LAW FOR THE ADMINISTRATIVE OFFENCES AND SANCTIONS

Prom. SG 92 1969; Amend. SG 54 1978; Amend. SG 28 1982; Amend. SG 28 1983; Amend. SG 101 1983; Amend. SG 89 1986; Amend. SG 24 1987; Amend. SG 94 1990; Amend. SG 105 1991; Amend. SG 59 1992; Amend. SG 102 1995; Amend. SG 12 1996; Amend. SG 110 1996; Amend. and Suppl. SG 11 1998; Suppl. SG 15 1998; Amend. SG 59 1998; Suppl. SG 85 1998; Suppl. SG 51 1999; Amend. and Suppl. SG 67 1999; Suppl. SG 114 1999; Amend. SG 92 2000; Amend. SG 25 2002;

Chapter I. GENERAL

Art. 1. (Amend., SG 59/92) This law sets the general rules regarding the administrative offences and sanctions, the order of establishing the administrative offences, of imposing and fulfilment of the administrative sanctions and provides the necessary guarantees for the protection of the rights and the legal interests of the citizens and organisations.

Art. 2. (1) The acts representing administrative offences and the respective sanctions shall be determined by a law or an edict.
(2) If the violation of a law or an edict is generally declared as indictable by a punishment determined in type and size the Council of Ministers and the members of the government, if empowered by the respective law or edict, can determine the concrete corpus delicti.
(3) (Amend., SG 59/92) The municipal councils, in issuing ordinances, shall determine the administrative corpus delicti and the corresponding punishments stipulated by the Law for the local independent government and local administration.

Art. 3. (1) Applied for every administrative offence shall be the normative act which was in force at the time of its commitment.
(2) If, until the enactment of the penal provision, follow different normative provisions applied shall be the one which is more favourable for the offender.

Art. 4. (Amend., SG 59/92) This law and the other laws and edicts stipulating administrative sanctions shall apply for all administrative offences committed on the territory of the Republic of Bulgaria, on a Bulgarian ship or aeroplane and regarding Bulgarian citizens who have committed administrative offences abroad punishable by the Bulgarian laws, if they affect the interests of our country.

Art. 5. (Amend., SG 59/92) The issue of the responsibility of foreigners using immunity regarding the administrative penal jurisdiction of the Republic of Bulgaria shall be settled according to the norms of the international law adopted by it.

Chapter II. ADMINISTRATIVE OFFENCES AND SANCTIONS

Section I. Administrative offences

Art. 6. (Amend., SG 59/92) Administrative offence is such an act (activity or inactivity) which violates the established order of the state administration, which has been perpetrated and declared punishable by an administrative sanction imposed through administrative channels.

Art. 7. (1) The act declared administrative offence is a perpetration when it has been committed deliberately or by negligence.
(2) The negligent acts shall not be punished only in explicitly stipulated cases.

Art. 8. No administrative offences shall be the acts committed in case of an unavoidable defence or urgency.

Art. 9. (1) The preparation of the administrative offence shall not be sanctioned.
(2) (Amend., SG 101/83; SG 11/98) Not punished shall also be the attempt of administrative offence except in the cases of: a) customs and foreign currency offences if stipulated by the respective law or edict; b) art. 218a, para 5 and art. 218b, para 1 of the Penal Code; c) art. 41, para 1 of the Law for protection of the agricultural property.

Art. 10. (Suppl., SG 85/98) In cases of administrative offences the abettors, the subsidiaries and the concealors, as well as those who have admitted them shall be punished only in the cases stipulated by the respective law or edict.

Art. 11. On the issues of the guilt, sanity, circumstances excluding the responsibility, the forms of implication, preparation and attempt shall apply the provisions of the general part of the Penal Code, inasmuch as this law stipulates otherwise.

Section II. Administrative sanctions

Art. 12. The administrative sanctions shall be imposed for the purpose of warning and reform the offender for observing the established legal order and to have an instructive and warning effect on the other citizens.

