SG No. 62/1997) If the act under the preceding paragraphs has been committed for a second time, the punishment shall be deprivation of liberty for two to eight years.

(4) A pregnant woman shall not be held penally responsible under the preceding paragraphs, including for abetment and assistance.

(5) (Amended, SG No. 62/1997) If the putting to death of the foetus has been done without the consent of the pregnant woman, the punishment shall be deprivation of liberty for three to eight years.

(6) (Amended, SG No. 62/1997) If in the latter case the death of the pregnant woman has followed, the punishment shall be deprivation of liberty for five to twelve years.

#### **Article 127**

(1) A person who in any way has assisted or persuaded another to commit suicide, and such an act or even an attempt only has followed, shall be punished by deprivation of liberty for up to three years.

(2) For the same crime, committed with respect to a minor, or against a person, about whom the perpetrator has knowledge that he is incapable to manage his actions or that he does not understand the essence and meaning of the act, the punishment shall be deprivation of liberty for three to ten years.

(3) A person who through cruel treatment or systematic abasement of the dignity of a person who was in material or other dependency upon him, has lead him to suicide or to an attempt at suicide, having admitted it as possible, shall be punished by deprivation of liberty for two to eight years.

(4) If the act under the preceding paragraph has been committed through negligence, the punishment shall be deprivation of liberty for up to three years.

## **Section II**

### **Bodily Injury**

#### **Article 128**

(1) A person who inflicts on another severe bodily injury shall be punished by deprivation of liberty for three to ten years.

(2) A bodily injury shall be considered severe if it has caused: continuous disturbance of consciousness; permanent blindness of one or both eyes; permanent deafness; loss of speech, reproduction inability; disfigurement which causes permanent disturbance of the speech or of a sensory organ; loss of one kidney, the spleen or a lung lobe; loss or mutilation of a leg or an arm; permanent general health impairment, dangerous to life.

#### **Article 129**

(1) A person who inflicts on another medium bodily injury shall be punished by deprivation of liberty for up to five years.

(2) The bodily injury shall be considered medium if it has caused: permanent weakening of the eyesight or hearing; permanent disturbance of speech, difficulties of the movement of the extremities, the body or the neck, disturbance of the functions of the genital organs without causing reproductive incapacity; breaking of a jaw or knocking out of teeth, without which chewing or speech are impaired; disfigurement of the face or of other parts of the body; permanent impairment of health not dangerous to life or impairment of health temporarily dangerous to life; injuries which penetrate into the cranial, thoracic and abdominal cavities.

#### **Article 130**

(1) A person who inflicts on another impairment of health apart from the cases under Articles 128 and 129, shall be punished for trivial bodily injury by deprivation of liberty for up to two years or by corrective labour.

(2) (Amended, SG No. 28/1982, corrected, SG No. 31/1982, amended, SG No. 10/1993) For trivial bodily injury, manifested as causing of pain or suffering without impairment of health, the punishment shall be deprivation of liberty for up to six months or corrective labour or a fine from BGN one hundred to three hundred.

(3) If in the cases under the preceding paragraphs the victim has immediately reacted to the attacker by inflicting the same bodily injury, the court may exempt both of them from punishment.

#### **Article 131**

(Amended and supplemented, SG No. 95/1975, supplemented, SG No. 28/1982)

(1) (Previous Article 131, SG No. 62/1997) For inflicting bodily injury:

1. (amended, SG No. 62/1997) to an official, a representative of the public, a serviceman, including such of an allied or friendly state or army, in the course of or in connection with the fulfilment of his duty or functions, or to a person enjoying international protection;

2. by an official, a representative of the public, a person from the Police Force in the course of or in connection with the fulfilment of his duty or function;

3. to a mother or to a father;
4. (supplemented, SG No. 62/1997) to a pregnant woman, a minor or to more than one person;
5. in a manner particularly painful for the victim;
6. by a person who has intentionally inflicted another severe or medium bodily injury under Articles 128 and 129 or under this article, for which no sentence has been pronounced;
7. for a second time, if the bodily injury is severe or medium;
8. (new, SG No. 92/2002) by a person acting at the orders or in implementing a decision of an organized criminal group;
9. (new, SG No. 92/2002) using means and ways dangerous to the life of many or with particular cruelty;
10. (new, SG No. 92/2002) with a venal goal in mind;
11. (new, SG No. 92/2002) in view of facilitating or concealing another criminal act;
12. (new, SG No. 92/2002) out of hooligan motives.

the punishment shall be deprivation of liberty: for three to twelve years for severe bodily injury; for one to five years for medium bodily injury; for up to three years for trivial bodily injury under Article 130, paragraph (1), and for up to one year or corrective labour under Article 130, paragraph (2).

(2) (New, SG No. 62/1997, amended and supplemented, SG No. 103/2004, supplemented, SG No. 43/2005) For bodily injury inflicted on a judge, prosecutor, examining magistrate, a person from the staff of the Ministry of Interior, a public enforcement agent, a private enforcement agent and an assistant enforcement agent, as well as on a Customs officer, a tax administration officer, an officer of the National Forestry Directorate, or an officer of the Ministry of Environment and Waters performing a control activity in the course of or in the event of carrying out his/her duties or functions, the punishment shall be deprivation of liberty:

1. from five to fifteen years in the case of severe bodily injury;
2. from three to ten years in the case of medium bodily injury;
3. from one to five years in the case of trivial bodily injury under Article 130, paragraph (1);
4. up to three years in the case of trivial bodily injury under Article 130, paragraph (2).

#### **Article 131a**

(Previous Article 131 (2), SG No. 28/1982, amended, SG No. 89/1982, 92/2002, effective 1.01.2005 in respect of the punishment of probation, amended, SG No. 26/2004, effective 1.01.2204, SG No. 103/2004)

If the bodily injury represents a case of dangerous recidivism, the punishment shall be: for severe bodily injury - deprivation of liberty from five to twelve years, and for medium bodily injury - deprivation of liberty from three to eight years.

#### **Article 132**

(1) (Amended, SG No. 28/1982, supplemented, SG No. 89/1986) For a bodily injury, except in the cases under Article 131a, inflicted on another in a state of strong vexation, provoked by the victim with violence, grave insult, slander or another unlawful act, from which grave consequences have set in or could have set in for the perpetrator or his next-of-kin, the punishment shall be:

1. deprivation of liberty for up to three years for severe bodily injury;
2. deprivation of liberty for up to one year for medium bodily injury;

3. deprivation of liberty for three months or probation up to six months for trivial bodily injury under Article 130, paragraph (1);

4. (Amended, SG No. 10/1993) probation of up to six months or a fine from BGN one hundred to three hundred under Article 130, paragraph (2).

(2) The punishments under the preceding paragraph shall also be imposed in the cases of inflicting bodily injury in exceeding the limits of self-defence.

#### **Article 133**

A person who inflicts on another through negligence severe or medium bodily injury shall be punished by deprivation of liberty for up to one year or by probation.

#### **Article 134**

(1) A person who inflicts on another severe or medium bodily injury through ignorance or negligent performance of a vocation or another legally regulated activity which are sources of greater danger, shall be punished:

1. by deprivation of liberty for up to three years for severe injury, and
2. by deprivation of liberty for up to two years or by corrective labour, for medium bodily injury.

(2) The same punishment shall also be imposed on a person who by negligence inflicts to another severe or medium bodily injury through acts which fall in the category of vocation and activity under the preceding paragraph, which he has no right to practice.

(3) If in the cases of the preceding paragraphs, the perpetrator has been in a state of drunkenness or if injury has been inflicted on more than one person, the punishment shall be deprivation of liberty for up to five years for severe bodily injury, and deprivation of liberty for up to three years for medium bodily injury.

(4) If the perpetrator after the act has done everything in his capacity to render help to the victim, this shall be taken into consideration as an attenuating circumstance in determining the punishment.

#### **Article 135**

(1) (Amended, SG No. 10/1993, SG No. 62/1997) A person who, while knowing that he or she is suffering from venereal disease, infects another with the same disease, shall be punished by deprivation of liberty for up to three years and by a fine of up to BGN two hundred.

(2) (Amended, SG No. 10/1993, SG No. 62/1997) If in the cases of the preceding paragraph those infected are minors under 16 years of age or more than two persons, the punishment shall be deprivation of liberty for up to five years or a fine of up to BGN five hundred.

(3) (Amended, SG No. 10/1993, SG No. 62/1997) A person who, while knowing that he or she is suffering from venereal disease, infects another through negligence with the same disease, shall be punished by deprivation of liberty for up to one year or a fine of up to BGN two hundred.

(4) (Amended, SG No. 10/1993, SG No. 62/1997) A person who through sexual intercourse or in another manner puts another person in danger of being infected with venereal disease, shall be punished by deprivation of liberty for up to six months or by a fine of up to BGN two hundred.

(5) (Supplemented, SG No. 28/1982, amended, SG No. 10/1993, SG No. 62/1997)) A person suffering from venereal disease, who refuses to be treated or evades regular obligatory treatment, shall be punished by a fine of up to BGN three hundred, imposed administratively.

(6) If the act under the preceding paragraph has been committed for a second time, the punishment shall be deprivation of liberty for up to six months.

## **Section III**

### **Exposure to Danger**

#### **Article 136**

(1) A person who violates rules established for the protection of labour safety and thereby exposes the life or health of the working people to danger, shall be punished by deprivation of liberty for up to three years or by probation, as well as by public censure.

(2) (New, SG No. 28/1982) Where by an act under the preceding paragraph, committed through negligence, the life or health of the working people are exposed to danger, the punishment shall be deprivation of liberty for up to one year or probation.

#### **Article 137**

A person who exposes a person, deprived of the possibility to defend himself because of minority, advanced old age, sickness or in general because of his helplessness, in such a way that his life may be endangered, and being aware of this does not render assistance thereto, shall be punished by deprivation of liberty for up to three years.

#### **Article 138**

A person who consciously does not render help, in case he was able to do so, to a person for who he was obliged to take care and who was in danger of his life and had no possibility to protect himself because of minority, advanced old age, sickness or in general because of his helplessness, shall be punished by deprivation of liberty for up to one year or by corrective labour.

#### **Article 139**

(Amended, SG No. 28/1982, 10/1993)

A person who in the case of immediate danger for the life of another, does not run to his rescue which he was able to do without endangering himself or another, shall be punished by probation for up to six months or a fine from BGN one hundred to three hundred.

#### **Article 140**

A driver of a transport vehicle who, after a traffic accident in which he has been a participant, does not render the necessary help to an injured person, which he was able to do without danger to himself or to another, shall be punished by deprivation of liberty for up to one year or by probation.

#### **Article 141**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A person practising the medical profession who, if after being asked does not render help to a patient or a woman in childbirth without good reason, shall be punished by probation or by a fine from BGN one hundred to three hundred.

(2) If the culpable person has been aware of the fact that the patient or woman in childbirth were in a dangerous situation, the punishment shall be deprivation of liberty for up to one year or probation.

(3) (Amended, SG No. 28/1982, SG No. 10/1993) A person who, being obliged to render assistance to a sick person, does not render him such assistance without good reasons, shall be punished by probation for up to six months or by a fine from BGN one hundred to three hundred.

## **Section IV**

### **Kidnapping and Unlawful Deprivation of Liberty**

(Title amended, SG No. 50/1995)

## **Article 142**

(New, SG No. 50/1995)

(1) (Amended and supplemented, SG No. 92/2002) A person who kidnaps another person in view of unlawfully depriving him/her of liberty shall be punished by deprivation of liberty from one to six years.

(2) The punishment shall be deprivation of liberty from three to ten years if:

1. the perpetrator has been armed;
2. the act has been committed by two or more persons;
3. (Amended, SG No. 62/1997) the kidnapped person has been a pregnant woman or under 18 years of age;
4. the kidnapped person has been entitled to international protection;
5. the act has been perpetrated with regard to two or more persons.
6. (New, SG No. 62/1997) the act has been perpetrated by a person engaged in security business, by an employee of an organisation carrying out security and insurance activities, by a person who acts on order of such an organisation or presents himself as acting on such order, by a person on the staff of the Ministry of Interior or a person who presents himself as such;
7. (New, SG No. 62/1997, supplemented, SG No. 92/2002) the kidnapping has been carried out with a venal goal in mind or for the purpose of taking the person over the borders of this country;
8. (New, SG No. 62/1997, amended, SG No. 92/2002) the act has been perpetrated by a person who acts at the orders or in implementing a decision of an organization or a group under art. 321a or of an organized criminal group.

(3) If as the result of the act under paragraphs (1) and (2) considerable harmful consequences have occurred, the punishment shall be deprivation of liberty for three to twelve years.

(4) If the act has been repeated or the kidnapped person has been treated with particular cruelty, the punishment shall be deprivation of liberty for five to fifteen years.

## **Article 142a**

(Previous Article 142, SG No. 50/1995)

(1) (Amended, SG No. 62/1997) A person who unlawfully deprives another of liberty shall be punished by deprivation of liberty for up to two years.

(2) (Amended, SG No. 62/1997) Where the act has been committed by an official or by a representative of the public, in violation of his duties or functions, or a person under Article 142, paragraph (2), subparagraphs 6 and 8, the punishment shall be deprivation of liberty for one to six years.

(3) (New, SG No. 62/1997) Where the act under the preceding paragraphs has been committed in respect of a pregnant woman, a minor or an underage person, the punishment shall be deprivation of liberty for three to ten years.

(4) (Renumbered from Paragraph 3, amended, SG No. 62/1997) Where the act under the preceding paragraphs has been committed in a manner painful or dangerous to the health of the victim, or where the deprivation of liberty has continued for more than 48 hours, the punishment shall be deprivation of liberty for three to ten years.

(5) (New, SG No. 28/1982, repealed, SG No. 50/1995, renumbered from Paragraph 4, SG No. 62/1997) The punishment under the preceding paragraph shall be imposed also on a person who consciously admits to or holds a healthy person at a health establishment for mentally ill persons.

(6) (New, SG No. 28/1982, repealed, SG No. 50/1995).

## **Section V**

### **Coercion**

#### **Article 143**

(Amended, SG No. 50/1995)

(1) (Previous Article 143, SG No. 62/1997) A person who compels another to do, to omit or to suffer something contrary to his will, using for that purpose force, threats or abuse of his authority, shall be punished by deprivation of liberty for up to six years.

(2) (New, SG No. 62/1997) Where the act has been perpetrated by a person under Article 142, paragraph (2), subparagraphs 6 and 8, the punishment shall be deprivation of liberty for three to ten years.

(3) (New, SG No. 62/1997, amended and supplemented, SG No. 103/2004, supplemented, SG No. 43/2005) Where in the cases under the preceding paragraph the act of coercion has been committed in respect of a judge, a prosecutor, an examining magistrate, a person on the staff of the Ministry of Interior, a public enforcement agent, a private enforcement agent and an assistant enforcement agent, as well as on a Customs officer, a tax administration officer, an officer of the National Forestry Directorate, or an officer of the Ministry of Environment and Waters performing a control activity, in the course of or in the event of carrying out his duties or functions, the punishment shall be deprivation of liberty for two to eight years.

#### **Article 143a**

(New, SG No. 41/1985)

(1) A person who holds someone hostage, whose release he makes dependent upon the fulfilment of a certain condition by the state, a state or public organisation, or by a third party, shall be punished by deprivation of liberty for one to eight years.

(2) Where in the cases of the preceding paragraph the perpetrator threatens to cause the death or severe or medium bodily injury to the person held if the condition put by him fails to be fulfilled, the punishment shall be deprivation of liberty for two to ten years.

(3) (New, SG No. 62/1997) Where the act under the preceding paragraphs has been committed by a person under Article 142, paragraph (2), subparagraphs 6 and 8, the punishment shall be:

1. under paragraph (1) - deprivation of liberty for two to ten years;
2. under paragraph (2) - deprivation of liberty for five to twelve years.

#### **Article 144**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997) A person who threatens someone with a crime against his person or property or against the person or property of his next-of-kin, and where this threat could evoke justified fear of its implementation, shall be punished by deprivation of liberty for up to six months or by a fine from BGN one hundred to three hundred.

(2) (Amended and supplemented, SG No. 28/1982, amended, SG No. 10/1993, SG No. 62/1997) For threat towards an official or representative of the public during or in connection with carrying out their duties or functions, or to a person enjoying international protection, the punishment shall be deprivation of liberty for one year or a fine of up to BGN two hundred.

(3) (Supplemented, SG No. 62/1997, amended, SG No. 92/2002, effective 1.01.2005 in respect of the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004) If the perpetrator has made a threat of murder or the act has been committed by a person under Article 142, paragraph (2), subparagraphs 6 and 8, the punishment shall be deprivation of liberty for up to three years or probation.



## **Section VI**

### **Betrayal of Secrets of Another Person**

#### **Article 145**

(1) (Previous Article 145, amended, SG No. 28/1982, SG No. 10/1993) A person who unlawfully reveals the secret of another, dangerous to his good name, which was confided to him or has come to his knowledge in connection with his vocation, shall be punished by deprivation of liberty for up to one year or a fine from BGN 100 to BGN 300.

(2) (New, SG No. 28/1982) A person who makes public the secret of adoption with the intent of causing harmful consequences to the adopted person, to the adopter or their family, shall be punished by deprivation of liberty for up to six months or by probation, and where serious consequences have set in from the act - by deprivation of liberty for up to one year.

#### **Article 145a**

(New, SG No. 62/1997)

(1) A person who makes use of information collected by special intelligence devices for purposes other than protection of the national security or for the purposes of penal proceedings, shall be punished by deprivation of liberty for up to three years and by fine of up to BGN five hundred.

(2) Where the act has been committed by an official who has acquired such information or it has come to his knowledge within the sphere of his office, the punishment shall be deprivation of liberty for one to five years and a fine of up to BGN five thousand.

(3) In cases under the preceding paragraph the court may rule also deprivation of rights under Article 37, paragraph (1), subparagraphs 6 and 7.

## **Section VII**

### **Insult and Slander**

#### **Article 146**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 21/2000) A person who says or does something degrading to the honour and dignity of another in the presence of the latter, shall be punished for insult by a fine from BGN one thousand up to three thousand. In such a case the court may also impose the punishment of public censure.

(2) If the insulted person has responded at once with an insult, the court may exempt both of them from punishment.

#### **Article 147**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 21/2000) A person who makes public a disgraceful fact about someone or ascribes to him a crime, shall be punished for slander by a fine from BGN three thousand up to seven thousand, as well as by public censure.

(2) The perpetrator shall not be punished if the truth of the divulged circumstances or of the ascribed crimes is proved.

#### **Article 148**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 21/2000) For insult:

1. inflicted publicly;
2. spread through printed matter or in some other way;
3. of an official or a representative of the public, during or in connection with the fulfilment of his duties or function, and

4. by an official or representative of the public, during or in connection with the fulfilment of his duties or function, the punishment shall be a fine from BGN three thousand up to ten thousand as well as public censure.

(2) (Amended, SG No. 28/1982, SG No. 21/2000) For slander committed under the conditions of the preceding paragraph, as well as for slander from which serious consequences have set in, the punishment shall be a fine from BGN five thousand up to fifteen thousand and public censure.

(3) Paragraph (2) of Article 146 may be applied to cases under paragraph (1), subparagraph 1.

#### **Article 148a**

(New, SG No. 62/1997, amended, SG No. 21/2000)

A person who makes public, by means of printed matter or in another way, data, circumstances or allegations about another person, based on unlawfully obtained information from the archives of the Ministry of Interior, shall be punished by deprivation of liberty for up to three years and a fine of five BGN five thousand to twenty thousand.

### **Section VIII**

#### **Debauchery**

#### **Article 149**

(Supplemented, SG No. 28/1982, amended, SG No. 89/1986)

(1) (Amended, SG No. 107/1996) A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with a person under 14 years of age, shall be punished for lewdness by deprivation of liberty for up to five (5) years.

(2) (Amended, SG No. 107/1996) Where the lewdness has been performed through the use of force or threat, through taking advantage of the helpless condition of the victim or by reducing the victim to such condition, the punishment shall be deprivation of liberty from two (2) up to eight (8) years.

(3) (Amended, SG No. 107/1996) Where the act under the preceding paragraphs has been done for a second time or represents a particularly grave case, the punishment shall be deprivation of liberty from three (3) to ten (10) years.

(4) (New, SG, No. 107/1996) Lewdness shall be penalised by deprivation of liberty from three (3) to fifteen (15) years:

1. if committed by two or more persons;
2. (Repealed, SG No. 62/1997)
3. (Repealed, SG No. 62/1997)
4. (Repealed, SG No. 62/1997)

(5) (New, SG No. 62/1997) Lewdness shall be penalised by deprivation of liberty from five to twenty years:

1. if committed with two or more minors;
2. if a severe bodily injury has been inflicted or a suicide has been attempted.
3. if it constitutes a dangerous recidivism.

#### **Article 150**

(Supplemented, SG No. 28/1982, amended, SG No. 89/1986, SG No. 107/1996)

A person who performs an act for the purpose of arousing or satisfying sexual desire, without copulation, with regard to a person who has completed 14 years of age, by using force or threat, by taking advantage of the helpless condition of that person or by reducing the person to

such condition, shall be punished by deprivation of liberty for up to five (5) years, and in particularly grave cases - by deprivation of liberty from two (2) to eight (8) years.

#### **Article 151**

(1) A person who has sexual intercourse with a person who has not completed the age of 14 years, insofar as the act does not constitute a crime under Article 152, shall be punished by deprivation of liberty for two to five years.

(2) A person who has sexual intercourse with a person who has completed the age of 14 years, who does not understand the essence and meaning of the act, shall be punished by deprivation of liberty for up to three years.

#### **Article 152**

(1) A person who has sexual intercourse with a person of the female sex:

1. who is deprived of the possibility of self-defence, and without her consent;

2. by compelling her thereto by force or threat;

3. by reducing her to a state of helplessness shall be punished for rape by deprivation of liberty for two to eight years.

shall be punished for rape by deprivation of liberty for two to eight years.

(2) For rape the punishment shall be deprivation of liberty for three to ten years:

1. (Amended, SG No. 92/2002) if the raped woman has not completed eighteen years of age;

2. if she is a relative of descending line;

3. (New, SG No. 28/1982) if it was committed for a second time.

(3) (Amended, SG No. 28/1982) For rape the punishment shall be deprivation of liberty for three to fifteen years:

1. if it has been performed by two or more persons;

2. if medium bodily injury has been caused;

3. if an attempt at suicide has followed;

4. (New, SG No. 92/2002) if it has been committed in view of forceful involvement in further acts of debauchery or prostitution;

5. (Renumbered from Item 4, SG No. 92/2002) if it constitutes a case of dangerous recidivism.

(4) (Amended, SG No. 28/1982, SG No. 92/2002) The punishment for rape shall be of ten to twenty years, where:

1. The victim has not turned fourteen years of age;

2. Severe bodily injury has been caused;

3. Suicide has ensued;

4. It qualifies as a particularly serious case.

#### **Article 153**

A person who has sexual intercourse with a person of the female sex, by compelling her thereto through taking advantage of her material or official dependency upon him, shall be punished by deprivation of liberty for up to three years.

#### **Article 154**

Sexual intercourse between relatives in ascending and descending line, between brothers and sisters, and between adopters and adopted persons shall be punished by deprivation of liberty for up to three years.

#### **Article 155**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002 - SG No. 26/2004, effective 1.01.2004) A person who persuades an individual to practise prostitution

or acts as procurer or procuress for the performance of indecent touching or copulation, shall be punished by deprivation of liberty of up to three years and by a fine of BGN three hundred up to six hundred.

(2) (Amended, SG No. 10/1993, SG No. 62/1997) A person who systematically places at the disposal of different persons premises for sexual intercourse or for acts of lewdness shall be punished by deprivation of liberty for up to five years and by a fine of BGN one hundred up to five hundred.

(3) (New, SG No. 62/1997; amended, SG No. 92/2002) Where acts under paras. 1 and 2 above have been committed with a venal goal in mind, punishment shall be deprivation of liberty from one to six years and a fine of BGN five hundred (500) to one thousand (1,000).

(4) (New - SG No. 21/2000) A person who persuaded or forced another person to using drugs and/or analogues thereof for the purposes of practising prostitution, acts as procurer or procuress for performance of sexual intercourse, homosexual acts or acts of lewdness, shall be punished by deprivation of liberty for five to fifteen years and by a fine from BGN twenty thousand up to fifty thousand

(5) (New, SG No. 21/2000) Where the act has been committed:

1. (Amended, SG No. 92/2002) by an individual acting at the orders or in implementing a decision of an organized criminal group;

2. with regard to a minor, underage or insane person;

3. with regard to more than two persons;

4. repeatedly;

the punishment shall be deprivation of liberty for ten to twenty years and a fine from BGN one hundred thousand up to three hundred thousand.

(6) (Renumbered from Paragraph 3, SG 62/1997, renumbered from Paragraph 4, SG No. 21/2000) For persons who involve minors into acts of debauchery the punishment shall be deprivation of liberty for two to eight years.

(7) (Renumbered from Paragraph 4, SG 62/1997, renumbered from Paragraph 5, SG No. 21/2000, amended, SG 92/2002, effective 1.01.2005 in respect of the punishment of probation, amended, SG No. 26/2004, repealed, SG No. 103/2004)

#### **Article 156**

(Amended, SG No. 10/1993)

(1) (Previous Article 156, amended, SG No. 62/1997) A person who abducts a female for the purpose of her being placed at the disposal for acts of debauchery shall be punished by deprivation of liberty for up to ten years and by a fine of up to BGN 1,000.

(2) (New, SG No. 62/1997) The punishment shall be deprivation of liberty for three to twelve years, if:

1. the abducted person is under 18 years of age;

2. the abducted person has been placed at disposal for acts of debauchery, or

3. the abduction has been carried out for the purpose of placing the person at disposal for acts of debauchery beyond the borders of this country.

#### **Article 157**

(1) (Supplemented, SG No. 28/1982, amended, SG No. 92/2002) A person who performs sexual intercourse or acts of sexual satisfaction with a person of the same sex, by using for that purpose force or threat, or by taking advantage of a position of dependency or supervision, as well as with a person deprived of the possibility of self-defence, shall be punished by deprivation of liberty for two to eight years, as well as with public censure.

(2) (Supplemented, SG. No. 28/1982, amended, SG No. 89/1986, SG No. 62/1997, SG No. 92/2002, SG No. 26/2004) A person who performs homosexual acts in respect of a person who has not completed 14 years of age, insofar as the act does not constitute an offence under paragraph 1, shall be punished by deprivation of liberty of between two and five years.

(3) (New, SG No. 89/1986, amended, SG No. 26/2004) A person who performs homosexual acts in respect of a person, who has turned 14 years of age, but does not understand the nature or implications of his/her acts, shall be punished by deprivation of liberty of up to three years.

(4) (Renumbered from Paragraph 3, SG No. 89/1986, repealed, SG No. 92/2002)

(5) (Amended, SG No. 28/1982, renumbered from Paragraph 4, SG No. 89/1986; amended, SG No. 10/1993, SG No. 92/2002, SG No. 103/2004) Anyone who procures for others to engage in homosexual activities in view of gaining him-/herself a pecuniary benefit, as well as the one who persuades, through offering or promising a benefit, another person to engage in similar activities, shall be punished by deprivation of liberty of up to three years and to a fine of up BGN one thousand (1,000).

#### **Article 158**

(Amended, SG No. 28/1982)

In the cases of Articles 149 - 151 and 153, the perpetrator shall not be punished, or the imposed punishment shall not be served, if prior to the enforcement of the sentence there follows a marriage between the man and the woman.

#### **Article 159**

(Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 92/2002)

(1) A person who produces, displays, presents, broadcasts, distributes, sells, rents or otherwise circulates works with a pornographic content, shall be punished by deprivation of liberty of up to one year and a fine of BGN one thousand (1,000) to three thousand (3,000).

(2) An individual who displays, presents, distributes, sells or rents works with a pornographic content to a person who has not turned 16 years of age, shall be punished by deprivation of liberty of up to three years and a fine of up to BGN five thousand (5,000).

(3) Where a minor, juvenile or an individual presenting the appearance of such has been used in creating the works, punishment with regard to acts under paras. 1 and 2 shall be deprivation of liberty of up to five years and a fine of up to BGN eight thousand (8,000).

(4) Where acts under paras. 1 - 3 have been committed at the orders or in implementing a decision of an organized criminal group, punishment shall be deprivation of liberty from two to eight years and a fine of up to BGN ten thousand (10,000), the court being also competent to impose confiscation of some or all the possessions of perpetrator.

(5) A person who possesses a pornographic work in whose creation a minor or a juvenile has been used or an individual presenting the appearance of such, shall be punished by deprivation of liberty of up to one year or a fine of up to BGN two thousand.

(6) The object of criminal activity shall be expropriated to the benefit of the State, and where it is not found or has been disposed of, its money equivalent shall be awarded.

### **Section IX**

**(New, SG No. 92/2002)**

#### **Trafficking of People**

##### **Article 159a**

(1) An individual who recruits, transports, hides or admits individuals or groups of people in view of using them for sexual activities, forceful labour, dispossession of bodily organs or holding them in forceful subjection, regardless of their consent, shall be punished by deprivation of liberty of one to eight years and a fine of up to BGN eight thousand (8,000).

(2) Where the act under par. 1 has been committed:

1. with regard to an individual who has not turned eighteen years of age;
2. through the use of coercion or by misleading the individual;
3. through kidnapping or illegal deprivation of liberty;
4. through abuse of a status of dependency;
5. through the abuse of power;
6. through promising, giving away or receiving benefits,

punishment shall be deprivation of liberty from two to ten years and a fine of up to BGN ten thousand (10,000).

#### **Article 159b**

(1) An individual who recruits, transports, hides or admits individuals or groups of people and guides them over the border of the country with the objectives under art. 159a, par. 1, shall be punished by deprivation of liberty from three to eight years and a fine of up to BGN ten thousand (10,000).

(2) Where the act under par. 1 has been committed in presence of characteristics under art. 159a, s. 2, the punishment shall be deprivation of liberty from five to ten years and a fine of up to BGN fifteen thousand (15,000).

#### **Article 159c**

Where acts under articles 159a and 159b qualify as dangerous recidivism or have been committed at the orders or in implementing a decision of an organized criminal group, the punishment shall be deprivation of liberty from five to fifteen years and a fine of up to BGN twenty thousand (20,000), the courts being also competent to impose confiscation of some or all possessions of the perpetrator.

Additional Provision

#### **Article 160**

(1) For the crimes under Article 116, sub-paragraph 2, Articles 123, 126, 131, sub-paragraph 2, Articles 134, 142, paragraphs (2) - (4), the court may rule deprivation of rights under Article 37, sub-paragraphs 6 or 7.

(2) (New, SG No. 54/1978, repealed, SG No. 28/1982).

Special Provision

#### **Article 161**

(1) (Amended, SG No. 28/1982, supplemented, SG No. 89/1986, amended, SG No. 50/1995, SG No. 21/2000, previous Article 161, SG No. 92/2002, amended, SG No. 26/2004) For trivial bodily injury under Article 130 and 131, paragraph (1), sub-paragraphs 3 - 5, for trivial and medium bodily injury under Article 132, for the crimes under Article 144, paragraph (1), Articles 145, 146 - 148a, as well as for bodily injury under Articles 129, 132, 133 and 134, inflicted on a relative of ascending and descending line, a spouse, brother or sister, the penal prosecution shall be instituted on the basis of complaint by the victim.

(2) (New, SG No. 92/2002) Public prosecution criminal proceedings with regard to acts qualifying under art. 133, art. 135, paras. 1, 3, and 4, and under articles 139 - 141 shall be formed upon complaint of the victim to the relevant Prosecution Office and may not be terminated upon his/her request.

## **Chapter Three**

### **CRIMES AGAINST THE RIGHTS OF THE CITIZENS**

#### **Section I**

#### **Crimes Against National and Racial Equality**

##### **Article 162**

(1) A person who propagates or abets to racial or national hostility or hatred or to racial discrimination shall be punished by deprivation of liberty for up to three years and by public censure.

(2) A person who uses violence against another or damages his property because of his nationality, race, religion or because of his political convictions, shall be punished by deprivation of liberty for up to three years and by public censure.

(3) A person who forms or leads an organisation or group which has set itself the objective of committing acts under the preceding paragraphs, shall be punished by deprivation of liberty for one to six years and by public censure.

(4) A person who is a member of such an organisation or group shall be punished by deprivation of liberty for up to three years and by public censure.

