

PENAL CODE

Prom. SG. 26/2 Apr 1968, corr. SG. 29/12 Apr 1968, amend. SG. 92/28 Nov 1969, amend. SG. 26/30 Mar 1973, amend. SG. 27/3 Apr 1973, amend. SG. 89/15 Nov 1974, amend. SG. 95/12 Dec 1975, amend. SG. 3/11 Jan 1977, amend. SG. 54/11 Jul 1978, amend. SG. 89/9 Nov 1979, amend. SG. 28/9 Apr 1982, corr. SG. 31/20 Apr 1982, amend. SG. 44/5 Jun 1984, amend. SG. 41/28 May 1985, amend. SG. 79/11 Oct 1985, corr. SG. 80/15 Oct 1985, amend. SG. 89/18 Nov 1986, corr. SG. 90/21 Nov 1986, amend. SG. 37/16 May 1989, amend. SG. 91/24 Nov 1989, amend. SG. 99/22 Dec 1989, amend. SG. 10/2 Feb 1990, amend. SG. 31/17 Apr 1990, amend. SG. 81/9 Oct 1990, amend. SG. 1/4 Jan 1991, amend. SG. 86/18 Oct 1991, corr. SG. 90/1 Nov 1991, amend. SG. 105/19 Dec 1991, suppl. SG. 54/3 Jul 1992, amend. SG. 10/5 Feb 1993, amend. SG. 50/1 Jun 1995, amend. SG. 97/3 Nov 1995, amend. SG. 102/21 Nov 1995, amend. SG. 107/17 Dec 1996, amend. SG. 62/4 Aug 1997, amend. SG. 85/26 Sep 1997, amend. SG. 120/16 Dec 1997, suppl. SG. 83/21 Jul 1998, amend. SG. 85/24 Jul 1998, suppl. SG. 132/5 Nov 1998, amend. SG. 133/11 Nov 1998, amend. SG. 153/23 Dec 1998, amend. SG. 7/26 Jan 1999, amend. SG. 51/4 Jun 1999, amend. SG. 81/14 Sep 1999, amend. SG. 21/17 Mar 2000, amend. SG. 51/23 Jun 2000, amend. SG. 98/1 Dec 2000, suppl. SG. 41/26 Apr 2001, amend. SG. 101/23 Nov 2001, amend. SG. 45/30 Apr 2002, amend. SG. 92/27 Sep 2002, amend. SG. 26/30 Mar 2004, amend. SG. 103/23 Nov 2004, amend. SG. 24/22 Mar 2005, amend. SG. 43/20 May 2005

Chapter one. OBJECTIVE AND SCOPE OF THE PENAL CODE

Section I. Objective of the Penal Code

Art. 1. (1) (Amend., SG 1/91) The Penal Code has the objective of defending against criminal encroachment on the personality and the rights of the citizens and the entire legal order established in the country.

(2) For the purposes of achieving this objective the Penal Code determines which publicly dangerous acts are crime and what punishment shall be imposed for them, and establishes the cases when, instead of punishment, measures of public influence and instruction can be imposed.

Section II. Scope of the Penal Code

Art. 2. (1) Applied for each crime shall be the law which has been in force at the time of its perpetration.

(2) If, until the enactment of the verdict different laws follow applied shall be the law which is most favourable for the perpetrator.

Art. 3. (1) The Penal Code shall apply for every crime committed on the territory of the Republic of Bulgaria.

(2) The issue of the responsibility of foreigners having immunity with respect of the criminal jurisdiction of the Republic of Bulgaria shall be resolved according to the norms of the international law adopted by it.

Art. 4. (1) The Penal Code shall apply for the Bulgarian citizens and for the crimes committed by them abroad.

(2) Bulgarian citizen shall not be handed over to a foreign state for trial or to sustain conviction.

Art. 5. The Penal Code shall also apply for foreigners who have committed crime of general nature abroad, affecting the interests of the Republic of Bulgaria or of a Bulgarian citizen.

Art. 6. (1) The Penal Code shall also apply regarding foreigners who have committed crime abroad against the peace and mankind, thus affecting the interests of another country or foreign citizens.

(2) The Penal Code shall also apply for other crimes committed by foreigners abroad wherever stipulated by an international agreement party to which is the Republic of Bulgaria.

Art. 7. In the cases of art. 4 and 5 the protective custody and the sustained conviction abroad shall be deducted. When the two punishments are heterogeneous the sustained conviction abroad shall be taken into consideration in determining the punishment by the court.

Art. 8. The verdict of a foreign court for a crime for which the Bulgarian Penal Code applies shall be taken into consideration in the cases established by an international agreement party to which is the Republic of Bulgaria.

Chapter two. CRIME

Section I. General

Art. 9. (1) Crime is the socially dangerous act (activity or inactivity) which has been committed by delinquency and declared by the law as punishable.

(2) Not criminal is the act which, though formally contains the signs of a crime

stipulated by the law, due to its minor importance is not socially dangerous or its social danger is obviously negligible.

Art. 10. (Amend., SG 50/95) Socially dangerous is the act which threatens or harms the personality, the rights of the citizens, the property, the legal order in the Republic of Bulgaria established by the Constitution or other interests defended by the law.

Art. 11. (1) The social dangerous act shall be considered delinquent when it is deliberate or negligently.

(2) The act shall be considered deliberate if the perpetrator has been aware of its socially dangerous nature, he has foreseen its socially dangerous consequences and has wanted or admitted the occurrence of these consequences.

(3) The act shall be considered negligent when the perpetrator has not foreseen the occurrence of socially dangerous consequences, but he has been obliged and could have foreseen them, or when he has foreseen the occurrence of these consequences but he had intended to prevent them.

(4) The negligent acts are punishable only in the cases stipulated by the law.

(5) When the law qualifies the act as a more serious crime due to the occurrence of additional socially dangerous consequences, if no deliberation is required for these consequences, the perpetrator shall be charged for the more serious crime if he has acted incautiously with regard to them.

Art. 12. (1) Not considered socially dangerous shall be the act of justifiable defence - in order to defend against an immediate illegal attack state or public interests, the personality or the rights of the defender or of somebody else by causing damage to the aggressor within the frames of the necessary limits.

(2) Considered shall be excess of the requirements of justifiable defence when the defence obviously does not correspond to the nature and the danger of the assault.

(3) (Amend., SG 62/97) Regardless of the nature and the danger of the defence there shall be no excess of the requirements of justifiable defence if:

1. (Declared anti-constitutional - SG 120/97) the assault is carried out by two or more persons;

2. (Declared anti-constitutional - SG 120/97) the assailant is armed;

3. (Declared anti-constitutional regarding the words "country house estate or economic object" - SG 120/97) the assault has been carried out through penetration by force or by burglary into a house, country house estate or economic object;

4. (Declared anti-constitutional - SG 120/97) the assault is against a motor, airborne, water vessel or mobile rolling stock;

5. (Declared anti-constitutional - SG 120/97) the assault was carried out at night;

6. the assault cannot be repulsed in any other way.

(4) (Prev. para 3 - SG 62/97) (Amend., SG 28/82) The perpetrator shall not be punished when he commits the act by exceeding the requirements of justifiable defence if this is due to scare or confusion.

Art. 12a. (1) (New - SG 62/97) Socially dangerous shall not be considered causing

damages to a person who has committed crime during his detention for handing over to the bodies of the authority and prevention of the possibility of committing another crime, if there is no way of his detention and if during this detention abuse of the necessary legal measures has not been admitted.

(2) The necessary measure for detention of a person who has committed a crime shall be considered abused when there is an obvious discrepancy between the nature and the degree of the social danger of the crime committed by the detained person and the circumstances of the detention, as well as when obviously expressive damage has been caused to the person without any necessity. In these cases criminal responsibility shall be born only in the cases of deliberately caused damage.

Art. 13. (1) Socially dangerous is not the act committed by someone in case of paramount necessity - to save state or public interests, as well as his own or somebody else's personal or proprietary wealth from immediate danger, which the perpetrator could not have avoided in any other way, if the damages caused by the act are less considerable than the prevented.

(2) No paramount necessity exists when the very avoiding of the danger represents a crime.

Art. 13a. (New, SG 28/82) (1) Socially dangerous is not the act committed with justifiable economic risk - in order to achieve a substantial socially useful result or to avoid considerable damages, if it does not contradict an explicit prohibition established by a normative act, corresponds to the modern scientific and technical achievements and experience, does not place in danger the life and the health of somebody else and the perpetrator has done everything depending on him for the prevention of the occurred harmful consequences.

(2) Taken into consideration, in resolving the issue whether the risk is justified, shall also be the correlation between the expected positive result and the possible negative consequences, as well as the probability of their occurrence.

Art. 14. (1) The unawareness of the actual circumstances belonging to the corpus delicti excludes the deliberation regarding this crime.

(2) This provision also regards the negligent acts when the very unawareness of the actual circumstances itself is not due to negligence.

Art. 15. The act shall not be considered delinquent if the perpetrator has not been obliged or could not have foreseen the occurrence of the socially dangerous consequences (occasional act).

Art. 16. The act shall not be considered delinquent if it has been committed in fulfilment of an illegitimate official order, given by the established order, if it does not suppose a crime obvious to the perpetrator.

Section II. Preparation and Attempt

Art. 17. (1) Preparation is the provision of resources, finding accomplices and, in general, creation of conditions for committing the planned crime before its fulfilment.

(2) The preparation is punishable only in the cases stipulated by the law.

(3) The perpetrator shall not be punished when, by his own motives, he has given up the commitment of the crime.

Art. 18. (1) The attempt is the started commitment of a deliberate crime whereas the act has not been completed or, though completed, the social dangerous consequences of this crime stipulated by the law or wanted by the perpetrator have not occurred.

(2) For an attempt the perpetrator shall be punished by the penalty stipulated for the committed crime, taking into consideration the degree of fulfilment of the intention and the reasons for which the crime has remained unfinished.

(3) The perpetrator shall not be punished for an attempt when, by his own motives:

a) he has given up to complete the commitment of the crime or

b) has prevented the occurrence of the criminal consequences.

Art. 19. In the cases of art. 17, para 3 and art. 18, para 3, if the act in which the preparation or the attempt have been expressed, contains the signs of another crime the perpetrator shall be responsible for this crime.

Section III. Implication

Art. 20. (1) Accomplices in a deliberate crime are: the perpetrators, the abettors and the accessories.

(2) Perpetrator is the one who participates in the very commitment of the crime.

(3) Abettor is the one who has deliberately persuaded somebody else to commit the crime.

(4) Accessory is the one who has deliberately facilitated the commitment of the crime through advice, explanations, promise to provide assistance after the act, removal of obstacles, providing resources or in any other way.

Art. 21. (1) All accomplices shall be punished by the penalty stipulated for the committed crime, taking into consideration the nature and the degree of their participation.

(2) The abettor and the accessory shall be responsible only for what they have deliberately abetted or helped the perpetrator.

(3) When due to a definite personal quality or relation of the perpetrator the law proclaims the act as a crime responsible for this crime shall also be the abettor and the accessory for whom these circumstances are not present.

(4) The particular circumstances due to which the law excludes, reduces or increases the punishment for some of the accomplices shall not be taken into consideration regarding the rest of the accomplices with respect of whom these circumstances are not present.

Art. 22. (1) The abettor and the accessory shall not be punished if, by their own motives, they give up further participation and impede the commitment of the act or prevent

the occurrence of the criminal consequences.

(2) Applied in these cases shall be the provision of art. 19 respectively.

Section IV. Multiple Crimes

Art. 23. (1) If one act has been an instrument of several crimes or if one person has committed several individual crimes before a verdict has been enacted for any of them the court, upon awarding punishment for each crime individually shall impose the most serious of them.

(2) (Amend., SG 92/02, amend. SG 103/04) The imposed punishments of public reprobation and deprivation of rights according to art. 37, para 1, item 6, and 9 shall be added to the awarded most serious punishment. If deprivation of equal rights is ruled the one with the longest term shall be imposed.

(3) When the punishments are different in kind and some of them is a fine or confiscation the court can add it entirely or partially to the most serious punishment.

Art. 24. When the imposed punishments are of the same kind the court can increase the awarded total most serious punishment by no more than one second, but the thus increased punishment cannot exceed the sum of the individual punishments, or the maximal size stipulated for the respective kind of punishment.

Art. 25. (1) The provisions of art. 23 and 24 shall also apply when the person is convicted by individual verdicts.

(2) In these cases, if the punishment under some of the verdicts has been incurred entirely or partially, it shall be deducted if it is of the kind of the total punishment awarded.

(3) (amend. SG 103/04) The incurred punishment probation shall be deducted entirely from the imprisonment and vice versa, two days of probation being considered as one day imprisonment.

(4) (New, SG 28/82) When, for one or more of the verdicts, the person has been acquitted from serving the sentence by the order of art. 64, para 1 or art. 66 the issue of serving the total sentence shall be settled at the time of its awarding.

Art. 26. (Amend. and Suppl., SG 28/82; suppl., SG 10/93; amend., SG 50/95, SG 62/97; Amend., SG 92/02) (1) The provisions of art. 23 - 25 shall not apply in cases of continuing crime - when two or more acts which represent corpus delicti of one and the same crime, having been committed during periods of time of no significant length, in one and the same circumstances and with similarity of guilt, whereby the subsequent ones are, from objective and subjective point of view, a continuation of the preceding.

(2) For continued crime the offender shall be punished with respect of the acts included in it, taken in their totality and the total criminal results caused by them.