Art. 13. The following administrative sanctions can be stipulated and imposed for administrative offences:
a) public reprobation;
b) fine;
c) temporary deprivation of right to practice a definite profession or activity.

Art. 14. The public reprobation for the committed offence shall be expressed in a public reprobation of the offender before the staff where he works or before the organisation whose member he is.

Art. 15. (1) (Amend., SG 59/92; SF 102/95) The fine shall be a sanction expressed in a payment of a definite sum of money.
(2) Regarding the underage persons the administrative sanction of fine shall be replaced by a public reprobation.

Art. 16. (Amend., SG 54/78) The deprivation of right to practice a definite profession or activity shall be expressed in a temporary prohibition for the offender to practice a profession or activity in relation to which he has committed the offence. The duration of this sanction cannot be shorter than one month and longer than two years, and for offences related to the traffic safety using alcohol or other strong intoxicating substance - up to five years. It shall not affect legal capacity except in the cases stipulated by the respective law or edict.

Art. 17. Nobody can be punished repeatedly for an administrative offence for which he has already been punished by an enacted penal provision or a court decision.

Art. 18. When several administrative offences have been committed by one act or one and the same person has committed individual offences the imposed sanctions shall be incurred individually for each of them.

Art. 19. Probationary sanction shall not be admitted for administrative offences punishable by the order of this law.

Art. 20. (1) Along with the administrative sanctions stipulated by art. 13 the sanctioning body shall rule seizure in favour of the state of the possessions of the offender which have been used for the commitment of a deliberate administrative offence, if this is stipulated by the respective law or edict.
(2) Seized in favour of the state shall also be the objects subject to the offence, whose possession is prohibited, regardless of their quantity and value, wherever they might be.
(3) In the cases stipulated by the respective law or edict, besides the objects under the preceding para, seized in favour of the state shall also be the objects belonging to the offender, which have been subject to the offence.
(4) Seizure according to para 1 and 3 shall not be admitted when the value of the objects obviously does not correspond to the nature and the burden of the administrative offence, unless the respective law or edict stipulate otherwise.

Art. 21. The objects acquired by the offender as a result of the offence shall be seized in favour of the state regardless of their quantity and value.

Section III. Compulsory administrative measures

Art. 22. Applied for prevention and stopping of the administrative offences, as well as for prevention and removal of the harmful consequences from them can be compulsory administrative measures.

Art. 23. The cases when compulsory administrative measures can apply, their kind, the bodies who apply them and the way of their application, as well as the order of their appeal shall be settled by the respective law or edict.

Section IV. Persons liable to administrative sanctioning

Art. 24. (1) The administrative sanctioning liability is personal.
(2) Liable for administrative offences committed in carrying out the activity of enterprises, establishments and organisations shall be the workers and employees who have committed them, as well as the chiefs who have ordered or admitted their commitment.

Art. 25. When the author of an administrative offence has acted in fulfilment of unlawful official order given by the established order he shall not be liable to administrative sanctioning if the order does not contain an offence obvious to him.

Art. 26. (1) Liable to administrative sanctioning shall be persons of age, who have accomplished 18 years of age who have committed offences in a sane state.
(2) Liable to administrative sanctioning shall also be underage persons who have accomplished 16 years of age, but who have not accomplished 18 years of age, who have been in position to understand the nature and the importance of the committed offence and to manage their conduct.
(3) Responsible for administrative offences committed by minors, underage persons from 14 to 16 years of age and placed under full judicial disability shall be respectively the parents, trustees or guardians who have consciously admitted their commitment.

Section V. Determining the administrative sanctions

Art. 27. (1) The administrative sanction shall be determined according to the provisions of this law within the limits of the sanction stipulated for the committed offence.
(2) Taken into consideration in determining the sanction shall be the burden of the offence, the motives for its commitment and other attenuating and aggravating circumstances, as well as the proprietary status of the offender.