(5) (New, SG No. 28/1982, amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, repealed, SG No. 103/2004)

##### **Article 163**

(1) The persons who take part in a crowd rallied to attack groups of the population, individual citizens or their property in connection with their national or racial affiliation, shall be punished:

1. the abettors and leaders - by deprivation of liberty for up to five years;
2. all others - by deprivation of liberty for up to one year or by probation.

(2) If the crowd or some of the participants are armed, the punishment shall be:

1. for the abettors and leaders - deprivation of liberty for one to six years;
2. for all others - deprivation of liberty for up to three years.

(3) If an assault has been made which has resulted in severe bodily injury or death, the abettors and leaders shall be punished by deprivation of liberty for three to fifteen years, and all others - by deprivation of liberty for up to five years, if they are not liable to more severe punishment.

#### **Section II**

#### **Crimes Against Religious Denominations**

##### **Article 164**

A person who propagates hatred on religious basis by speech, through the press, action or in another way, shall be punished by deprivation of liberty for up three years or by probation.

##### **Article 165**

(1) A person who, by force or threat hinders the citizens from freely practising their faith or from performing their religious rituals and services, which do not violate the laws of the country, the public order and morality, shall punished by deprivation of liberty for up to one year.

(2) The same punishment shall also be imposed upon a person who in the same way compels another to take part in religious rituals and services.

(3) For the acts under Article 163, committed against groups of the population, individual citizens or their property, in connection with their religious affiliation, the punishments provided therein shall be applied.

**Article 166**

(Supplemented, SG No. 28/1982, amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004)

A person who forms a political organisation on religious basis or who by speech, through the press, action or in another way, uses the church or religion for propaganda against the rule of the people or its undertakings, shall be punished by deprivation of liberty for up to three years, if he is not subject to more severe punishment

**Section III**

**Crimes Against Political Rights of Citizens**

(Title amended SG No. 1/1991)

**Article 167**

A person who through violence, deception, threat or in some other unlawful way, hinders someone from expressing his right of vote or of being elected, shall be punished by deprivation of liberty for up to three years or by probation.

**Article 168**

(Amended, SG No. 28/1982, SG No. 10/1993)

A person who exercises voting right, without having such right, shall be punished by probation for up to with six months or by a fine from BGN one hundred to three hundred

**Article 169**

An official as well as a person from the composition of an election commission, who violates the secret of vote or in any way alters the results of an election, shall be punished by deprivation of liberty for up to three years or by probation.

**Article 169a**

(New, SG No. 1/1991; amended - SG 10/1993)

A person who through the use of force, threat, or in another unlawful way compels another, contrary to his convictions or to his will, to participate or to leave a political party, organisation, movement or coalition with political objectives, shall be punished by deprivation of liberty for up to three years or by a fine from BGN one hundred to three hundred.

**Article 169b**

(New, SG No. 1/1991, amended, SG No. 10/1993)

A person who through the use of force, threat, or in another unlawful way impedes another to exercise his constitutional political rights, shall be punished by deprivation of liberty for up to three years or by a fine from BGN one hundred to three hundred.

**Article 169c**

(New, SG No. 1/1991)

Where the act under Articles 169a and 169b has been committed by an official during or in connection with the fulfilment of his duties, the punishment shall be deprivation of liberty for up to five years.

**Section IV**

**Violation of the Inviolability of a Dwelling, Premises**



## **or a Transport Vehicle**

(Title amended, SG No. 28/1982)

### **Article 170**

(Amended and supplemented, SG No. 28/1982, amended, SG No. 10/1993, SG No. 62/1997)

(1) A person who enters the dwelling of another by using therefor force, threat, ruse, dexterity, abuse of power or special technical means, shall be punished by deprivation of liberty for up to three years or by probation for up to six months.

(2) If the act under the preceding paragraph has been committed at night or by an armed person, or by two or more persons, the punishment shall be deprivation of liberty for one to five years.

(3) (New, SG No. 28/1982) If the acts under the preceding paragraphs have been directed against a dwelling, transport vehicle or official premises of a person enjoying international protection, the punishment shall be: under paragraph (1) deprivation of liberty for one to five years, under paragraph (2) - deprivation of liberty for two to eight years.

(4) (Former paragraph (3), Amended, SG Nos. 28/1982, 10/1993) A person who illegally remains in another person's dwelling in spite of an express invitation to leave, shall he punished by deprivation of liberty for up to one year.

## **Section V**

### **Violation of the Inviolability of Correspondence**

#### **Article 171**

(1) (Amended, SG. No. 28/1982, SG No. 10/1993) A person who contrary to the law:

1. opens, falsifies, hides or destroys a letter, telegram, sealed papers, package and the like of another person;

2. takes another person's, although opened, letter or telegram for the purpose of obtaining knowledge of their contents, or for the same purpose delivers another person's letter or telegram to someone else;

3. (New, SG No. 92/2002) becomes aware of the content of an electronic message not addressed to him/her or prevents such a message from reaching its original addressee.

shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred.

(2) If the act was perpetrated by an official who availed himself of his official position, the punishment shall by deprivation of liberty for up to two years, and the court may also rule deprivation of the right under Article 37, sub-paragraph 6.

(3) (Supplemented, SG No. 92/2002) A person who, by use of special technical means, unlawfully obtains information not addressed to him, communicated over the telephone, telegraph, computer network or another telecommunication means, shall be punished by deprivation of liberty for up to two years.

## **Section VI**

### **Crimes Against the Labour Rights of the Citizens**

#### **Article 172**

(Amended and supplemented, SG No. 28/1982, amended, SG No. 1/1991, 10/1993)

(1) (Amended, SG No. 10/1993, amended and supplemented, SG No. 92/2002) A person who intentionally impedes another to take a job, or compels him to leave a job because of his nationality, race, religion, social origin, membership in a trade union or another type of organization, political party, organisation, movement or coalition with political objective, or because of his or of his next-of-kin political convictions, shall be punished by deprivation of liberty for up to three years or by a fine of up to BGN five thousand.

(2) An official who fails to carry out an order or a court decision that has entered into force for re-instating at work of a wrongly dismissed worker or employee, shall be punished deprivation of liberty for up to three years.

## **Section VII**

### **Crimes Against Intellectual Property**

(Title amended, SG No. 50/1995)

#### **Article 172a**

(New, SG No. 50/1995)

(1) (Amended, SG No. 62/1997) A person who makes records, reproduces, distributes, broadcasts or transmits by technical means or uses in another way the works of others in the field of science, literature or arts without the consent of the owner of copyright as required by law, shall be punished by deprivation of liberty for up to three years and a fine of BGN one thousand to three thousand

(2) (Amended, SG No. 62/1997) The punishment under paragraph (1) shall be also imposed on the person who makes records, reproduces, distributes, broadcasts or transmits by technical means or uses in another way sound recording, video recording or radio broadcast, television broadcast, software or computer programme without the consent of the owner of the respective right as required by law.

(3) (Amended, SG No. 62/1997) If the act under paragraphs (1) and (2) has been repeated or considerable damaging consequences have occurred, the punishment shall be deprivation of liberty from one to five years and a fine of BGN three thousand to five thousand

(4) For minor cases the perpetrator shall be punished under the administrative procedure in compliance with the Copyright and Neighbouring Rights Act.

(5) The object of the crime shall be appropriated in favour of the state, where it belongs to the culpable person.

#### **Article 173**

(1) (Amended, SG No. 10/1993) A person who publishes or uses under his own name or under a pen name the work of another person in the field of science, literature or arts or a considerable part thereof, shall be punished by deprivation of liberty for up to two years or by a fine from BGN one hundred to three hundred

(2) (2) (Amended, SG No. 81/1999) By the same punishment shall also be punished the person who presents for registration or registers in his own name invention, workable model or industrial design of another person.

#### **Article 174**

(Amended, SG No. 10/1993, SG No. 81/1999)

A person who, by abusing his official position, gets himself included as a co-author of an invention, workable model or industrial design or of a work of science, literature or arts, without having taken part in the creative work for its elaboration, shall be punished by deprivation of

liberty for up to two years or by a fine from BGN one hundred to three hundred, as well as by public censure.

## **Section VIII**

### **Crimes Against Freedom of Meetings, Rallies and Demonstrations**

#### **Article 174a**

(New, SG No. 10/1990)

(1) A person who by use of force, fraud, threat or another unlawful way breaks up or hinders a meeting, rally or demonstration, allowed by the Meetings, Rallies and Demonstrations Act, shall be punished by deprivation of liberty for up to two years.

(2) An organiser who, in violation of Article 12, paragraph (3), and Article 13, paragraph (1), of the Meetings, Rallies and Demonstrations Act, conducts a prohibited or continues to conduct terminated meeting, rally or demonstration, shall be punished by deprivation of liberty for up to one year.

Special Provision

#### **Article 175**

(Amended, SG No. 28/1982, supplemented, SG No. 62/1997, amended, SG No. 92/2002)

(1) For crimes under Article 170, paragraphs (1) and (4), Article 171, paragraph (1), Article 172, paragraph (2), and Article 173, penal proceedings shall be instituted on the basis of complaint by the aggrieved party.

(2) Public prosecution criminal proceedings with regard to acts qualifying under Articles 167, 169a - 169c, 172, par. 1, and 174 shall be brought up upon complaint of the victim filed with the relevant Prosecution Office and may not be terminated upon his/her request.

## **Chapter Four**

### **CRIMES AGAINST MARRIAGE, THE FAMILY AND YOUTH**

#### **Section I**

### **Crimes Against Marriage and the Family**

#### **Article 176**

(1) A person who, upon entering into marriage, consciously conceals from registrar of the civil status a legal obstacle to the marriage, shall be punished by deprivation of liberty for up to two years.

(2) A registrar of the civil status who solemnises a marriage, being in the knowledge that there exists a legal obstacle to its conclusion, shall be punished by deprivation of liberty for up to three years, and the court may also rule deprivation of the right under Article 37, sub-paragraph 6.

(3) (Repealed SG No. 51/2000).

#### **Article 177**

(1) A person who has induced another in compulsory manner to enter in marriage, and therefore the marriage was proclaimed null and void, shall be punished by deprivation of liberty for up to three years.

(2) A person who abducts a person of the female gender for the purpose of forcing her to enter into marriage, shall be punished by deprivation of liberty for up to three years, and if the victim is not of full age, the punishment shall be deprivation of liberty for up to five years.

### **Article 178**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A parent or another relative who receives compensation to permit his daughter or relative to conclude a marriage, shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred, as well as by public censure.

(2) The same punishment shall also be imposed on a person who gives or mediates in the giving or receiving of such compensation.

### **Article 179**

(1) A person who, where a legal marriage exists, concludes another, shall be punished for polygamy by deprivation of liberty for up to three years.

(2) The same punishment shall also be imposed on a person who concludes a marriage with a person whom he or she knows to be in legal marriage.

(3) If the first marriage is declared null and void or is terminated on other grounds, the punishment shall be deprivation of liberty for up to one year or probation.

### **Article 180**

(Repealed, SG No. 1/1991)

### **Article 181**

A person who violates an obligation to a spouse, a relative of ascending or descending line, incapable of taking care for himself, and thereby places him in a position of serious distress, shall be punished by probation as well as by public censure, provided the act does not constitute a graver crime.

### **Article 182**

(1) A parent or guardian who leaves a person who is under parental care or guardianship, without supervision and sufficient care and thereby creates a danger for his physical, spiritual or moral development, shall be punished by deprivation of liberty for up to one year or by probation, as well as by public censure.

(2) (New, SG No. 28/1982, amended, SG No. 10/1993) A parent or another relative who fails to fulfil or in any way frustrates the application of a court decision on the exercise of parental rights, or on personal contacts with a child, shall be punished by probation or a fine from BGN one hundred to three hundred, and in particularly grave cases - by deprivation of liberty for up to six months or a fine from BGN one hundred to three hundred.

(3) (New, SG No. 28/1982) The perpetrator shall not be punished if, after a warning by the respective state authority, he fulfils the decision or removes the obstacles to its application. This provision shall not be applied for a second time.

### **Article 182a**

(New, SG No.26/2004)

(1) The one who, in view of obtaining a pecuniary benefit, tries to convince a parent, through donation, promise, threat or abuse of office, to abandon his child or give consent for adoption, shall be punished by deprivation of liberty of up to one year and a fine of up to BGN two thousand.

(2) The punishment under paragraph 1 shall also be imposed on the one who tries to convince a young person to give consent for his own adoption, where the law requires consent to be given.

(3) The one who acts as an intermediary, with a view to obtain an illegal pecuniary benefit, between a person or a family wishing to adopt a child, and a parent, wishing to abandon a child, or a woman, who agrees to carry in her womb a child to surrender for adoption, shall be punished by deprivation of liberty of up to two years and a fine of up to BGN three thousand.

(4) Where the act under paragraph 1 is committed for a second time, the punishment shall be deprivation of liberty of up to three years and a fine of up to BGN four thousand.

#### **Article 183**

(1) (Amended, SG No. 95/1975, SG No. 28/1982, SG No. 92/2002, effective 1.01.2005 - amended, SG 26/2004, effective 1.01.2004, SG No. 103/2004) A person who, being sentenced to support a spouse, a relative of ascending or descending line, brother or sister, consciously does not fulfil his obligation to the amount of two or more monthly payments, shall be punished by probation.

(2) The same punishment shall also be imposed on a person who purposefully places himself in a position of impossibility to provide support, either by transferring his property or by failing to exercise his rights or in any other way.

(3) (Amended, SG No. 28/1982) The perpetrator shall not be punished if prior to the pronouncement of the sentence by the first instance court, he fulfils his obligation and no other harmful consequences have set in for the aggrieved party person. This provision shall not be applied for a second time.

(4) (Amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG 26/2004, effective 1.01.2004) If the act under paragraphs (1) and (2) is committed for a second time, the punishment shall be deprivation of liberty for up to two years or probation, as well as public censure.

#### **Article 184**

(1) A person who deliberately replaces, hides or abandons an infant at another door, or in any other way conceals or changes the civil status of another, shall be punished by deprivation of liberty for up to two years.

(2) (Amended, SG No. 28/1982, SG No. 10/1993) If the above is effected for a venal purpose, the punishment shall be deprivation of liberty for up to three years and a fine from BGN one hundred to three hundred.

#### **Article 185**

(1) A person who of his own accord takes or retains with him the child of another, who has not completed fourteen years of age, and fails to notify forthwith the authorities or fails to return the child to the parents or the guardian, shall be punished by deprivation of liberty for up to one year.

(2) (Amended, SG No. 28/1982, SG No. 10/1993) If the above takes place by use of force, threat or deceit, or with the intention to use the child for venal or immoral purposes, the punishment shall be deprivation of liberty for up to three years and a fine from BGN one hundred to three hundred.

#### **Article 186**

(Amended, SG No. 28/1982, SG No. 10/1993)

A person who takes a child abandoned at a door or lost, of an age less than seven years, and fails to notify forthwith the authorities, the parents or the guardian of the child, shall be punished by probation or a fine from BGN one hundred to three hundred.

## **Section II**

### **Crimes Against Youth**

#### **Article 187**

A person who tortures a minor or underage person, who is under his care or with whose education he has been entrusted, shall be punished by deprivation of liberty for up to one year or by probation, as well as by public censure, provided the act does not constitute a graver crime.

### **Article 188**

(1) A person who compels a minor or an underage person to commit a crime or to engage in prostitution, shall be punished by deprivation of liberty for up to five years and by public censure.

(2) Where as the result from the above harmful consequences have set in for the physical, the psychic or the moral development of the victim, the punishment shall be deprivation of liberty for one to six years and public censure, provided the act does not constitute a graver crime.

### **Article 189**

(1) (Amended, SG No. 10/1993) A person who systematically uses a person under his care for mendacity, shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred

(2) If the perpetrator is a parent or guardian of the victim, the punishment shall be deprivation of liberty for up to two years or probation, as well as public censure.

### **Article 190**

A person who through abuse of his parental power compels his child who has not yet completed 16 years of age, to start living as married with another, shall be punished by deprivation of liberty for up to three years or by probation, as well as by public censure.

### **Article 191**

(1) (Amended, SG No. 28/1982) A person of full age who, without having concluded a marriage, starts living as man and wife with a person of the female gender, who has not completed 16 years of age, shall be punished by deprivation of liberty for up to two years or by probation, as well as by public censure.

(2) An adult who persuades or facilitates an underage male and a female who have not completed 16 years of age, to start living as spouses, without concluding a marriage, shall be punished by deprivation of liberty for up to two years or by probation.

(3) (Amended, SG No. 89/1986) If the act under the preceding paragraphs has been committed with a person who has not completed 14 years of age, the punishment shall be deprivation of liberty from two to five years.

(4) In the cases under paragraph (1) the perpetrator shall not be punished and the imposed punishment shall not be enforced, if prior to the enforcement of the sentence a marriage follows between the man and the woman.

### **Article 192**

(1) (Previous Article 192, amended, SG No. 28/1982, SG No. 10/1993) A parent or another relative who receives compensation to permit his daughter or female relative, who has not completed 16 years of age, to start living as married with someone, shall be punished by deprivation of liberty for up to two years or a fine from BGN 100 to BGN 300, as well as by public censure.

(2) (New, SG No. 28/1982) The same punishment shall also be imposed on a person who gives or mediates in the giving of such compensation.

### **Article 192a**

(New, SG No. 26/2004)

(1) The one who admits to work an individual, who has not turned 18 years of age, in the absence of a due permit, shall be punished by deprivation of liberty of up to six months and a fine of BGN five hundred to one thousand

(2) Where the act under paragraph 1 has been committed with respect to an individual who has not turned 16 years of age, the punishment shall be deprivation of liberty of up to one year and a fine of one thousand to BGN three thousand.

(3) Where the act under paragraph 1 has been committed for a second time, the punishment shall be deprivation of liberty of up to one year and a fine of BGN one thousand to three thousand, and under paragraph 2 - deprivation of liberty of up to three years and a fine of BGN two thousand to five thousand

#### **Article 193**

(Amended, SG No. 28/1982, SG No. 89/1986, SG No. 10/1993)

(1) (Amended, SG No. 92/2002) A person who intoxicates with alcoholic drinks a person who has not completed 18 years of age, or a mentally irresponsible person, shall be punished by deprivation of liberty for up to six months or by a fine of up to BGN five hundred

(2) (Amended, SG No. 92/2002) A person who sells alcoholic drinks to anyone who has not completed 18 years of age, or to a mentally irresponsible person for personal use, shall be punished by a fine of up to BGN five hundred and by probation, and if he does this systematically - by deprivation of liberty for up to one year and by a fine of up to BGN two thousand

Special Provision

#### **Article 193a**

(New, SG No. 62/1997, amended, SG No. 92/2002, supplemented, SG No. 26/2004)

For crimes under Article 182, paragraph (2), and Article 183, criminal proceedings of public prosecution shall be instituted on the basis of complaint by the aggrieved party addressed to the public prosecution office and may not be terminated upon the party's request.

### **Chapter Five**

## **CRIMES AGAINST PROPERTY**

(Title amended, SG No. 10/1993)

### **Section I**

#### **Theft**

#### **Article 194**

(1) (Amended, SG No. 10/1993) A person who takes away from another movable property without his consent, with the intent to unlawfully appropriate it, shall be punished for theft by deprivation of liberty for up to eight years.

(2) Theft shall also be considered to occur where part of the object belongs to the culprit.

(3) (Amended, SG No. 28/1982, SG No. 10/1993) In minor cases the punishment shall be deprivation of liberty for up to one year, or probation, or a fine from BGN one hundred to three hundred

#### **Article 195**

(1) (Amended, SG No. 28/1982, amended and supplemented, SG No. 10/1993) For theft the punishment shall be deprivation of liberty for one to ten years:

1. if the theft has been committed during a fire, flood, shipwreck, accident, war or another social calamity;

2. if the stolen object has not been under constant supervision;

3. if the theft has been committed by destroying, damaging or undermining barriers, strongly built for protection of persons or property;

4. if for committing the theft a motor vehicle has been used, technical means or a special way of action;

5. if the theft has been committed by two or more persons who have conspired in advance for its perpetration, where it does not constitute a minor case;

6. if the theft has been perpetrated by an official who availed himself of his official position, and

7. in cases other than minor, if the theft has been perpetrated for a second time;

8. if the theft has been committed from the grave of a deceased person.

9. (New, SG No. 62/1997) if the theft has been perpetrated by a person under Article 142, paragraph (2), subparagraphs 6 and 8.

10. (New, SG No. 26/2004) if the object of theft has been explosive substances, firearms or ammunitions.

(2) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) For large scale theft the punishment shall be deprivation of liberty for three to fifteen years, whereas the court may rule confiscation of up to one half of the perpetrator's property

(3) (New, SG No. 26/2004) The punishment under paragraph 2 shall also be imposed for theft of explosive substances, firearms or ammunitions from the structural units of the Ministry of Interior, the Ministry of Defence, the Bulgarian Army and the structures reporting to the Minister of Defence, from the Civil Protection State Agency, as well as from the State Reserve and Wartime Stocks State Agency.

(4) (Amended, SG No. 28/1982, SG No. 10/1993, renumbered from Paragraph 3, SG No. 26/2004) In minor cases under sub-paragraphs 2 and 6 of paragraph (1), the punishment shall be deprivation of liberty for up to one year or probation, or a fine from BGN one hundred to three hundred

(5) (Renumbered from Paragraph 4, SG No. 26/2004) For preparation for theft under paragraph (1), sub-paragraphs 3 and 4, the punishment shall be deprivation of liberty of up to three years, or probation.

#### **Article 196**

(1) (Amended, SG No. 10/1993) For theft which constitutes a case of dangerous recidivism, the punishment shall be:

1. in the cases under Article 194, paragraph (1) - deprivation of liberty for two to ten years;

2. (Supplemented, SG No. 26/2004) in the cases of Article 195, paragraphs (1) and (2) - deprivation of liberty of three to fifteen years, and in cases under Art. 195, paragraph 3 - deprivation of liberty of five to fifteen years.

(2) (Amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation, amended, SG No. 26/2004, SG No. 103/2004) The court may rule confiscation of up to one half of the perpetrator's property

#### **Article 196a**

(New, SG No. 89/1986, amended, SG No. 10/1993)

For theft in particularly large amounts, representing a particularly grave case, the punishment shall be deprivation of liberty from ten to thirty years and confiscation of the whole or part of the perpetrator's property.

#### **Article 197**

If prior to the conclusion of the judicial inquiry at the first instance court the stolen object is returned or replaced, the punishment shall be:

1. in the cases of Article 194, paragraph (1) - deprivation of liberty for up to five years;



2. (Amended, SG No. 28/1982, SG No. 10/1993, SG No 26/2004) in the cases of Article 194, paragraph (3), and Article 195, paragraph (4) - probation or a fine from BGN one hundred to three hundred

3. (Amended, SG No. 89/1986) in the cases of Article 195, paragraph (1), sub-paragraphs 2 - 6 - deprivation of liberty for up to eight years;

4. (Amended, SG No. 89/1986) in the cases of Article 195, paragraph (2) in connection with Article 194 and with Article 195, paragraph (1), sub-paragraphs 2 - 6 - deprivation of liberty for up to eight years;

5. (New, SG No. 89/1986) in the cases of Article 196a - deprivation of liberty from eight to twenty years.

#### **Article 197a**

(New, SG No. 89/1986, repealed, SG No. 10/1993)

### **Section II**

#### **Robbery**

##### **Article 198**

(1) (Amended, SG No. 10/1993) A person who takes away movable object from the possession of another with the intention to unlawfully appropriate it, using thereby force or threat, shall be punished for robbery by deprivation of liberty for three to ten years.

(2) Threat shall be understood to be such an immediate act which exposes to grave danger the life, health, honour or property of the threatened or of another attending person.

(3) Robbery shall also be any theft in which the criminal, being caught on the spot of the crime, uses force or threat in order to retain possession of the stolen object.

(4) Robbery shall also be considered to occur where for the purpose of taking away the object the victim has been brought to state of unconsciousness or to helpless state.

##### **Article 199**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) For robbery of objects:

1. on a large scale;

2. committed by two or more persons who have conspired in advance to commit thefts or robberies;

3. occurring with infliction of severe or medium bodily injury;

4. constituting a case of dangerous recidivism;

5. (New, SG No. 92/2002, amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) committed by an individual acting at the orders or in implementing a decision of an organized criminal group,

the punishment shall be deprivation of liberty for five to fifteen years, whereas the court may also rule confiscation of up to one half of the culprit's property.

(2) (Amended and supplemented, SG No. 89/1986, amended, SG No. 10/1993, supplemented, SG No. 50/1995) For robbery of objects:

1. occurring with severe or medium bodily injury followed by death;

2. occurring with murder or an attempt at murder;

3. in particularly large amounts, if the perpetrator was armed,

(Amended, SG No. 153/1998) the punishment shall be deprivation of liberty for fifteen to twenty years, life imprisonment or life imprisonment without substitution. The court may also rule confiscation of the whole or part of the culprit's property.

##### **Article 200**

For preparation for robbery under Article 198 the punishment shall be deprivation of liberty for up to two years, and under Article 199 - deprivation of liberty for up to three years.

### **Section III**

#### **Embezzlements**

##### **Article 201\***

(Supplemented, SG No. 28/1982, amended, SG No. 10/1993, supplemented, SG No. 50/1995, Judgment No. 19 of the Constitutional Court of the Republic of Bulgaria, SG No. 97/1995)

An official who appropriates from another sums of money, objects or other valuables, deposited with him in his capacity or entrusted to him for safekeeping and management, and disposes with them to his own interest or to the personal interest of another, shall be punished for embezzlement by official, by deprivation of liberty for up to eight years, and the court may also rule confiscation of up to one half of the culprit's property and deprive him of rights under Article 37, sub-paragraphs 6 and 7.

##### **Article 202**

(1) For embezzlement by official the punishment shall be deprivation of liberty for one to ten years:

1. where for the purpose of facilitating it yet another crime has been committed, for which the law does not provide more severe punishment;

2. (Amended, SG No. 28/1982) if the embezzlement has been perpetrated by two or more persons who have conspired in advance.

(2) For embezzlement by official the punishment shall be deprivation of liberty from three to fifteen years:

1. (Amended, SG No. 92/2002) if it is on a large scale,

2. (Amended, SG No. 92/2002) if it constitutes dangerous recidivism or

3. (New, SG No. 92/2002) where the funds appropriated come from funds, which are the property of the European Union or which have been granted by the European Union to the Bulgarian State.

(3) (Supplemented, SG No. 28/1982, amended, SG No. 92/2002, - effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) In the cases of the preceding paragraphs, the court shall deprive the perpetrator of the rights under Article 37, para 1, sub-paragraphs 6 and 7. The court may also rule confiscation pursuant to paragraph (1) of up to one half, and under paragraph (2) - of the whole or part of the culprit's property,

##### **Article 203**

(1) (Amended, SG No. 89/1986) For embezzlement by official on particularly large scale, constituting a particularly grave case, the punishment shall be deprivation of liberty from ten to thirty years.

(2) (Amended, SG No. 92/2002, effective 1.01.2005, SG No. 26/2004) The court shall rule confiscation of the whole or part of the property of the culprit and shall deprive him of the rights under Article 37, paragraph 1, sub-paragraphs 6 and 7.

##### **Article 204**

In minor cases of embezzlement by official the punishment shall be:

a) (Amended, SG No. 28/1982, SG No. 10/1993) under Article 201 - deprivation of liberty for up to one year or probation, or a fine from BGN one hundred to three hundred

b) under Article 202, paragraph (1) - deprivation of liberty for up to two years or probation.

### **Article 205**

(1) If the embezzled money, objects or valuables are returned or replaced prior to the conclusion of the judicial inquiry at the first instance court, the punishment shall be:

1. (Amended, SG No. 28/1982) in the cases under Article 201 - deprivation of liberty for up to five years;

2. (Amended, SG No. 28/1982) in the cases under Article 202, paragraph (1) - deprivation of liberty for one to seven years;

3. in the cases of Article 202, paragraph (2) - deprivation of liberty for three to ten years;

4. (Amended, SG No. 28/1982, SG No. 89/1986) in the cases of Article 203 - deprivation of liberty from eight to twenty years;

5. (Amended, SG No. 28/1982, SG No. 10/1993) in the cases of Article 204, letter "a" - probation or a fine from BGN one hundred to three hundred Bulgarian Leva;

6. in the cases of Article 204, letter "b" - deprivation of liberty for up to six months or probation.

(2) (Supplemented, SG No. 28/1928) In the cases of sub-paragraphs 2, 3 and 4 of the preceding paragraph the court shall also rule deprivation of rights under Article 37, sub-paragraphs 6 and 7, and in the cases of sub-paragraph 3 may rule confiscation of up to one half of the property of the culprit, and in the cases under sub-paragraph 4 it shall rule confiscation of part or the whole of the property.

### **Article 206**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A person who unlawfully appropriates a movable object of another, which is in his possession or which has been left with him for safekeeping, shall be punished for embezzlement by deprivation of liberty for up to six years.

(2) (Supplemented, SG No. 92/2002) Embezzlement shall also be considered to occur where part of the object belongs to the perpetrator, as well as where the object is the property of the perpetrator, but it has been burdened to become a pledge and perpetrator has illegally disposed thereof, failing to protect the rights of pledge creditors, or where perpetrator uses movable property of another as a pledge, thereby making it more difficult for creditors to obtain satisfaction.

(3) (New, SG No. 28/1982) If the embezzlement is on a large scale or constitutes a case of dangerous recidivism the punishment shall be deprivation of liberty for three to ten years, whereas the court shall deprive the culprit of rights under Article 37, sub-paragraphs 6 and 7, and may rule confiscation of part or the whole of his property.

(4) (New, SG No. 28/1982) For embezzlement on particularly large scale, constituting a particularly grave case, the punishment shall be deprivation of liberty for five to fifteen years, whereas the court shall rule also deprivation of rights under Article 37, sub-paragraphs 6 and 7, and confiscation of part or the whole of the culprit's property.

(5) (Former paragraph (3), Amended, SG Nos. 28/1982, 10/1993) In minor cases the punishment shall be deprivation of liberty for up to one year or probation, or a fine from BGN one hundred to three hundred

(6) (Renumbered from Paragraph 4, amended, SG No. 28/1982) If the embezzled property is returned or replaced prior to the conclusion of the judicial inquiry at the first instance court, the punishment shall be:

1. under paragraph (1) - deprivation of liberty for up to three years;

2. under paragraph (3) - deprivation of liberty for two to eight years;

3. under paragraph (4) - deprivation of liberty for three to twelve years;

4. (Amended, SG No. 10/1993) under paragraph (5) - probation or a fine from BGN one hundred to three hundred

(7) (New, SG No. 28/1982) In the cases of sub-paragraph 2 of the preceding paragraph, the court may rule confiscation of up to one half of the property of the culprit and to deprive him of rights under Article 37, sub-paragraphs 6 and 7, and in the cases under sub-paragraph 3 it shall rule confiscation of part or the whole property of the culprit and shall deprive him of rights under Article 37, sub-paragraphs 6 and 7.

#### **Article 207**

(Amended, SG No. 28/1982, corrected, SG No. 31/1982, amended, SG No. 10/1993)

(1) A person who finds an object belonging to another and in the course of one week does not notify thereof the owner, the authorities, or the person who has lost it, shall be punished by a fine from BGN one hundred to three hundred

(2) The same punishment shall be imposed on a person who unlawfully appropriates an object of another, which has come to his possession accidentally or by mistake.

#### **Article 208**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 26/2004) A person who discovers a treasure and in the course of two weeks fails to notify the authorities thereof, shall be punished by a fine from BGN five hundred to one thousand

(2) (New, SG No. 10/1993, amended, SG No. 26/2004) A person who, while searching, discovers a treasure and in the course of two weeks fails to notify the authorities thereof, shall be punished by deprivation of liberty for up to two years or by a fine from BGN one thousand to five thousand

(3) (Renumbered from Paragraph 2, amended, SG No. 10/1993, SG No. 26/2004) If the treasure is of particularly large amount, the punishment shall be: under paragraph (1) - deprivation of liberty for up to two years or a fine from BGN one thousand to five thousand; and under paragraph (2) - deprivation of liberty for up to five years or a fine of BGN fiveten thousand to ten thousand

(4) (New, SG No. 26/2004) The object of crime shall be forfeited to the benefit of the state, and where absent or alienated, its equivalent shall be awarded.