(3) Where the individual acts represent different corpus delicti the continued crime shall be punished regarding the more severe of them, taking into consideration the importance of the acts committed in qualifying circumstances and of the qualifying circumstances themselves for the entire criminal activity.

(4) Where the qualifying circumstances have no particular effect on the severity of the entire criminal activity the latter shall be prosecuted by the more lenient corpus delicti, taking into consideration the qualifying circumstances in determining the punishment.

(5) Where some of the acts have been completed and others represent an attempt and the completed acts do not have a significant effect on the nature of the entire criminal activity punishment as for an attempt shall be imposed on the offender.

(6) The provisions of this Art. shall not apply regarding a crime against the personality of individual citizens and for crime committed after the introduction of the bill of indictment in court, as well as for crime committed before the introduction of the bill of indictment, but not included in it.

Art. 27. (1) (Amend., SG 28/82) When a person commits a crime after being convicted by an absolute verdict of imprisonment, however before serving this punishment, the court shall add to the part of the punishment not served entirely or partially the punishment under the second verdict if it is imprisonment. The awarded total punishment cannot be less than the punishment under the second verdict.

(2) (Suppl., SG 28/82) The punishment under the second verdict shall be added in full if it is imprisonment for more than five years or if it is imposed for a crime repeatedly committed or representing a dangerous recidivism.

(3) If the person has committed a crime upon serving the sentence under the previous verdict the imposed punishment for this crime shall be served in full.

Art. 28. (1) The punishment stipulated by the special part of this Code for a repeated crime shall be imposed if the perpetrator of a crime, after having been convicted by an absolute verdict for other such crime.

(2) This provision shall also apply with respect of equal in kind crimes against the public and personal property.

Art. 29. (1) The more serious punishments stipulated by the special part of this Code for crimes representing dangerous recidivism shall be imposed when the perpetrator:

a) (amend., SG 28/82) commits the crime after having been sentenced for a serious deliberate crime to imprisonment for no less than one year, whose fulfilment has not been postponed according to art. 66;

b) (amend., SG 28/82) commits the crime after having been sentenced two or three times to imprisonment for deliberate crimes of general nature if the fulfilment of the punishment for at least one of them has not been postponed according to art. 66;

(c) (revoked, SG 28/82)

(2) The crimes committed by the perpetrator as juvenile shall not be taken into consideration in applying the provisions of the preceding para.

(3) (New, SG 95/75) When there is a provision for a crime of simultaneous corpus delicti of repeated commitment and for dangerous recidivism and the act represents the quality of the two corpus delicti the provision for the dangerous recidivism shall apply.

Art. 30. (1) The rules of art. 28 and 29 shall not apply if five years have elapsed from serving the sentence under the previous convictions. The rehabilitation within this period shall

not exclude their application.

(2) (New, SG 28/82) For probationary sentence and probationary release ahead of term the period under para 1 shall begin on the day on which the probation period elapses.

Chapter three. CRIMINALLY RESPONSIBLE PERSONS

Art. 31. (1) Criminally responsible is the person of age - who has accomplished 18 years of age, who in a state of sanity commits a crime.

(2) A juvenile who has accomplished 14 years of age but who has not accomplished 18 years of age shall be criminally responsible if he could have realised the quality and the importance of the act and handle his conduct.

(3) (Amend., SG 107/96) The juveniles whose acts cannot be imputed shall be accommodated by a court decision in a corrective boarding school or in other suitable establishment if so required by the circumstances of the case.

(4) The special rules stipulated by this Code shall apply with respect of the criminal responsibility of the juveniles.

Art. 32. (1) A juvenile who has not accomplished 14 years of age shall not be criminally responsible.

(2) Applied, with respect of the juveniles who have committed social dangerous acts, can be respective corrective measures.

Art. 33. (1) Criminally responsible shall not be the person who acts in a state of insanity, when to a mental underdevelopment or continuous or short-term mental disorder could not have understood the quality or the importance of the act or to handle his conduct.

(2) (Amend., SG 95/75) Punishment shall not be imposed to a person who have committed a crime when, until the verdict, he lapses into a mental disorder, as a result of which he cannot realise the quality or the importance of his conduct or handle it. Such a person shall be subject to punishment if he recovers.

Art. 34. Respective compulsory measures can apply in the cases stipulated by this Code regarding the persons under the preceding Art..

Chapter four. PUNISHMENT

Section I. General

Art. 35. (1) The criminal responsibility is personal.

(2) Punishment can be imposed only on a person who has committed a crime stipulated by the law.

(3) The punishment shall be adequate to the crime.

(4) Punishment for a crime shall be imposed only by the established courts.

Art. 36. (1) The punishment shall be imposed with the purpose of: 1. reform the convict toward observing the laws and the good morals, 2. preventive influence on him and eliminate the possibility of his commitment of other crime and 3. instructive and warning effect on the other members of the society.

(2) The punishment cannot aim at causing physical suffering or humiliation of the human dignity.

(3) (New, SG 153/98) There is no death penalty in the Republic of Bulgaria.

Art. 37. (1) The punishments are:

1. (New, SG 50/95) life imprisonment;

1a. (Prev. item 1 - SG 50/95) imprisonment;

2. (New, SG 92/02) probation;

2a. (revoked – SG 103/04)

3. confiscation of available property;

4. fine;

5. (Revoked, SG 92/02)

6. revocation of the right to occupy definite state or public position;

7. revocation of the right to practice a definite profession or activity;

8. (Revoked, SG 92/02)

9. revocation of the right to received orders, honorary titles and insignia of honour;

10. revocation of military rank;

11. public reprobation.

(2) (Amend., SG 153/98) Life imprisonment without alternative of the sentence as a temporary and exceptional measure is provided for the most serious crimes threatening the basis of the Republic, as well as for other dangerous deliberate crimes.

Section II. Kinds of Punishments

Art. 38. (Amend. and Suppl., SG 28/82; amend., SG 153/98) (1) The life imprisonment without alternative stipulated by the special part for a definite kind of crime shall be imposed only if the specific crime is exceptionally serious and the goals stipulated by art. 36 cannot be achieved by a lesser punishment.

(2) The life imprisonment without alternative cannot be imposed on a person who, at the time of committing the crime has not accomplished twenty years of age and, regarding the military men, the same as in war time - eighteen years of age. The life imprisonment without alternative cannot also be imposed on a woman who was pregnant at the time of commitment of the crime or at the time of awarding the verdict.

Art. 38.a. (New, SG 50/95) (1) Life imprisonment is a compulsory isolation of the convict until the end of his life in places of imprisonment for incurring the imprisonment sentence.

(2) Life imprisonment shall be imposed when the committed crime is exceptionally serious.

(3) Life imprisonment can be replaced by an imprisonment for a period of 30 years if the convict has incurred no less than twenty years.

(4) Working days shall not be considered during the time of incurring life

imprisonment.

(5) The incurred life imprisonment shall be considered imprisonment.

Art. 39. (1) (Amend., SG 28/82, SG 89/86) The imprisonment can be from three months to twenty years.

(2) (Suppl., SG 95/75; revoked, prev. para 3; amend., SG 89/86; suppl., SG 50/95; amend., SG 153/98) As an exception, the imprisonment can be for a period of up to thirty years for replacement of life imprisonment for multiple crimes according to art. 24 and 27, para 1, as well as for some particularly serious deliberate crimes in the cases specially indicated in the special part of this Code.

Art. 40. (Amend. SG 28/82) Life imprisonment shall be incurred in the prisons and penitentiary establishments, as well as in the corrective boarding houses to them.

(2) (Amend., SG 89/86; Revoked, SG 92/02)

(3) Special care shall be taken for the young persons of age.

(4) Respective medical care shall be taken for convicted with serious psychopathic disease or those suffering from mental disorder, which does not exclude sanity.

Art. 41. (1) The incurring of imprisonment shall be accompanied by a suitable, respectively paid social useful labour, which shall aim at the reforming of the convicted, as well as the creation and improvement of their professional qualification.

(2) Applied, along with that, shall be other measures of reforming and education.

(3) The expended labour shall be considered in reducing the term of punishment, as two work days shall be considered as three days of imprisonment.

(4) (Suppl., SG 28/82; amend., SG 89/86) If the convicted person, while incurring imprisonment, systematically avoids socially useful labour, commits a deliberate crime or serious offences of the established order, thus showing that he cannot be reformed, the court can revoke entirely or partially the acknowledgement of the working days of the last two years before the subsequent offence.

(5) (Revoked - prev. para 6 - SG 89/86) The order and the way of incurring imprisonment, including the special care under para 3 of art. 40, the payment of the labour of the convicted and their employment after their release shall be settled by a law.

(6) (Amend., SG 89/74; prev. para 7 - SG 89/86) The initial regime of imprisonment shall be determined by the court according to the provisions of this Code and the special law.

Art. 42. (1) In war time the court martial can postpone, until the end of the military activities, the fulfilment of the imposed imprisonment, sending the convicted to the acting army. The postponement of the fulfilment can be revoked if the convicted commits another crime.

(2) Upon proposal of the chief the court can, entirely or partially, release the convicted sent to the acting army by the order of para 1 from incurring the punishment if he proves to be a good defender of the fatherland.

(3) The court can, without a proposal of the chief, release completely or partially, from incurring the imposed punishment the discharged from the acting army due to disability.

Art. 42a. (New, SG 92/02) (1) (amend. SG 103/04) Probation is a totality of measures for control and impact without imprisonment, which are imposed together or separately.

(2) (amend. SG 103/04) The probation measures shall be:

1. obligatory registration at the present address;
2. obligatory periodical meetings with a probation employee;
3. restrictions of the free movement;
4. inclusion in courses for professional qualification and/or programmes for public influence;
5. correctional labour;
6. gratuitous work in favour of the society.

(3) (amend. SG 103/04) The probation measures shall be with duration:

1. from 6 months to three years – for the measures of para 2, items 1 – 4;
2. from three months to two years – for the correctional labour;
3. from 100 to 300 hours for not more than three consecutive years – for the gratuitous labour in favour of the society.

(4) (amend. SG 103/04) The measures of para 2, items 1 and 2 shall be imposed obligatory to all sentenced to probation and the measures of para 2, items 5 and 6 shall not be imposed to under-aged persons, not rounded 16 years of age.

(5) Probation shall be carried out by an order determined by a law.

Art. 42b. (new – SG 103/04) (1) The probation measure obligatory registration at the present address shall be appearing and signing by the sentenced before the probation employee or official, determined by him.

(2) The probation measure obligatory periodical meetings with the probation employee shall be conducted at the probation office on which territory is the present address of the sentenced. As exception they can be conducted at another appropriate place, determined by the probation employee, if important reasons impose this. The meetings shall be planned or extraordinary upon request by the probation employee or the sentenced.

(3) The probation measure restrictions in the free movement shall be imposition of one or several of the following prohibitions for:

1. visiting of places, regions and establishments, precisely defined in the sentence;
2. leaving of the settlement for more than 24 hours without permission by the probation employee or the prosecutor;
3. leaving of the abode inhabited for defined period of the day and night.

(4) The probation measure inclusion in courses for professional qualification and/or programmes for public influence shall be directed to labour integration and/or establishing of social habits and skills for lawful behaviour of the sentenced.

(5) The probation measure gratuitous work shall be work in favour of the society without restricting the liberty of the sentenced.

Art. 43. (amend. SG 103/04) (1) The probation measure corrective labour shall be fulfilled at the working place of the sentenced and include deductions from his remuneration from 10 to 25 percent in favour of the state. The time during which the measure is incurred shall not be considered as length of service.

(2) When the sentenced remains without work the court shall substitute the remainder of the correctional labour with gratuitous work in favour of the society, for one day of the

remainder being defined one hour gratuitous labour. In this case the term of the gratuitous labour may also be below the minimum of art. 42a, para 3, item 3.

(3) The provision of para 2 shall be applied when also when the sentenced leaves the working place where he incurs the punishment and in one month term does not notify the probation employee about his new working place.

(4) The time during which are not paid the deductions of para 1 shall not be considered as execution of the probation measure correctional labour.

Art. 43a. (new – SG 103/04) If the sentenced without valid reason does not fulfil the imposed probation measure, upon proposal by the respective probation council the court can:

1. impose other probation measure;
2. substitute entirely or partially the probation with imprisonment; in these cases the term of imprisonment can also be below the minimum of art. 39, para 1.

Art. 44. (1) Confiscation in a compulsory and ex gratia requisition of a property or a part of it, of definite property of the convict or parts of such properties in favour of the state.

(2) (Revoked, SG 62/97)

Art. 45. (1) Confiscation shall not be ruled if the convict does not possess available property which can be subject to this punishment.

(2) Subject to confiscation shall not be the belongings for personal or home using necessary to the convicted or his family, the objects necessary for practising his profession, contained in a list adopted by the Council of Ministers, as well as the resources for support of his family for a period of one year.

Art. 46. In case of confiscation the state shall be liable up to the value of the confiscated property for recovery of the damages caused by the crime, and subsequently for the liabilities of the convicted occurred before laying the indictment when the remaining available property is not enough for the recovery of the damages and for payment of the liabilities.

Art. 47. (1) (Amend., SG 28/82; SG 10/93; Amend., SG 92/02) The fine shall be complied with the property status, with the income of the family and the family liabilities of the perpetrator and the provisions of Chapter Five shall apply in determining its size. It cannot be less than 100 levs.

(2) The fine shall be collected from the property left of the convicted, even after his death, if the conviction has been enacted before that.

(3) The chattel not subject to confiscation cannot be sold for compulsory collection of the fine.