(3) The attenuating circumstances shall substantiate the imposition of a lenient sanction and the aggravating - of a more serious sanction.
(4) The replacement of the sanctions stipulated for the offences by a more lenient in kind shall not be admitted except in the cases stipulated by art. 15, para 2.
(5) Not admitted shall also be determining of sanctions under the stipulated lowest size of the sanctions of fine and temporary deprivation of right to practice a definite profession or activity.

Art. 28. In minor cases of administrative offences the sanctioning body can:
a) impose a sanction by warning the offender, verbally or in writing, that a sanction shall be imposed for a repeated offence;
b) (revoked, SG 105/91).

Art. 29. In minor cases of administrative offences committed by underage persons the sanctioning bodies shall send the issued acts to the local commissions for fighting the juvenile delinquency for imposing reformatory measures.

Section VI. General administrative sanctioning provisions

Art. 30. Applied for individual administrative offences which are not established by the order of art. 12, para 1 and 2 shall be art. 31 and 32 respectively.

Art. 31. (Amend., SG 59/92; SG 102/95; SG 11/98) Who does not fulfil or violates a lawful order or ordinance of a body of the authority, including in connection with the economic measures of the state shall be fined by 2 to 50 levs.

Art. 32. (1) (Amend., SG 59/92; SG 102/95; SG 11/98; SG 25/02) Who does not fulfil or violates an order, a decree or another act issued or adopted by the Council of Ministers, unless the act represents a crime, shall be fined by 100 to 2000 levs.
(2) (New, SG 24/87; Amend., SG 59/92; SG 102/95; SG 11/98; Suppl., SG 114/99, in force from January 31 2000; Amend., SG 25/02) Who does not fulfil or violates an act according to para 1, related to the accountancy, taxation, customs, foreign currency or ecological legislation, or to the implementation of the Law for the public offering of securities, unless the act represents a crime shall be fined by 400 to 3000 levs.
(3) (New, SG 67/99; in force from August 27, 1999) If a civil servant, in carrying out the public employment does not fulfil or violates obligations ensuing from the acts under para 1 and 2 shall be fined by 40 to 300 levs.
(4) (Prev. para 2 - amend., SG 24/87; prev. para 3 - SG 67/99) The provision of the proceeding paras shall apply regarding the violation of those acts, issued or approved by the Council of Ministers, which explicitly refer to this Art..

Chapter III. PROCEEDINGS FOR ESTABLISHING THE ADMINISTRATIVE OFFENCES, IMPOSING AND FULFILMENT OF THE ADMINISTRATIVE SANCTIONS

Section I. General

Art. 33. (1) Where criminal prosecution is commenced by the bodies of the prosecution administrative penal procedures shall not be opened.
(2) When it is established that the act, for which administrative penal proceedings have been opened, represents a crime the proceedings shall be terminated and the materials shall be sent to the respective prosecutor.

Art. 34. (1) (Amend., SG 89/86; Suppl., SG 102/95 and SG 12/96) Administrative penal proceedings shall not be opened, and the opened ones shall be terminated when:
a) the offender has died;

b) the offender has lapsed into a permanent mental disorder;
c) this is provided by a law or an edict.
Administrative penal proceedings shall not be opened if an act has not been issued for establishing the offence during a three-month period from finding the offender, or if one year has elapsed from the commitment of the offence, and regarding customs, taxation, bank, ecological and foreign currency offences - two years.
(2) (New, SG 12/96; Suppl., SG 51/99; Amend., SG 92/00; in force from January 1, 2001) For violation of a normative act settling the budget, financial and economic and accounting activity according to art. 41, item 1 of the Law for the internal financial control, when as a result of this violation damages have been caused, as well as for violation of a normative act settling the gambling activity administrative penal proceedings shall not be opened if an act for establishing the offence has not been issued in a period of six months from finding the offender or if more than five years have elapsed from the commitment of the offence. In these cases the periods according to para 1 shall not apply.
(3) (Prev. para 2 - SG 12/96) The opened administrative penal proceedings shall be terminated if penal provisions have not been issued within six months from the issuance of the act.