### **Section IV**

#### **Deceit**

#### **Article 209**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A person who for the purpose of acquiring material benefit for himself or for another evokes or maintains in somebody a misleading idea, and thereby causes material damage to that person or to another, shall be punished for deceit by deprivation of liberty for up to six years.

(2) (Amended, SG No. 10/1993) A person who for the same purpose takes advantage of the misleading ideas, the inexperience or the lack of information of another and causes thereby material damage to that person or to another, shall be punished by deprivation of liberty for up to three years.

(3) In minor cases under the preceding paragraphs, the punishment shall be deprivation of liberty for up to one year, or probation.

#### **Article 210**

(1) For deceit the punishment shall be deprivation of liberty for one to eight years:

1. if the perpetrator has presented himself as an official, or as a person who acts on orders by the authorities;

2. (Amended, SG No. 28/1982) if the deceit has been committed by two or more persons who had conspired in advance for its perpetration;

3. (Amended, SG No. 26/2004) if the deceit has been perpetrated by an official or by an attorney within the scope of his office or authorisation or by a person directly dealing in his business with liquid currency;

4. if the deceit has been committed for a second time in cases other than minor;

5. (New, SG No. 28/1982) if the damage inflicted is on a large scale.

(2) (New, SG No. 28/1982) In the cases of sub-paragraphs 4 and 5, the court may rule confiscation of up to one half of the culprit's property.

#### **Article 211**

(Supplemented, SG No. 28/1982, SG No. 10/1993, SG 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004)

Where the deceit under Article 209, paragraphs (1) and (2), and under Article 210 has been on particularly large scale, constituting particularly grave case or constituting a case of dangerous recidivism, the punishment shall be deprivation of liberty for three to ten years. The court may rule confiscation of up to one half of the culprit's property

#### **Article 212**

(Supplemented, SG No. 95/1975, amended, SG No. 28/1982)

(1) (Amended, SG No. 10/1993) A person who, by using a document of untrue content or an untrue or falsified document, obtains without legal grounds movable property of another person with the intention to appropriate it, shall be punished by deprivation of liberty for up to eight years.

(2) The punishment under the preceding paragraph shall also be imposed on a person who, by drawing up a document of untrue contents or an untrue or falsified document, consciously provides opportunity for another natural person to obtain such property without legal grounds.

(3) (New, SG No. 92/2002) Where the property comes from funds, which are owned by the European Union or that has been granted to the Bulgarian State by such funds, punishment shall be deprivation of liberty from three to ten years.

(4) (Renumbered from Paragraph 3, SG No. 92/2002) If the property under the preceding paragraphs is of large scale or the act constitutes dangerous recidivism, the punishment shall be deprivation of liberty for three to fifteen years.

(5) (Renumbered from Paragraph 4, SG No. 92/2002) For documentary deceit of particularly large scale, constituting a particularly grave case, the punishment shall be deprivation of liberty for ten to twenty years.

(6) (Renumbered from Paragraph 5, SG No. 92/2002) In minor cases under paragraphs (1) and (2) the punishment shall be deprivation of liberty for up to two years or probation.

(7) (Renumbered from Paragraph 6, SG No. 92/2002) In the cases of paragraph (1), the court may rule confiscation of up to one half of the culprit's property and may deprive him of rights under Article 37, sub-paragraphs 6 and 7, and in the cases under paragraphs (3) and (4), the court shall rule confiscation of part or of the whole property of the culprit and shall deprive him of rights under Article 37, sub-paragraphs 6 and 7.

#### **Article 212a**

(New, SG No. 92/2002)

(1) Where an individual, in view of providing a benefit to him-/herself or another, brings or maintains misleading representations in someone through introducing, modifying, deleting, or erasing computerized information data or through the use of an electronic signature of another causes him/her or another harm, shall be punished for computer fraud by deprivation of liberty from one to six years and a fine of up to BGN six thousand

(2) The same form and amount of punishment shall be imposed to the individual who, without being entitled thereto, introduces, modifies, or erases computerized information data in order to unduly obtain something, that should not go to him.

#### **Article 212b**

(New, SG No. 28/1982, renumbered from Article 212a, SG No. 92/2002)

(1) If the obtained property under Article 212 is returned or replaced prior to the termination of the judicial inquiry at the first instance court, the punishment shall be:

1. under paragraphs (1) and (2) - deprivation of liberty for up to five years;
2. under paragraph (3) - deprivation of liberty for two to eight years;
3. under paragraph (4) - deprivation of liberty for five to fifteen years;
4. (Amended, SG No. 10/1993) under paragraph (5) - probation or a fine from BGN one hundred to three hundred.

(2) In the cases under sub-paragraph 2 of the preceding paragraph, the court may rule confiscation of up to one half of the property of the culprit and may deprive him of rights under Article 37, sub-paragraphs 6 and 7, and under sub-paragraph 3 it shall rule confiscation of part or of the whole property of the culprit and shall deprive him of rights under Article 37, sub-paragraphs 6 and 7.

#### **Article 213**

(Amended, SG. No. 28/1982, SG No. 10/1993)

A person who destroys, damages or demolishes for deceptive purpose his own insured property, shall be punished by deprivation of liberty for up to three years and with a fine from BGN one hundred to three hundred.

## **Section V**

### **Blackmail**

#### **Article 213a**

(New, SG No. 62/1997)

(1) A person who, for the purpose of forcing another one to dispose of an article or a right or to undertake a property obligation, threatens such person with violence, with making public some disgraceful circumstances, with inflicting damages on property or some other unlawful actions of grave consequences for that person or his/her relatives, shall be punished by deprivation of liberty for one to six years and a fine from BGN one thousand up to three thousand

(2) The punishment shall be deprivation of liberty for two to eight years and a fine from BGN three thousand up to five thousand, if the act was:

1. accompanied by threat of murder or severe bodily injury;
2. accompanied by inflicting trivial bodily injury;
3. accompanied by appropriation, destruction or damaging of property;
4. committed by two or more persons;
5. committed by a person as per Article 142, paragraph (2), subparagraphs 6 and 8;
6. committed by an armed person;
7. repeated in cases that are considered of material importance.

(3) The punishment shall be deprivation of liberty for five to fifteen years and a fine from BGN five thousand up to ten thousand, whereas the court may rule confiscation of up to 1/2 of the property of the perpetrator, if:

1. medium or severe bodily injury has been inflicted, provided the crime committed is not subject to more severe punishment;

2. considerable property damages have been inflicted;

3. the act has been perpetrated by an organisation or a group or by orders of a person, an organisation or a group;

4. the act has been accompanied by explosion or arson;

5. the act has been perpetrated by or with the participation of an official;

6. the act has been perpetrated in respect of an official in connection with his office;

7. the act constitutes dangerous recidivism.

(4) (Amended, SG No. 153/1998) The punishment shall be deprivation of liberty for a term of from fifteen to twenty years, or life imprisonment, or life imprisonment without substitution, whereas the court may rule confiscation of part or of the entire property of the perpetrator, if the deed has been:

1. accompanied by severe or medium bodily injury, which has resulted in death;

2. accompanied by murder or an attempt for murder.

#### **Article 214**

(Amended, SG No. 10/1993, amended and supplemented, SG No. 50/1995)

(1) (Amended, SG, No. 62/1997) A person who, for the purpose of procuring material benefit for himself or for another, by force or threat; compels somebody to do, to fail to do or to suffer something contrary to his will, and thereby inflicts material damage to that person or to another, shall be punished for blackmail by deprivation of liberty for one to six years and a fine of BGN one thousand to three thousand, whereas the court may impose confiscation of up to 1/2 of the property of the perpetrator.

(2) (Amended, SG No. 62/1997) For blackmail as per Article 213a, paragraphs (2), (3) and (4) the punishment shall be:

1. under paragraph (2) - deprivation of liberty for two to ten years and a fine of BGN four thousand up to six thousand, whereas the court may rule confiscation of up to 1/2 of the property of the perpetrator;

2. under paragraph (3) - deprivation of liberty for five to fifteen years, a fine of BGN five thousand to ten thousand and confiscation of up to 1/2 of the property of the perpetrator;

3. (Amended, SG No. 153/1998) under paragraph (4) - deprivation of liberty for fifteen to twenty years, life imprisonment or life imprisonment without substitution and confiscation of no less than 1/2 of the perpetrator's property.

(3) For blackmail the punishment shall be deprivation of liberty for five to fifteen years and a fine of up to BGN five hundred, whereas the court may rule confiscation of up to one half of the property of the culprit, provided that:

1. it has occurred together with severe or medium bodily injury;

2. the act constitutes a case of dangerous recidivism.

#### **Article 214a**

(New, SG No. 62/1997)

For preparation for crime pursuant to Articles 213a and 214 the punishment shall be deprivation of liberty for one to three years.

## **Section VI**

## Receiving Objects

### Article 215

(1) (Supplemented, SG. No. 28/1982, amended, SG No. 10/1993, supplemented, SG No. 62/1997) A person who for the purpose of procuring material benefit for himself or for another conceals, acquires or helps for the appropriation of movable properties of another, for which he knows or supposes that they have been obtained by somebody through crime or another act which constitutes public danger, shall be punished by deprivation of liberty for up to five years, but with a punishment not more severe than the one provided for the crime itself.

(2) (Amended, SG. No. 95/1975, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997) The punishment shall be deprivation of liberty for three to ten years and a fine of BGN one thousand up to three thousand, if the receiving is:

1. of large amount;
2. of articles set under special regime;
3. carried out as occupation;
4. repeated or constitutes dangerous recidivism.

## Section VII

### Destruction and Endamagement

#### Article 216

(1) (Amended, SG No. 10/1993) A person who unlawfully destroys or endamagees movable or real property of another, shall be punished by deprivation of liberty for up to five years.

(2) (New, SG No. 92/2002) An individual who destroys, demolishes or harms his/her property that has been mortgaged or pledged, shall be punished by deprivation of liberty of up to five years and a fine of up to BGN two thousand

(3) (New, SG No. 92/2002) Where an individual, through acquiring illegal access to a computer relevant to an enterprise, establishment, legal entity or individual, destroys or causes harm to the property of another, shall be punished by deprivation of liberty from one to six years and a fine of up to BGN ten thousand

(4) (Amended, SG No. 28/1982, SG No. 10/1993, renumbered from Paragraph 2, SG No. 92/2002) In minor cases the punishment shall be deprivation of liberty for up to six months or a fine from BGN one hundred to three hundred.

(5) (Supplemented, SG No. 62/1997, renumbered from Paragraph 3, SG No. 92/2002, amended and supplemented, SG No. 26/2004) If considerable damages have been caused or other grave consequences have set in or if the act has been committed by a person under Article 142, paragraph (2), subparagraphs 6 and 8, or where the act is associated with the destruction or damaging of telecommunication network elements, the punishment shall be deprivation of liberty for up to ten years, and the court may also rule deprivation of rights under Article 37, paragraph 1, sub-paragraphs 6 and 7.

(6) (Amended, SG No. 10/1993, renumbered from Paragraph 4, amended, SG No. 92/2002) If the act under paragraphs (1), (2), (3) and (5) has been committed through negligence, the punishment shall be deprivation of liberty for up to two years or a fine of BGN one hundred to three thousand.

#### Article 216a

(New, SG No. 26/2004)

(1) The one who, alone or acting through another, illegally interferes with the completeness of equipment or objects belonging to a power transmission or distribution network,



to a gas transportation or heat transmission system, to a system for the transmission of liquid fuel, or to a water-supply or sewage system, making thereby conditions available for the divergence of power, natural gas, liquid fuels, heat energy or water, or the discharge of waste water, shall be punished by deprivation of liberty of up to three years and a fine of up to BGN fifteen thousand.

(2) Where the act under paragraph 1 is committed for a second time, the punishment shall be deprivation of liberty from one to ten years and fine of up to BGN twenty thousand.

## **Section VIII**

### **Breach of Trust**

(Title amended, SG No. 10/1993)

#### **Article 217**

(Amended, SG No. 10/1993)

(1) A person who consciously inflicts damage to the property of another, which has been entrusted to him for management or safekeeping, shall be punished by deprivation of liberty for up to three years or by a fine from BGN one hundred to three hundred.

(2) The same punishment shall be imposed on a representative or a proxy who has acted consciously against the lawful interests of the represented person.

(3) (New, SG No. 92/2002) Punishment under par. 1 shall also be imposed to the individual who disposes of an object mortgaged or pledged that has been left with him for storage.

(4) Where as result of the above acts considerable or irrecoverable damages have occurred, the punishment shall be deprivation of liberty for up to five years and a fine from BGN one hundred to three hundred.

Special Provision

#### **Article 218**

(Repealed, SG No. 10/1993)

Additional Provisions

(Title amended, SG No. 28/1982)

#### **Article 218a**

(New, SG No. 89/1979, amended, SG No. 89/1986, repealed, SG No. 10/1993)

#### **Article 218b**

(New, SG No. 28/1082)

(1) (Amended, SG No. 10/1993, SG No. 62/1997, SG No. 21/2000, SG No. 26/2004) For acts under Article 194, paragraph (3), Article 195, paragraph (4), Article 204, letter "a", Article 206, paragraphs (1) and (5), Article 207 and for receiving objects in connection therewith, where the value of the object is up to BGN one hundred and fifty, the punishment shall be a fine from BGN one hundred to three hundred, imposed administratively, unless the subject of the crime has not been recovered or replaced.

(2) The provision of the preceding paragraph shall not be applied where:

1. (Amended, SG. No. 10/1993, SG No. 62/1997, SG No. 21/2000) the perpetrator has committed in the course of one year two or more offences, the total value of the object of which exceeds BGN one hundred and fifty;

2. the perpetrator had been sentenced for such a crime, as well as where an administrative punishment had been imposed on him for such an offence and one year has not yet elapsed since its perpetration;

3. the object of the act is a firearm, ammunition, explosive, poisonous or narcotic substances, combat and other special equipment.

**Article 218c**

(New, SG No. 89/1986, amended SG No. 10/1993, SG No. 92/2002)

For crimes under art. 216, paragraphs 1, 4, and 6, as well as for theft, appropriation, fraud and breach of trust, where the object of the crime has been private property, penal prosecution shall be instituted on the grounds of claim by the aggrieved party, should that be a spouse, relative to the culprit of ascending or descending line or of collateral line to the second degree, or a person who lives together with him within one common household, or if the aggrieved party has been guardian or custodian of the culprit.

**Chapter Six**

**CRIMES AGAINST THE ECONOMY**

**Section I**

**General Economic Crimes**

**Article 219**

(1) (Amended, SG No. 28/1982, SG No. 62/1997) An official who fails to devote sufficient care to the guidance, control, management, keeping or preservation of the property entrusted to him, or to the job assigned to him, and where as result thereof considerable damages, or destruction or scattering of property or other considerable losses have followed for the enterprise or the economy, shall be punished by deprivation of liberty for up to three years and a fine of up to BGN five thousand.

(2) (Amended, SG No. 95/1975, SG No. 28/1982, SG No. 62/1997) A person who, despite his obligations, has not exercised sufficient control over the work of persons entrusted with the management, disposal of or accounting for public property, and as result thereof considerable damages have occurred for the enterprise or the economy, shall be punished by deprivation of liberty for up to three years and a fine of up to BGN five thousand.

(3) Where the act under the preceding paragraphs has been committed deliberately and does not contain the elements of a graver crime, the punishment shall be deprivation of liberty for up to eight years, and the court may rule deprivation of the right under Article 37, sub-paragraph 6.

(4) (New, SG No. 28/1982) For a crime under the preceding paragraphs of particularly large scale constituting a particularly grave case, the punishment shall be: under paragraphs (1) and (2) - deprivation of liberty for one to ten years, and the court in these cases shall rule also deprivation of rights under Article 37, sub-paragraphs 6 and 7.

**Article 220**

(1) An official who consciously concludes a disadvantageous transaction and therefrom considerable damages ensue for the economy or for the institution, enterprise or organisation which he represents, shall be punished by deprivation of liberty for up to five years, and the court may rule deprivation of the right under Article 37, sub-paragraph 6.

(2) (New, SG No. 89/1986) In particularly grave cases under the preceding paragraph, the punishment shall be deprivation of liberty from one to ten years, and the court shall rule also deprivation of the rights under Article 37, sub-paragraphs 6 and 7.

(3) (New, SG No. 62/1997, repealed, SG No. 101/2001)

**Article 221**

(Amended, SG No. 28/1982, repealed, SG No. 1/1991)

#### **Article 221a**

(New, SG No. 27/1973, amended, SG No. 28/1982, corrected, SG No. 31/1982, amended, SG No. 86/1991, corrected, SG No. 90/1991, amended, SG No. 10/1993)

(1) A person who orders, or in violation of his duties allows to be taken and used for construction and other non-agricultural purposes arable land which has not been expropriated or transferred pursuant to the established procedure, or pastures, shall be punished by deprivation of liberty for up to three years and a fine from BGN one hundred to three hundred.

(2) A person who continues, orders or allows in violation of his duties to be continued the construction, or another non-agricultural use of land under the preceding paragraph, after the construction has been stopped by the respective authorities under the established procedure, shall be punished by deprivation of liberty for up to five years or by a fine from BGN one hundred to three hundred.

#### **Article 221b**

(New, SG No. 44/1984, repealed, SG No. 1/1991)

#### **Article 222**

(Repealed, SG No. 1/1991)

#### **Article 223**

(1) (Supplemented, SG No. 28/1982) A person who gives untrue information about the quantity, quality or the kind of the produced article or about the work done with the aim to obtain undue material benefit, shall be punished by deprivation of liberty for up to three years or by probation, if this does not constitute a graver crime.

(2) (Amended, SG. No. 28/1982, SG No. 10/1993) A person who receives an undue remuneration for what he has produced or for the work he has done, knowing that it was determined on the basis of such untrue data, shall be punished by probation or by a fine from BGN one hundred to three hundred, if this does not constitute a graver crime.

(3) The acquired by the perpetrator as a result of the crimes under the preceding paragraphs shall be returned to the respective organisation.

#### **Article 224**

(1) (Amended, SG No. 10/1993) A person who receives a gift or other material benefit in order to give, or because he has given, to a foreign country, foreign organisation or company, or to a foreign citizen, information from which considerable damage has ensued or may ensue for the economy, shall be punished by deprivation of liberty for up to five years and by a fine of from BGN one hundred to three hundred, if his act does not constitute a graver crime.

(2) The same punishment shall be imposed also on a person who has given the gift or the material benefit.

(3) The object of the crime shall be confiscated in favour of the state.

#### **Article 225**

(1) (Amended, SG No. 28/1982, supplemented, SG No. 89/1986, amended, SG No. 81/1990, SG No. 10/1993) A person who sells goods above the established price or before the price has been established or determined under the established procedure, or who receives for a service remuneration greater than that legally permitted, shall be punished by deprivation of liberty for up to two years or a fine from BGN one hundred to three hundred.

(2) (New, SG No. 26/1973, supplemented, SG No. 81/1990, amended, SG No. 10/1993) If the act under the preceding paragraph has been committed for a second time and is not a minor case, or if the sum received in excess is considerable, the punishment shall be deprivation of liberty for six months to three years and a fine from BGN one hundred to three hundred.

(3) (New, SG No. 26/1973, amended, SG No. 89/1986, repealed, new, SG No. 81/1990) A person who, after he has been punished for offence under Article 3 of the Fight Against Profiteering Act, commits the same offence before expiry of one year following the coming into force of the penal ruling, shall be punished by deprivation of liberty for up to three years.

(4) (New, renumbered from Paragraph 2, SG No. 26/1973, repealed, renumbered from Paragraph 5, SG No. 89/1986) A person who consciously compiles untrue information or presents untrue data for determining the price of goods or services, from which damages have ensued or could ensue for a state institution or enterprise, for a public organisation or for the citizens, shall be punished by deprivation of liberty of up to one year or probation.

(5) (New, SG No. 95/1975, renumbered from Paragraph 8, SG No. 89/1986, renumbered from Paragraph 7, SG No. 81/1990) In the cases where under the preceding paragraphs the court determines a punishment by deprivation of liberty, the court may also rule deprivation of rights under Article 37, sub-paragraphs 6 or 7.

(6) (New, SG No. 95/1975, amended, SG No. 28/1982, renumbered from Paragraph 7, SG No. 89/1986, repealed, SG No. 81/1990)

(7) (New, SG No. 95/1975, renumbered from Paragraph 8, SG No. 89/1986, repealed, SG No. 81/1990)

**Article 225a**

(New, SG No. 29/1973, amended, SG No. 89/1986, repealed, SG No. 1/1991)

**Article 225b**

(New, SG No. 28/1982)

(1) (Amended, SG No. 10/1993) A person who for work done or service rendered receives an undue material benefit, if the act does not constitute a graver crime, shall be punished by deprivation of liberty for up to two years and by a fine from BGN one hundred to three hundred.

(2) If the act under the preceding paragraph is committed for a second time or the benefit is of large amount, the punishment shall be deprivation of liberty for up to three years.

(3) (Amended, SG No. 10/1993) In minor cases under paragraph (1) the punishment shall be a fine from BGN one hundred to three hundred, imposed administratively.

(4) The object of the crime shall be confiscated in favour of the state.

**Article 225c**

(New, SG No. 92/2002)

(1) The individual performing a job for a legal entity or a sole trader under the Commercial Act, who requests or accepts a gift or any benefit, that appears undue, or accepts an offer or a promise for a gift or benefit in order to perform an act, or fail so to do, in breach of his/her obligations with regard to commercial activities, shall be punished by deprivation of liberty of up to five years or by a fine of up to BGN twenty thousand.

(2) The individual performing commercial activities, who offers, promises or provides a gift or any benefit to a person performing a job with a legal entity or a sole trader, in order to perform an act, or fail so to do, in breach of his/her obligations, shall be punished by deprivation of liberty of up to three years or by a fine of up to BGN fifteen thousand.

(3) Punishments under the preceding paragraphs shall also be imposed, where the gift or benefit have been offered, promised or given to another upon consent of the individual under par. 1.

(4) (Amended, SG No. 26/2004) The individual who acts as intermediary with regard to some acts under the preceding paragraphs, where his conduct does not qualify under more serious crimes, shall be punished by deprivation of liberty up to one year or a fine of up to BGN five thousand.

(5) The object of crime shall be expropriated to the benefit of the State, and where it may not be found or has been disposed of, the money equivalent thereof shall be awarded.

#### **Article 226**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A person who, by making use of a state, co-operative or another public organisation, develops private economic activity in violation of the established regulations, and in this way obtains considerable unlawful income, shall be punished by deprivation of liberty for up to five years and a fine from BGN one hundred to three hundred.

(2) (Amended, SG No. 28/1982 renumbered from Paragraph 3, SG No. 89/1986, amended, SG No. 10/1993) A person who develops private economic activity, concealing it under the form of state, co-operative or another public organisation, shall be punished by deprivation of liberty for up to five years and a fine from BGN one hundred to three hundred.

(3) (Renumbered from Paragraph 2, amended, SG No. 89/1986) An official from the respective state, co-operative or another public organisation, who allows commission of the crime under the preceding paragraphs, shall be punished by deprivation of liberty for up to three years or by probation.

(4) (New, SG No. 26/1973, amended, SG No. 28/1982, SG No. 89/1986, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation- amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) For repeated commission of the crime under the preceding paragraphs, or where the unlawful income is of particularly large amounts, the punishment shall be deprivation of liberty from one to eight years.

(5) (Renumbered from Paragraph 4, amended, SG No. 26/1973, SG No. 89/1986, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) If the unlawful income under the preceding paragraphs is of particularly large amounts and the case is particularly grave, the punishment shall be deprivation of liberty from three to twelve years.

#### **Article 227**

(Amended, SG No. 10/1993, SG No. 50/1995, SG No. 81/1999)

Anybody using in their commercial activity a mark, industrial design, or integrated circuit topology without the prior approval of their respective owner shall be punished by imprisonment of up to three years, or a fine of up to BGL 5 thousand.

#### **Article 227a**

(New, SG No. 28/1982, amended, SG No. 10/1993)

A person who sends, exports, registers, cedes, sells or implements recognised or not yet recognised inventions, rationalisations or technical documentation abroad or cedes, delivers or sells them to foreign citizens or companies in this country, but not under the established procedure, if this does not constitute a graver crime, shall be punished by deprivation of liberty for up to three years or by a fine from BGN one hundred to three hundred.

### **Section Ia**

**(New, SG 107/1996)**

### **Crimes Against Creditors**

#### **Article 227b**

1) (Amended, SG No. 85/1998) A trader who becomes insolvent and within fifteen (15) days following suspension of payments fails to notify this to the court shall be punished by deprivation of liberty for up to three (3) years or by a fine in the amount of up to BGN five thousand (5,000).

(2) The penalty under paragraph (1) shall also be inflicted on persons managing or representing a company or a co-operative if within fifteen (15) days following suspension of payments they have failed to request the court to initiate insolvency proceedings.

(3) The penalty under paragraph (1) shall also be inflicted on a procurator who has failed to fulfil his obligation under Article 626, paragraph 3 of the Commercial Act.

(4) (New, SG No. 62/1997) The punishment under paragraph (1) shall be imposed also on persons who were bound to notify the Bulgarian National Bank of a bank which has become insolvent, pursuant to the Banking Act, should they fail to do so.

#### **Article 227c**

(New, SG 107/1996)

(1) A trader who following the initiation of insolvency proceedings:

1. conceals, destroys, damages or alienates gratuitously moneys, effects, securities or other valuables that may serve to satisfy his creditors;

2. alienates moneys, effects, securities or other valuables which may serve to satisfy his creditors where what has been given away considerably exceeds what has been received and has been carried out in contradiction with the usual course of business;

3. remits or conceals any of his receivables;

4. admits to or anyhow assumes or fulfils a non-existent obligation;

5. gets a loan knowing that he is unable to repay it;

6. supplies on credit goods, moneys, effects, securities or other valuables that are in his possession in a manner contradicting the usual course of business;

7. satisfies in violation of the law only one or several creditors or secures them in the prejudice of all remaining creditors;

8. destroys, conceals or alters his trade books or documents, or keeps them in violation of the law in a manner obstructing the ascertainment of the assets and liabilities of his business or activity,

in the event that in consequence of the hereinabove enumerated acts considerable damages have been inflicted shall be punished for deliberate bankruptcy by deprivation of liberty for up to three (3) years.

(2) Where through an act enumerated under paragraph (1) damages in particularly large proportions have been inflicted constituting an especially grave case the penalty shall be deprivation of liberty from three (3) up to fifteen (15) years. The courts shall also rule deprivation of rights under Article 37, paragraph (1), sub-paragraphs 6 and 7.

#### **Article 227d**

(New, SG 107/1996)

The penalties under Article 227c shall also be inflicted on persons managing and representing a company or a co-operative if they commit or allow the commission of the acts specified under the same Article, whereas in the cases of paragraph (1) the court may additionally rule the imposition of a fine in the amount of up to BGN five hundred (500), and under paragraph (2) - partial or entire forfeiture of the culprit's property.

#### **Article 227e**

(New, SG 107/1996)

(1) A trader who:

1. has not conducted his business with the care of a good trader or has partaken in apparently risky transactions that are not within the circle of his usual business;

2. has incurred personal, family or other expenses apparently untypical of and not related to the scope of business and incongruous with his property status;

3. has failed to set up or has set up an incorrect annual accounting statement and a balance sheet though under the obligation to do so,

and in consequence whereof has been forced into insolvency and this has caused damages to his creditors, shall be punished for imprudent bankruptcy by deprivation of liberty for up to two (2) years, whereas the court may additionally rule deprivation of rights under Article 37, paragraph (1), sub-paragraphs 6 and 7.

(2) The penalties under paragraph (1) shall also be inflicted on a trader declared insolvent without having fulfilled his obligations under a preceding recovery plan.

(3) The penalties under paragraph (1) shall also be imposed on the persons managing and representing a company or a co-operative if they commit or allow the commission of the acts specified under the same paragraph.

(4) The persons specified under paragraphs (1) through (3) shall not be penalised if they satisfy their creditors prior to the imposition of the sentence by the court of the first instance. This provision shall not be applied repeatedly.

#### **Article 227f**

(New, SG 107/1996)

(1) A trader who has outstanding obligations to another trader in respect of whom insolvency proceedings have been instituted, and with awareness of this fails to fulfil such obligations within the agreed or the usual term, shall be punished by deprivation of liberty for up to one (1) year or by a fine in the amount of up to BGN two hundred (200).

(2) A trader who with the approval or knowledge, or in the interest of one of his own creditors conceals entirely or in part an obligation to such a creditor and thereby causes a damage to a creditor of his shall be punished by deprivation of liberty for up to two (2) years and a fine in the amount of up to BGN three hundred (300).

(3) Anyone, who is aware that insolvency proceedings have been instituted in respect of a trader and deliberately conceals or destroys with his consent his effects that belong or would belong to the mass of insolvency shall be punished by deprivation of liberty for up to two (2) years and a fine of up to BGN three hundred (300).

## **Section II**

### **Crimes in Separate Branches of the Economy**

#### **Article 228**

(1) (Amended, SG No. 28/1982) A person who as manager or member of control body orders or allows the production of low-quality, sub-standard or incomplete sets of industrial goods or articles which do not meet the requirements established for them with respect to quality, type or features, shall be punished by deprivation of liberty for up to three years or by probation.

(2) A person who, in violation of his official duties, marks as standard or fails to mark goods which do not meet the respective requirements, where this is obligatory, shall be punished by deprivation of liberty for up to one year or by probation.

(3) (Amended, SG No. 28/1982, 89/1986, 10/1993) Where the articles or goods under the preceding paragraphs are not of significant quantities, or of significant value, the punishment under paragraph (1) shall be a fine from BGN one hundred to three hundred, and under paragraph (2) - a fine from BGN one hundred to three hundred, imposed administratively.

#### **Article 229**

A person who, in receiving agricultural produce on account of purchasing or trading organisation, deceives the supplier about the quality or quantity of such produce, shall be

punished by deprivation of liberty for up to three years or by probation, as well as by public censure.

**Article 230**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A person who violates a regulation against the spread or occurrence of a contagious disease among domestic animals, shall be punished by probation for up to six months or by a fine from BGN on hundred to three hundred.

(2) If contagion has ensued from the above, the punishment shall be deprivation of liberty for up to one year or probation.

(3) If the contagious disease becomes wide-spread, the punishment shall be deprivation of liberty for up to three years.

(4) Also punished in compliance with the differences in the preceding paragraphs shall be a person who violates a regulation issued for control of plant diseases and pests.

**Article 231**

(Amended and supplemented, SG No. 28/1982)

(1) (Amended, SG No. 62/1997) A person who released for sale industrial or agricultural goods in considerable quantities or of considerable value, not corresponding to the requirements indicated in paragraph (1) of Article 228, without express declaration of their defects, shall be punished by deprivation of liberty for up to two years, by fine of one thousand up to BGN three thousand and by deprivation of right under Article 37, paragraph (1), item 6.

(2) (Amended, SG No. 10/1993) In minor cases under the preceding paragraph, the punishment shall be a fine from BGN one hundred to three hundred, imposed administratively.

**Article 232**

(1) A seller who cheats a buyer in weighing or measuring of goods, or who uses false measures or balances, shall be punished by deprivation of liberty for up to two years or by probation.

(2) By the same penalty shall be punished:

a) a person who cheats a buyer by admixing foreign substances or worsening the quality of the goods in another way;

b) a person who cheats a customer about the quality of the goods, materials or services.

(3) (Amended, SG No. 28/1982, SG No. 10/1993) Where by one or more acts under the preceding paragraph damages of up to BGN ten have been caused, the punishment shall be a fine from BGN one hundred to three hundred, imposed administratively.

(4) (New, SG No. 95/1975, amended, SG. No. 28/1982, SG No. 10/1993) If the act under the preceding paragraph has been committed after an administrative punishment under the same paragraph has been imposed upon the person by ruling that has entered into force, and less than one year has elapsed from the commission of the first violation, the punishment shall be deprivation of liberty for up to one year or probation, or a fine from BGN one hundred to three hundred.

(5) (New, SG No. 95/1975) In the cases where, the court determines under the preceding paragraph a punishment by deprivation of liberty, it may also rule deprivation of rights under Article 37, sub-paragraphs 6 and 7.