Art. 48. (Revoked, SG 92/02)

Art. 49. (1) (Amend., SG 92/02) The punishment of depriving of rights under art. 37,

para 1 item 6 and 7, when imposed individually or together with another punishment not related to imprisonment, shall be ruled for a definite term of up to three years within the range stipulated by the special part of this Code.

(2) (Suppl. SG 54/78) When the deprivation of such a right is imposed along with imprisonment its term can exceed the term of the latter by no more than three years unless it is provided otherwise by the special part of this Code.

(3) The term shall begin from the enactment of the verdict but the convicted shall not be able to exercise the rights of which he has been deprived before the expiration of the term of imprisonment.

(4) The term of deprivation of rights shall be reduced by such an extent of time by which the term of imprisonment has been reduced due to pardon, work or deduction of the preliminary detention.

(5) (Amend., SG 153/98) The sentenced to life imprisonment without an option shall be deprived of the rights indicated by the sentence forever.

Art. 50. (1) The punishment of deprivation of the right to occupy a definite state or public position and deprivation of the right to practice a definite profession shall be imposed in the cases stipulated by the law if the occupation of the respective position or the practising of the respective profession or activity is incompatible with the nature of the committed crime.

(2) (New, SG 28/82; Revoked, SG 92/02)

(3) (Prev., para 2 - SG 28/82) The punishment of deprivation of a right to received orders, honorary titles and distinction and deprivation of military rank can be imposed only for conviction for serious crime.

Art. 51. Upon expiration of the term the convicted can exercise again the rights of which he has been deprived by the conviction. This does not regard the rights under art. 37, item 9 and 10 which can be acquired again only by the established order.

Art. 52. The punishment public reprobation shall consist in a public reprobation of the delinquent which shall be announced before the respective team, through the media or in other suitable way according to the instructions of the verdict.

Art. 53. (1) Regardless of the criminal responsibility seized in favour of the state shall be:

a) the chattel belonging to the delinquent and have been used for committing deliberate crime;

b) the chattel belonging to the delinquent and which have been subject to deliberate crime - in the cases explicitly stipulated by the special part of this Code.

(2) (New, SG 28/82) Seized in favour of the state shall also be:

a) the chattel, object or means of the crime the possession of which is prohibited, and

b) the acquisition through the crime, if not subject to return or recovery. When the acquisition is missing or has been expropriated its equal value shall be adjudicated.

Chapter five. DETERMINATION OF THE PUNISHMENT

Art. 54. (1) The court shall determine the punishment within the scope stipulated by the law for the committed crime, guided by the provisions of the general part of this Code and taking into consideration: The degree of the social danger from the act of the perpetrator, the motives of the act and the other extenuating and aggravating circumstances.

(2) The extenuating circumstances shall substantiate the imposition of a more lenient and the aggravating - of a more serious punishment.

Art. 55. (1) For exceptional or multiple extenuating circumstances, when even the most lenient punishment stipulated by the law proves to be unproportionally serious the court shall:

1. determine the punishment under the lowest limit;
2. replace:
 - a) (amend., SG 153/98) the life imprisonment by imprisonment from fifteen to twenty years;
 - b) (amend., SG 28/82; SG 10/93; SG 62/97; Suppl., SG 92/02, amend. SG 103/04) the imprisonment, when the lowest limit is not provided - by probation, and for the juveniles - by probation or public reprobation;
 - c) (amend., SG 28/82; SG 10/93; SG 62/97, amend. SG 103/04) the probation - by a fine of one hundred to five hundred levs.

(2) In the cases under item 1 of the preceding para, when the punishment is a fine the court can go below the lowest limit by no more than one second.

(3) In these cases the court may not impose the more lenient punishment stipulated by the law along with the imprisonment.

(4) (Revoked, SG 28/82)

Art. 56. Extenuating and aggravating circumstances shall not be those which are taken into consideration by the law in defining the respective crime.

Art. 57. (1) When the special part of this Code stipulates a possibility for a committed crime to be imposed one among two or more punishments the court shall determine the most suitable in kind and size punishment, guided by the rules of the preceding Art.s.

(2) When the special part of this Code stipulates a possibility for a given crime to be imposed simultaneously two or more punishments the court, guided by the rules of the preceding Art.s, shall determine the size of each of them in such a way that they, in their totality, should correspond to the objective under art. 36.

Art. 58. The court can apply the provisions of art. 55 in the following cases:

- a) for an attempt - due to unfinished crime, considering the circumstances under art. 18, para 2;
- b) for aiding - when the degree of participation of the perpetrator in the crime is small.

Art. 59. (1) (Amend., SG 92/02, amend. SG 103/04) The time during which the convicted has been detained or placed under home arrest shall be deducted in fulfilment of the

imprisonment or probation. When the imposed punishment is probation one day of detention or home arrest shall be considered as two days.

(2) (New, SG 28/82) The provision of the preceding para shall also apply if the convicted has been detained for charges of other crime the proceedings of which have been suspended or has ended by a verdict of acquittal if the provision of art. 23, para 1 could be applied regarding the acts.

(3) (New, SG 28/82, amend. SG 103/04) Deducted in fulfilment of the punishment of deprivation of rights under art. 37, para 1, items 6 and 7 shall be the time during which the convicted has been deprive for the same act, by an administrative order, of the possibility of exercising these rights.

Chapter six. SPECIAL RULES FOR THE JUVENILES

Art. 60. The punishment for the juveniles shall be imposed with the priority objective of their reformation and preparation for socially useful labour.

Art. 61. (1) (Amend., SG 89/86) Regarding a juvenile who commits a crime due to aberration or frivolity, which does not represent a great social danger, the prosecutor may decide not to constitute or discontinue the constituted preliminary proceedings, and the court may decide on no committal to trial or no conviction if corrective measures can be successfully applied according to the Juvenile Delinquency Law.

(2) In these cases the court itself can impose a corrective measure informing about that the local commission for juvenile delinquency or send to it the file regarding the imposing of such a measure.

(3) (Amend., SG 89/86; SG 107/96; amend., SG 26/04) If the prosecutor decides not to constitute preliminary proceedings or abandon the constituted proceedings he shall send the file to the commission for imposing corrective measure.

Art. 62. Only the following punishments can be imposed on the juveniles:

1. imprisonment;
- 1a. (New, SG 92/02, amend. SG 103/04) probation;
2. public reprobation;
3. (amend. SG 103/04) deprivation of right to practice a definite profession or activity according to art. 37, para 1, item 7.

Art. 63. (1) The punishments stipulated for the juveniles by the special part of this Code shall be replaced:

1. (suppl., SG 50/95; amend., SG 153/98) the life imprisonment without option and the life imprisonment - by imprisonment from three to ten years;
2. the imprisonment of more than ten years - by imprisonment of up to five years;
3. the imprisonment of more than five years - by imprisonment of up to three years;
4. the imprisonment of up to five years including - by imprisonment of up to two years, but no longer than the stipulated by the law;
5. (Amend., SG 92/02, amend. SG 103/04) the probation and the fine - by a public

reprobation;

6. (New, SG 92/02) the probation for those under 16 years of age - by a public reprobation.

(2) (Amend., SG 28/82) Punishments stipulated by the special part of this Code for the juveniles who have accomplished sixteen years of age shall be replaced:

1. (suppl., SG 50/95; amend., SG 153/98) the life imprisonment without option and the life imprisonment and imprisonment of more than fifteen years - by imprisonment from five to twelve years;

2. the imprisonment of more than ten years - by imprisonment of two to eight years.

(3) (Amend., SG 28/82) Within the limits under the preceding paras the court shall determine the punishment according to the rules of Chapter Five.

Art. 64. (1) (Amend., SG 107/96) If the determined punishment is imprisonment of less than one year and its fulfilment has not been postponed according to art. 66 the juvenile shall be released from its incurring and the court shall accommodate him in a corrective boarding school or shall impose another corrective measure stipulated by the Juvenile Delinquency Law.

(2) (Amend., SG 107/96) Upon a proposal of the prosecutor or of the respective local commission for fighting juvenile delinquency the court can, after rendering the verdict, replace the accommodation in a corrective school by another corrective measure.

(3) The rule of para 1 shall not apply: a) when the juvenile has committed a crime during the time of serving imprisonment sentence and b) when he is convicted after coming of age.

(4) The rule of para 1 shall also not apply in the cases of repeated conviction if the court finds that the reformation and correction of the perpetrator require imprisonment and when: a) its term is not shorter than six months or b) if the perpetrator has already served time of imprisonment.

Art. 65. (1) The juveniles, until coming of age, shall serve the time of imprisonment in a corrective home.

(2) After coming of age they shall be moved to a prison or to a labour corrective boarding house. For completion of their education or qualification, upon proposal of the pedagogical council, by a permit of the prosecutor, they can remain in the corrective house until the accomplishment of twenty years.

Chapter seven. RELEASE FROM IMPOSED IMPRISONMENT

Section I. Probationary Sentence

Art. 66. (1) (Amend., SG 28/82; corr. SG 31/82; Amend., SG 92/02) When the court imposes a punishment of imprisonment up to three years, it can postpone the imposed punishment for a period from three to five years if the person has not been convicted for imprisonment for a crime of general nature, and if the court finds that for the purpose of the punishment and, most of all for the reformation of the convicted, it is not necessary to serve

the sentence.

(2) (Amend., SG 92/02) The probation term cannot exceed the term of the imposed punishment of imprisonment by more than three years.

(3) (Revoked, SG 92/02)

(4) (New, SG 28/82) During the probation period the convicted shall be obliged to study or work.

Art. 67. (1) In case of postponement of the fulfilment of the punishment the court can assign to the respective public organisation or a work team, upon their consent, corrective care for the convicted during the probation period.

(2) If there is no such consent, or when the court finds it necessary, it shall assign to a definite person the corrective care for the probationary convicted. If the probationary convicted has a place of residence in another populated area this person shall be determined by the respective regional court.

(3) (New, SG 92/02) When the imposed punishment of imprisonment is for no less than 6 months the court can rule probation during the probation* period.

(4) (Prev. para 3 - SG 92/02) For postponement of the punishment for a juvenile the court shall inform the respective local commission which shall organise the corrective care.

(4) (New, SG 28/82; Revoked, SG 92/02)

(5) (Amend., SG 95/75; prev. para 4 - SG 28/82) The general control over the corrective care and the conduct of the probationary convicted shall be exercised by the regional court at the place of residence.

(6) (Prev. para 5 - SG28/82) The order and the way of applying the provisions of the preceding paras shall be settled by a law.

Art. 68. (1) If, until the expiration of the period of probation, the convicted commits another deliberate crime of general nature for which, though after this period, a punishment of imprisonment is imposed, he shall also serve the postponed sentence.

(2) If, under the conditions of para 1, the convicted commits a negligent crime, the court can rule that the postponed punishment is not served or to be incurred entirely or partially.

(3) (Amend., SG 28/82; Amend., SG 92/02, amend. SG 103/04) If the probationer does not fulfil without valid reason some of the probation measures, determined for him by the order of art. 67, para 3, the court can upon proposal by the probation council substitute it or rule to incur entirely or partially the postponed punishment imprisonment.

(4) (Amend., SG 28/82) In the cases, other than those under the preceding paras, the postponed punishment shall not be served.

Art. 69. (1) Regarding a person who has been awarded a probationary sentence for a crime he has committed as a juvenile the probation period shall be from one to three years.

(2) Regarding such a person, in the cases under para 1 of the preceding Art., it can be ruled that he is released partially or entirely from serving the sentence whose fulfilment has been postponed.

Art. 69a. (New, SG 28/82, amend. SG 103/04) In the cases under art. 68, para 2, 3 and

4 and art. 69, para 2 if the convicted commits a new indictable offence within the probation period, for which he has been sentenced to imprisonment, or he continues not to fulfil without valid reason some of the probation measures, determined for him by the order of art. 67, para 3, he shall serve the remaining part of the sentence.

Section II. Release Ahead of Term

Art. 70. (1) (Amend., SG 153/98, amend. SG 103/04) The court can rule a probationary release ahead of term for the remaining part of the punishment of imprisonment or probation regarding a convicted with exemplary conduct and honest attitude to the work, and who has proven his reformation and has served actually no less than half of the imposed punishment.

(2) (Amend., SG 92/02) The provision of para 1 shall also apply regarding persons sentenced for a crime representing a dangerous recidivism, if actually incurred has been no less than two thirds of the imposed punishment and the part of the punishment to be incurred is not longer than three years.

(3) Probationary release ahead of term shall not be admitted repeatedly unless the perpetrator has been rehabilitated for the crime for which probationary release ahead of term has been applied.

(4) (Amend., SG 92/02) The probationary release ahead of term shall also regard the term of the deprivation of rights according to art. 37, para 1, item 6 and 7.

(5) (Amend., SG 92/02) In case of a probationary release ahead of term the court can release the convicted from the imposed sentence of deprivation of rights according to art. 37, para 1, item 6 or 7.

(6) (Suppl., SG 28/82; Suppl., SG 92/02, suppl. SG 103/04) Ruled, in case of a probationary release ahead of term of the convicted, shall be a probation period for the period of the part of the punishment which has not been served, but no less than six months, for which time the court can rule probation taking into consideration report by the probation employee.

(7) (Suppl., SG 92/02) The released ahead of terms shall also serve separately the remaining part of the punishment if, within the probation period, he commits a new deliberate crime provided for which is imprisonment or does not fulfil the ruled probation. If, within this period, the released ahead of term commits a negligent crime, the court can rule not serving of the imposed punishment or its serving entirely or partially.