Art. 35. The enacted decision of the court on the civil case shall be obligatory for the penal administrative body on the issues of the civil status and the right of ownership.

Section II. Constitution of administrative penal proceedings

Art. 36. (1) The administrative penal proceedings shall be constituted by issuing an act for establishment of the committed administrative offence.
(2) Without an enclosed act an administrative penal file shall not be opened except in the cases when the proceedings have been terminated by the court or by the prosecutor and it has been referred to the penal body.

Art. 37. (1) Acts can be issued by officials:
a) explicitly indicated by the respective normative acts;
b) (Amend., SG 59/92) appointed by the heads of administrative bodies, the organisations, the regional governors and the mayors of the municipalities assigned to whom is the implementation of the control over the implementation of the respective normative acts.
(2) Acts can also be issued by representatives of the public if there are duly empowered by a normative act.

Art. 38. (Revoked, SG 94/90)

Art. 39. (1) (Amend., SG 28/83; SG 59/92; SG 11/98; SG 25/02) For obviously minor cases of administrative offences, established at the time of their commitment, the empowered bodies shall impose on the spot, against a receipt, a fine up to the amount determined by the respective law or edict, but no more than 10 levs.
(2) (New, SG 28/83; Amend., SG 59/92; SG 110/96; SG 11/98; SG 25/02) For minor cases of administrative offences established at the time of their commitment, when stipulated by a law or an edict, the empowered control bodies can impose at the place of offence fines from 10 to 50 levs. A slip shall be issued for the imposed fine which shall contain data for the identity of the control body and of the offender, the place and the time of the offence, the violated provisions and the size of the fine. The slip shall be signed by the control body and by the offender, stating that he agrees to pay the fine, and it shall be sent to the financial body of the respective municipal administration for fulfilment. The offender shall be given a copy in order to enable him to pay the fine voluntarily.
(3) If the offender contests the offence or refuses to pay the fine an act shall be issued for the offence according to the provisions of this section.

Art. 40. (1) The act for establishment of the administrative offence shall be issued in the presence of the offender and the witnesses who have been present at the time of commitment or establishment of the offence.
(2) If the offender is known but he cannot be found, or upon invitation he does not appear for the issuance of the act, the act shall be issued in his absence.
(3) In the absence of witnesses who have been present at the time of commitment or establishment of the offence, or for impossibility of issuing an act in their presence, it shall be issued in the presence of two other witnesses, which shall explicitly be noted in it.
(4) If the offence is established on the grounds of official documents the act can also be issued in the absence of witnesses.

Art. 41. In establishing administrative offences the issuer of the act can seize and keep the material evidence related to the establishment of the offence, as well as the objects subject to seizure in favour of the state according to art. 20 and 21.

Art. 42. The act for establishment of the administrative offence shall contain:
1. full name of the issuer and his position;
2. date of issuance of the act;
3. date and place of commitment of the offence;
4. description of the offence and the circumstances in which it has been committed;
5. the legal provisions which have been violated;
6. (Suppl., SG 59/92) full name and the age of the offender, his exact address and place of employment, UCC;
7. (Suppl., SG 59/92) the names and the exact addresses of the witnesses, UCC;
8. the explanations or objections of the offender if any;
9. (Suppl., SG 59/92) the names and exact addresses of the persons who have suffered proprietary damages by the offence, UCC;
10. list of inventory of the written materials and of the seized objects, if any, and to whom they have been assigned for safe keeping.