**Article 233**

(Amended and supplemented, SG No. 28/1982, amended, SG No. 89/1986, amended and supplemented, SG No. 81/1990, repealed, SG No. 10/1993, new, SG No. 102/1995)

(1) (Amended and supplemented, SG No. 92/2002, amended, SG No. 26/2004) A person who pursues, without a relevant permit or license, foreign trade in weaponry and goods and



technologies with possible dual application, or acts as intermediary in transactions with weaponry or with such goods or technologies, as well as where these activities are carried out in breach of prohibitions, restrictions or sanctions - imposed by the Security Council of the United Nations Organisation, by the Organisation for Security and Cooperation in Europe or by the European Union, specified in an instrument of the Council of Ministers or stemming from an international agreement to which the Republic of Bulgaria is a party - shall be punished by deprivation of liberty for up to six years and by a fine of up to BGN two hundred thousand.

(2) (Amended, SG No. 92/2002) For particularly grave cases under paragraph (1) the punishment shall be deprivation of liberty for three (3) to eight (8) years and a fine of up to BGN five hundred thousand (500,000).

(3) (Amended, SG No. 92/2002) In minor cases under paragraph (1) the punishment shall be a fine of up to BGN twenty thousand (20,000).

(4) (Amended, SG No. 92/2002, SG No. 26/2004) Weaponry or goods with possible dual application, which make the object of crime, shall be confiscated in favour of the state notwithstanding their ownership, and where they are missing or have been appropriated, the equivalent of their value shall be adjudicated, determined on the grounds of the foreign trade contract.

#### **Article 234**

(Amended and supplemented, SG No. 26/1973, amended, SG No. 28/1982, SG No. 89/1986, repealed, SG No. 1/1991, new, SG No. 107/1996)

(1) (Amended, SG No. 92/2002) A person who markets or stores excise goods without an excise tax banderol sticker where such banderol is required by the law shall, in non-negligible cases, be punished by deprivation of liberty for up to three (3) years and by a fine in the amount of up to the tenfold value of the marketed goods, as well as by deprivation of rights under Article 37, sub-paragraph 7.

(2) (Amended, SG No. 92/2002) The punishment shall be deprivation of liberty for up to five (5) years and deprivation of rights under Article 37, sub-paragraph 7 when the act:

1. was committed repeatedly;
2. was committed with premeditation by two or more persons;
3. if the corpus delicti is in large proportions.

(3) The corpus delicti shall be forfeited to the state.

#### **Article 234a**

(New, SG No. 62/1997)

A person who pursues foreign trade activities without permit, as required by law or by Decree of the Council of Ministers, or in violation of such permit, shall be punished by deprivation of liberty for up to three years, a fine of five thousand up to BGN ten thousand and deprivation of rights under Article 37, paragraph (1), subparagraphs 6 and 7.

#### **Article 234b**

(New, SG No. 92/2002)

(1) The individual who purchases or commercially deals in waste from ferrous or non-ferrous metals without permit required in a normative act or in breach thereof, shall be punished by deprivation of liberty of up to three years and a fine from BGN one thousand to twenty thousand.

(2) Waste forming the object of crime under par. 1 shall be expropriated to the benefit of the State, and where they may not be found or have been disposed of, the money equivalent thereof shall be awarded.

#### **Article 234c**

(New, SG No. 26/2004)

(1) The one who makes, alone or through another, an illegal connection to a power transmission or distribution network, or to a gas transportation, heat transmission, water-supply or sewage system, to a system for the transmission of liquid fuels, or an illegal interference with the commercial measuring devices for power, natural gas, liquid fuel, heat energy or water, or discharged wastewater, making thereby conditions available for the incomplete reporting of consumed power, natural gas, liquid fuel, heat energy or water, or of discharged wastewater, shall be punished by deprivation of liberty of up to three years and a fine of up to BGN ten thousand.

(2) Where the act under paragraph 1 is committed for a second time, the punishment shall be deprivation of liberty from one to eight years and a fine of BGN fifteen thousand.

#### **Article 235**

(Amended, SG No. 86/1991, SG No. 85/1997, SG No. 26/2004)

(1) The one who, without a regular written permit or with a regular permit, but in places, terms, quantities and trees other than those indicated therein fells, collects, obtains, takes or transports from the forestry funds any kind of trees or parts thereof, including cut down or fallen ones, where substantial damages have been thereby caused, shall be punished by deprivation of liberty for up to six years or by corrective labour, as well as by a fine from BGN one thousand to twenty thousand.

(2) The punishment under paragraph 1 shall also be imposed on the one who conceals, loads, transports, unloads, stores or processes timber unlawfully obtained by another, where no negligible damages have been thereby caused.

(3) A crime under paras 1 and 2 shall be punishable by deprivation of liberty from one to eight years and a fine from BGN five to fifteen thousand, where:

1. it has been committed by two or more individuals who have reached a preliminary agreement for its perpetration;
2. it has been committed with the complicity of a forestry officer, who has made use of his office;
3. it has been committed through the use of a false or counterfeited document or of a document with untrue content;
4. has been committed for a second time;
5. the object of crime qualifies as a large quantity.

(4) Where the crimes under paras 1 through 3 have been committed by an individual who acted at the orders of or executed a decision of an organised criminal group, or they amount to dangerous recidivism, the punishment shall be deprivation of liberty from three to ten years and a fine from BGN ten thousand to one hundred thousand.

(5) Where the object of crime qualifies as a particularly large amount and the case is especially serious, the punishment shall be deprivation of liberty from five to fifteen years and a fine from BGN fifteen thousand to five hundred thousand.

(6) The object of crime shall be forfeited to the benefit of the state and where absent or alienated, its equivalent shall be awarded.

#### **Article 236**

(Amended, SG No. 28/1982, SG No. 86/1991, SG No. 85/1997)

A person who destroys or damages in any way forest trees, saplings, undergrowth, forest plantations or forest nurseries, where thereby substantial damages have been caused, shall be punished by deprivation of liberty for up to two years or by probation, as well as by a fine from BGN one hundred to three hundred, and in particularly grave cases - by deprivation liberty for up to five years.

### **Article 237**

(1) (Amended, SG No. 28/1982, supplemented, SG No. 89/1986, amended, SG No. 86/1991, SG No. 85/1997) A person who kills or catches without a due permit big game, shall be punished by deprivation of liberty for up to one year, or by a fine from BGN one hundred to three hundred, as well as by deprivation of the right under Article 37, sub-paragraph 7.

(2) (Amended, SG No. 28/1982, supplemented, SG No. 89/1986, amended, SG No. 86/1991, SG No. 85/1997) A person who without a hunting license, kills or catches small game, expressly specified in the Hunting Act, as well as a person who, although possessing a hunting license, kills or catches such game in the closed season, at a prohibited location or by prohibited means, shall be punished by probation for up to six months or by a fine of from BGN one hundred to three hundred, as well as by deprivation of right under Article 37, sub-paragraph 7.

(3) The game killed or caught shall be confiscated in favour of the state, and if it is missing or appropriated, a sum equal to its value shall be adjudged.

### **Article 238**

(1) (Renumbered from Article 238, SG No. 28/1982) A person who catches fish:

- a) (Supplemented, SG No. 28/1982) in fish-breeding waters with explosive, poisonous or dazzling substances or in quantities considerably surpassing the norms of the fishing sport;
- b) in reserved places or where there is insufficiency of water;
- c) in non-industrial waters during the reproduction period of fish, or
- d) of species of fish threatened with extinction,

(Amended, SG No. 28/1982, supplemented, SG No. 89/1986, amended, SG No. 86/1991, SG No. 85/1997) shall be punished in grave cases by deprivation of liberty for up to one year and by a fine from BGN one hundred to three hundred, as well as by deprivation of right under Article 37, sub-paragraph 7.

(2) (New, SG No. 28/1982) The provisions of the preceding paragraph shall also be applicable to the catch of crabs.

### **Article 239**

(1) (Amended, SG No. 28/1982, amended and supplemented, SG No. 86/1991, amended, SG No. 85/1997) A manager of an enterprise, institution, organisation, or another official who violates or allows a violation to be committed of the rules established by special law for the preservation of fish and other useful aquatic animals and for the proper development of fish-breeding in the country, shall be punished by deprivation of liberty for up to three years or by probation, as well as by a fine from BGN one hundred to three hundred.

(2) Also punished by the same punishment shall be any person who lets flow or dumps into fish-breeding waters polluted water or substances which may harm the fish and the other useful aquatic animals by their quantity or properties.

### **Article 240**

(1) A foreign citizen who enters with a navigating vessel the territorial waters of the Republic of Bulgaria in the Black Sea and practices industrial fishing without a permit from the respective border authorities, if he is not subject to more severe punishment under another law, shall be punished by deprivation of liberty for up to three years, irrespective of his liability under the Fishing Act.

(2) Where the above has been perpetrated by a group of foreign citizens who have been armed, the punishment shall be deprivation of liberty for up to five years.

(3) The catch of fish, the other aquatic animals caught, as well as the tools and implements with which the crime has been committed, shall be confiscated in favour of the state.

### **Section III**

## **Crimes Against the Customs Regime**

(Title amended, SG No. 50/1995)

#### **Article 241**

(Repealed, SG No. 50/1995)

#### **Article 242**

(1) (Amended, SG No. 95/1975, SG No. 10/1993, amended and supplemented, SG No. 62/1997) A person who carries across the border of this country goods without the knowledge and permission of the customs, where this is effected:

- a) by persons systematically practising such activity;
- b) (Amended, SG No. 26/2004) by making use of a document with untrue content, of a false or counterfeited document or of a document of another;
- c) by an official who is in direct connection with the customs authorities;
- d) (Supplemented, SG No. 92/2002, SG No. 26/2004) where highly effective or poisonous substances, explosives, arms or ammunition, nuclear material, equipment or other sources of ionising radiation have been carried across, or components or precursors for these, as determined in a law or an instrument of the Council of Ministers;
- e) goods and objects for commercial and industrial purposes in big quantities;
- f) in premeditation by two or more persons;
- g) (New, SG No. 92/2002) by an individual acting at the orders or in implementing a decision of an organized criminal group;

(Amended, SG No. 26/2004) shall be punished for qualified contraband by deprivation of liberty for up to ten years and by a fine from BGN twenty thousand to one hundred thousand.

(2) (New, SG No. 95/1975; amended, SG No. 10/1993, SG No. 62/1997, SG No. 21/2000) A person who carries across the border of this country, without a due permit, drugs and/or analogues thereof shall be punished, in case of high risk drugs, by deprivation of liberty for ten to fifteen years and by a fine from BGN one hundred thousand up to two hundred thousand and, in case of risk drugs - by deprivation of liberty for three to fifteen years and by a fine from BGN ten thousand up to one hundred thousand

(3) (New, SG No. 95/1975, amended, SG No. 89/1986, SG No. 10/1993, repealed, SG No. 50/1995, new, SG No. 21/200) A person who carries across the border of this country, without being duly authorised, precursors or installations and materials for the production of drugs shall be punished by deprivation of liberty for two to ten years and by a fine from BGN fifty thousand up to one hundred thousand.

(4) (New, SG No. 89/1986; amended, SG No. 10/1993, renumbered from Paragraph 4, SG No. 50/1995, amended and supplemented, SG No. 62/1997, renumbered from Paragraph 3, amended SG No. 21/2000) Where the object of contraband under the preceding paragraphs comprises particularly great quantities and the case is particularly grave and where a person under (f) of paragraph (1) is a customs official, the punishment shall: in the cases under paragraph (1) - deprivation of liberty for five to fifteen years and a fine from BGN fifty thousand up to two hundred thousand, and in the cases under paragraphs (2) and (3) - deprivation of liberty for fifteen to twenty years and a fine from BGN two hundred thousand up to three hundred thousand.

(5) (Renumbered Paragraph 2, amended, SG No. 95/1975, supplemented, SG No. 28/1982, renumbered from Paragraph 4, amended, SG No. 89/1986, renumbered from Paragraph 5,

amended, SG No. 50/1995, effective 1.01.2005 with respect to the punishment of probation, amended, SG No. 26/2004, SG No. 103/2004) In cases under paragraph (1), sub-paragraphs (a), (d) and (e), as well as cases under paragraphs (2), (3) and (4), the court may, instead of a fine, impose confiscation of part or the whole property of the culprit,

(6) (Renumbered from Paragraph 3, amended, SG No. 95/1975, supplemented, SG No. 28/1982, renumbered from Paragraph 5, SG No. 89/1986, amended, SG No. 10/1993, renumbered from Paragraph 6, SG No. 50/1995, amended, SG No. 62/1997, renumbered from Paragraph 5, amended, SG No. 21/2000) In minor cases under paragraphs (1), (2) and (3), the punishment shall be a fine from one hundred to BGN three hundred, imposed under administrative procedure.

(7) (Renumbered from Paragraph 4, SG No. 95/1975, renumbered from Paragraph 6, supplemented, SG No. 89/1986, renumbered from Paragraph 7, SG No. 50/1995, renumbered from Paragraph 6, SG No. 21/2000) The object of the contraband shall be confiscated in favour of the state, regardless of whose ownership it may be, and should it be missing or appropriated, the equivalent amount shall be adjudged at the respective state retail prices.

(8) (Renumbered from Paragraph 5, SG No. 95/1975, renumbered from Paragraph 7, SG No. 89/1986, renumbered from Paragraph 8, SG No. 50/1995, renumbered from Paragraph 7, SG No. 21/2000) The transport or carrying means, used for transportation or carrying the goods subject of contraband, shall be confiscated in favour of the state even where it does not belong to the perpetrator, except where its value obviously does not correspond to the gravity of the crime.

(9) (New, SG No. 41/1985, renumbered from Paragraph 8, amended, SG No. 89/1986, renumbered from Paragraph 9, amended, SG No. 50/1995, renumbered from Paragraph 8, amended, SG No. 21/2000) For preparations under paragraphs (2), (3) and (4) the punishment shall be deprivation of liberty for at most five years. Paragraph (7) shall apply to such cases.

#### **Article 242a**

(New, SG No. 21/2000, supplemented, SG No. 26/2004)

A person who carries across the border of this country goods with documents for transit transport and, in violation of the established procedure, unloads the goods on its territory, shall be punished by deprivation of liberty of up to six years and a fine from BGN fifty thousand up to five hundred thousand. The goods and the transport means used for carrying it shall be confiscated in favour of the state, regardless of whose ownership it may be.

### **Section IV**

## **Crimes Against the Monetary and Credit System**

#### **Article 243**

(1) A person who produces false or forges genuine bank notes and coins in circulation in this country or abroad, shall be punished for forgery of bank notes and coins by deprivation of liberty for five to fifteen years.

(2) The same punishment shall also be imposed on a person who forges:

1. state duty or postage stamps, and
2. bonds issued by the state, or other Government securities';
3. (New, SG No. 62/1997) credit or payment cards which are not securities.

#### **Article 244**

(1) (Previous Article 244 and amended, SG No. 62/1997, amended and supplemented, SG No. 24/2005) A person who passes into circulation forged bank notes, coins, or Government securities under the preceding article, acquires or makes use of such, knowing that they are

forged, or carries across the border of Bulgaria any such notes and coins, shall be punished by deprivation of liberty for up to eight years.

(2) (New, SG No. 62/1997) The punishment under the preceding paragraph shall also be imposed on a person who holds such notes, coins or securities in large quantities.

**Article 244a**

(New, SG No. 24/2005)

(1) Any person who, in violation of the established procedure, bank notes and coins in circulation in this country or abroad, shall be punished by deprivation of liberty for five to fifteen years.

(2) Any person who consciously passes into circulation any such bank notes and coins shall be punished by deprivation of liberty for up to eight years.

**Article 245**

(Amended, SG No. 28/1982, 10/1993, 62/1997)

A person who accepts a forged banknote, or other piece of currency under Article 243 and, after coming of knowledge that it is such, consciously passes it into circulation as genuine, shall be punished by deprivation of liberty for one to three years and a fine of up to BGN one thousand.

**Article 246**

(1) (Amended, SG No. 26/2004) Preparation for the perpetration of a crime under Article 243 or association for such purpose or for the distribution of forged bank notes, coins or other pieces of currency under the same article, shall be punished by deprivation of liberty for up to six years.

(2) (Supplemented, SG No. 24/2005) A participant in the association who, before the forgery has been accomplished (if the association has been formed for such a purpose), or before the distribution of the forged currency has started (if the association has been formed for such a purpose) or before accomplishing production of the bank notes and coins referred to in Paragraph (3), renounces his participation in the act and informs the authorities, shall not be punished.

(3) (Amended and supplemented, SG No. 24/2005) A person who makes, acquires, keeps or conceals objects, materials or tools, computer programs or security features of the bank notes and coins of which he knows that they were intended for or that they have been used for the forging of bank notes, coins or securities under Article 243, shall be punished by deprivation of liberty for up to six years.

**Article 247**

(Amended, SG No. 28/1982, corrected, SG No. 31/1982, amended, SG No. 10/1993)

A person who uses for a second time state duty or postage stamps, by deleting or covering up such marks thereon which indicate that they have already been used, shall be punished by probation or a fine from BGN one hundred to three hundred.

**Article 248**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A person who knows that a crime is being committed under Articles 243 and 244, and fails to notify the authorities thereof, shall be punished by probation or by a fine from BGN one hundred to three hundred.

(2) The preceding paragraph shall not be applied with respect to spouses, to relatives of descending and ascending line, to brothers and sisters of the perpetrator and to their spouses.

**Article 249**

(Renumbered from Article 249, amended and supplemented, SG No. 89/1986, amended, SG No. 92/2002)

(1) A person who uses an instrument of payment, regardless of its type, issuer, information carrier, method for authorization and payment, terminal reading device, and regardless of any relation of the instrument of payment to a bank account, the instrument being delivered in the Republic of Bulgaria or abroad, or who uses data from an instrument of payment, such as registration number thereof, the personal identification number of the title-holder, etc., without consent by him/her, shall be punished by deprivation of liberty of up to five years and a fine of up to the amount of funds obtained, multiplied by two.

(2) A person who uses an instrument of payment issued in the Republic of Bulgaria or abroad without full coverage of the sum with regard to which the instrument has been used, shall be punished by deprivation of liberty of up to two years and a fine of up to the sums obtained, multiplied by two.

(3) Where significant damages have been caused or significant illegal income has been generated through the acts under paragraphs 1 and 2 the punishment shall be deprivation of liberty from five to ten years and a fine of up to BGN fifty thousand, the court being also competent to impose a confiscation of some or all possessions of perpetrator.

#### **Article 250**

(1) (Amended, SG No. 95/1975, amended and supplemented, SG No. 28/1982, SG No. 89/1986, repealed, SG No. 10/1993, new, SG No. 50/1995, previous Article 250, SG No. 21/2000) A person who transfers amounts abroad through a bank, using a false, forged document or a document with untrue contents, shall be punished by deprivation of liberty for one to ten years and by a fine equal to the double amount of the transfer.

(2) (New, SG No. 21/2000) The punishment shall be deprivation of liberty for five to fifteen years and a fine of up to the double amount of the transfer, if the perpetrator knew or supposed that the sums have been acquired through illicit traffic in drugs and/or analogues thereof and/or precursors.

#### **Article 251**

(Repealed, SG No. 10/1993, new, SG No. 50/1995)

(1) A person who violates the provision of a law, a regulative act of the Council of Ministers, or of a promulgated act of the Bulgarian National Bank on the regime of transactions, import, export or other activities related to currency valuables or the obligations for declaration thereof, and where the value of the object of the crime is of particularly large amount, shall be punished by deprivation of liberty for up to six years or by a fine to the double amount of the object of the crime.

(2) The object of the crime shall be confiscated in favour of the state, and where it is missing or it has been appropriated, its equivalent value shall be adjudged.

#### **Article 252**

(Amended and supplemented, SG No. 28/1982, repealed, SG No. 10/1993, new, SG No. 50/1995)

(1) (Amended, SG, No. 62/1997) A person who concludes, without the due licence, banking, insurance or other financial transactions by occupation, shall be punished by deprivation of liberty for three to five years and by confiscation of up to 1/2 of the property of the perpetrator.

(2) (Amended, SG, No. 62/1997) Where by the activity under paragraph (1) considerable damages have been caused to another, or considerable unlawful income has been obtained, the punishment shall be deprivation of liberty for five to ten years and a fine of five thousand to BGN ten thousand, whereas the court may also rule confiscation of part or of the entire property of the perpetrator.

(3) The punishment under paragraph (2) shall also be imposed on a person who, in pursuing banking activity with licence uses funds acquired in violation of the established regulations.

## **Chapter Seven**

**(Repealed, SG No. 10/1993, new, SG No. 62/1997)**

### **CRIMES AGAINST THE FINANCIAL, TAX AND INSURANCE SYSTEMS**

(Title amended, SG No. 62/1997, SG No. 51/2000)

#### **Article 253**

(Amended, SG No. 28/1982, repealed, SG No. 10/1993, New, SG No. 62/1997)

(1) (Amended, SG No. 85/1998, SG No. 26/2004) The one who concludes a financial operation or property transaction or conceals the origin, location, movement or the actual rights in the property, which is known or assumed to be acquired through crime, shall be punished for money laundering by deprivation of liberty from one to six years and a fine of BGN three thousand to five thousand.

(2) (New, SG No. 26/2004) The punishment under paragraph 1 shall also be imposed on the one who acquires, receives, holds, uses, transforms or assists, in any way whatsoever, the transformation of property, which is known or assumed, as of its receipt, to have been acquired through crime.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 26/2004) The punishment shall be deprivation of liberty for one to eight years and a fine of BGN five thousand to twenty thousand, if the act under paras 1 and 2 has been committed:

1. (Amended, SG No. 26/2004) by two or more individuals, who have reached preliminary agreement, or by an individual who acts on the orders of or executes a decision of an organised criminal group;

2. two or more times;

3. by an official within the sphere of his office;

4. (New, SG No. 26/2004) through opening or maintaining an account with a financial institution, under a false name or the name of an individual who has given consent to this effect.

(4) (New - SG, No. 21/2000, renumbered from Paragraph 3, supplemented, SG No. 26/2004) The punishment shall be deprivation of liberty for ten to thirty years and a fine from BGN twenty thousand up to two hundred thousand where the act under paras 1 and 2 has been committed by funds or property of which he knew or supposed that they have been acquired through illicit traffic in drugs and/or analogues thereof and /or precursors.

(5) (New, SG No. 85/1998, renumbered from Paragraph 3, SG No. 21/2000, renumbered from Paragraph 4, amended, SG No. 26/2004) Where the funds or property are in extremely large amounts and the case is extremely grave, the punishment shall be deprivation of liberty for three to twelve years and a fine of BGN ten thousand to thirty thousand, and the court shall suspend the rights of the guilty person under Article 37, paragraph 1, subparagraphs 6 and 7.

(6) (New, SG No. 85/1998, renumbered from Paragraph 4, SG No. 21/2000, renumbered from Paragraph 5, amended, SG No. 26/2004) The object of crime or the property into which it has been transformed shall be forfeited to the benefit of the state, and where absent or alienated, its equivalent shall be awarded.



(7) (New, SG No. 26/2004) Provisions of paras 1 through 6 shall also apply where the crime through which property has been acquired falls outside the criminal jurisdiction of the Republic of Bulgaria.

**Article 253a**

(New, SG No. 26/2004)

(1) Preparations toward money laundering or any association to this goal shall be punishable by deprivation of liberty of up to two years or a fine from BGN five thousand to ten thousand.

(2) The same punishment shall also be imposed on the one who incites another to commit money laundering.

(3) Property destined for money laundering shall be forfeited to the benefit of the state and where absent or alienated, its equivalent shall be awarded.

(4) The member of an association under paragraph 1 who, before money laundering is completed, puts an end to participation therein and notifies the authorities thereof, shall not be punished.

**Article 253b**

(New, SG No. 85/1998, renumbered from Article 253a, amended SG No. 26/2004)

Any official who violates or fails to comply with the provisions of the Measures Against Money Laundering Act shall be punished, in cases of significant impact, with deprivation of liberty for up to three year and a fine of BGN one thousand to three thousand, unless the deed does not constitute a more serious crime.

**Article 254**

(Amended, SG No. 28/1982, repealed, SG No. 10/1993, new, SG No. 62/1997)

(1) A person who, for the purpose of obtaining credit facility at easy terms, submits untrue information, shall be punished by deprivation of liberty for up to one year and a fine of BGN one thousand to three thousand.

(2) (New, SG No. 24/2005) The same punishment shall be imposed on a person who submits any untrue information or who withholds any information in violation or an obligation to disclose such information in order to receive financial resources from funds belonging to the European union or such provided by the European Union to the Bulgarian State.

(3) (Renumbered from Paragraph (2) and amended, SG No. 24/2005) Where the deed under the preceding paragraphs has been committed by a manager of a legal person or by a trader, the punishment shall be deprivation of liberty for up to three years and a fine of BGN 2,000 to BGN 5,000.

(4) (Renumbered from Paragraph (3), amended and supplemented, SG No. 24/2005) The punishment under Paragraph (2) shall also be imposed on the official who has given permission for the credit or who released the resources referred to in Paragraph (2), provided he knew that the information submitted was untrue.

**Article 254a**

(New, SG No. 51/2000)

(1) An official, who in violation of a budget act or bylaw on its implementation, makes use of budgetary funds or funds with special allocation for purposes other than the ones for which the funds had been allocated, shall be punished by deprivation of liberty for up to three years or deprivation of rights under Article 37, paragraph (1), item 6.

(2) If harmful consequences are caused to the state or municipality as a result of the act under paragraph (1) the punishment shall be deprivation of liberty for up to three years or deprivation of rights under Article 37, paragraph (1), item 6.

(3) In minor cases under paragraph (1) the punishment shall be a fine of 10 percent of the funds unlawfully used, imposed pursuant to administrative procedure.

(4) In the cases under paragraphs (1) and (3) the perpetrator shall not be punished if the unlawful transaction is revoked and the funds unlawfully used are fully recovered prior to the completion of the judicial inquiry by the court of first instance.

#### **Article 254b**

(New, SG No. 24/2005)

(1) A person who uses any financial resources received from funds belonging to the European Union or such provided by the European Union to the Bulgarian State for any purpose other than as intended, shall be punished by deprivation of liberty for up to five years.

(2) If an official orders commission of the act referred to in the preceding paragraph, the punishment shall be deprivation of liberty for up to six years, and the court may deprive the convict of rights under Items 6 and 7 of Article 37 (1).

(Title repealed, SG No. 51/2000)

#### **Article 255**

(Amended, SG No. 28/1982, SG No. 89/1986,

repealed, SG No. 10/1993, new, SG No. 62/1997, effective 5.11.1997)

(1) A person who avoids payment of tax obligations of large amounts, as well as fails to submit a tax return as required by law, or who confirms untrue statement or conceals truth in submitted statement, shall be punished by deprivation of liberty for up to three years and a fine of up to BGN five hundred.

(2) If the undeclared and unpaid tax obligation together with the interest due is paid to the budget prior to completion of the judicial inquiry at the court of first instance, the punishment shall be a fine of up to BGN two thousand.

#### **Article 256**

(Repealed, SG No. 10/1993, new, SG No. 62/1997)

A person who, for the purposes of preventing the establishment of tax obligations of large amount, keeps accounting or uses accounting papers of untrue contents, shall be punished by deprivation of liberty from one to five years and a fine of BGN one thousand to five thousand.

#### **Article 257**

(Repealed, SG No. 10/1993, new, SG No. 62/1997, effective 5.11.1997)

(1) Where the acts under Article 255 and Article 256 have served to conceal tax obligations of particularly large amount, or where they have been committed with the participation of an officer of the tax administration or a certified public accountant, the punishment shall be deprivation of liberty from two to ten years and a fine from BGN five thousand up to twenty thousand.

(2) In cases of minor importance under Articles 255 and 256 the punishment shall be a fine to the double amount of the concealed tax obligations, imposed by administrative procedure.

(3) If the undeclared and unpaid tax obligation together with the interest due is paid to the budget prior to completion of the judicial inquiry at the court of first instance, the punishment shall be deprivation of liberty for up to three years and a fine of up to BGN ten thousand.

#### **Article 258**

(Amended, SG No. 28/1982, repealed, SG No. 10/1993,

new, SG No. 62/1997)

(1) A person who unlawfully creates obstructions to the tax authorities in implementation of their lawful duties, shall be punished by deprivation of liberty for up to three years and a fine of BGN one thousand to two thousand.

(2) Should the deed under paragraph (1) be committed by force or threat, the punishment shall be deprivation of liberty from one to six years and a fine of BGN two thousand to five thousand.

#### **Article 259**

(Amended, SG No. 28/1982, repealed, SG No. 10/1993,  
new, SG No. 62/1997)

A person who establishes a legal person or a foundation, which do not pursue, or seemingly pursue the activities and objectives declared upon registration, for the purpose of obtaining credits under the cover of such institutions, to be exempt from taxes, to obtain tax reliefs or to obtain other material benefits, as well as to pursue prohibited activities, shall be punished by deprivation of liberty for up to three years, a fine of BGN three to five thousand and deprivation of rights under Article 37, paragraph (1), subparagraphs 6 and 7.

#### **Article 259a**

(New SG No. 51/2000, Declared unconstitutional by  
Judgment No. 14 of the Constitutional Court of the Republic of Bulgaria,  
SG No. 98/2000)

-----  
(1) An official who permits the payment of remunerations without payment of all mandatory insurance contributions, provided that the amount outstanding is substantial, shall be punished by deprivation of liberty for up to three years.

(2) In the cases under paragraph (1) the perpetrator shall not be punished if he should pay his obligation in full including the interest due prior to the completion of the judicial inquiry by the court of first instance.

#### **Article 260**

(Amended, SG No. 95/1975, SG No. 28/1982, repealed, SG No. 10/1993,  
new, SG No. 62/1997)

(1) A certified appraiser who makes untrue appraisal or conclusion about the value of property under appraisal, causing in such way damages in cases of material importance, shall be punished by deprivation of liberty for up to three years and deprivation of rights under Article 37, paragraph (1), subparagraphs 6 and 7.

(2) A certified public accountant who certifies an untrue annual financial report of a trader, being aware of that fact, shall be punished by deprivation of liberty for up to one year and deprivation of rights under Article 37, paragraph (1), subparagraphs 6 and 7.

Articles 261 - 268

(Repealed, SG No. 10/1993)

### **Chapter Eight**

## **CRIMES AGAINST ACTIVITIES OF STATE BODIES AND PUBLIC ORGANISATIONS AND PERSONS PERFORMING PUBLIC FUNCTIONS**

(Heading amended, SG No. 43/2005)

## **Section I**

### **Crimes Against the Governmental Order**

#### **Article 269**

(1) A person who uses force or threat for the purpose of compelling a government body to do or to omit doing something within his duties, shall be punished by deprivation of liberty for up to three years or by probation.

(2) (Supplemented, SG No. 43/2005) The same punishment shall be imposed for an act under the preceding paragraph, committed against a representative of the public, a private enforcement agent or assistant enforcement agent.

(3) Where the crime under the preceding paragraphs has been committed by participants in a crowd, the abettors and leaders shall be punished by deprivation of liberty for one to eight years.

#### **Article 270**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, previous Article 270, SG No. 21/2000, supplemented, SG No. 43/2005) A person who unlawfully obstructs a government body, a private enforcement agent or assistant enforcement agent in implementing its duties, shall be punished by deprivation of liberty for three months or a fine from BGN one hundred to three hundred.

(2) (New SG No. 21/2000) Where the duties under the preceding paragraph are connected with control over the traffic in drugs, analogues or precursors, the punishment shall be deprivation of liberty for up to two years and a fine from BGN ten thousand up to fifty thousand.

#### **Article 270a**

(New, SG No. 26/1973, repealed, SG No. 89/1986)

#### **Article 271**

(Amended, SG No. 92/1969, SG No. 28/1982, repealed, SG No. 99/1989)

#### **Article 272**

(Amended, SG No. 28/1982, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation, amended, SG No. 26/2004)

(1) (Amended, SG No. 103/2004) A person who unwarrantedly leaves an inhabited place in spite of a duly established administrative ban, shall be punished by deprivation of liberty for up to six months or probation.

(2) (Amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004) A person who, after the respective warning, continues systematically to violate the legally established measures for administrative supervision over him, shall be punished by probation for a term of one year.

#### **Article 273**

(Supplemented, SG No. 28/1982, corrected, SG No. 31/1982, supplemented, SG No. 41/1985, repealed, SG No. 91/1989)

#### **Article 274**

(1) A person who unwarrantedly performs an act which falls within the duties of position of an official, which he does not occupy or from which he has been deprived, shall be punished by deprivation of liberty for up to one year or by probation.