(8) (Corr., SG 29/68) In the cases of the preceding para the convicted shall incur in full the punishment from which he has been released according to para 5 of this article.

(9) The term of rehabilitation under art. 86 in the case of the probationary release ahead of term shall begin at the moment of expiration of the probation term.

Art. 71. (1) The court can release ahead of term the convicted to imprisonment juvenile if he has corrected himself, after having served actually no less than one third of the imposed punishment.

(2) Regarding a person convicted for a crime he has committed as a juvenile the provisions of art. 70 shall apply upon coming of age regarding the release ahead of term.

Art. 72. (Revoked, SG 92/02)

Art. 73. (1) Regarding the persons released ahead of term the court shall assign the organising of the supervision and the corrective care for them during the probationary term to the respective supervision commission, and for the juveniles - to the local commission for fighting juvenile crime.

(2) Where necessary the court shall assign the supervision and the corrective care to a definite public organisation upon its consent, or to a definite person, informing about that the supervisory or local commission.

(3) The total control and the management of the corrective care and of the conduct of the released ahead of term shall be carried out by the regional court at the place of their residence.

(4) The order and the way of applying the provisions of the preceding paras shall be settled by a law.

Section III. Pardon

Art. 74. The President can, by an act of pardon, remit entirely or partially the imposed punishment, and remit or replace the death penalty.

Chapter eight. RELEASE FROM CRIMINAL RESPONSIBILITY

Section I. Probationary release from criminal responsibility with public bail delivery (Revoked, SG 62/97)

Art. 75. (Amend., SG 28/82; revoked, SG 62/97)

Art. 76. (Amend., SG 28/82; revoked, SG 62/97)

Section II. Release from criminal responsibility by imposing measure for public impact of the fellow citizen's court (Revoked, SG 105/91)

Art. 77. (Revoked, SG 105/91)

Section III. Release from criminal responsibility of juveniles applying corrective measures

Art. 78. In the cases of art. 61 the juvenile can be released from criminal responsibility applying the respective corrective measure.

Section IV. Release from criminal responsibility (New, SG 28/82)

Art. 78a. (1) (Amend., SG 10/93, SG 62/97; SG 21/00) A person of age shall be released from criminal responsibility by the court and a punishment shall be imposed from five hundred to one thousand levs, when the following conditions are simultaneously present:

a) stipulated for the crime is imprisonment of up to two years or another more lenient punishment when it is deliberate, or imprisonment of up to three years or other more lenient punishment if it is negligent;

b) the perpetrator has not been convicted for a crime of general nature and has not been released from criminal responsibility by the order of this Section;

c) the proprietary damages caused by the crime have been restored.

(2) (Revoked - SG 21/00)

(3) Revoked (SG 32/00)

(4) the court imposing the fine under para 1 can also impose an administrative punishment of deprivation of the right to practice a profession of activity for a period of up to three years, if deprivation of such a right is stipulated for the respective crime.

(5) When only a fine or a fine and another more lenient punishment are stipulated the administrative punishment cannot exceed the size of this fine.

Section V. Determination of the kind of release from criminal responsibility (New, SG 28/82; revoked, SG 62/97)

Art. 78b. (Revoked SG 62/97)

Chapter nine. ACQUITTAL OF THE CRIMINAL PROSECUTION AND OF THE IMPOSED PUNISHMENT

Art. 79. (1) The criminal prosecution and the fulfilment of the punishment shall be excluded:

1. when the perpetrator dies;
2. due to running of the statute of limitations;
3. for subsequent pardon.

(2) Not excluded by prescription shall be the criminal prosecution and the fulfilment of the punishment regarding a crime against the peace and the mankind.

Art. 80. (1) The criminal prosecution shall run the statute of limitations when it has not been instituted for a period of:

1. (amend., SG 31/90; SG 153/98) twenty years for acts punishable by life imprisonment without an option, life imprisonment, and thirty five years for murder of two or more persons;

2. fifteen years for acts punishable by imprisonment of more than ten years;

3. ten years for acts punishable by imprisonment of more than three years;

4. (amend., SG 62/97) five years for an act punishable by imprisonment of more than

one year, and

5. two years for all remaining cases.

(2) The terms of limitation under the preceding para for crimes committed by juveniles shall be determined upon considering the replacement of the punishments under art. 63.

(3) The prosecution limitations shall begin from the completion of the crime, for attempt and preparation - from the day when the last act is committed, and for permanent crimes, as well as for continued crimes - from their termination.

Art. 81. (1) The prescription shall expire when the beginning or the extension of the criminal prosecution depends on the solution of a preliminary issue by an enforced act of court.

(2) The prescription term shall be terminated by any act of the respective bodies undertaken for the purposes of the prosecution, only against the person against whom the prosecution is instituted. Upon conclusion of the act by which the prescription has been terminated a new term of prescription shall begin.

(3) Regardless of the termination or suspension of the term of prescription the criminal prosecution shall be excluded if a term has expired exceeding by one second the term stipulated by the preceding Art..

Art. 82. (1) The imposed punishment shall not be effected upon elapsed:

1. (amend., SG 153/98) twenty years if the punishment is life imprisonment without an option or life imprisonment;

2. fifteen years if the punishment is imprisonment of more than ten years;

3. ten years if the punishment is imprisonment from three to ten years;

4. five years if the punishment is imprisonment of less than three years, and

5. two years for all remaining cases.

(2) The prescription for effecting the punishment shall begin on the day of enactment of the verdict, and regarding the punishment whose effecting has been postponed according to art. 66 - from the enactment of the verdict or definition according to art. 68.

(3) The prescription shall be terminated by any act of the respective bodies undertaken regarding the convicted for fulfilment of the verdict. Upon conclusion of the act terminating the prescription a new prescription shall begin.

(4) Regardless of the suspension or termination of the prescription the punishment shall not be effected if a term has expired exceeding by one second the term under para 1.

(5) (New, SG 28/82) The provision of the preceding para shall not apply regarding the fine when executory proceedings have been instituted for its collection.

Art. 83. The amnesty shall obliterate the criminal nature of a definite kind of acts or shall release from criminal responsibility and from the consequences from the conviction for definite crimes.

Art. 84. (1) For crimes prosecuted pursuant to a complaint of the aggrieved criminal prosecution shall not be instituted even if the prescription has not expired, if a complaint is not filed within six months from the day when the aggrieved learned that the crime has been

committed.

(2) If the aggrieved dies before the expiration of this term the complaint can be filed by his heirs before its expiration.

(3) The punishment shall not be effected for these crimes if the claimant has so requested before the beginning of its fulfilment.

Chapter ten. REHABILITATION

Art. 85. (1) The rehabilitation shall obliterate the conviction and shall repeal future consequences which are related by the law to the conviction itself, unless established otherwise by a law or an edict in certain respect.

(2) (New, SG 28/82) The provision of the preceding para shall not apply regarding the convicted for crime against the peace and the mankind.

Art. 86. (1) The rehabilitation shall take place by right in the following cases:

1. when the person has been released on probation, if within the probation term he has not committed another crime for which reason he has to incur the postponed punishment;

2. (Amend., SG 92/02, amend. SG 103/04) if the person is sentenced to imprisonment of up to three years or to probation, if in the course of three years from the expiration of the term of the punishment imposed by the verdict or reduced by work or pardon he has not committed another crime punishable by imprisonment or by a more serious punishment;

3. when a person is sentenced jointly or individually to a fine, public reprobation or deprivation of rights, if within the course of one year from fulfilment of the punishment he has not committed another crime of general nature, and

4. when a person has been convicted as juvenile, if within the course of two years from incurring the punishment he has not committed another crime of general nature for which imprisonment has been imposed on him.

(2) (Amend., SG 28/82) The rehabilitation by right shall not occur for a crime committed by a person of age who has once been rehabilitated.

Art. 87. (1) In cases other than those under the preceding Art. every convicted can be rehabilitated by the court which has ruled the verdict as first instance if within the course of three years from the expiration of the term of the punishment imposed by the verdict or reduced by work or pardon he has not committed another crime punishable by imprisonment or by a more serious punishment:

1. if he has had a good conduct and

2. if he has restored the damages caused by a deliberate crime.

(2) The court can also rehabilitate the convicted without his restoring the caused damages if there are valid reasons for that.

(3) (Amend., SG 92/02, amend. SG 103/04) If, along with the punishment of imprisonment a punishment of deprivation of rights according to art. 37, para 1, item 6 and 7 or probation have been imposed the term of this punishment must have expired in order to rule rehabilitation. If a fine is imposed it must have been paid.

Art. 88. Rehabilitation can also be requested by the heirs of the convicted after his death if he has been entitled.

Art. 88a. (New, SG 28/82) (1) (Suppl., SG 89/86) When a term has expired, after the serving of the sentence, equal to the one under art. 82, para 1 and the convicted has not committed a new deliberate crime of general nature for which a punishment of imprisonment is stipulated the conviction and its consequences shall be obliterated regardless of the stipulated by another law or an edict.

(2) When the imposed punishment of imprisonment is longer than one year and the person has not been released from serving it pursuant to art. 66 the term under para 1 cannot be less than ten years.

(3) In case of a release on probation and release on licence the term under para 1 shall begin on the day of expiration of the probation term.

(4) (New, SG 89/86) If a person has committed two or more crimes for which he has not been rehabilitated the sentence and its consequences shall be obliterated upon the expiration of the terms stipulated by the preceding paras for all convictions.

(5) (Prev., para 4 - SG 89/86) The provisions of the preceding paras shall not apply regarding the convicted for serious crimes against the republic and for crimes against the peace and the mankind.

Chapter eleven. MANDATORY MEDICAL MEASURES

Art. 89. Regarding a person who has committed a socially dangerous act in a state of insanity or who has lapsed into such a state before the ruling of the verdict or during the serving of the sentence the court can rule:

a) delivery to the next of kin if they undertake an obligation for his treatment under the supervision of a psycho-neurological dispensary;

b) mandatory treatment in a general psycho-neurological establishment;

c) mandatory treatment in a special psychiatric hospital or in a special ward of a general psycho-neurological establishment.

Art. 90. (1) The mandatory treatment in a general psycho-neurological establishment can be ruled by the court regarding a mentally ill who, in view of his psychic status and of the nature of the committed socially dangerous act, needs care and treatment by mandatory order.

(2) The mandatory treatment in a special psychiatric hospital or in a special ward can be ruled by the court regarding a mentally ill person who, in view of his psychic status and the nature of the committed socially dangerous act is particularly dangerous for the society or for his next of kin. In these cases the person shall be kept under doubled supervision excluding the possibility for him to commit a new socially dangerous act.

Art. 91. (1) The termination or the change of the ruled medical mandatory measure shall be done by the court when this is required by the occurred change of the status of the sick person or by the needs of his treatment.

(2) In all cases, upon expiration of a six-month period from the admission in the

medical establishment the court shall rule for termination, continuation or replacement of the mandatory treatment.

Art. 92. (1) If the crime is committed by a person who suffers from alcoholism or from other addiction the court can, along with the punishment, rule mandatory treatment as well.

(2) If a punishment is imposed without imprisonment the mandatory treatment shall be carried out in medical establishments with special treatment and working regime.

(3) The mandatory treatment of the sentenced to imprisonment shall be carried out during the serving of the sentence. The term of the mandatory treatment shall be deducted from the term of imprisonment.

(4) Where necessary, the court can rule the continuation of the treatment after the release of the convicted from the place of imprisonment - in the medical establishment specified in para 2.

(5) The mandatory treatment shall be terminated by the court if its continuation is no longer necessary.

Additional provisions Explanation of some words

Art. 93. The words and expressions below have been used in this Code in the following context:

1. "Official" is a person to whom it is assigned to fulfil against remuneration or free of charge, temporarily or permanently:

a) a job in a state establishment, with exception of those carrying out activity of material performance;

b) (amend., SG 10/93; suppl., SG 62/97, Amend. SG 43/05, in Force from 1st of September 2005) managerial job or a job related to keeping or management of another's property in a state enterprise, cooperation, public organisation, other corporate body or with a sole entrepreneur, as well as of private public notary and assistant public notary, private bailiff and deputy bailiff;

2. (Amend., SG 92/02) "Body of authority" are the bodies of the state authority, the bodies of the state government, the bodies of the judiciary authority, as well as their employees, in charge of exercising power of authority;

3. "Representative of the public" is a person appointed by a public organisation to carry out, by virtue of the law or other normative act, a definite function.

4. (Suppl. SG 51/00) "Public property" is the property of the state, of the municipalities, of the cooperations, of the public organisations and of the other corporate bodies in which they participate;

5. "Official document" is the one issued by the established order and in a form by an official within the scope of his duties, or by a representative of the public within the scope of the assigned function;

6. "Not genuine document" is the one to which an appearance has been attached representing it as a concrete written statement of another person and not the one who has actually worked it out;

7. (Suppl., SG 50/95; amend., SG 153/98) "Serious crime" is a crime for which the

law stipulates a punishment of imprisonment of more than five years, life imprisonment or life imprisonment without an option;

8. "Particularly serious case" is the one where the committed crime, in view of the occurred harmful consequences and of other aggravating circumstances, represents an exceptionally high degree of social danger of the act and the perpetrator;

9. "Minor fact" is the one where the committed crime, in view of the lack or insignificance of the harmful consequences, or in view of other attenuating circumstances represents a lower level of social danger as compared with the common cases of crime of the respective kind;

10. "Next of kin" are the spouses, the ascending, descending (including adopted, step children), the brothers, sisters and their spouses, the lateral branch of the family up to IV degree;

11. "War-time" is the time from declaring war or from the actual starting of military activities until the declaring of their ceasing;

12. (New, SG 28/82) the crime has been committed "by two or more persons" when at least two persons have participated in the fulfilment itself;

13. (New, SG 28/82) using international protection shall be the persons for whom such protection is stipulated by an international agreement party to which is the Republic of Bulgaria;

14. (New, SG 62/97; amend., SG 21/00) "Taxes large in size" are those exceeding three thousand levs, and "taxes particularly large in size" are those exceeding twelve thousand levs;

15. (New, SG 7/99) "Foreign official" is the one who carries out:

a) a job in an establishment of a foreign country;

b) functions assigned by a foreign country, including by a foreign state enterprise or organisation;

c) (Suppl., SG 92/02) job or commission assigned by an international organisation, as well as a position in an international Parliamentary Assembly or international court.