Art. 43. (1) The act shall be signed by the issuer and by at least one of the witnesses pointed out by it, and it shall be presented to the offender in order to be introduced to its contents and sign it with an obligation to inform the penal body when he changes his address.
(2) If the offender refuses to sign the act this shall be certified through the signature of one witness, whose name and exact address shall be indicated in the act.
(3) (Amend., SG 59/92) When the identity of the offender cannot be established by the issuer of the act it shall be established by the closest municipal administration or division of the Ministry of Interior.
(4) (Amend., SG 59/92) If the act is issued in the absence of the offender it shall be sent to the respective office, and if there in none - to the municipal administration at the place of residence of the offender for presentation and signing. The act shall be presented and signed not later than seven days from its receipt and shall be returned immediately.
(5) At the time of signing the act the offender shall be given a copy of it against a receipt, indicating in the act the date of its signing.
(6) When the offender, after a thorough inquiry, cannot be found it shall be noted in the act and the proceedings shall be terminated.

Art. 44. (1) Besides the objections at the time of issuance of the act the offender can present written objections to it within three days from its signing.
(2) When the offender indicates written or material evidence in his objections they must be gathered ex-officio, inasmuch as it is possible.
(3) Within two weeks from signing the act it shall be sent to the penal body together with the objections, gathered evidence and the other enclosures to the file.

Art. 45. (1) (Amend., SG 59/92) Until the issuance of the penal provision the aggrieved can extend a request to the penal body for indemnification of the caused damages up to the amount of two levs unless the respective law or edict provide a possibility of presenting a request to the same body for damages of larger size.
(2) The person requesting indemnification shall be obliged to inform the penal body about a change of his address.

Art. 46. (1) The seized objects shall be submitted for safe keeping according to the established rules.
(2) (Amend., SG 59/92) In the absence of such rules the objects shall be submitted for safe keeping at the office of the act issuer or at the respective municipal administration.
(3) When expedient, they can be submitted for safe keeping to the offender or to other persons.
(4) (Amend., SG 59/92) The perishable objects shall be sold through the state and municipal companies, whereas the received sum, after deduction of the incurred expenses, shall be deposited at the State Savings Fund.

Section III. Administrative penal bodies

Art. 47. (1) Administrative sanctions can be imposed by:
a) (Amend., SG 59/92) the heads of administrative bodies and organisations, the regional governors and the mayors of the municipalities to whom it is assigned to implement the respective normative acts or to control their fulfilment;
b) officials and bodies empowered by the respective law or edict;
c) (Amend., SG 59/92) the judicial and prosecution bodies in the cases stipulated by a law or an edict.
(2) (Amend., SG 24/87) The heads under letter "a" can delegate their rights to penal bodies to officials appointed by them when stipulated by the respective law, edict or decree of the Council of Ministers.

Art. 48. (1) The administrative penal file shall be considered by the administrative penal body in whose region the offence has been committed.
(2) If the location of the offence cannot be established exactly competent to consider the file shall be the administrative penal body in whose region is the residence of the offender or the body in whose region the proceedings have been constituted in the first place.

Art. 49. When the approached administrative penal body deems that the proceedings are of the competence of another body he shall send it immediately to this body.

Art. 50. The disputes on the competence related to administrative penal proceedings between bodies of one and the same administrative body or organisation shall be settled by the head of the respective administrative body or organisation, and those between bodies of different administrative bodies or organisations - by the district court in whose region is located the headquarters of the body who has issued the act.

Art. 51. (1) Participant in the consideration of an administrative penal file and in the issuance of a penal provision cannot be a person who:
a) has been affected by the offence or who is a spouse or relative of the offender or of the aggrieved on the direct line of descend and by the collateral side - up to fourth degree;
b) has issued the act for the offence or who is a witness to it;
c) is interested in the outcome of the administrative proceedings or has special relations with the offender or the aggrieved which give rise to grounded doubts in his objectivity.
(2) In the presence of some of the above grounds the official must be taken away.
(3) Challenge on the same grounds can also be made by the offender and by the aggrieved.

Section IV. Proceedings for imposing administrative sanctions

Art. 52. (1) The penal body shall be obliged to take a decision on the administrative penal file within one month from its receipt.
(2) If it is established that the act has not been presented to the offender the penal body shall return it immediately to the act issuer.
(3) Upon receipt of the file the penal body shall inform about the issuance of the act the aggrieved by the offence, if there are any and their addresses are known.
(4) Before announcing its decision on the file the penal body shall check up the act with regard of its lawfulness and substantiation and shall consider the objections and the gathered evidence, and where necessary, shall carry out investigation of the disputable circumstances. The investigation can also be assigned to other officials from the same administrative body.