(2) The same punishment shall be imposed also on a person who unwarrantedly performs an act, which falls within the scope of functions of a representative of the public, with which he

has not been entrusted or which he has been deprived of, and thereby unlawfully infringes upon public or private interests.

(3) A person who, without being duly authorised, wears a uniform or an official badge, shall be punished by deprivation of liberty for up to one year or by probation, as well as by public censure.

#### **Article 274a**

(New, SG No. 92/2002)

(1) the individual who possesses or wears a uniform, official insignia or inscriptions in breach of the Ministry of the Interior Act shall be punished by deprivation of liberty of up to two years and a fine of up to BGN five hundred.

(2) Where the act under par. 1 has been committed in view of perpetrating another crime punishment shall be deprivation of liberty of up to five years and a fine of up to BGN two thousand.

#### **Article 275**

(Amended, SG No. 28/1982, SG No. 10/1993)

(1) (Supplemented, SG No. 43/2005) A person who, while being obliged by law to render assistance to a body of the government, a private enforcement agent or assistant enforcement agent, fails to do so after being duly invited, shall be punished by probation or by a fine from BGN 100 to BGN 300.

(2) A person who, after being invited by the respective official in a case dangerous for the life, health or property of another, refuses to render assistance, which he can render without any danger to himself or to another, shall be punished by probation or by a fine from BGN 100 to BGN 300.

#### **Article 276**

(1) A person who forges or puts into circulation forged official certifying marks, such as seals, hallmarks on precious metals, admission tickets and the like, shall be punished by deprivation of liberty for up to two years or by probation.

(2) (Amended, SG No. 28/1982, SG No. 10/1993) A person who consciously uses such a forged mark, shall be punished by a fine from BGN one hundred to three hundred.

(3) A person who unlawfully takes away, destroys or hides official certifying marks, intended for the establishment of, payment, or accounting of values, unless his act constitutes a graver crime, shall be punished by deprivation of liberty for up to two years or by probation.

(4) A person who without due permit makes a seal of a state or public organisation, shall be punished by deprivation of liberty for up to one year or by probation.

(5) The same punishment shall also be imposed on a person who takes away a seal from a state or public organisation for the purpose of using it unlawfully.

#### **Article 277**

(Amended, SG No. 28/1982, SG No. 10/1993)

(1) (Supplemented, SG No. 43/2005) A person who consciously removes or damages a seal affixed on legal grounds by a government body, a private enforcement agent or assistant enforcement agent upon movable or real property, as a sign that access to or disposition of it are restricted, shall be punished by deprivation of liberty for up to two years or by a fine from BGN 100 to BGN 300.

(2) (Amended, SG No. 92/2002) A person who disposes of an object placed under distraint or left with him for safekeeping, shall be punished by the same punishment as above.

#### **Article 278**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 26/2004) A person who destroys or damages a cultural monument or archive materials, included as part of the state archives, unless his act constitutes a graver crime, shall be punished by deprivation of liberty for up to three years or by a fine from BGN five hundred to one thousand, as well as by public censure.

(2) (New, SG No. 10/1993, amended, SG No. 26/2004) An official who, in violation of the law issues permission for destruction, demolition, damaging, modification or export of a cultural monument, shall be punished by deprivation of liberty for up to five years or by a fine from BGN one thousand to five thousand.

(3) (Renumbered from Paragraph 2, amended, SG No. 10/1993, SG No. 26/2004) A person who without a due permit takes beyond the country's frontiers a cultural monument or archive materials included in the State Archives, shall be punished by deprivation of liberty for up to five years or by a fine from one thousand to BGN five thousand. The object of the crime shall be confiscated in favour of the state pursuant to Article 53, paragraph (1), letter "b".

(4) (Renumbered from Paragraph 3, amended, SG No. 10/1993, SG No. 26/2004) A person who without a due permit sells an object under the preceding paragraph, being of the knowledge or supposing that it may be taken out of the country, shall be punished by deprivation of liberty for up to two years or by a fine from BGN one thousand to five thousand, and the object of the crime shall be confiscated in favour of the state pursuant to Article 53, paragraph (1), letter "b".

(5) (Supplemented, SG No. 28/1982, renumbered from Paragraph 4, amended, SG No. 10/1993, SG No. 26/2004) In particularly grave cases the punishment shall be: under paragraph (1) - deprivation of liberty for one to five years and a fine from BGN five thousand to ten thousand; under paragraphs (2) and (3) - deprivation of liberty for two to six years a fine from BGN five thousand to ten thousand; and under paragraph (4) - deprivation of liberty for one to three years and a fine from BGN five thousand to ten thousand. The court may also rule deprivation of rights under Art. 37, paragraph 1, subparagraphs 6 and 7. The object of the crime shall be confiscated in favour of the state pursuant to Article 53, paragraph (1), letter "b".

#### **Article 278a**

(New, SG No. 10/1993)

(1) (Amended, SG No. 26/2004) A person who discovers a cultural monument or another valuable historical artefact and within two weeks consciously avoids notifying the authorities, shall be punished by deprivation of liberty for up to one year or by a fine from BGN five hundred to one thousand.

(2) (Amended, SG No. 26/2004) Where the cultural monument is of particularly high scientific or artistic value, the punishment shall be deprivation of liberty for up to two years or a fine from BGN one thousand to five thousand.

#### **Article 278b**

(New, SG No. 10/1993, amended SG No. 26/2004)

(1) The one who conducts or orders, without due permission, the conduct of on-site archaeological excavations, geophysical or underwater surveys, or excavation works on the territory of archaeological monuments of culture and/or their protection area, unless the act qualifies as a more serious crime, shall be punished by deprivation of liberty of up to six years and by a fine from BGN two thousand to twenty thousand.

(2) Where technical equipment and/or motor vehicles have been used to take the actions under paragraph 1, the punishment shall be deprivation of liberty from three to six years and a fine from BGN five thousand to fifty thousand.

(3) The one who, in the absence of the relevant permit, exchanges or offers to exchange, sells or offers for sale archaeological findings or archaeological movable monuments of culture

shall be punished by deprivation of liberty of up to three years and a fine from BGN one thousand to ten thousand.

(4) The object of crime shall be forfeited to the benefit of the state, where it is owned by the perpetrator, and where absent or alienated, its equivalent shall be awarded.

**Article 278c**

(New, SG No. 28/1982, amended and supplemented, SG No. 86/1991, renumbered from Article 278a, amended, SG No. 10/1993, SG No. 85/1997)

(1) (Amended, SG no. 133/1998) A person who destroys or damages protected territory or representative of protected specimen of the flora and fauna shall be punished by deprivation of liberty for up to two years or by probation, as well as by a fine from BGN one hundred to three hundred.

(2) For minor offences under the preceding paragraph the punishment shall be a fine from BGN one hundred to three hundred, imposed administratively.

(3) A person who destroys or damages extremely valuable unique and irrecoverable earth and rock formations, caves, specimen of European or world endangered wild plants and animals declared protected, shall be punished by deprivation of liberty for up to three years or by a fine from BGN two hundred to two thousand, as well as by public censure.

(4) If the act under the preceding paragraph has been committed through negligence, the punishment shall be probation or a fine from BGN one hundred to three hundred.

**Article 279**

(1) (Amended, SG No. 10/1993, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) A person who enters or crosses the frontier of the country without a permit from the respective bodies of the government or, though with a permit, but not through the places specified for that purpose, shall be punished by deprivation of liberty for up to five years and by a fine of from BGN one hundred to three hundred.

(2) (New, SG No. 28/1982, amended, SG No. 10/1993, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) If the act under paragraph (1) has been committed for a second time, the punishment shall be deprivation of liberty for one to six years and a fine from BGN one hundred to three hundred.

(3) (Renumbered from Paragraph 2, amended, SG No. 28/1982) In the cases under the preceding paragraphs the court may, instead of a fine, impose confiscation of part or of the whole of the culprit's property.

(4) (Renumbered from Paragraph 3, amended, SG No. 28/1982) Preparation for a crime under paragraphs (1) and (2) shall be punished by deprivation of liberty for up to two years or by probation.

(5) (Renumbered from Paragraph 4, amended, SG No. 28/1982) No one shall be punished who enters the country to avail himself of the right of asylum in accordance with the Constitution.

**Article 280**

(Amended and supplemented, SG No. 28/1982, repealed, SG No. 37/1989, new, SG No. 62/1997)

(1) A person who takes across the frontiers of this country individuals or groups of persons without permission from the respective authorities, or with permission but not through the points designated therefor, shall be punished by deprivation of liberty for one to six years and a fine of BGN five hundred to one thousand.

(2) The punishment shall be deprivation of liberty from one to ten years, a fine from one to BGN three thousand and confiscation of part of or the entire property of the perpetrator, if:

1. the person taken across the frontier is less than 16 years of age;
2. the person has been taken across the frontier without his/her knowledge;
3. the person taken across the frontier is not Bulgarian citizen;
4. a motor vehicle, an aircraft or another means of transportation has been used;
5. the crossing of the frontier has been organised by a group or organisation and has been carried out with the participation of an official, who has abused his official position.

(3) In the cases under paragraph (2), item 4, the means of transportation shall be appropriated by the state, if it was owned by the perpetrator.

#### **Article 281**

(Amended, SG No. 28/1982, repealed, SG No. 37/1989)

### **Section II**

### **Malfeasances**

#### **Article 282**

(1) (Amended, SG No. 28/1982) An official who violates or fails to fulfil his official duties, or exceeds his powers or rights for the purpose of acquiring a benefit for himself or for another, or to cause damage to another, from which significant harmful consequences may set in, shall be punished by deprivation of liberty for up to five years, whereas the court may also rule deprivation of the right under Article 37, sub-paragraph 6, or by probation.

(2) (Amended, SG Nos. 28/1982, 89/1986) If from the act major harmful consequences have set in, or the act has been committed by a person occupying a responsible official position, the punishment shall be deprivation of liberty from one to eight years, whereas the court may rule deprivation of the right under Article 37, sub-paragraph 6.

(3) (New, SG No. 89/1986) For particularly grave cases under the preceding paragraph the punishment shall be deprivation of liberty from three to ten years, and the court shall also rule deprivation of the right under Article 37, sub-paragraph 6.

(4) (New, SG No. 62/1997) The punishment under paragraph (3) shall also be imposed on officials who have committed the crime with the participation of persons under Article 142, paragraph (2), subparagraphs 6 and 8.

(5) (New, SG No. 21/2000) Where the act under the preceding paragraphs is connected with exercising control over the production, processing, storage, trading inside the country, import, export, transit and reporting of drugs and precursors, the punishment shall be deprivation of liberty for up to ten years under paragraph (1) and for three to fifteen years under paragraph (2).

#### **Article 282a**

(New, SG No. 62/1997)

A person who, notwithstanding the availability of conditions stipulated in a normative act as necessary for issue of special permit for pursuing certain activities, refuses or delays such issue beyond the terms provided by law therefor, shall be punished by deprivation of liberty for up to three years, a fine to the amount of BGN five hundred and deprivation of rights under Article 37, paragraph (1), item 7.

#### **Article 283**

(Amended, SG No. 26/1973, 28/1982)

An official who uses his official position to acquire unlawful benefit for himself or for another, shall be punished by deprivation of liberty for up to three years.



### **Article 283a**

(New, SG No. 62/1997)

Should the crimes under Article 282 and 283 be related to privatisation, sale, letting or leasing, as well as depositing with companies of state, municipal and co-operative properties, as well as such of legal persons, the punishment shall be:

1. under Article 282 - deprivation of liberty from three to ten years, a fine from BGN three thousand to thousand and deprivation of rights under Article 37, paragraph (1), subparagraphs 6 and 7;

2. under Article 283 - deprivation of liberty from one to three years, a fine from BGN one thousand to three thousand and deprivation of liberty under Article 37, paragraph (1), subparagraphs 6 and 7.

### **Article 283b**

(New, SG No. 62/1997; amended, SG No. 92/2002)

An official who obstructs or creates difficulties for owners to exercise their rights reinstated pursuant to the Reinstatement of Ownership of Nationalised Real Estates Act, pursuant to the Reinstatement of Ownership of Some Appropriated Properties Act, under the Territorial and Settlement Development Act, the Planned Development of Settlements Act, the Development of Settlements Act, the State Properties Act and the Ownership Act and under the Ownership and Use of Farm Land Act, and the Owners of Expropriated Estates Compensation Act, the Privatisation and Post-Privatisation Control Act or pursuant to enforced judicial acts or other legislative acts, shall be punished by deprivation of liberty from two to six years.

### **Article 284**

(Amended, SG No. 26/2004)

(1) An official who, to the detriment of the state, of an enterprise, an organisation or private person, informs another or publishes information which has been entrusted or accessible to him officially and of which he knows it constitutes an official secret, shall be punished by deprivation of liberty for up to two years or by probation.

(2) The punishment for an act under paragraph 1 shall be also imposed on a person who is not an official, who works in a state institution, enterprise or public organisation, to the knowledge of who information has come, in connection with his work, constituting an official secret.

(3) If the act under paragraph (1) has been committed by an expert witness, translator or interpreter with respect to information which has become known to him in connection with a task assigned thereto, and which such a person has been obliged to keep in secret, the punishment shall be deprivation liberty for up to two years or probation.

### **Article 284a**

(New, SG 41/2001, repealed SG No. 45/2002)

### **Article 284b**

(New, SG 41/2001, repealed SG No 26/2004)

### **Article 285**

An official who consciously allows a person subordinated to him to commit a crime, related to his office or work, shall be punished by the punishment provided for the committed crime.

## **Section III**

### **Crimes Against Justice**

### **Article 286**

(1) (Amended, SG No. 62/1997) A person who falsely accuses, before the respective state authorities, another person of a crime, knowing that such person is innocent, or who produces false evidence against such person, shall be punished for false accusation by deprivation of liberty for one to six years and by public censure.

(2) (Repealed, renumbered from Paragraph 3, amended, SG No. 62/1997) If penal proceedings have been started against the falsely accused person, the punishment shall be deprivation of liberty for one to ten years.

#### **Article 287**

(Amended, SG No. 26/2004)

An official who, in the course or on the occasion of discharging his service, acting alone or through another, takes unlawful coercive action in respect of a suspect, defendant in police proceedings, an indicted individual, a witness or an expert witness, in order to extort confession, testimony, a conclusion or information therefrom, shall be punished by deprivation of liberty from three to ten and by withdrawal of rights under Article 37, paragraph 1, sub-paragraphs 6 and 7.

#### **Article 287a**

(New, SG No. 62/1997)

A person who, for the purposes of misleading the judicial authorities:

1. prepares untrue technical records or forges real ones;
2. destroys records of parts thereof, collects and sorts the record data and thus creates untrue notion of the respective circumstances;
3. uses forged technical records;
4. uses unlawfully the information acquired by means of special intelligence devices,

shall be punished by deprivation of liberty for one to five years and a fine from BGN five hundred to one thousand

#### **Article 288**

(Amended, SG No. 50/1995)

Bodies of state authority who fail to fulfil in due time the obligations imposed thereon by their respective office in connection with penal prosecution, or who in some other way frustrate such proceedings for the purpose of ridding another of punishment which is due by law, shall be punished by deprivation of liberty for one to six years and by deprivation of the right under Article 37, sub-paragraph 6.

#### **Article 289**

(Amended, SG No. 62/1997)

A person who entices official of the bodies of preliminary proceedings or of the prosecutor office or of the judicial authorities to violate their official duty in connection with the administration of justice, shall be punished by deprivation of liberty for up to five years or by probation, or by public censure.

#### **Article 290**

(1) Persons who, in their capacity of witness before the court or before another respective body of authority, orally or in writing consciously assert untrue statement or hold back the truth, shall be punished for perjury by deprivation of liberty for up to five years.

(2) The same punishment shall also be imposed on a translator or interpreter who before the court or another respective body of authority, orally or in writing consciously renders untrue translation or interpretation.

#### **Article 290a**

(New, SG No. 28/1982)

Persons who assert untrue statement or hold back the truth in an affidavit presented in court, shall be punished by deprivation of liberty for up to three years.

**Article 291**

(1) Persons who in their capacity of expert before the court or another respective body of authority orally or in writing consciously give untrue conclusion, shall be punished by deprivation of liberty for one to five years and by deprivation of the right under Article 37, sub-paragraph 7.

(2) Where the act under the preceding paragraph has been committed through negligence, the punishment shall be deprivation of liberty for up to one year or probation. The court may also rule deprivation of the right under Article 37, sub paragraph 7.

**Article 292**

(1) For a crime under Articles 290 and 291 punishability shall fall off:

1. where a person by telling the truth would accuse himself of a crime; and
2. where the person renounces before the respective body his or her perjury, translation, interpretation or conclusion, prior to the entry of the sentence or decision into force and before institution of penal prosecution against that person.

(2) (New, SG No. 89/1986) The provision of sub-paragraph 2 of the preceding paragraph shall also apply to the cases under Article 290a, should the person withdraw the statement prior to the pronouncement of decision in the case, in connection with which it has been presented.

**Article 293**

(1) (Redesignated from Article 293, supplemented, SG No. 89/1986) A person who abets another to a crime under Articles 290, 290a and 291 shall be punished by deprivation of liberty for up to one year or by probation.

(2) (New, SG No. 89/1986) Where two or more persons have been abetted and the case is particularly grave, the punishment shall be deprivation of liberty for up to three years.

**Article 293a**

(New, SG No. 62/1997)

A person who has been sentenced to pay monetary obligation by virtue of a court decision which has come into force, and who fails in the course of one year following the entry into force of the decision to fulfil the obligation to the creditor, in spite of the availability of cash or property for that purpose, shall be punished by deprivation of liberty for up to three years.

**Article 294**

(1) (Amended, SG No. 62/1997) A person who helps the perpetrator of a crime to avert or avoid penal prosecution, or to remain unpunished, without coming to an agreement with such person prior to the perpetration of the crime itself, shall be punished for harbouring a person by deprivation of liberty for up to five years, but by punishment not more severe than the one provided for the person harboured.

(2) Where the act has been perpetrated for the purpose of a material benefit, the punishment shall be deprivation of liberty for up to five years, but not more severe than the one provided for the harboured person.

(3) The above provisions shall not apply to spouses, relatives of descending and ascending line, brothers and sisters of the harboured person and their spouses.

(4) (New, SG No. 62/1997) Where the perpetrator is a judge, a prosecutor, an examining magistrate or a person on the staff of the Ministry of Interior, the punishment shall be deprivation of liberty from two to eight years.

**Article 295**

(Amended, SG No. 50/1995)

A body of authority who, for the purpose of exempting another person from punishment or of delaying the execution of punishment, fails to put into execution a sentence that has entered into force, should that body be officially obliged to do the necessary for enforcing the sentence, shall be punished by deprivation of liberty for up to six years, whereas the court may deprive that body of the right under Article 37, sub paragraph 6, or by probation.

**Article 296**

(Amended, SG No. 92/2002)

(1) A person who obstructs or prevents the enforcement of a judgment in any way whatsoever shall be punished by deprivation of liberty of up to three years or a fine of up to BGN five thousand.

(2) A person who, for the purpose of obstructing or preventing enforcement of a court judgment destroys, damages, conceals or appropriates an object to which such judgment refers, shall be punished by deprivation of liberty for up to three years and a fine from BGN one thousand to ten thousand, provided the perpetrated act does not constitute a graver crime.

**Article 297**

(1) A prisoner who escapes shall be punished by deprivation of liberty for up to three years.

(2) Where for the purpose of escape the prisoner has resorted to undermining, pulling down and destruction of walls, doors, windows and the like, the punishment shall be deprivation of liberty for up to five years.

(3) Prisoner shall be considered to be any person detained in custody pursuant to the procedure established by law.

**Article 298**

(1) Prisoners who have conspired to escape through joint efforts shall be punished by deprivation of liberty for up to two years.

(2) Where the prisoners have proceeded with fulfilment of the contemplated escape the punishment shall be deprivation of liberty for up to five years.

**Article 299**

An official who wilfully releases or allows a prisoner to escape, shall be punished by deprivation of liberty for up to five years, and the court may deprive the culprit of the right under Article 37, sub-paragraph 6.

**Article 300**

(Amended, SG No. 92/2002, effective 1.01.2005 - amended,  
SG No. 26/2004, effective 1.01.2004, repealed, SG No. 103/2004)

**Section IV**

**Bribery**

**Article 301**

(1) (Amended SG No. 51/2000, SG No. 92/2002) An official who accepts a gift or any other undue benefit, or accepts a proposal or a promise for a gift or benefit, in order to perform or to fail to perform an act connected with his service, or because he has performed or failed to perform such an act, shall be punished for bribery by deprivation of liberty for one to six years.

(2) (Amended SG. No. 51/2000, SG No. 92/2002) If the official has committed any of the acts under par. 1 in order to violate, or for having violated his service, where this violation does not constitute a crime, the punishment shall be deprivation of liberty of up to 8 to eight years and a fine of up to BGN ten thousand.

(3) (Amended, SG No. 95/1975, SG No. 51/2000, SG No. 92/2002) If the official has committed any of the acts under paragraph 1 in order to perform or because of having performed another crime in connection with his service, the punishment shall be deprivation of liberty of up to ten years and a fine of up to BGN fifteen thousand.

(4) (Amended, SG No. 89/1986) In the cases of the preceding paragraphs, the court shall rule deprivation of the rights under Article 37, sub-paragraphs 6 and 7.

(5) (New, SG No. 92/2002) Punishment under par. 1 shall also be imposed to a foreign official who requests or accepts bribery or accepts a proposal for or a promise of bribery.

#### **Article 302**

For bribery committed:

1. (Supplemented, SG No. 92/2002) by a person holding a responsible official position, including that of a judge, assessor, prosecutor, or investigator;

2. through blackmail with abuse of one's official position;

3. (Amended, SG No. 28/1982) for a second time, and

4. on a large scale, the punishment shall be:

a) (Supplemented, SG No. 89/1986, amended SG No. 51/2000, supplemented, SG No. 92/2002) in the cases of Article 301, paragraphs (1) and (2) - deprivation of liberty for three to ten years, fine of up to BGN twenty thousand, and deprivation of rights under Article 37, sub-paragraphs 6 and 7;

b) (Amended, SG No. 89/1986, supplemented, SG No. 92/2002) in the cases of Article 301, paragraph (3) - deprivation of liberty from three to fifteen years, fine of up to BGN twenty-five thousand, and confiscation of up to one half of the culprit's property, and the court shall rule deprivation of rights under Article 37, sub-paragraphs 6 and 7.

#### **Article 302a**

(New, SG No. 89/1986, supplemented, SG No. 92/2002)

For bribery in particularly large amounts, representing a particularly grave case, the punishment shall be deprivation of liberty from ten to thirty years, fine of up to BGN thirty thousand, confiscation of the whole or part of the culprit's property and deprivation of rights under Article 37, sub-paragraphs 6 and 7.

#### **Article 303**

(Amended, SG No. 92/2002)

In accordance with the differences under the preceding articles, the official shall also be punished where, with his consent, the gift or material benefit have been offered, promised, or given to another person.

#### **Article 304**

(Amended and supplemented, SG No. 7/1999, amended, SG No. 51/2000, SG No. 92/2002)

(1) A person who offers, promises, or gives a gift or any other material benefit to an official in order to perform or not to perform an act within the framework of his service, or because he has performed or has not performed such an act, shall be punished by deprivation of liberty for a term of up to six years and a fine of up to BGN five thousand.

(2) If in connection with such bribe the official has violated his official duties, the punishment shall be deprivation of liberty for a term of up to eight years and a fine of up to BGN seven thousand, where this violation does not constitute a graver punishable crime.

(3) The punishment as per paragraph (1) above shall be also inflicted on any person who gives a bribe to a foreign official.

#### **Article 304a**

(Amended, SG No. 92/2002, amended, SG No. 92/2002)

A person who proposes, promises or gives a bribe to an official in a responsible position, including that of a judge, assessor, prosecutor, or investigator, shall be punished by deprivation of liberty for a term of up to ten years and a fine of up to BGN fifteen thousand.

**Article 304b**

(New, SG No. 92/2002)

(1) Anyone who requests or accepts a gift, or any undue benefit, or accepts a proposal or promise for a gift or benefit, in order to exert influence over an official or a foreign official in decision-making in relation to his/her service, shall be punished by deprivation of liberty of up to six years and a fine of up to BGN five thousand.

(2) Anyone who proposes, promises, or gives a gift or any undue benefit to a person alleging he/she might exert the influence under par. 1, shall be punished by deprivation of liberty of up to three years and a fine of up to BGN three thousand.

**Article 305**

(Amended, SG No. 92/2002)

(1) The punishments for bribery under the preceding paragraphs shall also be imposed to an arbiter or expert, appointed by a court, institution, enterprise or organisation where they perpetrate such acts in connection with the tasks entrusted to them, as well as on the person who proposes, promises, or gives such a bribe.

(2) Punishments for bribery under the preceding articles shall be imposed to a defence counsel of any party in judicial proceedings where he/she commits an act, as stated above, to help adjudicate to the benefit of the adversary or to the detriment of their client pending criminal or civil proceedings at stake, as well to the individual who proposes, promises or gives such bribe.

**Article 305a**

(New, SG No. 28/1982; amended, SG No. 92/2002)

A person who mediates for any of the acts under the preceding articles, if the perpetrated act does not represent a graver crime, shall be punished by deprivation of liberty for up to three years and a fine of up to BGN five thousand.

**Article 306**

(Amended, SG No. 28/1982, SG No. 92/2002)

A person who has proposed, promised, or given a bribe shall not be punished: if he has been blackmailed by the official, arbiter or by the expert to do so and if of his own accord he has immediately informed the authorities.

**Article 307**

(Amended - SG No. 51/2000)

A person who with premeditation creates a situation or conditions conducive to the offering, giving or receiving of a bribe for the purpose of causing harm to a person who gives or receives the bribe, shall be punished for provocation to give or take bribe by deprivation of liberty for up to three years.

**Article 307a**

(New, SG No. 28/1982; amended, SG No. 92/2002)

The object of the crime under this section shall be confiscated in favour of the state and where it is missing, a sum equal to its value shall be adjudged.

## **Chapter Nine**

### **CRIMES RELATED TO DOCUMENTS**

**Article 308**

(1) A person who draws up a false official document or alters the contents of an official document for the purpose of using it, shall be punished for forgery of a document by deprivation of liberty for up to three years.

(2) (New, SG No. 26/2004) Where the object of the act under paragraph 1 are Bulgarian or other country's identity papers, papers evidencing the completion of education or the obtainment of qualifications, driving licenses, certificates of registration of vehicles, visa stickers or any other documents evidencing competency, personal or registration data, punishment shall be deprivation of liberty of up to eight years.

(3) (New, SG No. 26/2004) Where the act under paragraph 2 is committed with the purpose of pecuniary gain, punishment shall be deprivation of liberty of up to ten years. A pecuniary gain, where one is obtained, shall be forfeited to the benefit of the state, and where absent or alienated, its equivalent shall be awarded.

(4) (New, SG No. 28/1982, renumbered from Paragraph 2, amended, SG No. 26/2004) In minor cases the punishment shall be:

1. under paragraph 1 - deprivation of liberty of up to six months or probation;
2. under paragraph 2 - deprivation of liberty of up to two years;
3. under paragraph 3 - deprivation of liberty of up to three years.

(5) (New, SG No. 26/2004) Preparations toward a crime under paragraph 1 shall be punishable by deprivation of liberty of up to one year. Preparations toward crimes under paras 2 and 3 or the association to the purpose of committing one of the crimes thereunder envisaged shall be punishable by deprivation of liberty of up to six years.

(6) (New, SG No. 26/2004) The member of an association who, prior to the completion of a false official document or of counterfeiting the content of an official document (where the association has been formed to this goal) or before the circulation of false or counterfeited documents (where the association has been formed to this goal), renounces the respective act and informs the authorities thereof, shall not be punished.

(7) (New, SG No. 26/2004) The one who prepares, holds or conceals objects, materials or tools, which he knows or may assume are intended or have served for the compilation or counterfeit of a document under paras 2 and 3, shall be punishable by deprivation of liberty of up to six years.

### **Article 309**

(1) A person who himself or through another, draws up a false private document or alters the contents of a private document and uses it to prove that a right or obligation or another relation exists or does not exist, or that it has been terminated or altered, shall be punished for forgery of a document by deprivation of liberty for up to two years.

(2) If the object of the crime are securities, the punishment shall be deprivation of liberty for up to three years.

(3) (Amended, SG No. 10/1993) In minor cases under the preceding paragraphs the punishment shall be probation or a fine from BGN one hundred to three hundred.

### **Article 310**

(1) (Amended and supplemented, SG No. 26/2004) If the crime under Article 308, paragraph (1) and Article 309, paragraphs (1) and (2) has been committed by an official within his official duties, the punishment shall be deprivation of liberty for up to five years, and in cases under Art. 308, paras 2 and 3 - deprivation of liberty of up to twelve years, and the court may also rule deprivation of the right under Article 37, paragraph 1, sub-paragraph 6.

(2) (New, SG No. 28/1982) In minor cases the punishment shall be deprivation of liberty for up to one year or probation.

### **Article 311**

(1) An official who within his official duties draws up an official document, in which he certifies untrue facts or makes untrue statements, for the purpose of this document to be used as proof of such facts or statements, shall be punished by deprivation of liberty for up to five years, and the court may also rule deprivation of the right under Article 37, sub-paragraph 6.

(2) In minor cases the punishment shall be deprivation of liberty for up to one year or probation.

### **Article 312**

(1) A doctor who provides someone with a false certificate about his health status, where he is not acting as an official, shall be punished by deprivation of liberty for up to two years or by probation.

(2) Under the same conditions a veterinary surgeon, who issues a document with untrue contents about the health status of an animal, shall be punished by deprivation of liberty for up to one year or by corrective labour.

### **Article 313**

(Amended, SG No. 28/1982)

(1) (Amended, SG No. 10/1993, amended and supplemented, SG No. 92/2002) A person who asserts an untruth or holds back a truth in a written declaration or an electronic message which by virtue of a law, decree or regulation of the Council of Ministers are submitted to a state authority for certifying the truth about certain facts, shall be punished by deprivation of liberty for up to three years or by a fine of BGN one hundred to thirty hundred.

(2) (New, SG No. 10/1993, amended, SG No. 50/1995) Where the act under paragraph (1) has been committed for the purpose to avoid payment of due taxes, the punishment shall be deprivation of liberty for one to six years or a fine from BGN one hundred to two hundred and fifty.

(3) (Renumbered from Paragraph 2, amended, SG No. 10/1993, amended and supplemented, SG No. 92/2002) The punishment under paragraph (1) shall also be imposed on a person who asserts an untruth or holds back a truth in a private document or an electronic message in which under an express provision of a law, decree or regulation of the Council of Ministers he is especially obliged to certify the truth, and uses these documents as proof of the untrue certified facts or statements.

(4) (New, SG No. 62/1997) A person who, with reference to public offering of securities in a prospectus or review of the economic position uses untrue beneficial data, or holds back unfavourable data, which is of material importance in making decisions on acquisition of securities, shall be punished by deprivation of liberty for up to three years and a fine of up to BGN five hundred.

### **Article 313a**

(New, SG No. 89/1986, amended, SG No. 99/1989, repealed,

renumbered from Article 313b, new, SG No. 54/1992, SG No. 10/1993)

(1) A person who, in a declaration pursuant to Article 4, paragraph (2) of the Property of the Bulgarian Communist Party, the Bulgarian Agrarian Party, the Fatherland Front, the "Dimitrov" Communist Youth Union, the Union of the Active Fighters Against Fascism and Capitalism and the Bulgarian Trade Unions Act, asserts an untruth or holds back a truth in order to prevent completely or in part the appropriation of unlawfully possessed government property, shall be punished by deprivation of liberty for three to eight years.



(2) A person who, when duly requested, refuses to submit declaration pursuant to Article 4, paragraph (2) of the Act mentioned in paragraph (1), shall be punished by deprivation of liberty for two to six years.

(3) In the cases under paragraphs (1) and (2) the court may also rule deprivation of the rights under Article 37, paragraph (1), sub-paragraphs 6 and 7.

(4) The perpetrator under paragraphs (1) and (2) shall not be punished, if in disclosing the truth he would incriminate himself, his spouse, relatives of ascending or descending order, his brothers or sisters.