16. (New, SG 21/00) "Narcotic substances" are all intoxicating and psychotropic substances - high-risk and risky - in the context of the Law for control over the narcotic substances and precursors.

17. (New, SG 21/00; Suppl., SG 92/02) "Precursor" is every substance in the context of the Law for control over the narcotic substances and precursors, and every chemical substance in the context of the Law of prohibition of the chemical weapons and control over the toxic chemical substances and their precursors.

18. (New, SG 21/00; Suppl., SG 92/02) "Illegal traffic" is every illegal activity or activities related to plants containing narcotic substances, with narcotic substances and precursors, with biological, chemical and radiation weapons, with explosive substances, radioactive materials, toxic and chemical substances and their precursors, biological agents and toxins.

19. (New, SG 21/00) "Analogue" is every substance not included in the Law for control over the narcotic substances and precursors but has a similar chemical structure to some narcotic substance and causes similar effect on the human organism.

20. (New, SG 92/02) "Organised criminal group" is a structured permanent association of three or more persons with the purpose of committing crime in the country or abroad, provided for which is punishment of imprisonment of more than three years, and through which it is aimed at acquiring property benefit. The association is structured without

the presence of a formal distribution of the functions between the participants, duration of the participation or developed structure.

21. (New, SG 92/02) "Computer information system" is every individual device or a totality of interconnected or similar devices which, in fulfilment of a definite programme, provides, or one of the elements provides automatic data processing.

22. (New, SG 92/02) "Computer information data" is every presentation of facts, information or concepts in a form subject to automatic processing, including such a programme which is capable of doing so that a given computer system can fulfil a definite function.

23. (New, SG 92/02) "Provider of computer information services" is every corporate body or individual offering the possibility of communication through a computer system or which processes or stores computer data for this communication service or for its users.

24. (New, SG 92/02) "Payment instrument" is a material instrument, different from a legal** payment instrument (banknote or coin), allowing, due to its specific nature, individually or jointly with another instrument, the titular to transfer money or monetary value, such as debit card, credit card, electronic portfolio or other card issued by a financial institution, a check or a travel check.

Art. 94. The provisions of the general part of this Code shall also apply for crimes stipulated by other laws.

SPECIAL PART

Chapter one. CRIME AGAINST THE REPUBLIC

Section I. Treason

Art. 95. (Suppl., SG 50/95; amend., SG 153/98) Who, with the purpose of subversion, undermining or weakening of the authority in the republic, participates in a coup attempt for forcible seizure of the power in the centre or locally, in a riot or in an armed uprising, shall be punished by imprisonment from ten to twenty years, by life imprisonment or life imprisonment without an option.

Art. 96. (1) (Amend., SG 41/85; suppl., SG 50/95; amend., SG 153/98) Who, with the purpose of undermining or weakening the authority in the republic, or create difficulties, deprives of life a state or public figure, shall be punished by imprisonment of twenty years, life imprisonment or life imprisonment without an option.

(2) Who, with the same purpose, causes a serious bodily harm to such a person shall be punished by imprisonment of five to fifteen years.

(3) (New, SG 41/85; suppl., SG 50/95; amend., SG 153/98) Who, with the purpose under para 1, through arson, explosion, flooding or other socially dangerous act, causes death to one or more persons, shall be punished by imprisonment from fifteen to twenty years, by life imprisonment or life imprisonment without an option.

Art. 97. (Suppl., SG 50/95; amend., SG 153/98) Who, with the purpose described in the preceding Art., commits a socially dangerous crime according to art. 349 or 350, shall be punished by imprisonment of ten to twenty years, by life imprisonment or life imprisonment without an option.

Art. 97a. (New, SG 41/85) (1) Who, with the purpose under art. 96, keeps somebody as a hostage, whose release places under dependence on the fulfilment of a definite condition on the part of the state, of a state or a public organisation or a third person, shall be punished by imprisonment of three to ten years.

(2) When, in the cases under the preceding para, the perpetrator threatens that if his conditions are not met, he will cause death or serious or average bodily harm to the hostage the punishment shall be imprisonment of five to fifteen years.

Section II. Betrayal and Espionage

Art. 98. (1) Who abets a foreign country or a public group abroad in a war or other hostile act against the republic shall be punished by imprisonment from five to fifteen years.

(2) The same punishment shall be imposed to those who commits an act with the purpose of instigating war or other hostile act against the republic.

Art. 99. (1) (Suppl., SG 50/95; amend., SG 153/98) Who deprives of life a representative of a foreign state with the purpose of instigating war or international complications against the republic shall be punished by imprisonment from ten to twenty years, by life imprisonment or life imprisonment without an option.

(2) For serious bodily harm to such a person with the same purpose the punishment shall be imprisonment of five to fifteen years.

Art. 100. (1) (Suppl., SG 50/95; amend., SG 153/98) A Bulgarian citizen who during a declared or started war, enlists voluntarily in a hostile army or an armed group or participates in a hostile act against the republic, or in any form whatsoever passes to the side of the enemy shall be punished by imprisonment of ten to twenty years, by life imprisonment or life imprisonment without an option.

(2) The same punishment shall be imposed to a Bulgarian citizen who, in any way whatsoever, has assisted a foreign state or a public group abroad in carrying out military or other hostile activities against the republic.

Art. 101. (1) A Bulgarian citizen who leaves the country or refuses to return to the country with the purpose of providing services to a foreign country or to a foreign organisation in order to serve to it to the detriment of the republic shall be punished by imprisonment of three to ten years.

(2) If the act is committed by a military man the punishment shall be imprisonment of five to fifteen years.

Art. 102. (1) Who, with the purpose of reducing the defence capacity of the republic occasions a riot or defiance in the Bulgarian army or desertion from it, or with the same reason disrupts its training or provision, shall be punished by imprisonment of five to fifteen years.

(2) (Suppl., SG 50/95; amend., SG 153/98) If serious consequences have resulted from the act, or if it has been committed in war-time, the punishment shall be imprisonment of ten to twenty years, life imprisonment or life imprisonment without an option.

Art. 103. Who, in fulfilment of a public employment or commission before a foreign representation or international organisation, deliberately carries them out to the detriment of the republic, shall be punished by imprisonment of ten to fifteen years.

Art. 104. (1) (Suppl., SG 50/95; amend., SG 153/98; amend., SG 26/04) Who divulges or gathers with the purpose of divulging to a foreign state or foreign organisation information representing a state secret shall be punished for espionage by imprisonment of ten to twenty years, by life imprisonment or life imprisonment without an option.

(2) If the perpetrator voluntarily discloses to the bodies of authority the committed crime he shall be punished with attenuating circumstances.

(3) (Amend., SG 95/75; SG 99/89; amend., SG 26/04) The information representing a state secret shall be determined by a law.

Art. 105. (1) Who places himself at the service of a foreign country or foreign organisation in order to serve as a spy, unless he has not committed an act under the preceding para, shall be punished by imprisonment of five to fifteen years.

(2) The perpetrator shall not be punished if he voluntarily discloses himself to the bodies of authority.

Section III. Diversion and Sabotage

Art. 106. (Suppl., SG 50/95; amend, SG 153/98) Who, with the purpose of weakening the power or create difficulties, destroys or damages public buildings, constructions, installations, facilities, transport or communication facilities or other important public property shall be punished for diversion by imprisonment of five to fifteen years, and in especially serious cases - by imprisonment of twenty years, by life imprisonment or by life imprisonment without an option.

Art. 107. Who, with the purpose of weakening the power or create difficulties, disrupts or subverts the industry, transport, agriculture, the monetary and credit system, other economic branches or individual economic enterprises by using state establishments, economic enterprises or public organisations obstructing their activity or not carrying out assigned important economic tasks shall be punished for sabotage by imprisonment of three to ten years, and in especially serious cases - by imprisonment of five to fifteen years.

Section IV. Other crimes (Title amend., SG 99/89)

Art. 108. (Suppl., SG 41/85; amend., SG 99/89, SG 10/93) (1) (Amend., SG 92/02) Who propagates fascist or other anti-democratic ideology or forcible change of the social and state system established by the Constitution of the Republic of Bulgaria shall be punished by imprisonment of up to three years or a fine of one hundred to three hundred levs.

(2) (Amend., SG 92/02) Who, in any way whatsoever, besmirches the coat-of-arms, the flag or the anthem of the Republic of Bulgaria shall be punished by imprisonment of up to one year or a fine of one hundred to three hundred levs.

Art. 108a. (New, SG 92/02) (1) Who, for the purpose of causing commotion and fear to the population, or threat or compel a body of the authority, a representative of the public or a representative of a foreign country or of an international organisation, to do or omit something in the sphere of his functions, commits a crime according to Art. 115, 128, Art. 142, para 1, Art. 216, para 1, Art. 326, Art. 330, para 1, Art. 334, Art. 334, para 1, Art. 337, para 1, Art. 339, para 1, Art. 340, para 1 and 2, Art. 341a, para 1 - 3, Art. 341b, para 1, Art. 344, Art. 347, para 1, Art. 348, Art. 349, para 1 and 3, Art. 350, para 1, Art. 352, para 1, Art. 354, para 1, Art. 356f, para 1, Art. 356h shall be punished for terrorism by imprisonment from five to fifteen years, and when death has been caused - by imprisonment from fifteen to thirty years, life imprisonment or life imprisonment without an option.

(2) Who, in any way whatsoever, directly or indirectly, gathers or provides resources for the act under para 1, knowing or expecting that they will be used for such a purpose, shall be punished by imprisonment of three to fifteen years and a fine of up to thirty thousand levs.

(3) The subject of the crime under para 2 shall be seized in favour of the state or if it is missing or expropriated its equivalence shall be awarded.

Art. 109. (1) (Amend., SG 99/89; Amend., SG 92/02) Who forms or leads an organised criminal group having the goal of committing crime under this chapter shall be punished by imprisonment of up to twenty years, but no longer than the punishment stipulated for the respective crime.

(2) (Amend., SG 92/02) Who is a member of such a group shall be punished by imprisonment of up to ten years, but no longer than the punishment stipulated for the respective crime.

(3) (Suppl., SG 95/75; Amend., SG 92/02) A participant in the group who voluntarily surrenders to the bodies of the authority, discloses everything known to him about the group, thus facilitating substantially the discovery and the proving of crime committed by it shall be punished under the conditions of art. 55.

(4) (Amend., SG 92/02) Not punished shall be a participant in the group who voluntarily delivers himself up and discloses the organisation or group before another crime is committed by it or by him.

Art. 110. (Amend., SG 99/89; Amend., SG 92/02) For preparation of a crime according to art. 95, 96, 99, 106 and 107 and Art. 108, para 1 the punishment shall be imprisonment of up to six years.

Art. 111. (Revoked, SG 99/89)

Art. 112. (Amend., SG 41/85; revoked, SG 99/89)

Art. 112a. (New, SG 41/85; revoked, SG 99/89)

Art. 113. (Revoked, SG 99/89)

Additional provisions

Art. 114. (1) (Amend., SG 28/82, amend. SG 103/04) For crimes under this chapter the court can rule revocation of right under art. 37, para 1, items 6 - 10.

(2) (Suppl., SG 92/02) For crimes under art. 95 - 107, art. 108a and 109 the court can rule confiscation of a part or the entire property of the culprit.

Chapter two. OFFENCES AGAINST THE PERSON

Section I. Homicide

Art. 115. Who deliberately kills somebody shall be punished for homicide by imprisonment from ten to twenty years.

Art. 116. (1) (Prev. text of art. 116 - SG 62/97) For homicide:

1. (Suppl. SG 28/82; amend., SG 62/97) of an official, representative of the public, as well as a military man, including from allied or friendly country or army, or on occasion of fulfilment of his duty or function, or a person under international protection;

2. by an official, as well as by a representative of the public, by a person from the system of the police or on occasion of fulfilment of his duty or function;

3. of a father, mother, as well as of a natural son or daughter;

4. (Suppl., SG 62/97) of a pregnant woman, minor child or more than one person;

5. of a person in a helpless state;

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

7. from mercenary motives;

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

9. committed deliberately;

10. (New, SG 92/02) committed by a person acting by an order or in fulfilment of a decision of an organised criminal group;

11. (Prev. item 10 - SG 92/02) committed from hooligan motives and

12. (Prev. item 11 - SG 92/02, amend. SG 103/04) representing a dangerous recidivism or committed by a person who has committed other deliberate homicide under the preceding or present article for which verdict has not been rendered, (amend., SG 28/82; suppl., SG 50/95; amend., SG 153/98) the punishment is imprisonment of fifteen to twenty years, life imprisonment or life imprisonment without an option.