Art. 53. (1) When it is established that the offender has committed the act guiltily, if there are no grounds for applying art. 28 and 29, the penal body shall issue penal provisions which shall impose on the offender a respective administrative sanction.

(2) Penal provisions shall also be issued when irregularity is admitted in the act when the commitment of the offence, the identity of the offender and his guilt are established in an indisputable way.

Art. 54. When it is established that the act is not an offence, that the offence has not been committed by the person pointed out as offender, or it cannot be imputed upon him, the penal body shall terminate the file by a motivated resolution, ordering the return of the seized objects, unless their possession is prohibited, or the payment of their equivalence in the cases under art. 46, para 4. The objects whose possession is prohibited shall not be returned, but they shall be dealt with by the order established by the respective normative acts.

Art. 55. (1) In issuing the penal provision the penal body shall also announce its decision on the request for indemnification of the damages caused by the offence.
(2) When the offence has caused damages to a state enterprise, establishment or organisation the penal body shall take decision on the indemnification without presentation of a request.
(3) The size of the indemnification for the damages shall be determined by the stipulated order, and if there is none it can be determined by the assistance of an expert.

Art. 56. If, in resolving the issue of the indemnification the penal body meets difficulties of factual or legal nature the proceedings on it shall be terminated and the interested person shall be directed to seek indemnification through the court on an equal footing.

Art. 57. (1) The penal provision must contain:
1. the full name and the position of the person who has issued it;
2. the date of issuance and the number of the provision;
3. the date of the act on whose grounds it has been issued and the name, position and place of employment of the act issuer;
4. (Amend., SG 59/92) full name of the offender and his exact address, UCC;
5. description of the offence, the date and place where it has been committed, the circumstances in which it has been committed, as well as the circumstances confirming it;
6. the legal provisions which have been guiltily violated;
7. the kind and the size of the sanction;
8. the objects seized in favour of the state;
9. the size of the indemnification and to whom it shall be paid;
10. whether the penal provision is subject to appeal, in what term and before which court.
(2) The penal provision shall be signed by the official who has issued it.

Art. 58. (1) Copy of the penal provision shall be presented against signature of the offender and of the person requesting indemnification.
(2) If the offender or the person requesting indemnification cannot be found at the address indicated by him and his new address is unknown the penal body shall note that on the penal provision and it shall be considered presented on the day of noting.

Section V. Appealing penal provisions

Art. 59. (1) The penal provision shall be subject to appeal before the regional court in whose region the offence has been committed or concluded, and for offences committed abroad - before Sofia regional court.
(2) The offender and the person requesting indemnification can appeal the provision within seven days from its presentation and the prosecutor can lodge a protest against it within two weeks from its issuance.
(3) (Amend., SG 59/92;SG 110/96; SG 11/98; SG 25/02) Subject t appeal shall not be the penal provisions imposing a fine of up to 10 levs including, which provides for seizure in favour of the state of objects of value up to 5 levs including, or indemnification for caused damages at the same value, except if a special law stipulates otherwise.

Art. 60. (1) The appealing of the penal provision shall be made through the penal body who has issued it. The complaint shall indicate all evidence referred to by the claimant.
(2) Within seven days from receiving the complaint the penal body shall send it, together with the whole file, to the respective regional court, stating in the accompanying letter the evidence in support of the appealed provision.

Art. 61. (1) In considering the case subpoenaed by the regional court shall be the offender, the persons requesting indemnification, including those under art. 55, para 2, and the establishment or organisation whose body has issued the penal provision, as well as the witnesses admitted by the court.
(2) The court shall also proceed with the case when the claimant has not been found at the address indicated by him. The court shall also proceed with the case when the claimant, the offender who has not appealed or the person requesting indemnification have not been found at the addresses indicated by them.