**Article 313b**

(New, SG 41/2001; repealed, SG No. 45/2002)

**Article 314**

A person who intentionally becomes the cause for untrue facts or statements to be introduced into an official document, drawn up in compliance with the established procedure on the basis of a declaration by a private person, shall be punished by deprivation of liberty for up to two years or by probation.

**Article 315**

(1) A person who draws up a document by filling out a blank sheet carrying the signature of another, with contents which does not correspond to the will of the person who has signed it, shall be punished in compliance with the differentiation under Articles 308 and 309.

(2) In compliance with the same differentiation punished shall also be a person who, through deceit persuades another to sign a document with contents which does not correspond to the will of the signing person.

**Article 316**

The punishment provided in the preceding articles of this Chapter shall also be imposed on a person who consciously makes use of an untrue or forged document, of a document with untrue contents or of such under the preceding Article, where for the drawing up itself of the document no penal responsibility can be sought from that person.

**Article 317**

A person who unlawfully avails himself of a document, while knowing that its author has signed it with no intention to oblige himself under it, shall be punished by deprivation of liberty for up to two years or by corrective labour.

**Article 318**

(Amended, SG No. 28/1982, 10/1993)

A person who unlawfully makes use of an official document, issued for another person, for the purpose of misleading a state authority or a representative of the public, shall be punished by deprivation of liberty for up to two years or by corrective labour, or by a fine from BGN one hundred to three hundred.

**Article 319**

A person who destroys, hides or damages a document of another, or document not belonging exclusively to him, for the purpose of causing harm to someone else, or to procure benefit for himself or for another, shall be punished by deprivation of liberty for up to three years or by corrective labour.

**Chapter Nine - A**

**(New, SG No. 92/2002)**

**Cybercrime**

### **Article 319a**

(1) Anyone who obtains illegal access to computer resources, copies or uses computerized data without proper permission, where such is required, shall be punished by a fine of up to BGN three thousand.

(2) Where the act under par. 1 has been committed by two or more people, who have previously agreed so to do, the punishment shall be deprivation of liberty of up to one year or a fine of up to BGN three thousand.

(3) Where the act under par. 1 is repeated, punishment shall be deprivation of liberty of up to three years or a fine of up to BGN five thousand.

(4) (Amended, SG No. 26/2004) Where acts under paragraphs 1-3 have been committed with regard to information that qualifies as a secret of the State, the punishment shall be deprivation of liberty from one to three years, unless severer punishment has been envisaged.

(5) Where grave consequences have occurred as a result of the acts under par. 4, punishment shall be of one to eight years.

### **Article 319b**

(1) Anyone who, without consent by a person administering or using a computer, installs, modifies, deletes or destroys a computer program or data, where the occurrence is not considered insignificant, shall be punished by deprivation of liberty of up to one year or a fine of up to BGN two thousand.

(2) Where significant damage or other grave consequences have occurred as a result of an act under par. 1, the punishment shall be a deprivation of liberty of up to two years and a fine of up to BGN three thousand.

(3) Where the act under par. 1 has been committed in view of obtaining a material benefit, the punishment shall be deprivation of liberty from one to three years and a fine of up to BGN five thousand.

### **Article 319c**

(1) Anyone who commits the act under art. 319b with regard to data that are provided electronically or upon magnet carriers by virtue of the law shall be punished by deprivation of liberty of up to two years and a fine of up to BGN three thousand.

(2) Where the act under par. 1 was intended to prevent the fulfilment of an obligation, the punishment shall be deprivation of liberty of up to three years and a fine of up to BGN five thousand.

### **Article 319d**

(1) Anyone who introduces a computer virus in a computer or an information network shall be punished by a fine of up to BGN three thousand.

(2) Where considerable damage has occurred as a result of the act under par. 1 or it has been repeated, the punishment shall be deprivation of liberty of up to three years and a fine of up to BGN one thousand.

### **Article 319e**

(1) (Amended, SG No. 26/2004) Anyone who discloses computer or system passwords, and personal data or information which qualifies as secret of the State, are thus revealed, shall be punished by deprivation of liberty of up to one year.

(2) With regard to an act under par. 1, committed with a venal goal in mind, or where it has caused considerable damage, punishment shall be deprivation of liberty of up to three years.

### **Article 319f**

Where a provider of information services acting in this capacity violates provision of art. 6, par. 2, sub-paragraph 5 of the Electronic Document and Electronic Signature Act, he/she shall be punished by fine of up to BGN five thousand, unless subject to severer punishment.

## **Chapter Ten**

### **CRIMES AGAINST THE PUBLIC ORDER AND PEACE**

#### **Article 320**

(1) (Previous Article 320, SG No. 92/2002) A person who, by preaching before many people, or by distribution of printed works or in any other similar manner openly abets to the perpetration of a crime, shall be punished by deprivation of liberty for up to three years, but not by a more severe punishment than that provided for the crime itself.

(2) (New, SG No. 92/2002) Punishment for open abetment to the perpetration of a crime under art. 108a, par. 1 shall be deprivation of liberty of up to six years.

#### **Article 320a**

(New, SG No. 41/1985, amended and supplemented, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004)

A person who threatens to commit a crime under Articles 108a, par. 1, 330, 333, 334, 340, 341a, 341b, 352, paragraph (1), and where such threat might give rise to justified fear of its implementation, shall be punished by deprivation of liberty for up to two years..

#### **Article 321**

(1) (Amended, SG No. 92/2002) A person who forms or leads an organized criminal group, shall be punished by deprivation of liberty for three to five years.

(2) (Amended, SG No. 92/2002) A person who takes part in such a group shall be punished by deprivation of liberty for one to six years.

(3) (New, SG No. 62/1997, amended SG No. 21/2000, SG No. 92/2002) Where the group is armed, or formed for the purposes of performing crimes under articles 243, 244, 253, 280, 337, 339, par. 1 - 4, 354a, par. 1 and 2, 354b, par. 1-4, and 354c, par. 1 or an official takes part in it, the punishment shall be:

1. under paragraph (1) - deprivation of liberty for five to fifteen years;
2. under paragraph (2) - deprivation of liberty for three to ten years.

(4) (New, SG No. 62/1997) A member of the group shall not be penalised, provided he gives himself up voluntarily to the authorities and discloses everything that may be of his knowledge about the group, before the commitment of a crime by such person or by the group.

(5) (New, SG No. 62/1997) A member of the group who gives himself voluntarily to the authorities and discloses everything of his knowledge about the group, thus facilitating the detection and proof of crimes committed by the group, shall be penalised pursuant to Article 55.

(6) (New, SG No. 92/2002) Anyone who agrees with one or more individuals to commit, in this country or abroad, crimes punishable by deprivation of liberty of more than three years and that pursue the aim of supplying a material benefit or the exertion of illegal influence over the operations of a competent authority or the local government, shall be punished by deprivation of liberty of up to six years.

#### **Article 321a**

(New, SG No. 62/1997)

(1) A person who participates in the leadership of an organisation or a group, which concludes transactions or makes benefit by use of force or by inspiring fear, shall be punished by deprivation of liberty for three to eight years.

(2) A person who participates in such an organisation or group shall be punished by deprivation of liberty for up to five years.

(3) The property acquired by such actions by the organisation, the group or the participants therein, shall be appropriated in favour of the state, provided the persons from whom such property has been acquired, or their heirs, are unknown.

(4) In the cases under the preceding paragraphs the provision of Article 321, paragraphs (4) and (5) shall apply.

#### **Article 322**

A person who fails to hinder the perpetration of obvious grave crime, where he could do so without any substantial difficulty and without any danger for himself or for another, shall be punished by deprivation of liberty for a period of one year or by probation.

#### **Article 323**

(1) (Amended, SG No. 28/1982, SG No. 10/1993, 50/1995, amended and supplemented, SG No. 62/1997) A person who unwarrantedly, not in the order established by the law, implements an actual or supposed right of his or of another person, contested by another, shall be punished, in cases other than minor, by deprivation of liberty for up to five years and by a fine of up to BGN one thousand.

(2) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997) A person who unwarrantedly occupies real property from the possession of which he has been removed under the established procedure, shall be punished by deprivation of liberty for three years and by a fine of up to BGN five hundred.

(3) The perpetrator shall not be punished if, after being warned by the respective state authority, restores without delay the initial factual situation.

(4) The provision of the preceding paragraph shall not be applied, if the perpetrator, after the restoration, once again commits the same act.

(5) Where the act under paragraph (1) has been effected by use of force or threat, the punishment shall be deprivation of liberty for up to 6 years.

#### **Article 323a**

(New, SG No. 27/1973, amended, SG. No. 28/1982, corrected, SG No. 31/1982, amended, SG No. 10/1993)

(1) A person who erects a building on arable land, administered by a socialist organisation, or on a pasture, without having the right to do so, shall be punished by deprivation of liberty for up to two years or by a fine from BGN one hundred to three hundred.

(2) If the crime under the preceding paragraph has been committed for a second time, and also where the construction has been continued after being stopped by the respective authorities, the punishment shall be deprivation of liberty for up to three years or a fine from BGN one hundred to three hundred, as well as public censure.

#### **Article 324**

(1) (Amended and supplemented, SG No. 28/1982, SG No. 89/1986, amended, SG No. 1/1991, SG No. 10/1993) A person who exercises a profession or handicraft without having the necessary recognised capacity or licence, shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred.

(2) (Supplemented, SG. No. 83/1998, amended, SG No. 76/2005) Where the profession or handicraft are related to health services for the population, the punishment shall be deprivation of liberty for up to three years and a fine from BGN one hundred to three hundred. The same punishment shall be imposed on a medical doctor or dentist exercising their profession in violation of the duly established procedure.

(3) If the act under the preceding paragraph has been committed for a second time, the punishment shall be deprivation of liberty for one to five years and a fine from BGN one hundred to three hundred, whereas the court may also rule deprivation of rights under Article 37, subparagraphs 6 and 7.

#### **Article 325**

(1) A person who performs indecent acts, grossly violating the public order and expressing open disrespect for society, shall be punished for hooliganism by deprivation of liberty for up to two years or by probation, as well as by public censure.

(2) Where the act has occurred with resistance to a body of authority or a representative of the public, fulfilling their obligations of preserving the public order, or where by its content it has been distinguished for its extreme cynicism or arrogance, the punishment shall be deprivation of liberty for up to five years.

(3) (New, SG No. 28/1982, amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) Where an act under the preceding paragraphs has been committed for a second time, the punishment shall be: under paragraph (1) - deprivation of liberty for up to three years; under paragraph (2) - deprivation of liberty for one to five years.

(4) (Renumbered from Paragraph 3, amended, SG No. 28/1982, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) Where an act under paragraphs (1) and (2) constitutes dangerous recidivism, the punishment shall be deprivation of liberty for one to six years.

#### **Article 326**

(Amended, SG No. 28/1982, SG No. 41/1985, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004)

A person who transmits over the radio, by telephone or in some other way false calls or misleading signals for help, accident or alarm, shall be punished by deprivation of liberty for up to two

#### **Article 327**

(Amended and supplemented, SG No. 28/1982, amended, SG No. 10/1993)

(1) A person who organises without due licence a game of chance shall be punished by deprivation of liberty for up to three years or by a fine from BGN one hundred to three hundred.

(2) The same punishment shall be imposed on a person who organises games of chance with the respective licence, but at places other than those permitted.

(3) Where the act under the preceding paragraphs has been committed for a second time, the punishment shall be deprivation of liberty for one to three years and a fine from BGN one hundred to three hundred and in particularly grave cases - deprivation of liberty for one to five years and a fine from BGN one hundred to five hundred.

(4) A person who systematically takes part in games of chance, being of the knowledge that they have been organised without licence, shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred.

(5) The money and articles, object of the game of chance, shall be confiscated in favour of the state, and if they are missing a sum equal to their value shall be adjudged.

#### **Article 328**

(1) (Amended, SG . No. 28/1982, SG No. 10/1993, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004) A

person who leads a life with a group of vagrants shall be punished by probation for up to two years or by a fine from BGN one hundred to three hundred.

(2) (Amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation - amended, SG No. 26/2004, effective 1.01.2004, SG No. 103/2004) A person who organises or leads such a group shall be punished by deprivation of liberty for up to one year or by probation.

(3) (Amended, SG No. 92/2002, effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004) A person who leads the life of a vagrant, if he does not settle to live at a permanent place and does not perform socially useful labour, shall be punished by probation for up to two years.

#### **Article 329**

(1) (Amended, SG No. 95/1975, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation, amended, SG No. 26/2004, SG No. 103/2004) An adult capable for work, who for a long time does not engage in any socially useful work, but receives unearned incomes in an illegal or immoral way, shall be punished by deprivation of liberty for up to two years or probation,

(2) (Amended, SG No. 92/2002, effective 1.01.2005 with respect to the punishment of probation, amended, SG No. 26/2004) A person who systematically practices mendacity, shall be punished by probation for a period of up to two years.

### **Chapter Eleven**

## **GENERALLY DANGEROUS CRIMES**

### **Section I**

#### **Crimes Committed in Generally Dangerous Manner or by Generally Dangerous Means**

#### **Article 330**

(1) A person who sets on fire a building, equipment and implements, goods, farming or other produce, a forest, machinery, an ore mine or other property of considerable value, shall be punished for arson by deprivation of liberty for one to eight years.

(2) The punishment shall be deprivation of liberty for three to ten years:

1. if the act has constituted a danger for another person's life;  
2. if there has been danger for it to spread also to other properties, such as those indicated above;

3. if the property set on fire has been of historic, scientific or artistic value, or if in the premises set on fire, objects have been kept of historic, scientific or artistic value;

4. (New, SG No. 92/2002) where the arson has been committed by an individual acting on the orders or of or executing a decision of an organisation or group under Art. 321a or an organised criminal group;

5. (New, SG No. 26/2004) where the forest or other property of significant value set on fire are located within a protected area.

(3) If in the cases under the preceding paragraph considerable damages have followed, the punishment shall be deprivation of liberty for three to twelve years, and if the death of somebody has followed, where the perpetrator did not wish nor assumed that, the punishment shall be deprivation of liberty for five to fifteen years.

(4) (New, SG No. 92/2002) where arson has been committed by a person acting at the orders or in implementing a decision of an organization or a group under art. 321a or of an organized criminal group.

**Article 331**

(1) A person who through negligence sets fire to another person's property under the preceding article, shall be punished by deprivation of liberty for up to three years.

(2) (New, SG No. 92/2002) Anyone who puts fire to a stubble-field thus causing fire to the forest fund shall be punished by deprivation of liberty of up to three years and a fine from BGN five hundred to five thousand.

(3) (Renumbered from Paragraph 2, SG No. 92/2002) If death has followed or considerable damages, the punishment shall be deprivation of liberty for up to five years.

**Article 332**

For arson the perpetrator shall not be punished, if on his own incentive he has immediately put out the fire, before considerable damages had set in.

**Article 333**

Where the objects under Article 330 have been damaged or destroyed by an explosive, the respective punishments provided in this article shall be correspondingly imposed.

**Article 334**

(1) A person who causes an inundation and thereby exposes to danger the life or property of another shall be punished by deprivation of liberty for three to twelve years.

(2) If in this case considerable damages have followed, the punishment shall be deprivation of liberty for five to fifteen years, and if death has followed for somebody, where the perpetrator did not wish nor assumed that, the punishment shall be deprivation of liberty for ten to fifteen years.

**Article 335**

(1) A person who causes an inundation through negligence and thereby exposes to danger the life or property of another, shall be punished by deprivation of liberty for up to three years.

(2) If death has followed or considerable damages, the punishment shall be deprivation of liberty for up to five years.

**Article 336**

(Repealed, SG No. 41/1985)

**Article 337**

(Amended, SG. No. 41/1985)

(1) (Previous Article 337, amended, SG No. 50/1995, amended and supplemented, SG No. 92/2002) A person who manufactures, processes, repairs, develops, stores, trades in, transports, imports or exports explosives, firearms, chemical, biological or nuclear weapons or ammunition, without having the right to do so by law, or without licence from the respective government body, or does so not in compliance with the licence given to him, shall be punished by deprivation of liberty for one to six years.

(2) (New, SG No. 50/1995) The punishment shall be deprivation of liberty from two to eight years where the act has been committed:

1. by an official who has availed himself of his official position;
2. for a second time, in cases other than minor.

(3) (New, SG No. 50/1995) Where the object of the crime has been of large amount, the punishment shall be deprivation of liberty from three to ten years.

(4) (New, SG No. 50/1995) Where the object of the crime has been of particularly large amount and the case has been particularly grave, the punishment shall be deprivation of liberty for five to fifteen years.

(5) (New, SG No. 26/2004) Preparations toward crimes under paras 1 through 4 shall be punishable by deprivation of liberty of up to two years.

#### **Article 338**

(1) (Amended, SG No. 10/1993) A person who, while keeping, transporting, sending or working with explosives, firearms or ammunition, fails to take the necessary safety measures and in particular the measures provided by the respective rules and regulations, orders or instructions, shall be punished by deprivation of liberty for up to two years or by a fine from BGN one hundred to three hundred.

(2) If from the above an explosion has followed, and medium or severe bodily injury or death have been caused to one or more persons, or considerable property damages, the punishment shall be deprivation of liberty for two to eight years, and in particularly grave cases, the punishment shall be deprivation of liberty for five to fifteen years.

#### **Article 339**

(1) (Amended, SG No. 28/1982, SG No. 41/1985, SG 50/1995, supplemented, SG No. 92/2002) A person who by any means whatsoever acquires, holds or gives to another explosives, firearms, chemical, biological or nuclear weapons or ammunition, without due permit therefor, shall be punished by deprivation of liberty for up to six years.

(2) (Amended, SG No. 41/1985, supplemented, SG No. 92/2002) Where the explosives, firearms, chemical, biological or nuclear weapons or ammunition referred have been in large quantities, the punishment shall be deprivation of liberty from three to eight years.

(3) (Amended, SG No. 28/1982, SG No. 41/1985, SG No. 50/1995, supplemented, SG No. 92/2002) A person who appropriates or gives explosives or firearms, chemical, biological or nuclear weapons to a person who has no permit for their acquisition, shall be punished by deprivation of liberty for up to six years.

(4) The punishment under the preceding paragraph shall also be imposed on persons who sell or give to other ammunition, where the latter do not have permit to carry the respective weapon.

(5) (New, SG No. 62/1997; supplemented, SG No. 92/2002) The punishment under paragraph (1) shall also be imposed on a person who retains without permission explosives, firearms, chemical, biological or nuclear weapons or ammunition that he may have found.

#### **Article 339a**

(New, SG No. 62/1997)

(1) A person who, without due permission as required by law, manufactures, uses, sells or keeps special technical device designated for tacit collection of information, shall be punished by deprivation of liberty for up to three years.

(2) The special technical device shall be appropriated in favour of the state.

(3) Where the act under the preceding paragraph has been committed by an official in connection with his office, the punishment shall be deprivation of liberty for one to five years.

#### **Article 339b**

(New, SG No. 26/2004)

The one who produces, transports, holds, acquires or transfers goods or technologies with a potential dual use, as determined by law or an instrument of the Council of Ministers, with a view to be used for making transactions in breach of prohibitions, restrictions or sanctions imposed by the Security Council of the United Nations Organisation, by the Organisation for



Security and Cooperation in Europe or by the European Union, or stemming from an international agreement to which the Republic of Bulgaria is a party, shall be punished by deprivation of liberty of up to six years and a fine of up to BGN two hundred thousand.

## **Section II**

### **Transport and Communications Crimes**

#### **Article 340**

(1) (Amended, SG No. 95/1975) A person who damages rolling stock or railway lines, an aircraft, an automobile, an electric transport vehicle (trolley-bus, tramway and the like intended for mass transport) or equipment, or accessories for them, a tunnel, a bridge or supporting wall on the roads, or damages or allows a ship to be damaged, to get stranded, or to sink and thereby creates danger for the life of another, or for considerable endamagement of another person's property, shall be punished by deprivation of liberty for five to fifteen years.

(2) (New SG, No. 95/1975) A person who destroys an aircraft in operation, or inflicts on it damages, which make it unfit for flight, shall be punished by deprivation of liberty for five to twenty years.

(3) (Renumbered from Paragraph (2), amended, SG No. 95/1975) If in the cases of the preceding paragraphs there has followed:

a) medium or grave bodily injury to one or more persons, the punishment shall be deprivation of liberty for eight to fifteen years;

b) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) death of one or more persons, notwithstanding whether the consequences as per subparagraph "a" have set in, the punishment shall be deprivation of liberty for ten to twenty years, life imprisonment or life imprisonment without substitution.

#### **Article 341**

(Amended, SG No. 95/1975)

Where the act under Article 340, paragraphs (1) and (2) has been committed by negligence and from it have set in:

a) considerable property damages;

b) medium or grave bodily injury to one or more persons, regardless of whether the consequences under the preceding letter have set in;

c) death to one or more persons, notwithstanding whether the consequences under letters "a" and "b" have set in,

the punishment shall be: under letter "a" - deprivation of liberty for up to three years; under letter "b" - deprivation of liberty for up to six years; under letter "c" - deprivation of liberty for one to ten years

#### **Article 341a**

(New SG, No. 95/1975)

(1) A person who places into an aircraft a device or substance which can destroy or damage it, making it unfit for flight, or creating danger for its safety in flight, unless subject to more severe punishment, shall be punished by deprivation of liberty for three to ten years.

(2) A person who endangers the safety of an aircraft in flight, by:

a) destroying or damaging an installation or equipment for controlling the flight;

b) communicating information or giving a signal, of which he knows that they are false, placing a false sign or removing and shifting to another place a sign intended to ensure the safety of flight traffic, .

shall be punished by deprivation of liberty for three to fifteen years.

(3) A person who exerts violence against a person on board an aircraft in flight, if his act has been of such a nature as to endanger the safety of the aircraft and did not constitute a graver crime, shall be punished by deprivation of liberty for five to ten years.

(4) Where in the cases of the preceding paragraphs, medium or severe bodily injury has followed or the death of one or more persons, the punishments provided in Article 340, paragraph (3) shall be imposed, respectively.

(5) Where the act under paragraph (1) has been committed through negligence and the consequences under Article 341 have set in, the punishments in that article shall be imposed, respectively.

#### **Article 341b**

(New, SG No. 95/1975)

(1) A person who unlawfully seizes an aircraft, on the ground or in flight, or establishes control over such an aircraft, shall be punished by deprivation of liberty for up to ten years.

(2) If the act under the preceding paragraph has been perpetrated by violence or threat, the punishment shall be deprivation of liberty for three to twelve years.

(3) If from the act under the preceding paragraphs there has followed:

a) considerable endamage of the aircraft;

b) medium or severe bodily injury to one or more persons, regardless of the fact whether or not the consequences under the preceding letter have set in;

c) death of one or more persons, regardless of the fact whether the consequences under letters "a" and "b" have set in,

the punishment shall be: under letters "a" and "b" - deprivation of liberty for five to fifteen years, and under letter "c" - deprivation of liberty for ten to twenty years or life imprisonment without substitution, and the court may also rule deprivation of rights as per Article 37, subparagraphs 6 through 10.

#### **Article 341c**

(New, SG No. 95/1975, repealed, SG No. 41/1985)

#### **Article 342**

(1) (Amended, SG No. 95/1975, SG No. 28/1982) A person who in driving railway rolling stock, aircraft, motor vehicle, vessel, combat or special machine, violates the traffic rules allowing infliction of bodily injury or death to another, shall be punished by deprivation of liberty for up to two years or by probation.

(2) (New, SG No. 28/1982) The same punishment shall be imposed also on a transport worker or employee who violates the rules for operation or the requirements for good quality of repair of the rolling stock, of the roads or the equipment, allowing the infliction of bodily injury or death to another.

(3) (Renumbered from Paragraph (2), amended, SG No. 28/1982) Where by the acts under the preceding paragraphs, death, bodily injury or considerable property damages to another have been caused intentionally, the punishment shall be:

a) for considerable property damages - deprivation of liberty for one to ten years;

b) for medium or severe bodily injury to one or more persons with or without property damages - three to twelve years;

c) (Amended, SG No. 85/1998) for death of one or more persons, with or without the consequences under "a" and "b" above - deprivation of liberty for ten to twenty years, and in particularly grave cases - fifteen to twenty years or life imprisonment.

(4) (Renumbered from Paragraph (3); amended, SG No. 28/1982, SG No. 89/1986) In the cases under paragraph (3), "a" and "b" above, the court shall deprive the culprit of the rights

under Article 37, sub-paragraphs 6 and 7. In the cases under "c" above, the deprivation of these rights shall be forever.

**Article 343**

(Corrected, SG No. 29/1968, amended, SG No. 95/1975, SG No. 54/1978, SG No. 28/1982)

(1) Where by acts under the preceding article through negligence have been caused:

a) considerable property damages, the punishment shall be deprivation of liberty for up to one year or probation;

b) severe or medium bodily injury, regardless of the setting in of the consequences under letter "a", the punishment shall be deprivation of liberty for up to four years for severe bodily injury and up to three years or probation for medium bodily injury;

c) death, regardless of whether the consequences under letter "a" have set in, the punishment shall be deprivation of liberty for up to six years.

(2) (New, SG No. 92/2002, amended, SG No. 86/2005) For crimes under para 1, items "a" and "b" the criminal proceedings shall be terminated if the victim so requests.

(3) (Supplemented, SG No. 21/2000, renumbered from Paragraph 2, SG No. 92/2002) If the act has been committed in the state of drunkenness or after drugs and/or analogues thereof have been used or if from it bodily injury or death to more than one person have set in, or where the perpetrator has escaped from the scene of the crime, the punishment shall be:

a) for severe or medium bodily injury - deprivation of liberty for up to five years and in particularly grave cases - up to eight years;

b) for death - deprivation of liberty for three to ten years and in particularly grave cases - deprivation of liberty for five to fifteen years.

(4) (Renumbered from Paragraph 3, SG No. 92/2002) The punishment under letter "b" of the preceding paragraph shall also be imposed where death to one or more persons and bodily injury to one or more persons have set in.

**Article 343a**

(New, SG No. 28/1982)

(1) (Redesignated from Article 343a, SG No. 28/2002) If after the act under the preceding article the perpetrator has done everything within his capacity to render assistance to the aggrieved person or persons, the punishment shall be:

a) under paragraph (1), letter "b" - deprivation of liberty for up to three years for severe bodily injury and deprivation of liberty for up to two years or probation for medium bodily injury;

b) under paragraph (1), letter "c" - deprivation of liberty for up to four years;

c) under paragraph (2), letter "a", where medium or severe bodily injury to more than one person have been caused - deprivation of liberty for up to four years, and in particularly grave cases - for up to six years;

d) under paragraph (2), letter "b", where death to more than one person has set in - deprivation of liberty from two to ten years and in particularly grave cases - for three to twelve years.

(2) (New, SG No. 92/2002, amended, SG No. 86/2005) For crime under para 1, item "a" the criminal proceeding shall be terminated if the victim so requests.

**Article 343b**

(New, SG No. 28/1982, amended, SG No. 50/1995)

(1) A person who drives a motor vehicle with alcohol concentration in his blood exceeding 1.2 per thousand, ascertained by the established procedure, shall be punished by deprivation of liberty for up to one year.

(2) A person who drives a motor vehicle with alcohol concentration in his blood exceeding 0.5 per thousand, ascertained by the established procedure, after he has been convicted for the act under paragraph (1) with a sentence that has come into force, shall be punished by deprivation of liberty for up to two years and a fine from BGN one hundred to three hundred.

(3) (New SG No. 21/2000) A person who drives a motor vehicle after he has used drugs or analogues thereof, shall be punished by deprivation of liberty for up to two years.

**Article 343c**

(New, SG No. 50/1995)

(1) A person who drives a motor vehicle within the term for serving a punishment by deprivation of the right to drive a motor vehicle, after he has been punished administratively for the same act, shall be punished by deprivation of liberty for up to two years.

(2) The same punishment shall be imposed on a person who, within one year following his punishment by administrative procedure for driving a motor vehicle without the respective driving licence, commits such an act.

**Article 343d**

(New, SG No. 50/1995)

In all cases under Articles 343, 343a, 343b and 343c, paragraph (1) the court shall also rule deprivation of the right under Article 37, sub-paragraph 7, and may rule deprivation of the right under sub-paragraph 6.

**Article 344**

(1) (Amended, SG No. 95/1975) A person who removes or shifts to another place a sign or signal, intended for securing the safety of movement of railway traffic, water transport and electric transport, puts up a such false sign or gives a false signal and thereby exposes to danger the life or property of somebody, shall be punished by deprivation of liberty for up to five years.

(2) (Amended, SG No. 28/1982, SG No. 10/1993) For the act under paragraph (1) concerning signs for road transport, the punishment shall be deprivation of liberty for up to two years or a fine from BGN one hundred to three hundred.

**Article 345**

(Amended, SG No. 28/1982, SG No. 10/1993)

A person who uses registration plates, issued for another motor vehicle, or plates not issued by the respective authorities, shall be punished by deprivation of liberty for up to one year or by a fine from BGN one hundred to three hundred.

**Article 345a**

(New, SG No. 21/2000)

(1) A person who in violation of the established procedure therefor rubs out or forges the number plate of a motor vehicle, shall be punished by deprivation of liberty for three to ten years and by a fine from BGN five thousand up to ten thousand.

(2) If the act under the preceding paragraph has been committed repeatedly, the punishment shall be deprivation of liberty for three to twelve years and a fine from BGN five thousand up to fifteen thousand

(3) The punishment shall be deprivation of liberty for up to three years or a fine of up to BGN three thousand, if identification numbers of parts of the outfits of a motor vehicle have been rubbed out or forged.

**Article 346**

(1) (Amended, SG No. 107/1996, SG No. 62/1997) A person who unlawfully takes away a motor vehicle of another from his possession without his consent, with the intention to use it, shall be punished by deprivation of liberty for one to eight years.

(2) (Amended, SG No. 89/1986, corrected, SG No 90/1986, amended, SG No. 107/1996, SG No. 62/1997) The punishment shall be deprivation of liberty for one to ten years, if:

1. endamagement of the transport vehicle has ensued or it has been abandoned without control, or

2. the act has been committed in a state of drunkenness more than twice or repeatedly, or

3. the act has been committed under the conditions of Article 195, paragraph (1), subparagraphs 1 - 6;

4. (New, SG No. 26/2004) the act of taking away has been committed with a view of a pecuniary gain to be obtained upon return of the motor vehicle.

(3) (New, SG No. 26/2004) Punishment under paragraph 2 shall also be imposed on an individual offering assistance to return a vehicle, which has been taken away in return for obtaining a pecuniary gain.

(4) (New, SG No. 28/1982, amended SG No. 62/1997, renumbered from Paragraph 3, SG No. 26/2004) In the cases of the preceding paragraphs the court shall rule deprivation of the right to drive a motor vehicle.

(5) (Renumbered from Paragraph (3), SG, No. 28/1982; amended SG No. 62/1997, renumbered from Paragraph 4, SG No. 26/2004) Where for the purpose of taking away the motor vehicle or for retaining hold of it force has been used, or threat, the punishment shall be deprivation of liberty for three to twelve years and deprivation of the right to drive a motor vehicle, whereas the court shall also rule confiscation of not less than 1/2 of the property of the perpetrator.

(6) (New, SG No. 62/1997, renumbered from Paragraph 5, SG No. 26/2004) The punishment under the preceding Article shall also be imposed where the act has been committed by a person under Article 142, paragraph (2), subparagraphs 6 and 8, or on orders of an organisation or a group, or where there was an attempt to take the motor vehicle across the border of this country, or where the serial and registration numbers of the vehicle have been modified.

#### **Article 346a**

(New, SG No 26/2004)

Where a motor vehicle, which has been taken away, is returned until completion of first-instance court trial proceedings, punishment shall be:

1. in cases under Art. 346, paragraph 1 - deprivation of liberty of up to five years;

2. in cases under Art. 346, paragraph 2, sub-paragraph 4, where return has been made prior to the obtainment of a pecuniary gain - deprivation of liberty of up to eight years.

#### **Article 346b**

(New SG, No. 21/2000, renumbered from Article 346a, SG No. 26/2004)

A person who unlawfully penetrates into a motor vehicle of another without his consent, shall be punished by deprivation of liberty for up to three years or by a fine of up to BGN three thousand.

#### **Article 347**

(1) A person who damages a telegraph, telephone or teletype installation or line, television or radio or electric power supply system or line and thereby cuts off or hinders communications, shall be punished by deprivation of liberty for up to five years.