(2) (New, SG 62/97; amend., SG 153/98, amend. SG 103/04, Amend. SG 43/05, in

Force from 1st of September 2005) For a homicide of a judge, prosecutor, person of the system of the Ministry of Interior, state bailiff, private bailiff and deputy bailiff, as well as customs' employee, employee of the tax administration, of employee of the National Department of Forests or employee of the Ministry of Environment and Waters, implementing control activity during or on occasion of fulfilment of his duty or function the punishment shall be imprisonment of twenty to thirty years, life imprisonment or life imprisonment without an option.

Art. 117. (1) Preparation for homicide under art. 115 and 116 shall be punished by imprisonment of up to three years.

(2) The same punishment shall be imposed on those who abets somebody else to a homicide.

Art. 118. (Amend., SG 28/82) For homicide committed in a status of affect, which has been provoked by the victim by violence, serious offence or slander or by other illegal act, as a result of which have occurred or there was a possibility of occurrence of serious consequences for the culprit or his next of kin, the punishment is: in the cases of art. 115 - imprisonment of one to eight years, and in the cases of art. 116, item 1 - 6 - imprisonment of three to ten years.

Art. 119. For homicide committed in exceeding the scope of the unavoidable defence the punishment shall be imprisonment of up to five years.

Art. 120. For homicide committed by a mother to a child at the time of birth or immediately after it the punishment shall be imprisonment of up to three years.

Art. 121. For homicide of a newly born child with a monstrous appearance the guilty parent shall be punished by imprisonment of up to one year or by corrective labour.

Art. 122. (1) Who causes death to somebody else by negligence shall be punished by imprisonment of up to three years.

(2) If the death is caused by a gun or by a strong poisonous substance or if death is caused to two or more persons the punishment shall be imprisonment of up to five years.

Art. 123. (1) Who causes death to somebody else due to a lack of knowledge or negligent fulfilment of a profession or another legally stipulated activity, representing a source of high danger, shall be punished by imprisonment of up to five years.

(2) Who, by negligence, causes somebody else death through activities belonging to a profession or activity according to the preceding para, which he is not entitled to practice, shall be punished by imprisonment of one to five years.

(3) If, in the cases of the preceding paras the perpetrator has been intoxicated or if death has been caused to more than one person the punishment shall be imprisonment of three to eight years, and in especially serious cases - imprisonment of five to fifteen years.

(4) If the perpetrator has done everything after the act, depending on him for the

rescue of the victim the punishment shall be: under para 1 and 2 - imprisonment of up to three years; under para 3 - imprisonment of up to five years, and in especially serious cases - imprisonment of three to ten years.

Art. 124. (1) Who causes somebody else death by negligence as a result of a deliberately inflicted bodily harm shall be punished by imprisonment of three to twelve years in case of a serious bodily harm, from two to eight years in case of an average bodily harm and up to five years in case of a light bodily harm.

(2) (New, SG 95/75; amend., SG 28/82; SG 89/86) If the act under the preceding para is committed in a state of affect, which has been caused by the victim by violence, heavy offence or slander or by other illegal act, as a result of which have occurred or would have occurred serious consequences for the culprit or his next of kin the punishment is: for serious bodily harm - imprisonment of up to five years; for average bodily harm - imprisonment of up to three years; for light bodily harm - imprisonment of up to two years.

(3) (New, SG 89/86; Amend. SG 92/02, amend. SG 103/04) If the bodily harm, as a result of which the death has resulted, is a dangerous recidivism the punishment shall be: for serious bodily harm - imprisonment of five to fifteen years; and for average bodily harm - imprisonment of three to ten years.

(4) (New, SG 89/86) If the act under para 1 or 3 has been committed by exceeding the scope of the unavoidable defence the punishment shall be: for serious bodily harm - imprisonment of up to five years; for average bodily harm - imprisonment of up to four years; and for light bodily harm - imprisonment of up to two years.

Art. 125. Mother who negligently causes death to her unborn or newly born child shall not be punished.

Art. 126. (1) (Amend., SG 62/97) Who, with the consent of a pregnant woman kills her foetus outside the health establishments appointed by the Ministry of Health, or in violation of the rules established by this ministry, shall be punished by imprisonment of up to five years.

(2) (Amend., SG 62/97) If the culprit does not have higher medical degree or he has killed the foetuses of two or more women the punishment shall be imprisonment of up to eight years.

(3) (Amend., SG 62/97) If the act under the preceding paras is repeatedly committed the punishment shall be imprisonment of two to eight years.

(4) The pregnant woman shall not bear criminal responsibility under the preceding paras, including for abetting and accessing.

(5) (Amend., SG 62/97) If the killing of the foetus has been done without the consent of the pregnant woman the punishment shall be imprisonment of three to eight years.

(6) (Amend., SG 62/97) If, in the above case, the death of the pregnant woman has followed, the punishment shall be imprisonment of five to twelve years.

Art. 127. (1) Who, in any way whatsoever, helps or prevails upon a suicide and suicide or attempted suicide takes place, shall be punished by imprisonment of up to three years.

(2) For the same crime regarding a minor person or a person of whom the culprit is aware that he is in no position to guide his acts or he does not understand the quality or the importance of the act the punishment shall be imprisonment of three to ten years.

(3) Who, by a cruel treatment or systematic humiliation of the dignity of a person in material or other dependence on him leads him to a suicide or suicide attempt, having expected it, shall be punished by imprisonment of two to eight years.

(4) If the act under the preceding para is committed by negligence the punishment shall be imprisonment of up to three years.

Section II. Bodily harm

Art. 128. (1) Who inflicts on somebody else a serious bodily harm shall be punished by imprisonment of three to ten years.

(2) The bodily harm shall be considered serious if it has caused: a continuous mental disorder; a continuous blindness of one or two eyes; a permanent deafness; loss of speech; generative disability; disfiguring when it causes a permanent disorder of the speech or of a sense organ; loss of one kidney, the spleen or a branch of the lung; loss or crippling of a leg or a hand; permanent general health disorder dangerous for the life.

Art. 129. (1) Who inflicts on somebody else an average bodily harm shall be punished by imprisonment of up to five years.

(2) The bodily harm shall be considered average if it has caused: a permanent weakening of the sight or hearing; permanent speech difficulty, difficulty of moving the limbs, the body or the neck, the functions of the genitals without causing generative disability; braking of jaw or knocking out teeth without which the chewing or the speech is impeded; disfiguring of the face or other parts of the body; permanent health disorder, not dangerous for the life or a health disorder temporarily dangerous for the life; injuries penetrating the skull, the chest and the abdominal cavity.

Art. 130. (1) Who causes somebody else a health disorder in cases other than those under art. 128 and 129 shall be punished for light bodily harm by imprisonment of up to two years or by corrective labour.

(2) (Amend., SG 28/82; corr., SG 31/82; amend., SG 10/93; amend., SG 92/02) For light bodily harm expressed in causing pain or suffering, without health disorder, the punishment shall be imprisonment of up to six months or corrective labour or a fine of one hundred to three hundred levs.

(3) If, in the cases under the preceding paras, the aggrieved has returned immediately to the perpetrator by the same bodily harm the court can release both of them from punishment.

Art. 131. (Amend., and Suppl., SG 28/82; SG 95/75) (1) (Prev. text of art. 131 - SG 62/97) For causing bodily harm:

1. (Amend., SG 62/97) to an official, to a representative of the public, as well as to a military person, including from an allied or friendly country or army, during or on occasion of

fulfilment of his duty or function, or to a person under international protection;

2. by an official, by a representative of the public, by a person from the police during or on occasion of fulfilment of his duty or function;

3. to a mother or a father;

4. (Suppl., SG 62/97) to a pregnant woman, to a minor or to more than one person;

5. in a way especially torturous for the aggrieved;

6. by a person who has committed deliberately another serious or average bodily harm according to art. 128 and 129 or according to this Art., for which verdict has not been rendered;

7. repeatedly, if the bodily harm is serious or average

the punishment shall be imprisonment: from three to twelve years for a serious bodily harm; from one to five years for an average bodily harm; up to three years for a light bodily harm according to art. 130, para 1 and up to one year or corrective labour according to art. 130, para 2.

8. (New, SG 92/02) by a person acting by an order or in fulfilment of a decision of an organised criminal group;

9. (New, SG 92/02) in a way or by means dangerous for the life of many or by particular cruelty;

10. (New, SG 92/02) from mercenary motives;

11. (New, SG 92/02) in order to facilitate or cover another crime;

12. (New, SG 92/02) from vandalic motives.

(2) (New, SG 62/97, amend. SG 103/04, Amend. SG 43/05, in Force from 1st of September 2005) For inflicting bodily harm to a judge, prosecutor, investigator, a person from the Ministry of Interior, state bailiff, private bailiff and deputy bailiff, as well as customs' employee, employee of the tax administration, an employee of the National Department of Forests or an employee of the Ministry of Environment and Waters, implementing control activity, during or on occasion of fulfilment of his duty or function the punishment shall be imprisonment:

1. from five to fifteen years for serious bodily harm;

2. from three to ten years for average bodily harm;

3. from one to five years for a light bodily harm according to art. 130, para 1;

4. up to three years for a light bodily harm according to art. 130, para 2.

Art. 131a. (Prev., para 2 of art. 131 - SG 28/82; amend., SG 89/86; SG 92/02, amend. SG 103/04) If the bodily harm represents a dangerous recidivism the punishment shall be: for a serious corporal punishment imprisonment of five to twelve years, and for an average bodily harm - imprisonment of three to eight years.

Art. 132. (1) (Amend., SG 28/82; suppl., SG 89/86) For a bodily harm, besides in the cases under art. 131a, inflicted on somebody else in a state of affect, caused by the aggrieved by violence, outrage, slander or other illegal act which has caused or would have caused grave consequences for the culprit or his next of kin the punishment shall be:

1. imprisonment of up to three years for a serious bodily harm;

2. imprisonment of up to one year for an average bodily harm;

3. imprisonment of three months or a corrective labour for a period of up to six months for a light bodily harm according to art. 130, para 1;

4. (Amend., SG 10/93; Amend., SG 92/02) corrective labour for a period of up to six months or a fine of one hundred to three hundred levs according to art. 130, para 2.

(2) The punishments under the preceding para shall also be imposed in the cases of inflicting bodily harm in exceeding the scope of the unavoidable defence.

Art. 133. Who inflicts on somebody else, by negligence, serious or average bodily harm shall be punished by imprisonment of up to one year or by a corrective labour.

Art. 134. (1) Who inflicts on somebody else a serious or an average bodily harm due to ignorance or due to a careless practising of a profession or of another legally stipulated activity representing a source of a high danger shall be punished:

1. imprisonment of up to three years for a serious bodily harm and
2. by imprisonment of up to two years or by a corrective labour for an average bodily harm.

(2) The same punishment shall be imposed on those who, by negligence, inflicts on somebody else a serious or average bodily harm through activities belonging to a profession or activity according to the preceding para, which he has no right to practice.

(3) If, in the cases under the preceding paras the perpetrator has been intoxicated or if he has inflicted injury to more than one person the punishment shall be imprisonment of up to five years for a serious bodily harm and imprisonment of up to three years for an average bodily harm.

(4) If, after the act, the perpetrator has made everything depending on him for assisting the aggrieved it shall be taken into consideration as attenuating circumstance in determining the punishment.

Art. 135. (1) (Amend., SG 10/93; SG 62/97) Who, knowing that he suffers from a venereal disease, infects somebody else with the same disease shall be punished by imprisonment of up to three years and a fine up to two hundred levs.

(2) (Amend., SG 10/93; SG 62/97) If in the case under the preceding para the infected are minor persons under 16 years of age or more than two persons have been infected the punishment shall be imprisonment of up to five years or a fine of up to five hundred levs.

(3) (Amend., SG 10/93; SG 62/97) Who, knowing that he suffers from venereal disease, infects by negligence somebody else with the same disease shall be punished by imprisonment of up to one year or a fine of up to two hundred levs.

(4) (Amend., SG 10/93; SG 62/97) Who, through a sexual intercourse or in any other way puts another person in jeopardy of being infected with a venereal disease, shall be punished by imprisonment of up to six months or by a fine of up to two hundred levs.

(5) (Suppl., SG 28/82; amend., SG 10/93, SG 62/97) A person having a venereal disease, who refuses to be treated or avoids a regular obligatory treatment shall be fined with up to three hundred levs imposed through administrative channels.

(6) If the act under the preceding para is repeated the punishment shall be imprisonment of up to six months.

Section III. Discrediting

Art. 136. (1) Who violates rules established for protection of the safety of labour, thus putting in jeopardy the life or the health of the workers, shall be punished by imprisonment of up to three years or corrective labour, as well as by public reprobation.

(2) (New, SG 28/82) When an act under the preceding para puts by negligence in jeopardy the life or the health of the workers the punishment shall be imprisonment of up to one year or corrective labour.

Art. 137. Who puts in jeopardy a person unable to protect himself for reasons of being minor, superannuated, sick, or generally, being helpless, in such a way that his life can be in danger and being aware of it he does not come to his assistance, shall be punished by imprisonment of up to three years.

Art. 138. Who deliberately does not render assistance to a person of whom he is obliged to take care and who is in danger of his life, and who is unable to protect himself for reasons of being minor, superannuated, sick, or generally, being helpless, in the cases when he could have rendered assistance, shall be punished by imprisonment of up to one year or by corrective labour.

Art. 139. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who, in immediate danger for the life of somebody else, does not come to the assistance which could have been rendered without a danger for himself or for somebody else shall be punished by corrective labour for up to six months or by a fine of one hundred to three hundred levs.