Art. 62. The prosecutor can participate in the proceedings at court if he deems it necessary.

Art. 63. (1) (Amend., SG 28/82; Amend., SG 59/98) (1) The regional court represented only by a judge shall consider the case in essence and shall announce a decision which can confirm, amend or revoke the penal provision. The decision shall be subject to cassation before the district court by the order of the Law for the Supreme Administrative Court.
(2) In the cases stipulated by the law the court can terminate the proceedings by a definition which shall not be subject to appeal.

Section VI. Enactment of the penal provisions

Art. 64. Enacted shall be penal provisions which:
a) are not subject to appeal;
b) have not been appealed within the legal term;
c) (Amend., SG 59/98) have been appealed but have been confirmed or amended by the court.

Section VII. Review (Revoked, SG 59/98)

Art. 65 - 69 (Revoked, SG 59/98)

Section VIII. Resuming administrative penal proceedings

Art. 70. The administrative penal proceedings by which the penal provisions have been enacted, as well as the cases resolved and terminated by the court, constituted in connection with appeal of penal provisions shall be subject to resumption when:
a) an enacted sentence establishes that some of the evidence on whose grounds the penal provisions, the decision or definition of the court have been issued are untrue;
b) an enacted sentence establishes that an administrative penal body, a judge or a member of the jury has committed a crime in connection with the issuance of the penal provision, decision or definition of the court;
c) discovered are circumstances or evidence of substantial importance for the discovery of the objective truth, which have not been known at the time of issuing the provisions, decision or definition of the court;
d) (New, SG 28/82) if an enacted sentence establishes that the act for which the administrative sanction has been imposed represents a crime.

Art. 71. The resumption of administrative penal proceedings shall be admitted if the proposal under letters "a" and "b" of the preceding Art. was made within six months from the enactment of the sentence, and in the cases of letter "c" - within two years from the enactment of the penal provisions, decision or definition.

Art. 72. (1) The proposal for resumption shall be made by the district prosecutor and shall be considered by the respective district court.
(2) The prosecutor can stop the fulfilment of the penal provisions or decision of the court by the proposal.

Art. 73. (1) The district court shall consider the proposal in an open meeting with subpoenaed parties.
(2) When the proposal is grounded the court shall act according to the provisions of art. 68.

Section IX. Fulfilment of the penal provisions and court decisions

Art. 74. Within three days from the enactment of the penal provisions the administrative penal body, respectively the court, shall undertake action for its enforcement.

Art. 75. For imposed punishment of public reprobation a copy of the penal provisions or court decision shall be sent to the respective public organisation whose member the punished is, or to the management of the enterprise, establishment or organisation where he works, according to the instructions of the penal provisions or court decision.

Art. 76. The fulfilment of the punishment public reprobation shall be carried out by reading the penal provisions or court decision at a meeting of the public organisation or personnel which the offender shall be invited to attend.

Art. 77. (Revoked, SG 11/98)

Art. 78. (1) When indemnification is adjudged in favour of a state enterprise, co-operation or other public organisation a copy of the penal provisions, respectively writ of execution shall be sent ex-officio to the executive magistrate, informing the interested party in whose favour it has been issued.
(2) If the indemnification is adjudicated in favour of an individual citizen a copy of the penal provisions, respectively writ of execution shall be issued upon his request and shall be fulfilled by the respective executive magistrate.

Art. 79. (1) The penal provisions and court decisions by which fines have been imposed or monetary indemnification have been adjudicated in favour of the state shall be fulfilled by the order of collecting the state takings.
(2) The penal provisions and court decision which adjudicate monetary indemnification in favour of state enterprises, co-operations or other public organisations or of citizens shall be fulfilled by the order stipulated by the Civil Procedure Code.

Art. 80. (Amend., SG 59/92; SG 25/02) If the penal provisions or court decision rules seizure of objects in favour of the state a copy of them shall be sent to the Agency for state takings.