(2) (Amended, SG Nos. 28/1982, SG No. 10/1993) If the act has been perpetrated through negligence, the punishment shall be deprivation of liberty for up to one year or probation or a fine from BGN one hundred to three hundred.

**Article 348**

(Amended, SG No. 10/1993)

A person who:

a) builds, holds or uses a radio transmitter which broadcasts through the ether without possessing a written licence therefor;

b) makes use of a radio transmitter which broadcasts through the ether, without registering it in advance with its full identification data, or uses it for purposes not allowed in the licence issued to him;

c) without permission in writing obtained in advance, unwarrantedly changes the registered data of the radio transmitter which broadcasts through the ether;

d) hinders or jams the operation of a radio-communicating, radio-broadcasting, television or radio-relay station or radio transmission centre,

shall be punished by deprivation of liberty for up to five years and a fine from BGN one hundred to three hundred, and the radio transmitter shall be confiscated in favour of the state.

**Article 348a**

(New, SG No. 26/2004)

(1) The one who, through deceit or any other unlawful means, makes use of a telecommunication network, equipment or service, in order to generate or redirect, to his own or the interest of another, the directed transmission of signals, written text, image, sound, data or messages of any type, through conductors, radio waves, optical or any other transmission environment, shall be punished by deprivation of liberty of up to six years and a fine of up to BGN ten thousand.

(2) Where the act under para 1 has been committed:

1. by two or more individuals, who have reached preliminary agreement for its accomplishment, where the latter does not constitute a minor offence;

2. through the use of a non-registered telecommunication device;

3. for a second time,

the punishment shall be deprivation of liberty of up to eight years and a fine from BGN one thousand to five thousand.

(3) In minor cases falling under para 1 the punishment shall be deprivation of liberty of up to one year or probation.

**Article 348b**

(New, SG No. 28/1982, renumbered from Paragraph 348a, SG No. 26/2004)

Where the property damages and the bodily injury under Article 343 have been inflicted on a spouse, relative of ascending or descending line, brother or sister, penal prosecution shall be instituted on the basis of complaint by the victim. In such cases the perpetrator may be administratively deprived of the right to drive a motor vehicle also where no complaint has been filed or where the one filed has been withdrawn.

### **Section III**

## **Crimes Against the People's Health and the Environment**

(Heading supplemented, SG No. 26/2004)

**Article 349**

(1) A person who intentionally puts or admixes an object hazardous to human life or health in a well, spring, water mains or another installation intended for public use, wherefrom or whereby potable water is supplied, shall be punished by deprivation of liberty from two to eight years.

(2) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) If the act has resulted in severe bodily injury, the punishment shall be deprivation of liberty from three to ten years, and if death has occurred, the punishment shall be from ten to twenty years, life imprisonment or life imprisonment without substitution.

(3) (Amended, SG No. 41/1985) Pursuant to the differentiation under the preceding paragraphs punished shall also be persons who, for the purpose of infecting people, spreads agents of epidemic disease.

#### **Article 349a**

(New, SG No. 62/1997)

(1) A person who violates rules established for obtaining and providing human organs or tissues for transplantation, shall be punished by deprivation of liberty for one to three years.

(2) The punishment shall be deprivation of liberty for three to five years, if the act has been committed for the purpose of satisfying self- interest.

#### **Article 350**

(Amended, SG No. 26/2004)

(1) The one who prepares foodstuffs or drinks, intended for public use, in a way so that therein substances hazardous to human health are formed or allowed to enter, as well as the one who sells, offers for sale or otherwise distributes such foodstuffs or drinks, shall be punished by deprivation of liberty for up to five years.

(2) The one who acts in breach of rules on the yield, production, processing, storage or trade in animals, raw materials, foodstuffs or drinks intended for public use and thereby puts the life or health of another at risk, shall be punished by deprivation of liberty of up to three years.

(2) Should the act under paragraphs 1 and 2 result in medium bodily injury to other persons, the punishment shall be deprivation of liberty for up to six years, should the act result in severe bodily injury to another person - deprivation of liberty from one to eight years, and should death occur - deprivation of liberty from three to fifteen years.

#### **Article 350a**

(New, SG No. 26/2004)

The one who, in breach of the law, produces or markets foodstuffs, animal feed, or veterinary medical products, or drinks, thereby putting the life or health of another at risk, shall be punished by deprivation of liberty of up to three years.

#### **Article 351**

(1) For acts under Articles 349 and 350, committed through negligence, the punishment shall be deprivation of liberty for up to two years or probation.

(2) Where in such a case death of a person has occurred, the punishment shall be deprivation of liberty for up to five years.

#### **Article 352**

(1) (Amended, SG No. 95/1975, SG No. 86/1991, SG No. 85/1997, SG No. 26/2004) A person who pollutes or allows the pollution of water sources, basins, ground waters and the territorial or inland sea waters, the soil and the air and thereby renders them hazardous to people, animals and plants, or makes them unfit for use for cultural and everyday, health, agricultural, and other national-economy purposes, shall be punished by deprivation of liberty for up to five years and a fine from BGN one hundred to five thousand.

(2) (Amended, SG No. 26/2004) The same punishment shall also be imposed on the official who has failed in designing, constructing or operating drainage or irrigation systems to take the necessary measures for prevention of hazardous pollution of potable water supply zones, or for raising of ground water levels in residential and resort areas.

(3) (Amended, SG No. 10/1993) For acts under the preceding paragraphs committed through negligence, the punishment shall be probation or a fine from BGN one hundred to three hundred.

(4) (New, SG No. 95/1975, amended, No. 28/1982, SG No. 10/1993) In minor cases under paragraphs (1) and (2) the punishment shall be a fine from BGN one hundred to three hundred, and under paragraph (3) - from BGN one hundred to three hundred, imposed pursuant to administrative procedure.

#### **Article 352a**

(New, SG No. 95/1975)

(1) (Amended, SG No. 86/1991, SG No. 85/1997) A person who pollutes or allows the pollution by petrol products or derivatives of territorial and inland sea waters in zones, established by international agreement to which the Republic of Bulgaria is a party, shall be punished by deprivation of liberty from one to five years and a fine of up to BGN twenty thousand.

(2) (Amended, SG No. 10/1993) For acts under the preceding paragraph performed by negligence, the punishment shall be deprivation of liberty for up to three years and a fine of up to BGN five hundred.

(3) (Supplemented, SG No. 28/1982, amended, SG No. 10/1993) For minor cases under the preceding paragraphs, the punishment shall be a fine from BGN one hundred to three hundred, imposed pursuant to administrative procedure.

(4) (Amended, SG No. 10/1993) The master of a ship or another vessel who fails to inform immediately the nearest port about dumping into the waters, indicated in paragraph (1), of petrol products or derivatives, or of other substances hazardous to people, animals or plants, shall be punished by a fine of up to BGN five hundred.

(5) (SG No. 28/1982, amended, SG No. 10/1993) The master or another commanding officer of a vessel, who fails in his obligation to enter in the vessel documents operations with substances hazardous to people, animals or plants, or who enters therein untrue information about such operations, or who refuses to present such documents to the respective officials, shall be punished by a fine from BGN one hundred to three hundred, imposed by administrative procedure.

#### **Article 353**

(1) (Amended, SG No. 95/1975, SG No. 86/1991) An official who puts or orders an enterprise or thermal power station to be put into operation before putting into operation the necessary water-treatment equipment, shall be punished by deprivation of liberty for up to three years and a fine from BGN one hundred to three hundred.

(2) The same punishment shall be imposed on officials who fail to fulfil their obligations for construction of water-treatment equipment, as well as for securing the good condition and uninterrupted proper functioning of such equipment; as a result of which the latter has been unable to start operation, fully or in part, or has ceased to operate.

(3) (Amended, SG No. 10/1993) For acts under the preceding paragraphs committed through negligence, the punishment shall be probation or a fine from BGN one hundred to three hundred.



(4) (New, SG No. 95/1975, amended and supplemented, SG No. 28/1982, amended, SG No. 10/1993) For minor cases the punishment shall be: under paragraphs (1) and (2) - a fine from BGN one hundred to three hundred , and under paragraph (3) - a fine from BGN one hundred to three hundred imposed by administrative procedure.

**Article 353a**

(New, SG No. 86/1991, amended, SG No. 85/1997)

An official who, within the sphere his official duties conceals or distributes untrue information about the state of the environment and the components thereof - atmospheric air, water, soil, sea areas - causing thereby significant damages to the environment, human life and health, shall be punished by deprivation of liberty for up to five years and a fine from BGN one hundred to one thousand.

**Article 353b**

(New, SG No. 62/1997; supplemented, SG No. 92/2002)

A person who, in violation of international treaties to which the Republic of Bulgaria is a party, carries over the border of this country hazardous waste, toxic chemical substances, biological agents, toxic and radioactive substances, shall be punished by deprivation of liberty for one to five years and a fine of BGN one thousand to three.

**Article 353c**

(New, SG No. 62/1997)

An official who violates or is in default of his duties for gathering, storage, transportation and elimination of hazardous waste, shall be punished by deprivation of liberty for up to one year.

**Article 353d**

(New, SG No. 26/2004)

The one who, in breach of a law, constructs water catchment equipment or equipment for the use of surface or groundwater shall be punished by deprivation of liberty of up to two years and a fine from BGN five thousand to fifteen thousand.

**Article 353e**

(New, SG No. 26/2004)

The one who, in breach of a law, makes use of mineral water for economic operations shall be punished by deprivation of liberty of up to one year and a fine of up to BGN five thousand.

**Article 354**

(1) (Amended, SG No. 95/1975, SG No. 28/1982, SG No. 10/1993) A person who without due permission acquires, holds, appropriates or gives to another highly active or poisonous substance, which is not narcotic substance placed under permit regime, shall be punished by deprivation of liberty for up to two years or by a fine from BGN one hundred to three hundred.

(2) (Amended, SG No. 10/1993) Should the crime under paragraph (1) be systematically committed, the punishment shall be deprivation of liberty for up to three years and a fine from BGN one hundred to three hundred.

(3) The object of the crime shall be confiscated in favour of the state.

(4) (New, SG No. 95/1975; amended, SG No. 10/1993) A person who violates rules established for the production, acquisition, safekeeping, accounting, prescribing, transportation or carrying of substances under paragraph (1), shall be punished by deprivation of liberty for up to two years or by probation or by a fine from BGN one hundred to three hundred.

**Article 354a**

(New, SG No. 95/1975)

(1) (Amended, SG No. 10/1993, SG No. 62/1997, SG No. 21/2000) A person who without due permission produces, processes, acquires, circulates, keeps, holds, transports or carries drugs or analogues thereof, shall be punished in case of high risk drugs by deprivation of liberty for ten to fifteen years and a fine from BGN one hundred thousand up to two hundred thousand, and in case of risk drugs - by deprivation of liberty for three to fifteen years and by a fine from BGN ten thousand up to one hundred thousand. Where the object of the crime are precursors or installations and materials for the production of drugs, the punishment shall be deprivation of liberty for three to fifteen years and a fine from BGN fifty thousand up to one hundred and fifty thousand.

(2) (Amended, SG No. 28/1982, SG No. 10/1993, SG No. 62/1997, SG No. 21/2000) If the act under the preceding paragraph:

1. has as its object substances in large quantities;
2. has been committed by two or more persons who have conspired in advance;
3. relates to substances which are circulated among more than two persons or in a public place, or in the neighbourhood of an educational establishment, hostel or barracks, up to 250 metres away from their contiguous terrain;
4. has been committed by a physician, chemist, educator, teacher, head of educational establishment or official employed in the prisons;
5. has been committed repeatedly;

the punishment shall be deprivation of liberty for fifteen to twenty years and a fine from BGN two hundred thousand up to three hundred thousand in case of high risk drugs, and deprivation of liberty for ten to twenty years and a fine from BGN fifty thousand up to one hundred and fifty thousand, in case of risk drugs.

(3) (Amended, SG No. 21/2000, repealed, SG No. 26/2004).

(4) (Repealed, SG No. 21/2000).

(5) (Amended, SG No. 62/1997) A person who violates rules established for the production, acquisition, safekeeping, accounting, prescribing, transporting or carrying narcotic substances, shall be punished by deprivation of liberty for up to five years and a fine of BGN one thousand to five thousand, and the court may also rule deprivation of rights under Article 37, subparagraphs 6 and 7.

(6) (Amended, SG No. 21/2000) In the cases under paragraphs (1) through (3) the object of the crime shall be confiscated in favour of the state.

#### **Article 354b**

(New - SG, No. 95/1975)

(1) (Amended, SG No. 62/1997, SG No. 21/2000) A person who persuades or helps another to use drugs and/or analogues thereof, shall be punished by deprivation of liberty for one to ten years and by a fine from BGN five thousand up to ten thousand.

(2) (Amended, SG No. 62/1997, SG No. 21/2000) Where the act under paragraph (1) has been committed:

1. with regard to minors, underage or insane persons;
2. with regard to more than two persons;
3. by a physician, chemist, educator, teacher, head of educational establishment or official employed in the prisons;
4. by an owner or a tenant of a hotel, restaurant, discotheque or of another public establishment;
5. through the mass media or in other manner in a public place;
6. repeatedly;

the punishment shall be deprivation of liberty for five to fifteen years and a fine from BGN fifty thousand up to one hundred thousand, and in the cases under sub-paragraphs c) and d) the court also rules deprivation of rights under Article 37, sub-paragraphs 6 and 7.

(3) (New, SG No. 21/2000) A person who gives to another a drug and/or its analogue in such a quantity that may cause the death and his death ensues therefrom, shall be punished by deprivation of liberty for ten to thirty years and by a fine from BGN three hundred thousand up to five hundred thousand.

(4) (Amended, SG No. 10/1993, SG No. 62/1997, renumbered from Paragraph 3, SG No. 21/2000) A person who systematically places premises at the disposal of different people for taking of narcotic substances or organises the use of such substances, shall be punished by deprivation of liberty from five to twelve years and a fine of BGN five thousand to twenty thousand.

(5) (Amended, SG No. 10/1993, SG No. 62/1997, renumbered from Paragraph 4, SG No. 21/2000) A medical doctor who, without being necessary, consciously prescribes to another person narcotic substances or medicines containing such substances, shall be punished by deprivation of liberty for up to five years and by a fine of up to BGN three thousand, and the court may also rule deprivation of rights under Article 37, sub-paragraphs 6 and 7.

(6) (Renumbered from Paragraph 5, SG No. 21/2000, amended, SG No. 26/2004) If the act under the preceding paragraph has been repeated, the punishment shall be deprivation of liberty from one to six years, a fine of up to BGN five thousand and deprivation of rights under Article 37, paragraph 1, sub-paragraphs 6 and 7.

#### **Article 354c**

(New, SG No. 95/1975, amended, SG No. 62/1997, SG No. 21/2000)

(1) (New, SG No. 95/1975; Amended, SG No. 62/1997) A person who sows or cultivates the opium poppy, the coca bush plants and those of the genus cannabis, in violation of the rules established in the Drugs and Precursors Control Act, shall be punished by deprivation of liberty for three to five years and by a fine from five thousand up to BGN ten thousand.

(2) A person who organises, leads and/or finances a criminal group for the purposes of cultivating plants under the preceding paragraph, or of extracting, producing, preparing, manufacturing or processing drugs, shall be punished by deprivation of liberty for twenty to thirty years or life imprisonment and by a fine from BGN three hundred thousand up to five hundred thousand.

(3) A person who participates in a criminal group under the preceding paragraph, shall be punished by deprivation of liberty for three to ten years and by a fine from BGN five thousand up to ten thousand.

(4) A person participating in a criminal group shall not be punished if he or she voluntarily has disclosed to the authorities all the facts and circumstances of his knowledge about the activity of the criminal group.

(5) In minor cases under paragraph (1) the punishment shall be deprivation of liberty for up to one year and a fine of up to BGN one thousand.

#### **Article 355**

(1) (Amended, SG No. 28/1982, SG No. 10/1993) A person who violates regulation issued against the spreading or occurrence of contagious disease affecting humans, shall be punished by probation or by a fine from BGN one hundred to three hundred.

(2) If the act has been committed at the time of epidemic, connected with cases of death, the punishment shall be deprivation of liberty for up to one year or probation.

(3) (Amended, SG No. 28/1982, SG No. 10/1993) A person who violates regulation issued for prevention of food poisonings, shall be punished by probation or by a fine of up to from BGN one hundred to three hundred.

**Article 356**

(1) A person who violates the established building, sanitation and fire protection regulations in the course of designing, managing and implementing construction projects and thereby jeopardises the life of other persons, shall be punished by deprivation of liberty for up to two years.

(2) If the violation of rules under the preceding paragraph is committed through negligence, the punishment shall be deprivation of liberty for up to one year or probation.

**Section IV**

**(New, SG No. 41/1985)**

**Other Generally Dangerous Crimes**

**Article 356a**

(Amended, SG No. 21/2000, supplemented, SG No. 26/2004)

For preparation of a crime under Articles 330, 333, 334, 340, 341a, 341b, 342, paragraph (3), Articles 344, 349, 350, 352, paragraph (1), 353d, 353e, Articles 354, 354a and 354c provided the act perpetrated does not constitute a graver crime, the punishment shall be deprivation of liberty for three to eight years, but not more than the punishment provided for the respective crime.

**Article 356b**

(1) A foreign citizen, who is preparing on the territory of the Republic to commit a crime abroad under Article 242, paragraphs (2) and (3), or some of the acts indicated in Article 356a, shall be punished by deprivation of liberty for up to five years, but not more than the punishment provided for the respective crime.

(2) If for the same purpose an organisation or group has been set up, the punishment shall be deprivation of liberty from one to six years, and for the organisers and leaders - deprivation of liberty from three to eight years, but not more than the punishment provided for the respective crime.

**Article 356c**

(Repealed, SG No. 21/2000)

**Section V**

**(New, SG No. 79/1985, corrected, SG No. 80/1985)**

**Crimes Related to the Use of Nuclear Energy for Peaceful Purposes**

**Article 356d**

(1) (Amended, SG No. 10/1993) An official who orders or allows an action to be started or performed without a permit or prior to the issue of a permit as provided by the Use of Nuclear Energy for Peaceful Purposes Act, or in deviance of such a permit, shall be punished by deprivation of liberty for up to two years, or by probation, or by a fine from BGN one hundred to three hundred.

(2) If the act under the preceding paragraph has been committed for a second time, or an immediate danger has been created for the life or health of another, the punishment shall be deprivation of liberty for up to three years.

### **Article 356e**

(Amended, SG No. 10/1993)

An official who appoints or allows a person without the necessary qualifications to work with nuclear materials, nuclear equipment or other sources of ionising radiation shall be punished by deprivation of liberty for up to one year, or by probation, or by a fine from BGN one hundred to three hundred.

### **Article 356f**

(1) A person who damages nuclear materials, nuclear equipment or another source of ionising radiation, and thereby causes substantial material damages or harm to the natural environment or creates danger for the life or health of another, shall be punished by deprivation of liberty from five to fifteen years.

(2) If in the cases under the preceding paragraph there has followed:

a) medium or severe bodily injury to one or more persons, the punishment shall be deprivation of liberty from eight to fifteen years;

b) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) death of one or more persons, with or without the consequences as per letter "a", the punishment shall be deprivation of liberty from ten to twenty years, life imprisonment or life imprisonment without substitution.

### **Article 356g**

Where with the action under the preceding Article through negligence have been caused:

a) substantial material damages;

b) medium or severe bodily injury to one or more persons, with or without the consequences under letter "a";

c) death of one or more persons, with or without the consequences under letters "a" and "b",

the punishment shall be: under letter "a" - deprivation of liberty for up to five years; under letter "b" - deprivation of liberty for up to eight years; under letter "c" - deprivation of liberty from three to fifteen years.

### **Article 356h**

(1) A person who violates the rules for nuclear or radiation safety, assuming that bodily injury or death to another may ensue therefrom, shall be punished by deprivation of liberty for up to three years.

(2) A person who violates the rules for nuclear or radiation safety and intentionally inflicts considerable material damages, bodily injury or death to another, shall be punished:

a) where causing considerable material damages - by deprivation of liberty from five to fifteen years;

b) where causing medium or severe bodily injury to one or more persons, with or without the consequences under letter "a" - by deprivation of liberty from five to twenty years;

c) (Supplemented, SG No. 50/1995, amended, SG No. 153/1998) where causing the death of one or more persons, with or without the consequences as per subparagraphs "a" and "b" - by deprivation of liberty from ten to twenty years, by life imprisonment or by life imprisonment without substitution.

### **Article 356i**

Where with an action under the preceding Article, through negligence have been caused:

a) considerable material damages;

b) medium or severe bodily injury to one or more persons, with or without the consequences under letter "a";

c) death to one or more persons, with or without the consequences under letters "a" and "b",

the punishment shall be: under letter "a" - deprivation of liberty of up to five years; under letter "b" - deprivation of liberty of up to eight years; under letter "c" - deprivation of liberty from three to fifteen years.

**Article 356j**

In the cases under Article 356c, paragraph (2), Article 356d, letters "b" and "c", Article 356e, paragraph (2), and Article 356f, letters "b" and "c", the court shall deprive the culprit of rights under Article 37, sub-paragraphs 6 and 7.

**Article 356k**

(New, SG No. 26/2004)

(1) The one who, in the absence of a valid permit, acquires, holds, transports or smuggles nuclear material, sources of ionising radiation or components thereof, shall be punished by deprivation of liberty from one to six years.

(2) Where in cases under para 1 some of the following has ensued:

1. a risk for the life or health of another, the punishment shall be deprivation of liberty from two to eight years;

2. medium or serious bodily injury of one or more individuals, provided the author has not wished nor admitted it, the punishment shall be deprivation of liberty from five to ten years;

3. the death of one or more individuals, provided the author has not wished nor admitted it, the punishment shall be deprivation of liberty from eight to fifteen years and a fine from BGN ten thousand to twenty thousand.

**Chapter Twelve**

**CRIMES AGAINST THE DEFENSIVE CAPACITY OF THE REPUBLIC,  
AGAINST THE**

**INFORMATION QUALIFYING AS A STATE SECRET, AND AGAINST  
FOREIGN**

**CLASSIFIED INFORMATION**

(Title amended, SG No 26/2004)

**Section I**

**Crimes against Information Qualifying as**

**A State Secret, and against Foreign Classified Information**

**Article 357**

(1) (Repealed, renumbered from Paragraph 2, amended, SG No. 95/1975, SG No. 26/2004) The one who divulges information, qualifying as a state secret, which has been entrusted to him or has come to his knowledge officially or in connection with his work, as well as the one who divulges such information, being aware of the fact that therefrom may follow impairment of the interests of the Republic of Bulgaria, if he is not subject to more severe punishment, shall be punished by deprivation of liberty for up to five years.

(2) (Renumbered from Paragraph 3, SG, No. 95/1975) If as a result of the act, particularly grave consequences have set in or may set in for the security of the state, the punishment shall be deprivation of liberty for three to ten years.

(3) (New, SG No. 26/2004) The punishment under paras 1 and 2 shall also be imposed on the one who divulges foreign classified information obtained by virtue of an international agreement to which the Republic of Bulgaria is a party.

**Article 357a**

(New, SG No. 10/1993, repealed, SG No. 26/2004).

**Article 357b**

(New, SG No. 41/2001, repealed, SG No. 26/2004).

**Article 358**

(1) (Amended, SG No. 26/2004) The one who loses documents, publications or materials, containing information which qualifies as a state secret, or foreign classified information obtained by virtue of an international agreement to which the Republic of Bulgaria is a party, shall be punished by deprivation of liberty of up to two years or by probation.

(2) If from the act particularly grave consequences have set in or may set in, the punishment shall be deprivation of liberty for up to five years.

**Article 359**

(1) (Amended, SG No. 26/2004) A person who becomes the cause for information which qualifies as a state secret, or foreign classified information obtained by virtue of an international agreement to which the Republic of Bulgaria is a party, to be revealed through negligence shall be punished by deprivation of liberty for up to two years or by probation.

(2) (Amended, SG No. 26/2004) Where the above has occurred due to non-compliance with requirements set by law for the protection of classified information, the punishment shall be deprivation of liberty of up to three years.

**Article 360**

A person who divulges information of military, economic or other nature, which is no state secret, but the divulgence of which is forbidden by law, an order, or other administrative instruction, shall be punished by deprivation of liberty for up to one year or by probation.

## **Section II**

### **Crimes Against Doing Military Service**

**Article 361**

(1) A Bulgarian citizen who absconds from military service shall be punished by deprivation of liberty for up to three years.

(2) A reservist who fails to appear within the set term at a call up for training, check-up or muster, shall be punished by deprivation of liberty for up to three years or by probation.

**Article 362**

A person who by mutilating himself, or by intentionally making himself or another in some other way incapable of doing his military service, shall be punished by deprivation of liberty for up to five years.

**Article 363**

A person who uses contrivance or deceit for the purpose of exempting or concealing himself or another from military service, shall be punished by deprivation of liberty for up to three years.

**Article 364**

(1) A person who in time of mobilisation absconds from military service shall be punished by deprivation of liberty for a term of from one to five years.

(2) If that has been done by the perpetrator with the intent to evade in general the fulfilment of his obligation connected with military service, the punishment shall be deprivation of liberty for three to ten years.

(3) (Amended, SG No. 153/1998) If the act under paragraph (2) has been perpetrated in wartime, the punishment shall be deprivation of liberty for five to twenty years or life imprisonment without substitution.

#### **Article 365**

An official who gives untrue information about the family status or health status of a young man subject to military service, or makes out incomplete or incorrect lists, or allows a young man subject to military service to be replaced by another, shall be punished by deprivation of liberty for up to two years or by probation.

#### **Article 366**

(Amended, SG No. 28/1982, SG No. 10/1993) A person who violates his duties related to the military records of people, animals, transport vehicles or other equipment, besides the cases provided for by the special laws on keeping military records, shall be punished by deprivation of liberty for up to two years and a fine from BGN one hundred to three hundred if the perpetrated act does not constitute a graver crime, and in the time of war - by deprivation of liberty for three to ten years and by a fine from BGN one hundred to three hundred.

#### **Article 367**

(1) A person who fails to fulfil instructions related to the preparation and carrying out of mobilisation, or hinders its normal implementation, shall be punished by deprivation of liberty for one to eight years, and in particularly grave cases - by deprivation of liberty for five to fifteen years.

(2) (Amended, SG No. 28/1982, SG No. 10/1993) If the act under the preceding paragraph has been committed through negligence, the punishment shall be probation or a fine from BGN one hundred to three hundred

#### **Article 368**

A person who consciously violates his obligations in a medical examination of servicemen, reservists or recruits, in a check of technical and transport means or of animals and accessories related to the military records, shall be punished by deprivation of liberty for up to eight years, and in time of war - by deprivation of liberty for five to fifteen years.

### **Section IIa**

**(New, SG No. 132/1998)**

### **Crimes Against Doing Alternative Service in Times of Peace**

#### **Article 368a**

A Bulgarian citizen who absconds from doing alternative service in times of peace shall be punished by deprivation of liberty for up to three years.

#### **Article 368b**

A person who by mutilating himself, or by intentionally making himself or another in some other way incapable of doing alternative service in times of peace, shall be punished by deprivation of liberty for up to five years.

#### **Article 368c**

A person who uses contrivance or deceit for the purpose of exempting or concealing himself or another from alternative service in times of peace, shall be punished by deprivation of liberty for up to three years.



#### **Article 368d**

A person who leaves without permission the place of doing alternative service in times of peace or fails to appear for more than three days at the place of service upon assignment, business trip or leave, shall be punished by deprivation of liberty for up to three years.

#### **Article 368e**

A person who absconds with the intent to avoid ever doing his obligation for alternative service in times of peace, shall be punished by deprivation of liberty from one to eight years.

#### **Article 368f**

A person who absconds from the fulfilment of his obligations relating to the alternative service in times of peace by feigning ailment, document forgery or in other deceitful manner, shall be punished by deprivation of liberty from one to five years, if the perpetrated act does not constitute a graver crime.

#### **Article 368g**

A person who refuses to do his obligations relevant to the alternative service in times of peace or who systematically evades doing such obligations, shall be punished by deprivation of liberty for up to five years.

### **Section III Other Crimes**

#### **Article 369**

(1) A person who, in time of war fails to fulfil his duties in connection with anti-aircraft, anti-nuclear and anti-chemical defence, shall be punished by deprivation of liberty for up to two years.

(2) If grave consequences have set in from the act, the punishment shall be deprivation of liberty for up to eight years.

#### **Article 370**

A person who, in time of war, as mobilised labour serviceman fails to appear for service or fails to fulfil his obligations related to the work assigned to him, shall be punished by deprivation of liberty for up to five years.

### **Chapter Thirteen MILITARY CRIMES**

#### **Article 371**

(Amended, SG No. 28/1982)

For crimes under this Chapter responsibility shall bear:

- a) servicemen;
- b) persons of the rank and file, sergeants and officers personnel of the units of the Ministry of Interior;
- c) reservists during the time of their training, check up or muster;
- d) persons not mentioned in this article, for complicity in military crimes.

#### **Section I**

### **Crimes Against Subordination and Military Honour**

#### **Article 372**

(1) A person who does not carry out or refuses to carry out an order of his superior, shall be punished by deprivation of liberty for up to two years.

(2) If this has been committed by a group of persons or before the lined up formation, or in a demonstrative manner, the punishment shall be deprivation of liberty for one to five years.

(3) For crimes under the preceding paragraphs in particularly grave cases, the punishment shall be deprivation of liberty for three to ten years.

**Article 373**

The punishment under the respective paragraphs of the preceding article shall also be imposed for failure or refusal to fulfil a lawful request of a military official carrying out duties relevant to the military service.

**Article 374**

A person who openly expresses dissatisfaction with an order or command of his superior shall be punished by deprivation of liberty for up to one year.

**Article 375**

A person who threatens his superior or a military official, who carries out duties related to the military service, with bodily injury or murder, shall be punished by deprivation of liberty for up to three years.

**Article 376**

(1) A person who resists his superior or a military official, carrying out military service duties, shall be punished by deprivation of liberty for up to five years.

(2) The same punishment shall also be imposed on a person who compels such a person to violate his duties.

(3) If the act under the preceding paragraph has been perpetrated with arms or by a group of persons, the punishment shall be deprivation of liberty for two to eight years and in particularly grave cases - deprivation of liberty for three to fifteen years.

**Article 377**

(1) (Amended, SG No. 28/1982) A person who commits an act of violence with respect to his superior, as well as with respect to a military official, in the course of or in connection with the fulfilment of military service duties, shall be punished by deprivation of liberty for one to ten years.

(2) If grave consequences have set in from the act, the punishment shall be deprivation of liberty for three to fifteen years.

**Article 378**

(Amended, SG No. 28/1982)

(1) A person who insults or slanders a person indicated in Article 371, letters "a", "b" and "c", shall be punished by deprivation of liberty for up to one year and public censure.

(2) Where the act under the preceding paragraph has been committed by a subordinate against a superior, by a superior against a subordinate, as well as by a military official or against a military official in the course of or in connection with the fulfilment of military service duties, the punishment shall be deprivation of liberty for up to three years and public censure.

(3) The punishment under paragraph (2) shall also be imposed on a person who, in the absence of his superior, says or does something which is of such a nature as to undermine the honour or dignity of the latter.

**Article 379**

(Amended, SG No. 28/1982)

(1) A person who inflicts trivial bodily injury on a person indicated in Article 371, letters "a", "b" and "c", if the act committed does not constitute a graver crime, shall be punished by deprivation of liberty for up to one year.

(2) For infliction of trivial bodily injury by superior on subordinate, by military official in the course of, or in connection with, the fulfilment of military service duties, or on more than one person, the punishment shall be deprivation of liberty for up to three years.

**Article 379a**

(New, SG No. 28/1982)

A person who commits an act of violence or an unseemly action, grossly violating the army order and expressing open disrespect for the military honour and dignity of a serviceman, if the act does not constitute a graver crime, shall be punished by deprivation of liberty for one to six years.

## **Section II**

### **Defection from Military Service**

**Article 380**

(Amended, SG No. 28/1982)

(1) A person who, without permission absents himself from his unit or the place of his service or fails to appear for service where assigned, transferred, sent on a mission, upon return from leave, from a hospital or correctional establishment, for a term of 24 to 72 hours, shall be punished for defection from military service by deprivation of liberty for up to two years.

(2) By the punishment under the preceding paragraph shall also be punished a person who absents himself for less than 24 hours, if the act has been perpetrated systematically, by groups, or if the perpetrator has been convicted for defection from military service.