Art. 140. A driver of vehicle who, after a traffic accident in which he took part, does not render the necessary assistance to the injured person, which could have been rendered without a danger for himself or for somebody else shall be punished by imprisonment of up to one year or by corrective labour.

Art. 141. (1) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) If a person practising medical profession, after being invited, does not come to the assistance of a sick person or of a woman in labour without a valid reason shall be punished by corrective labour or by a fine of one hundred to three hundred levs.

(2) If the culprit has been aware that the sick person or the woman in labour were in a dangerous state the punishment shall be imprisonment of up to one year or corrective labour.

(3) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who, being obliged to render assistance to a sick person, does not render such assistance without valid reasons shall be punished by corrective labour for up to six months or by a fine of one hundred to three hundred levs.

Section IV. Kidnapping and Illegal Constraint (Title amend., SG 50/95)

Art. 142. (New, SG 50/95) (1) (Amend., SG 92/02) Who kidnaps a person for the purpose of illegally constraining him shall be punished by imprisonment of one to six years.

- (2) The punishment shall be imprisonment of three to ten years when:
1. the perpetrator has been armed;
 2. the act has been committed by two or more persons;
 3. (Amend., SG 62/97) the abducted person is a pregnant woman or a person under 18 years of age;
 4. the kidnapped person is under international protection;
 5. the act has been committed against two or more persons;
 6. (New, SG 62/97) the act has been committed by a person practising guarding activity, by an employee of an organisation carrying out guarding or insurance activity, by a person acting by an errand of such organisation or posing as such, by a person from the Ministry of Interior or a person posing as such;
 7. (New, SG 62/97; Suppl., SG 92/02) the kidnapping, for mercenary purpose or the purpose of taking the person out of the country;
 8. (New, SG 62/97; amend., SG 92/02) the act has been committed by a person acting by an order or in fulfilment of a decision of an organisation or a group under art. 321a or an organised criminal group.
- (3) If substantial harmful consequences have occurred as a result of the act under para 1 and 2 the punishment shall be imprisonment of three to twelve years.
- (4) If the act is repeated or the kidnapped person has been treated by a particular cruelty the punishment shall be imprisonment of five to fifteen years.

Art. 142a. (Prev. art. 142 - SG 50/95) (1) (Amend., SG 62/97) Who illegally constrains somebody shall be punished by imprisonment of up to two years.

(2) (Amend., SG 62/97) If the act is committed by an official or by a representative of the public in violation of his duty or function, or by a person under art. 142, para 2, item 6 and 8 the punishment shall be imprisonment of one to six years.

(3) (New, SG 62/97) If the act under the preceding paras has been committed against a pregnant woman, minor or underage person the punishment shall be imprisonment of three to ten years.

(4) (Prev. para 3; amend., SG 62/97) If the act under the preceding paras has been committed in a way, tormenting or dangerous for the health of the aggrieved, or if the constraint has continued for more than two days and nights the punishment shall be imprisonment of three to ten years.

(5) (Prev. para 4 - SG 62/97) The punishment under the preceding para shall also be imposed on those who deliberately admits or constrains a healthy person in a health institution for mental diseases.

(Para 5, new SG 28/82; revoked SG 50/95)

(Para 6, new SG 28/82; revoked SG 50/95)

Section V. Compulsion

Art. 143. (Amend., SG 50/95) (Prev. text of art. 143 - SG 62/97) Who compels somebody else to accomplish, miss or endure something against his will by using force, threat or abuse of authority shall be punished by imprisonment of up to six years.

(2) (New, SG 62/97) If the act is committed by a person under art. 142, para 2, item 6

and 8 the punishment shall be imprisonment of three to ten years.

(3) (New, SG 62/97, amend. SG 103/04, Amend. SG 43/05, in Force from 1st of September 2005) When, in the cases under the preceding para, the compulsion is exerted on a judge, prosecutor, investigator, a person from the Ministry of Interior, state bailiff, private bailiff and deputy bailiff, as well as customs' employee, employee of the tax administration, an employee of the National Department of Forests or an employee of the Ministry of Environment and Waters, implementing control activity, during or on occasion of fulfilment of his duty or function the punishment shall be imprisonment of two to eight years.

Art. 143a. (New, SG 41/85) (1) Who holds somebody as a hostage whose release puts in dependence the fulfilment of a definite requirement on the part of the state, of a state or public organisation or of a third person, shall be punished by imprisonment from one to eight years.

(2) When, in the cases under the preceding para the perpetrator threatens that if the requirements set by him are not met he will cause death or serious or average bodily harm to the hostage the punishment shall be imprisonment of two to ten years.

(3) (New, SG 62/97) If the act under the preceding paras has been committed by a person under art. 142, para 2, item 6 and 8 the punishment shall be:

1. under para 1 - imprisonment of two to ten years;
2. under para 2 - imprisonment of five to twelve years.

Art. 144. (1) (Amend., SG 28/82; SG 10/93; SG 62/97; amend., SG 92/02) Who threatens somebody else by a crime against his person or property or against the person and the property of his next of kin and this threat could cause a justified fear of its fulfilment shall be punished by imprisonment of up to six months or a fine of one hundred to three hundred levs.

(2) (Amend. and suppl., SG 28/82; amend. SG 10/93; SG 62/97) For threat against an official or a representative of the public during or on occasion of fulfilment of his duty or function, or against a person under international protection, the punishment shall be imprisonment of up to one year or a fine of up to two hundred levs.

(3) (Suppl., SG 62/97) If the perpetrator has threatened with death or the act has been committed by a person under art. 142, para 2, item 6 and 8 the punishment shall be imprisonment of up to three years or probation.

Section VI. Disclosure of a secret of another

Art. 145. (1) (Prev. text of art. 145; amend., SG 28/82; SG 10/93; amend., SG 92/02) Who illegally discloses a secret of another dangerous for the good name of somebody, which has been entrusted to him or has become known to him in connection with his profession, shall be punished by imprisonment of up to one year or a fine of one hundred to three hundred levs.

(2) (New, SG 28/82) Who divulges the secret of adoption with an intention to cause damaging consequences to the adopted person, to the adopting parent or to their family shall be punished by imprisonment of up to six months or by corrective labour, and when grave circumstances have occurred as a result of the act - by imprisonment of up to one year.

Art. 145a. (New, SG 62/97) (1) Who uses information gathered through using special intelligence devices, beyond its purpose of protecting the national security or for the purposes of the criminal proceedings, shall be punished by imprisonment of up to three years and a fine of up to five hundred levs.

(2) If the act is committed by an official who has acquired the information or it has become known to him within the scope of his duty the punishment shall be imprisonment of one to five years and a fine of up to five thousand levs.

(3) In the cases under the preceding para the court can render a verdict of revocation of rights according to art. 37, para 1, item 6 and 7.

Section VII. Insult and Libel

Art. 146. (1) (Amend., SG 28/82; SG 10/93; SG 21/00) Who says or accomplishes something humiliating the honour or the dignity of another in his presence shall be punished for insult by a fine of one thousand to three thousand levs. In this case the court can also impose punishment of public reprobation.

(2) If the insulted has responded immediately by an insult the court can release both of them from punishment.

Art. 147. (1) (Amend., SG 28/82; SG 10/93; SG 21/00) Who divulges an ignominious circumstance regarding another or fastens a crime on him shall be punished for libel by a fine of three thousand to seven thousand levs and by public reprobation.

(2) The perpetrator shall not be punished if the genuineness of the divulged circumstances or of the fastened crime is proven.

Art. 148. (1) (Amend., SG 28/82; SG 10/93; SG 21/00) For insult:

1. for an insult in public;
 2. circulated through a printed matter or in any other way;
 3. of an official or a representative of the public during or on occasion of his duty or functions and
 4. by an official or representative of the public during or on occasion of fulfilment of his duty or function
- the punishment shall be a fine of three thousand to ten thousand levs and public reprobation.

(2) (Amend., SG 28/82, SG 21/00) For a libel committed under the conditions of the preceding para, as well as for a libel as a result of which grave circumstances have occurred the punishment shall be a fine of five thousand levs to fifteen thousand levs and public reprobation.

(3) Applied in the cases under para 1, item 1 can be para 2 of art. 146.

Art. 148a. (New, SG 62/97; amend., SG 21/00) Who divulges verbally, through printed matter or in any other way, data, circumstances or assertions regarding another, based on illegally acquired information from the archives of the Ministry of Interior, shall be punished by a fine of five thousand to twenty thousand levs.

Section VIII. Debauchery

Art. 149. (Suppl., SG 28/82; amend., SG 89/86) (1) (Amend., SG 107/96) Who commits and act in order to arouse or satisfy a sexual desire without a copulation regarding a person who has not accomplished 14 years of age shall be punished for fornication by imprisonment of up to five years.

(2) (Amend., SG 107/96) If the fornication is committed by using force or threat, using the helpless status of the aggrieved or by bringing him to such a state the punishment shall be imprisonment of two to eight years.

(3) (Amend., SG 107/96) If the act under the preceding paras is repeated or represents a particularly serious case the punishment shall be imprisonment of three to ten years.

(4) (New, SG 107/96) The punishment for fornication shall be imprisonment of three to fifteen years:

1. if it is committed by two or more persons;
2. (Revoked, SG 62/97);
3. (Revoked, SG 62/97);
4. (Revoked, SG 62/97).

(5) (New, SG 62/97) The punishment for fornication shall be imprisonment of five to twenty years:

1. if the subject of fornication have been two or more minors;
2. if a serious bodily harm has been incurred or a suicide attempt has followed;
3. if it represents a dangerous recidivism.

Art. 150. (Suppl., SG 28/82; amend., SG 89/86, SG 107/96) Who commits an act with the purpose of arousing or satisfying a sexual desire without copulation regarding a person who has accomplished 14 years of age, by using force or threat, availing himself of his helpless status or by bringing him to such a status shall be punished by imprisonment of two to eight years.

Art. 151. (1) Who copulates with a person who has not accomplished 14 years of age, inasmuch as the act does not constitute a crime according to art. 152, shall be punished by imprisonment of two to five years.

(2) Who copulates with a person who has accomplished 14 years of age, who does not understand the characteristic or the importance of the act, shall be punished by imprisonment of up to three years.

Art. 152. (1) Who copulates with a female person:

1. unable to defend herself and without her consent;
 2. by compelling her to it by force or threat;
 3. by bringing her to a helpless state,
- shall be punished for rape by imprisonment of two to eight years.

(2) The punishment for rape shall be imprisonment of three to ten years:

1. (Amend., SG 92/02) if the raped has not accomplished eighteen years of age;
2. if she is a descending kinswoman;
3. (New, SG 28/82) if it is committed for a second time.

(3) (Amend., SG 28/82) The punishment for rape shall be imprisonment of three to fifteen years:

1. if it has been committed by two or more persons;
2. if an average bodily harm has been caused;
3. if a suicide attempt has followed;
4. (New, SG 92/02) if it has been committed for the purpose of engagement in subsequent lewd activities or prostitution;
5. (Prev. item 4 - SG 92/02) if it represents a dangerous recidivism.

(4) (Amend., SG 28/82; Amend., SG 92/02) The punishment for rape shall be imprisonment of ten to twenty years:

1. if the raped has not accomplished fourteen years of age;
2. if severe bodily harm has been caused;
3. if a suicide attempt has followed;
4. if it represents a particularly severe case.

Art. 153. Who copulates with a female person by forcing her through using her material or employment dependence on him shall be punished by imprisonment of up to three years.

Art. 154. Copulation between ascendants and descendants, between brothers and sisters and between adopter and adopted shall be punished by imprisonment of up to three years.

Art. 155. (1) (Amend., SG 28/82; SG 10/93; SG 62/97; Amend., SG 92/02; amend., SG 26/04) Who persuades another person to prostitute or bawds to fornication or to copulation shall be punished by imprisonment of up to three years and a fine of three hundred to six hundred levs.

(2) (Amend., SG 10/93; SG 62/97) Who provides systematically premises to different persons for sexual intercourse or for fornication shall be punished by imprisonment of up to five years and by a fine of fifty levs to five hundred levs.

(3) (New, SG 62/97; Amend., SG 92/02) The punishment for the acts under para 1 and 2, committed from mercenary motives shall be imprisonment of one to six years and a fine of five hundred levs to one thousand levs.

(4) (New, SG 21/00) Who has persuaded or compelled another person to using narcotic substances and/or their analogues for the purpose of prostituting, bawds to copulation, homosexual practices or fornication shall be punished by imprisonment of five to fifteen years and a fine of twenty thousand to fifty thousand levs.

(5) (New, SG 21/00) If the act has been committed:

1. (Amend., SG 92/02) by a person acting by an errand or in fulfilment of a decision of an organised criminal group;
 2. against a minor, underage or insane;
 3. against more than two persons;
 4. repeatedly,
- the punishment shall be imprisonment of ten to twenty years and a fine of one hundred to three hundred levs.

(6) (Prev., para 3; amend. SG 62/97; prev. para 4, SG 21/00) Who involves minor persons in debauchery the punishment shall be imprisonment of two to eight years.

(7) (revoked – SG 103/04)

Art. 156. (Amend., SG 10/93) (1) (Prev. text of art. 156, amend. SG 62/97) Who abducts a female person for the purpose of debauchery shall be punished by imprisonment of up to ten years and by a fine of up to one thousand levs.

(2) (New, SG 62/97) The punishment shall be imprisonment of three to twelve years when:

1. the abducted person has not accomplished 18 years of age;
2. the abducted person has been placed at a disposal for debauchery, or
3. the abduction has had the purpose of placing the person at a disposal for debauchery outside the country.