Art. 81. (1) The penal provisions or court decision which rules temporary deprivation of right to practice a definite profession or activity shall be fulfilled by the bodies who acknowledge this right and control its exercising and by the head of the enterprise, establishment or organisation where the punished person works.
(2) If the punished person occupies a position by profession or activity, the right of whose practising he is deprived of, the head of the enterprise, establishment or organisation shall release him immediately from this position.

Art. 82. (1) The administrative sanction shall not be incurred if elapsed have been:
a) two years when the sanction is a fine;
b) six months when the sanction is temporary deprivation of right to practice a definite profession or activity;
c) three months when the sanction is public reprobation.
(2) The legal prescription shall begin from the enforcement of the act by which the sanction has been imposed and shall be stopped by any act of the respective bodies, undertaken regarding the punished person for incurring the sanction.
Upon conclusion of the act which stops the legal prescription a new legal prescription shall begin.
(3) Regardless of the suspension or stopping of the legal prescription the administrative sanction shall not be incurred if a term has expired which exceeds by one second the term under para 1.
(4) (New, SG 28/82) The provision of the preceding para shall not apply regarding the fine when executive proceedings have been constituted for its collection by the deadline under para 1. This also regards the pending cases whose legal prescription has not expired until the enactment of this para.

Chapter IV. SPECIAL PROVISIONS

Art. 83. (1) (Suppl., SG 15/98) In cases regarding corporate bodies and sole entrepreneurs stipulated by the respective law, edict or decree of the Council of Ministers imposed can be proprietary sanction for non-fulfilment of obligations to the state in carrying out their activity.
(2) The sanction under the preceding para shall be imposed by the order of this law inasmuch as the respective normative act does not stipulate another order.

Art. 84. (Amend., SG 59/98) Inasmuch as this law contains no special rules for subpoena and presentation of subpoena and announcements, making inventory lists and seizing objects, determining expenses of witnesses and remuneration of experts, calculation of periods, as well as for the proceedings in court for consideration of complaints against penal prescriptions, of cassation claims at the district court and proposals for resumption shall apply the provisions of the Penal Procedure Code.

Art. 85. As regards the expressions "official", "body of the authority" and "official document" used in this law shall apply the provisions of the Penal Code.

Art. 86. The administrative offences committed before the enactment of this law, for which acts have not been issued, shall be established and the offenders shall be punished by the procedural order established by this law.

Art. 87. The pending administrative penal proceedings shall be concluded by the procedural order established by this law.

Part AMENDMENT OF OTHER LAWS

§ 1. This law revokes Chapter Twenty eight of the Penal Procedure Code.
The reference in all normative documents to Chapter Twenty Eight of the Civil Procedure Code shall be replaced by references to this law.

§ 2. The reference in all normative acts to art. 207, para 1 and art. 207, para 3 of the revoked Penal Code, respectively to art. 271, para 1 and art. 271, para 3 of the acting Penal Code shall be replaced by reference to art. 31, respectively art. 32 of this law.

§ 3. Art. 271 of the Penal Code is amended as follows:
"271. Who does not fulfil or violates a decree, order or other act issued or adopted by the Council of Ministers, if the act explicitly refers to this Art., shall be punished by corrective labour for a period up to six months or a fine of up to 0.40 levs."
In art. 424, para 1 the words "and 271, para 1 and 3" are deleted. deleted is also letter "b" of para 2.

§ 4. Revoked is letter "b" of art. 5, para 1 of the Law for Inspection of supervision of the safety of labour at the Council of Ministers.

§ 5 - § 6 (Revoked, SG 11/98)

§ 7. (Amend., SG 102/95) The provisions of art. 13 of this law do not regard the punishments stipulated by the Edict for fighting minor hooliganism.

§ 8. In all normative acts stipulating administrative sanctions the word "confiscation" is replaced by "seizure in favour of the state".

The fulfilment of the present law is assigned to the Minister of Justice.