**Article 381**

(Amended, SG No. 28/1982)

A person who absents himself from military service for more than 72 hours, or if the act under paragraph (1) of the preceding article has been perpetrated systematically, repeatedly or by groups, shall be punished by deprivation of liberty for up to five years.

**Article 382**

A person who absents himself with the intent of avoiding permanently the duty of doing his military service, shall be punished by deprivation of liberty for one to eight years.

**Article 383**

(1) (Amended, SG No. 28/1982) A person who evades a military service duty by simulating disease, by forging documents or in another deceitful manner, if the act does not constitute a graver crime, shall be punished by deprivation of liberty for one to five years.

(2) A person who evades military service duty by causing impairment of his health, shall be punished by deprivation of liberty for one to eight years.

(3) If the act under the preceding paragraphs constitutes a particularly grave crime, the punishment shall be deprivation of liberty for three to ten years.

**Article 384**

(Repealed, SG No. 28/1982)

**Article 385**

A person who refuses to carry out his duties related to military service or systematically evades carrying out such duties, shall be punished by deprivation of liberty for up to five years.

**Article 386**

(1) (New, SG No. 89/1986) A person who absconds from military service with the intention to leave the country without permission by the respective authorities, shall be punished by deprivation of liberty for one to eight years.

(2) Renumbered from Paragraph 1, SG No. 89/1986) A person who absents himself from military service by crossing the boundaries of the country without permission from the respective authorities, or does not return to it within the set time limit, if his act does not constitute a graver crime, shall be punished by deprivation of liberty for three to ten years.

(3) (Renumbered from Paragraph 2, supplemented, SG No. 28/1982, amended, SG No. 89/1986) For preparation under the preceding paragraphs, the punishment shall be deprivation of liberty for up to five years.

### **Section III**

#### **Malfeasances**

##### **Article 387**

(1) A person who abuses his power or his official position, who fails to fulfil his official duties or oversteps his power, and harmful consequences have set in therefrom, shall be punished by deprivation of liberty for up to three years.

(2) (Amended, SG No. 28/1982) If grave consequences have set in from the act, or if it has been systematically performed by a superior with respect to a subordinate, the punishment shall be deprivation of liberty for one to eight years.

(3) (Amended, SG No. 89/1986) If the act under the preceding paragraphs has been committed with the purpose for the perpetrator to acquire for himself or for another property benefit, or to cause harm to another, the punishment shall be: deprivation of liberty for one to five years under paragraph (1), for three to eight years under paragraph (2), and in particularly grave cases - for three to ten years, and the court shall rule also deprivation of right under Article 37, sub-paragraph 6.

(4) (New, SG No. 28/1982, renumbered from Paragraph 3, SG No. 89/1986) Where the harmful consequences have been caused through negligence, the punishment shall be: under paragraph (1) - deprivation of liberty for up to two years; under paragraph (2) - deprivation of liberty for up to five years.

##### **Article 388**

(1) (Amended and supplemented, SG No. 28/1982) A person who through negligence violates or fails to fulfil his official duties, and harmful consequences result therefrom, if the committed act does not constitute a graver crime, shall be punished by deprivation of liberty for up to two years.

(2) If grave consequences have set in from the act, the punishment shall be deprivation of liberty for up to five years.

### **Section IV**

#### **Crimes Against Guard, Sentry, Patrol, Interior and Frontier Service Duties**

##### **Article 389**

(1) A person who, intentionally or through negligence, violates the established statute rules of guard, sentry or patrol duty or the instructions issued on the basis of these rules, shall be punished by deprivation of liberty for up to one year.

(2) If the crime has been committed at a site of particularly great state or military importance, the punishment shall be deprivation of liberty for up to three years.

(3) If the crime has occurred with setting in of harmful consequences for the averting of which the guard, sentry or patrol has been set up, the punishment shall be deprivation of liberty for one to eight years.

(4) If the crime under paragraphs (2) and (3) constitutes a particularly grave case, the punishment shall be deprivation of liberty for three to ten years.

#### **Article 390**

The punishment under the respective paragraphs of the preceding article shall also be imposed on a person on a detail for duty, who violates the established rules for observation or signalisation relevant to securing the anti-aircraft, anti nuclear, anti-chemical or sanitary defence, as well as the defence of the water areas.

#### **Article 391**

(1) A person from the day-and-night duty detail, who intentionally or through negligence violates statute rules of the internal service duties, shall be punished in cases other than minor by deprivation of liberty for up to six months.

(2) If the crime has occurred with setting in of harmful consequences, for the averting of which the duty detail has been established, the punishment shall be deprivation of liberty for up to two years.

(3) If the act constitutes a particularly grave case, the punishment shall be deprivation of liberty for up to three years.

#### **Article 392**

(1) A person from the composition of a frontier duty detail, who intentionally or through negligence violates the rules governing the protection of the state frontier, shall be punished by deprivation of liberty for up to three years.

(2) If the act has been manifested as unwarranted abandonment or failure to occupy and stand guard over the secured site or sector of the state frontier, the punishment shall be deprivation of liberty for one to eight years.

(3) For the crimes under the preceding paragraphs in particularly grave cases the punishment shall be deprivation of liberty for three to fifteen years.

### **Section V**

#### **Other Military Crimes**

#### **Article 393**

A person who divulges in any way information of a military nature qualifying as a state secret or foreign classified information obtained by virtue of an international agreement to which the Republic of Bulgaria is a party, if he is not subject to more severe punishment, shall be punished by deprivation of liberty for three to ten years.

#### **Article 394**

(Repealed, SG No. 28/1982)

#### **Article 395**

A person who abandons or loses objects given to him for personal use in the service, shall be punished in cases other than minor by deprivation of liberty for up to one year.

### **Section VI**

#### **Military Crimes Committed in Time of War or in Combat Situation**

#### **Article 396**

(Amended and supplemented, SG No. 28/1982)

For military crimes committed in time of war or in combat situation, the punishment shall be:

1. under Article 387, paragraph (3), sentence one, Article 388, paragraph (1) and Article 391 - deprivation of liberty for up to five years;

2. under Article 372, paragraph (1), Article 373 in connection with Article 372, paragraph (1), Articles 374, 375, 380 and 387, paragraph (3), sentence two, Article 388, paragraph (2) - deprivation of liberty for up to eight years;

3. under Articles 381, 385, 386, paragraph (2), Article 387, paragraph (1) - deprivation of liberty for three to ten years;

4. under Article 373 in connection with Article 372, paragraphs (2) and (3), Article 387, paragraph (2), Article 389, paragraphs (2) and (3), Article 390 - deprivation of liberty for three to fifteen years.

#### **Article 397**

(1) For the crimes under Article 372, paragraphs (2) and (3), Articles 376, 377, paragraph (2), Articles 382, 383, paragraph (3), committed in wartime or in combat situation, the punishment shall be deprivation of liberty for a term of from five to twenty years, or life imprisonment without substitution.

(2) (Amended and supplemented, SG No. 28/1982,; SG No. 153/1998) For the crime under Article 101, paragraph (2), and Article 386, paragraph (1), committed in wartime or in combat situation, the punishment shall be deprivation of liberty for twenty years or life imprisonment without substitution.

#### **Article 397a**

(New, SG No. 28/1982)

(1) A person who in time of war or in combat situation, unwarrantedly abandons his place of service or does not report for duty for not more than 24 hours, shall be punished by deprivation of liberty for up to five years.

(2) A person who in time of war or combat situation, through negligence fails to report for duty for more than 24 hours, shall be punished by deprivation of liberty for up to five years.

### **Section VII**

#### **Crimes Related to Military Operations**

##### **Article 398**

(1) A commander who:

a) fails to destroy or reduce to unfitness the entrusted to him means of waging war or fails to take the necessary measures for their destruction or reduction to unfitness, where they are under immediate threat to be captured by the enemy, or

b) although he has not received any order for military operations, but where it has been necessary to act, failed to provoke in good time the issuance of such an order or, under circumstances of emergency fails to act on his own initiative, shall be punished by deprivation of liberty for three to fifteen years, insofar as his act does not constitute a graver crime.

(2) If the act has been committed through negligence, the punishment shall be deprivation of liberty for up to five years.

##### **Article 399**

(Amended, SG No. 153/1998)

A commander of a perishing naval vessel who, without having done his official duty to the end, abandons the vessel, as well as a member of the vessel crew who abandons the vessel

without an order from his commander, shall be punished by deprivation of liberty for ten to twenty years or life imprisonment without substitution.

**Article 400**

(Amended, SG No. 28/1982, SG No. 153/1998)

A person who unwarrantedly abandons the battlefield during a battle or surrenders into captivity due to fear or cowardice, or refuses during a battle to act with arms, shall be punished by deprivation of liberty for a term of twenty years or by life imprisonment without substitution.

**Article 401**

A person who, while in captivity, voluntarily takes part in work which is of immediate military importance, if his act does not constitute a graver crime, shall be punished by deprivation of liberty for two to eight years.

**Article 402**

A person who, while in captivity, being of senior rank, treats with cruelty another prisoner of war, shall be punished by deprivation of liberty for two to eight years.

**Article 403**

A person who, while in captivity, for the purpose of procuring benefit for himself or for securing a condescending attitude on behalf of the enemy, performs an act to the detriment of another war prisoner, shall be punished by deprivation of liberty for one to five years.

**Article 404**

A person who robs, steals, appropriates, damages, destroys or unlawfully takes away property belonging to population within the region of military operations, if the act committed does not constitute a graver crime, shall be punished by deprivation of liberty for three to fifteen years, and in particularly grave cases - by deprivation of liberty for ten to fifteen years.

**Article 405**

A person who on the battlefield takes away objects from a wounded, a captive or a killed person, with the intention unlawfully to appropriate them, if his act does not constitute a graver crime, shall be punished for marauding by deprivation of liberty for three to fifteen years and in particularly grave cases - by deprivation of liberty for ten to fifteen years.

**ADDITIONAL PROVISION**

**Article 406**

(1) (Amended, SG No. 153/1998) For all crimes under this Chapter, wherefore a punishment by deprivation of liberty for a term of more than ten years or life imprisonment without substitution is provided, the court shall also rule deprivation of rights as per Article 37, sub-paragraphs 6, 7, 9 and 10.

(2) For the crimes under Articles 386 and 393 the court may also rule deprivation of the rights under Article 37, sub-paragraphs 9 and 10.

(3) (Repealed, renumbered from Paragraph 4, amended, SG No. 28/1982, repealed, SG No. 86/2005).

(4) (New, SG No. 28/1982, repealed, SG No. 86/2005).

**Chapter Fourteen**

**CRIMES AGAINST PEACE AND HUMANITY**

**Section I**

**Crimes Against Peace**

**Article 407**

A person who in any way makes propaganda for war, shall be punished by deprivation of liberty for up to eight years.

**Article 408**

A person who, directly or indirectly, through the press, by speech, over the radio or in any other way, strives to provoke an armed attack by one state on another, shall be punished for abetment to war by deprivation of liberty for three to ten years.

**Article 409**

(Amended, SG No. 153/1998)

A person who plans, prepares or wages an aggressive war, shall be punished by deprivation of liberty for a term of fifteen to twenty years, or by life imprisonment without substitution.

## **Section II**

### **Crimes Against the Laws and Customs of Waging War**

**Article 410**

A person who in violation of the rules of international law for waging war:

a) perpetrates or orders the perpetration of, on wounded, sick, shipwrecked persons or sanitary personnel, acts of murder, tortures, or inhuman treatment, including biological experiments, inflicts or orders grave sufferings, mutilation or other impairments of health to be inflicted to such persons;

b) perpetrates, or orders to be perpetrated, major destruction or appropriations of sanitary materials or installations,

(Amended, SG No. 153/1998) shall be punished by deprivation of liberty for a term of from five up to twenty years, or by life imprisonment without substitution.

**Article 411**

A person who in violation of the rules of international law for waging war:

a) perpetrates or orders to be perpetrated with regard to prisoners of war murder, tortures or inhuman treatment, including biological experiments or causes or orders grave sufferings, mutilation or other impairments of health to be inflicted on such persons;

b) compels a prisoner of war to serve in the armed forces of the enemy state, or

c) deprives a prisoner of war of the right to be tried by a regular court and under a regular procedure,

(Amended, SG No. 153/1998) shall be punished by deprivation of liberty for a term of from five up to twenty years or by life imprisonment without substitution.

**Article 412**

(Amended, SG No. 153/1998)

A person who in violation of the rules of international law for waging war:

a) perpetrates or orders with regard to the civil population murders, tortures, inhuman treatment, including biological experiments to be perpetrated, causes or orders grave sufferings, mutilation or other serious impairments of health to be inflicted;

b) takes or orders hostages to be taken;

c) carries out or orders unlawful deportations, persecutions or detentions to be effected;

d) compels a civilian to serve in the armed forces of an enemy state;

e) deprives a civilian of his right to be tried by a regular court and under a regular procedure;

f) unlawfully and arbitrarily perpetrates or orders the perpetration of destruction or appropriations of property on a large scale,



(Amended, SG No. 153/1998) shall be punished by deprivation of liberty for a term of from five up to twenty years or by life imprisonment without substitution.

**Article 413**

A person who, without having such right, bears the insignia of the Red Cross or of the Red Crescent or who abuses a flag or the insignia of the Red Cross or the Red Crescent or the colour determined for transport vehicles for sanitary evacuation, shall be punished by deprivation of liberty for up to two years.

**Article 414**

(1) A person who, in violation of the rules of international law for waging war destroys, damages or makes unfit cultural or historical monuments and objects, works of art, buildings and equipment intended for cultural, scientific or other humanitarian purposes, shall be punished by deprivation of liberty for one to ten years.

(2) The same punishment shall also be imposed on a person who steals, unlawfully appropriates or conceals objects indicated in the preceding paragraph or imposes contribution or confiscation with respect to such objects.

**Article 415**

(1) (Supplemented, SG. No. 62/1997, amended and supplemented, SG No. 92/2002) A person who, in violation of the rules of international law for waging war uses or orders nuclear, chemical, bacteriological, biological or toxic weapons or impermissible ways or means for waging war to be used, shall be punished by deprivation of liberty for three to ten years.

(2) (Amended, SG No. 153/1998) If particularly grave consequences have set in therefrom, the punishment shall be deprivation of liberty for a term of from ten up to twenty years or life imprisonment without substitution.

**Article 415a**

(New, SG No. 92/2002)

Anyone who undertakes military preparation for the use of nuclear, chemical, bacteriological, biological or toxic weaponry as means of war, shall be punished by deprivation of liberty from one to six years.

### **Section III**

#### **(Heading supplemented, SG No. 95/1975)**

#### **Liquidation of Groups of the Population (Genocide) and Apartheid**

**Article 416**

(1) A person who, for the purpose of liquidating, completely or in part, a certain national, ethnic, racial or religious group:

a) causes death, severe bodily injury or permanent derangement of the consciousness of a person belonging to such a group;

b) places the group under living conditions such that lead to its full or partial physical liquidation;

c) takes measures aimed at checking the birth rate amid such a group;

d) forcefully transfers children from one group to another,

(Amended, SG No. 153/1998) shall be punished for genocide by deprivation of liberty for a term of from ten up to twenty years or by life imprisonment without substitution.

(2) (Previous Article 417,- SG, No. 95/1975) A person who commits preparation for genocide shall be punished by deprivation of liberty for two to eight years.

(3) (Previous Article 418, SG No. 95/1975) A person who openly and directly incites genocide, shall be punished by deprivation of liberty for one to eight years.

**Article 417**

(New, SG No. 95/1975, amended, SG No. 153/1998)

A person who with the aim of establishing or maintaining domination or systematic oppression of one racial group of people over another racial group of people:

a) causes death or severe bodily injury to one or more persons of such a group of people,  
or

b) imposes living conditions of such a nature as to cause complete or partial physical liquidation of a racial group of people,

(Amended, SG No. 153/1998) shall be punished for apartheid by deprivation of liberty for a term of from ten up to twenty years or by life imprisonment without substitution.

**Article 418**

(New, SG No. 95/1975)

A person who for the purpose under the preceding article:

a) unlawfully deprives of liberty members of a racial group of people or subjects them to compulsory labour;

b) puts into operation measures for hindering the participation of a racial group of people in the political, social, economic and cultural life of the country, and for intentional creation of conditions hampering the full development of such a group of people, in particular by depriving its members of the basic freedoms and rights of citizens;

c) puts into operation measures for dividing the population by racial features through setting up of reservations and ghettos, through the ban of mixed marriages between members of different racial groups or through expropriation of real property belonging thereto;

d) deprives of basic rights and freedoms organisations and persons, because they are opposed to apartheid,

shall be punished by deprivation of liberty for five to fifteen years.

**ADDITIONAL PROVISION**

**Article 419**

In accordance with the differentiation under the preceding article punished shall be also a person who consciously allows his subordinate to commit a crime provided for in this Chapter.

**TRANSITIONAL PROVISIONS**

**Article 420**

This Code shall enter into force as of 1 May, 1968, and shall repeal:

1. The Criminal code of 1951;
2. The Protection of Peace Act of 1951;
3. The Decree on Stepping up the Struggle Against the Persons Evading Socially Useful Labour and Leading Anti-Social, Parasitic Way of Life.

**Article 421**

The persons convicted to deprivation of the right to elect or to be elected or of the right to receive a certain pension (Article 28, sub- paragraphs 1 and 4 of the Criminal code of 1951) shall be exempted from that punishment from the day of entry into force of this Code.

**Article 422**

The capital punishment of persons convicted for crimes, for which no such punishment is provided under this Code, shall be substituted for deprivation liberty for a period of twenty years. This provision shall enter into force as from the day of the promulgation of this Code.

### **Article 423**

The measures imposed by the entry of this Code into force under the Decree on Stepping up the Struggle Against the Persons, Evading Socially Useful Labour and Leading Anti-Social, Parasitic Way of Life, shall be implemented by the procedure established therein, whereas the maximum term of these measures under Article 1, paragraph (1), letter "b", shall be reduced to three years.

### **Article 424**

(Amended, SG No. 92/1969, 95/1975, 3/1977, supplemented

SG No. 89/1979, amended and supplemented SG No. 28/1982, 89/1986)

(1) (Amended, SG No. 10/1993, supplemented, SG 62/1997, SG No. 51/2000) For the acts under Article 135, paragraph (5), Article 218b, Article 225b, paragraph (3), Article 228, paragraph (3), Article 231, paragraph (2), Article 232, paragraph (3), Article 242, paragraph (6), Article 254a, paragraph (3), Article 257, paragraph (2), Article 277, paragraph (2), Article 278c, paragraph (2), Article 352, paragraph (4), Article 352a, paragraphs (3) and (5), and Article 353, paragraph (4), the provisions of the Administrative Violations and Sanctions Act shall be applied.

(2) (Amended, SG No. 1/1991, SG No. 10/1993, supplemented, SG No. 62/1997) Penal orders shall be issued:

a) under Article 135, paragraph (5) - by the Minister of Health;

b) under Article 225b, paragraph (3) and Article 257, paragraph (2) - by the Minister of Trade or the Minister of Finance: under Article 228, paragraph (3) and Article 231, paragraph (2) - by the Minister of Trade or by the Chairman of the Committee for Standardisation and Metrology;

c) under Article 232, paragraph (3) - by the Minister of Trade, by the Minister of Finance or by the Chairman of the Committee for Standardisation and Metrology;

d) (Supplemented, SG No. 51/2000) under Article 242, paragraph (6) and Article 254a, paragraph (3) - by the Minister of Finance;

e) under Article 278c, paragraph (2), Article 352, paragraph (4), Article 352a, paragraphs (3) and (5) and Article 353, paragraph (4) - by the Minister of Environment, and where the violation is in connection with pollution of sea waters - by the Minister of Environment or by the Minister of Transport;

f) (Repealed, SG No. 10/1993);

g) (Repealed, SG No. 1/1991);

(3) In the cases under the preceding paragraph penal orders may also be issued by officials authorised by the heads of the respective departments.

(4) The administrative punishment of a fine under Article 277, paragraph (2) shall be imposed personally by the district judge, with no need for issue of an act under Article 36 of the Administrative Violations and Sanctions Act. The decision of the judge shall not be subject to appeal, but only to revision by way of supervision under the conditions of Articles 65 - 69 of the Administrative Violations and Sanctions Act.

(5) (Amended, SG No. 10/1993) The administrative punishment of a fine under Article 218b shall be imposed by penal order of the mayor on the basis of materials sent to him by the prosecutor, or of an act by the administration of the enterprise, the institution or by the control bodies. Where the violation has been ascertained by bodies of the Ministry of Interior, the penal order shall be issued by the Minister of Interior or by a person authorised thereby.

(6) (Amended, SG No. 86/2005) As regards the military service officers, as well as the officers and non-commissioned officers and the rank-and-file staff of other agencies, the administrative sanctions provided for in this code shall be imposed by the respective commanders

and heads, having the right to impose disciplinary sanctions. In this case the appeals against penal decrees shall be examined by a military court.

(7) (Repealed, SG No. 86/2005).

(8) (Amended, SG No. 10/1993) For minor cases of violations under Article 225b, paragraph (3), ascertained at the time of their commitment, the authorised control bodies may impose on the spot a fine from BGN one hundred to three hundred pursuant to Article 39, paragraph (2) of the Administrative Violations and Sanctions Act.

#### **Article 425**

(New, SG No. 10/1993, repealed, SG No. 51/1999)

#### **Article 426**

(New, SG No. 50/1995)

Persons who, on the grounds of the current Article 343b, sentence two, have been permanently deprived of the right to drive a motor vehicle, may restore their right not earlier than three years following the serving of the punishment deprivation of liberty and after they pass examination for acquiring the right to drive a motor vehicle.

#### **AMENDMENTS TO OTHER LAWS**

##### **§ 1. To the Bulgarian Citizenship Act:**

In Article 26 the words "and in particularly important cases by deprivation of liberty" shall be deleted.

##### **§ 2. To the Forestry Act:**

1. In Article 42, paragraph (1), after the words "felled or fallen" shall be added the words "where the amount of the damage is less than BGN one hundred".

Paragraph (2) of the same article shall be revoked.

2. In Article 43 the words "paragraph (1) " and the words at the end "and in the cases under paragraph (2) of the same Article - by deprivation of liberty for up to three years or by probation" shall be deleted.

3. In Article 45, paragraph (1), after the words "forest nursery" shall be added the words "where the amount of the damage is less than BGN one hundred".

Paragraph (2) of the same article shall be revoked.

4. In Article 52, paragraph (2), the wording "by deprivation of liberty for a term of up to three years or by probation" shall be substituted for the wording "by a fine of up to BGN five hundred".

##### **§ 3. To the Plant Protection against Diseases and Pests Act:**

In Article 10, paragraph (1), after the words "quarantine of plants" shall be added the words "insofar as the act does not constitute a crime", and the words "by deprivation of liberty for up to five years, and in minor cases" shall be deleted.

##### **§ 4. To the Customs Act:**

1. In Article 51, paragraph (1), after the words "under the established procedure" shall be added the words "insofar as the act does not constitute a crime".

2. Paragraph (2) of Article 51 shall be amended as follows:

"The goods, object of contraband, as well as the transport and carriage means used mainly for their transport or carrying across the frontier, notwithstanding of their ownership, shall be confiscated in favour of the state and if they were missing or sold, a sum equal to their value shall be adjudged at the respective state retail prices."

3. In Articles 52, 53, 54 and 59 the wording "shall be confiscated" shall be substituted for the wording "shall be confiscated in favour of the state", and in Article 61 the wording "to confiscation" shall be substituted for the wording "to confiscation in favour of the state".

4. Articles 55 and 57 shall be hereby revoked.

§ 5. To the Transactions with Currency Valuables and Currency Control Act:

1. In Articles 37 and 38, paragraph (2), the wording "under Article 240" shall be substituted for the wording "under Article 250".

2. Article 39 shall be amended as follows:

"For acts under Article 250, paragraph (3) of the Criminal code the provisions of Chapter XXVIII of the Penal Procedure Code shall be applied.

The penal orders shall be issued by the Minister of Finance or by officials appointed thereby.

If the value of the object of the crime is up to BGN twenty, a fine of twice this amount shall be imposed by the body who has ascertained the violation, or by another duly authorised person. The imposition of the fine shall be subject to appeal before the Ministry of Finance. "

§ 6. To the Rent Act:

In Article 37 the words "by deprivation of liberty for up to one year or" shall be deleted.

§ 7. To the Protection of Air, Waters and Soil Against Pollution Act:

Articles 18 and 19 shall be revoked.

§ 8. To the Planned Building up of Inhabited Places Act:

In Article 67, paragraph (1), the wording "by imprisonment for a term of up to one year" shall be substituted for the wording "by a fine in the amount of up to BGN one thousand".

§ 9. To the Hunting Act:

Article 21 shall be amended as follows:

"A person who kills or catches without a due permit big game, such as stag, doe, wild goat, fallow deer, roe deer, bear, wild boar, shall be punished under Article 237, paragraph (1) of the Criminal code.

A person who without having a hunting licence, kills or catches hare, marten, weasel, wood-grouse, pheasant, partridge or rock partridge, as well as a person who although possessing a hunting licence kills or catches such game in the closed season, in prohibited area or by forbidden means, shall be punished under Article 237, paragraph (2) of the Criminal code.

A person who, without having a hunting licence, kills or catches wild goose, wild duck, bustard, hazel-hen, squirrel, pigeon, turtle-dove, quail or any other kind of useful game, which is subject of hunting, shall be punished by a fine of up BGN to fifty.

By the punishment under the preceding paragraph shall also be punished a person who, although possessing a hunting licence, kills or catches such game in the closed season, at a prohibited place, or by forbidden means.

The game killed or caught shall be confiscated in favour of the state, and if it is missing or has been sold, a sum equal to its value shall be paid".

§ 10. To the Fishing Act:

1. Paragraph (2) of Article 23 shall be revoked.

2. Articles 24 and 35 shall be revoked.

§ 11. To the Control of Explosives, Weapons and Ammunition Act:

In Article 14 the words "deprivation of liberty" shall be deleted.

The application of this Code shall be hereby assigned to the Minister of Justice.

**AMENDMENT TO THE CRIMINAL CODE ACT**

(Promulgated State Gazette No. 28/1982)

**TRANSITIONAL PROVISION**

§ 151. For the crimes which under this Act shall be prosecuted on the basis of complaint by the victim, the terms under Article 84, paragraphs (1) and (2) shall commence as from the

entry of this Act into force. The proceedings pending before the court shall be brought to an end under the hitherto established procedure.

**AMENDMENT TO THE CRIMINAL CODE ACT**

Promulgated, State Gazette No. 10/1993

§ 43. Everywhere in the Criminal Code the words "Popular Republic of Bulgaria" shall be substituted for "Republic of Bulgaria", the words "the Popular Republic" shall be substituted for "the republic", the words "the popular militia" shall be substituted for "the police", the words "the socialist economy" shall be substituted for "the economy", the words "the rules of socialist cohabitation" shall be substituted for "good morals" and the words "the State Council" shall be substituted for "the President".

**AMENDMENT TO THE CRIMINAL CODE ACT**

Promulgated in the State Gazette No. 62/1997

**TRANSITIONAL AND CONCLUDING PROVISIONS**

§ 75. The provisions of Articles 255 and 257 shall come into force three months following the promulgation of this Act in the State Gazette. If within the above time limit the undeclared and unpaid tax obligations, together with the interest due, are paid to the budget, no preliminary proceedings shall be instigated.

**AMENDMENT TO THE CRIMINAL CODE ACT**

(Promulgated State Gazette No. 153/1998)

**ADDITIONAL PROVISION**

§ 41. Chapter Twelve "Execution of the Capital Punishment" of the Execution of Punishments Act (promulgated, SG, No. 30/1969; Amended, SG No. 34/1974, 84/1977, 36/1979, 28/1982, 27 and 89/1986, 26/1988, 21/1990, 109/1993, 50/1995, 12 and 13/1997 and 73/1998) shall be hereby repealed.

This Act was adopted by the XXXVIII National Assembly on December 10, 1998 and the State Seal has been attached hereto.

**AMENDMENT TO THE CRIMINAL CODE ACT**

(Promulgated State Gazette No. 21/17.03.2000)

**TRANSITIONAL PROVISION**

§ 26. Pending proceedings on the day of entering into force of this Act for crimes under Articles 146 - 148a, shall be completed under the rules existing hitherto, if within a three month time limit from the entry into force of this Act the aggrieved party requests so.

**AMENDMENT TO THE CRIMINAL CODE ACT**

Promulgated in the State Gazette No. 92/27.09.2002, amended,

SG No. 26/2004 (effective 1.01.2004), supplemented, SG

No. 103/2004 (effective 23.11.2004)

**ADDITIONAL PROVISIONS**

§ 87. The punishment of fine of up to BGN one hundred in all provisions of the Special Part of this Code shall be substituted for a fine from BGN one hundred to three hundred.

§ 88. (Effective 1.01.2005 - amended, SG No. 26/2004, effective 1.01.2004) "Compulsory domicile" and "Deprivation of title to hold residence in a certain agglomerated area" shall be deleted from all provisions of the General Part of this Code, and in provisions of the Special Part thereof "Compulsory domicile" shall be substituted for "Probation".

**TRANSITIONAL AND CONCLUDING PROVISIONS**

§ 89. (Amended, SG No. 26/2004, effective 1.01.2004) Paragraphs 1, 3, 5, 8, 9, 10, 11, 12 - with regard to the punishment of probation, as well as paragraphs 13 - 17, 18, item 2-5, 19, 20, 21, 42, item 4, 43, and 88 shall enter into force on 1st January 2005.

§ 90. (Supplemented, SG No. 103/2004, effective 23.11.2004, amended, SG No. 86/2005) Recidivists with sentences entered in force, convicted by virtue of the art. 26 version prior to entry in force of this act (in force since 8th August 1997), shall serve the punishment under each of their sentences, however not beyond the maximum amount of punishment for the most serious of the crimes they had been sentenced for. The punishment shall be determined pursuant to Art. 306 Criminal Procedure Code.

§ 91. Proceedings pending as of the date of entry into force of this act with regard to crimes under art. 172, par. 2, art. 182, par. 2, and art. 183 shall be completed following the previous rules if, within three months of the entry in force of this act, the victim so requests.

\* Editorial Comment - By virtue of § 7 Criminal Code Amendment Act (SG No. 92/27.09.2002)

Art. 47, para 1 CC General Part, setting the minimum amount of the punishment 'fine' was amended. It was thereby increased from BGN 0.5 to 100. In § 87 Additional Provisions a substitution of all fines from the Special Part whose amount was below BGN 100 was envisaged.

The drafting of § 87 is not fully precise, since it is not clear in what way the fines contained in the Special Part, both of whose minimum and maximum are below BGN 100 or of which only the minimum is below BGN 100 and the maximum above BGN 300, need to be amended. In our view, a corrective interpretation of the provision of § 87 CCAA is required, i. e.:

TM The fines in respect of which only a maximum amount below BGN 100 has been set up shall be substituted for fines between BGN 100 to 300.

TM The fines both of whose minimum and maximum are below BGN 100 shall be substituted for fines between BGN 100 to 300.

#### AMENDMENT TO THE CRIMINAL CODE ACT

Promulgated State Gazette No. 103/23.11.2004, (effective 1.01.2005)

.....

§ 43. Everywhere in the Special Part the words 'corrective labour' shall be substituted for 'probation'.

Lev Re-denomination Act

Promulgated, SG No. 20/5.05.1999, supplemented, SG No. 65/20.07.1999 (effective 5.07.1999)

#### TRANSITIONAL AND FINAL PROVISIONS

.....

§ 4. (1) (Supplemented, SG No. 65/1999) Upon the entry of this Act into force, all figures expressed in old lev terms as indicated in the laws which will have entered into force prior to the 5th day of July 1999 shall be replaced by figures expressed in new lev terms, reduced by a factor of 1,000. The replacement of all figures expressed in old lev terms, reduced by a factor of 1,000, shall furthermore apply to all laws passed prior to the 5th day of July 1999 which have entered or will enter into force after the 5th day of July 1999.

(2) The authorities, which have adopted or issued any acts of subordinate legislation which will have entered into force prior to the 5th day of July 1999 and which contain figures expressed in lev terms, shall amend the said acts to bring them in conformity with this Act so that the amendments apply as from the date of entry of this Act into force.

.....

§ 7. This Act shall enter into force on the 5th day of July 1999.