Art. 157. (1) (Suppl., SG 28/82; Amend., SG 92/02) Who carries out sexual intercourse or an act of sexual satisfaction with a person of the same sex by using force or threat or using a state of dependence or supervision, as well as with a person unable to defend himself, shall be punished by imprisonment of two to eight years, as well as by public reprobation.

(2) (Suppl., SG 28/82; amend., SG 89/86; SG 62/97; Amend., SG 92/02; amend., SG 26/04) Who carries out such homosexual activities with a person under 14 years of age, inasmuch as the act does not constitute a crime under para 1, shall be punished by imprisonment of two to five years.

(3) (New, SG 89/86; amend., SG 26/04) Who carries out such homosexual activities with a person having accomplished 14 years of age, who does not understand the nature or the importance of the act shall be punished by imprisonment of up to three years..

(4) (Prev., para 3 - SG 89/86; Revoked, SG 92/02)

(5) (Amend., SG 28/82; prev. para 4, SG 89/86; amend., SG 10/93; Amend., SG 92/02, amend. SG 103/04) Who persuades another to homosexual activities with the purpose of acquiring possession or who by providing or promising benefit incites another to such activities shall be punished by imprisonment of up to three years and by a fine of up to one thousand levs.

Art. 158. (Amend., SG 28/82) In the cases of art. 149 - 151 and 153 the perpetrator shall not be punished or the ruled punishment shall not be fulfilled if until the enforcement of the verdict a marriage between the man and the woman follows.

Art. 159. (Amend., SG 92/02) (1) (Amend., SG 28/82; SG 10/93; SG 62/97) Who produces, exhibits, broadcasts, offers, sells, lends or in any other way circulates works of pornographic contents shall be punished by imprisonment of up to one year and a fine of one thousand to three thousand levs.

(2) Who exhibits, presents, offers, sells or lends works of pornographic nature to persons under 16 years of age shall be punished by imprisonment of up to three years and a fine of up to five thousand levs.

(3) For acts under para 1 and 2 the punishment shall be imprisonment of up to five

years and a fine of up to eight thousand levs if, for the purposes of creation of the work, was used a minor, underage or a person with such an appearance.

(4) When the act under para 1 - 3 has been committed by an errand or in fulfilment of a decision of an organised criminal group the punishment shall be imprisonment of two to eight years and a fine of up to ten thousand levs, as the court may rule confiscation of a part or of the whole property of the offender.

(5) Who keeps a pornographic work for whose creation a minor, underage or a person with appearance of a minor or underage has been used shall be punished by imprisonment of up to one year or a fine of up to two thousand levs.

(6) The subject of the crime shall be seized in favour of the state, and if it is missing or has been expropriated its equivalence shall be awarded.

Section IX. Traffic of people (New, SG 92/02)

Art. 159a. (New, SG 92/02) (1) Who gathers, transports, hides or receives individuals or groups of people in order to be used for vicious practice, involuntary servitude, seizure of body organs or to be kept under compulsory submission regardless of their consent, shall be punished by imprisonment of one to eight years and a fine of up to eight thousand levs.

(2) When the act under para 1 is committed:

1. regarding a person under eighteen years of age;
2. by compulsion or by deceiving the person;
3. by kidnapping or illegal deprivation of freedom;
4. by using a state of dependence;
5. by malfeasance;
6. by promising, providing or obtaining benefit,

the punishment shall be imprisonment of two to ten years and a fine of up to ten thousand levs.

Art. 159b. (New, SG 92/02) (1) Who gathers, transports, hides or receives individuals or groups of people and transfers them through the border of the country with the purpose under art. 159a, para 1 shall be punished by imprisonment of three to eight years and a fine of up to ten thousand levs.

(2) If the act under para 1 is committed under the conditions of art. 159a, para 2 the punishment shall be imprisonment of five to ten years and a fine of up to fifteen thousand levs.

Art. 159c. (New, SG 92/02) When the act under art. 159a and 159b represents a dangerous recidivism or it has been committed by an errand or in fulfilment of a decision of an organised criminal group the punishment shall be imprisonment of five to fifteen years and a fine of up to twenty thousand levs, as the court can also rule confiscation of a part or of the entire property of the offender.

Additional provisions

Art. 160. (1) The court can rule revoking of right under art. 37, item 6 or 7 for the

crimes under art. 116, item 2, 123, 126, 131, item 2, 134, 142, para 2 - 4.

(2) (New, SG 54/78; revoked. SG 28/82)

Art. 161. (Amend. SG 28/82; suppl., SG 89/86; amend., SG 50/95; SG 21/00) (1) (Prev. text of art. 161 - SG 92/02; amend., SG 26/04) For a light bodily harm under art. 130 and 131, para 1, item 3 - 5, for a light and average bodily harm under art. 132, for the crimes under art. 144, para 1, 145, 146 - 148a, as well as for a bodily harm under art. 129, 132, 133 and 134 inflicted on an ascendant, descendant, spouse, brother or sister the criminal proceedings shall be instituted upon a complaint of the aggrieved.

(2) (New, SG 92/02) For crimes under art. 133, art. 135, para 1, 3 and 4 and art. 139 - 141 the criminal prosecution of general nature shall be instituted upon a complaint of the aggrieved to the prosecution and it cannot be terminated at his request.

Chapter three. CRIME AGAINST THE RIGHTS OF THE CITIZENS

Section I. Crime against the national and racial equality

Art. 162. (1) Who propagates or incites racial or national hostility or hatred or racial discrimination shall be punished by imprisonment of up to three years and by public reprobation.

(2) Who applies violence against another or damages his property because of his nationality, race, religion or his political conviction shall be punished by imprisonment of up to three years and by public reprobation.

(3) Who forms or heads an organisation or a group whose goal is the perpetration of the act under the preceding paras shall be punished by imprisonment of one to six years and by public reprobation.

(4) A member of such an organisation or a group shall be punished by imprisonment of up to three years and by a public reprobation.

(5) (revoked – SG 103/04)

Art. 163. (1) The persons who participate in a crowd for attack on groups of the population, individual citizens or their property in connection with their national or racial belonging shall be punished:

1. the instigators and leaders - by imprisonment of up to five years;

2. all the rest - by imprisonment of up to one year or corrective labour.

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

1. for the instigators and leaders - imprisonment of one to six years;

2. for all the rest - imprisonment of up to three years.

(3) If an attack is carried out and as a result of it a serious bodily harm or death has followed the instigators and the leaders shall be punished by imprisonment of three to fifteen years and all the rest - by imprisonment of up to five years, unless they are subject to a more serious punishment.

Section II. Crime against the religion

Art. 164. Who propagates hatred on religious grounds through speeches, publications, activities or in any other way shall be punished by imprisonment of up to three years or by corrective labour.

Art. 165. (1) Who, by force or threat obstructs the citizens to profess their faith or carry out their rituals and services which do not violate the laws of the country, the public peace and the good morals shall be punished by imprisonment of up to one year.

(2) The same punishment shall be imposed on those who, in the same way, compels another to participate in religious rituals and services.

(3) For the acts under art. 163 committed against groups of the population, individual citizens or their property in connection with their religious belonging shall apply the punishments stipulated by it.

Art. 166. (Suppl., SG 28/82; Amend. SG 92/02, amend. SG 103/04) Who forms a political organisation on religious grounds or who, through speeches, publications, act or in any other way, uses the church or the religion for propaganda against the authority or its activities shall be punished by imprisonment of up to three years, unless he is a subject to a more serious punishment.

Section III. Crime against the political rights of the citizens (Title, amend., SG 1/91)

Art. 167. Who, through violence, fraud, threat or in any other illegal way obstructs somebody to exercise his electoral rights or to be elected shall be punished by imprisonment of up to three years or by corrective labour.

Art. 168. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who exercises an electoral right without being entitled shall be punished by corrective labour of up to six months or by a fine of one hundred to three hundred levs.

Art. 169. An official, as well as a member of an election commission, who violates the secret of the vote or in any way whatsoever unmakes election results shall be punished by imprisonment of up to three years or by corrective labour.

Art. 169a. (New, SG 1/91; amend., SG 10/93; amend., SG 92/02) Who, by violence, threat or in any other illegal way compels somebody, against his convictions or his will, to join or leave a political party, organisation, movement or coalition with a political purpose shall be punished by imprisonment of up to three years or a fine of one hundred to three hundred levs.

Art. 169b. (New, SG 1/91; amend., SG 10/93; amend., SG 92/02) Who, by violence,

threat or in any other illegal way obstructs somebody to exercise his constitutional political rights shall be punished by imprisonment of up to three years or a fine of one hundred to three hundred levs.

Art. 169c. (New, SG 1/91) If the act under art. 169a and 169b is committed by an official during or on occasion of fulfilment of his official duties the punishment shall be imprisonment of up to five years.

Section IV. Infringing the inviolability of a home, premises or vehicle (Title, amend., SG 28/82)

Art. 170. (Amend. and suppl., SG 28/82; amend., SG 10/93; SG 62/97) (1) Who enters a home of another by using force, threat, subterfuge, legerdemain, misuse of power or special technical devices shall be punished by imprisonment of up to three years or by corrective labour for up to six months.

(2) If the act under the preceding para is committed at night or by an armed person, or by two or more persons, the punishment shall be imprisonment of one to five years.

(3) If the acts under the preceding paras are aimed at a home, vehicle or official premises of a person under international protection the punishment shall be: under para 1 - imprisonment of one to five years and under para 2 - imprisonment of two to eight years.

(4) Who stays illegally in another's home despite of the explicit invitation to leave it shall be punished by imprisonment of up to one year.

Section V. Infringing the inviolability of the correspondence

Art. 171. (1) (Amend., SG 28/82; SG 10/93) Who illegally:

1. opens, forges, hides or destroys another's letter, telegram, sealed papers, package or the like;

2. (Amend., SG 92/02) takes another's, although opened, letter or telegram with the purpose of learning their contents or, with the same purpose, submit to somebody else another's letter or telegram,

shall be punished by imprisonment of up to one year or by a fine of one hundred to three hundred levs.

3. (New, SG 92/02) learns an announcement not addressed to him, send by electronic means or diverts such an announcement from its addressee.

(2) If the act is committed by an official who has used his official position the punishment shall be imprisonment of up to two years, and the court can also rule revoking of a right according to art. 37, item 6.

(3) (Suppl., SG 92/02) Who, by using special technical devices, illegally learns a message not addressed to him, transmitted by a telephone, telegraph, through a computer network or other telecommunication device, shall be punished by imprisonment of up to two years.

Section VI. Crime against the employment rights of the citizens

Art. 172. (Amend. and suppl., SG 28/82; amend. SG 1/91) (1) (amend., SG 10/93; Amend., SG 92/02) Who deliberately obstructs somebody to occupy a position or compels him to leave the job because of his nationality, race, religion, social origin, membership or no membership in a trade union or other organisation, a political party, organisation, movement or coalition with a political purpose or because of his or his next of kin political or other convictions shall be punished by imprisonment of up to three years or by a fine of up to five thousand levs.

(2) An official who does not fulfil an order or an enacted decision for reinstatement of incorrectly discharged worker or employee shall be punished by imprisonment of up to three years.

Section VII. Crime against the intellectual property (Title, amend., SG 50/95)

Art. 172a. (New, SG 50/95) (1) (Amend., SG 62/97) Who records, reproduces, circulates, broadcasts or transmit by a technical device or uses in any other way another's work of science, literature or art, without the consent of the bearer of the copyright required by the law, shall be punished by imprisonment of up to three years and a fine of one thousand to three thousand levs.

(2) (Amend., SG 62/97) The punishment under para 1 shall also be imposed on those who records, reproduces, circulates, broadcasts or transmit by a technical device or uses in any other way a sound record, video record or radio programme, TV programme, software or computer programme without the necessary consent of the bearer of the copyright required by the law.

(3) (Amend., SG 62/97) If the act under para 1 and 2 has been committed again or substantial harmful consequences have been caused the punishment shall be imprisonment of one to five years and a fine of three thousand levs to five thousand levs.

(4) For minor cases the perpetrator shall be punished through administrative channels according to the Law for the copyright and its related rights.

(5) The subject of the crime shall be seized in favour of the state when it belongs to the culprit.

Art. 173. (1) (Amend. SG 10/93; amend., SG 92/02) Who issues or uses under his name or under a pseudonym another's work of science, literature or art or a substantial part of such a work shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs, as well as by public reprobation.

(2) (Amend., SG 81/99) The same punishment shall be imposed on those who presents for registration or registers in his name another's invention, utility model or industrial design.

Art. 174. (Amend., SG 10/93; SG 81/99; amend., SG 92/02) Who, by abusing his authority, joins as a co-author of an invention, utility model or industrial design or of a work

of science, literature or art, without having participated in the creative work for its creation, shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs, as well as by public reprobation.

Section VIII. Crime against the freedom of the meetings, rallies and manifestations

Art. 174a. (1) Who, by force, fraud, threat, or in any other illegal way, disrupts or obstructs a meeting, a rally or a manifestation admissible by the Law for the meetings, rallies and manifestations, shall be punished by imprisonment of up to two years.

(2) An organiser who, in violation of art. 12, para 3 and art. 13, para 1 of the Law for the meetings, rallies and manifestations, holds or continue to hold disrupted meeting, rally or manifestation shall be punished by imprisonment of up to one year.

SPECIAL PROVISION

Art. 175. (Amend., SG 28/82; suppl., SG 62/97; Amend., SG 92/02) (1) Criminal prosecution shall be instituted upon a complaint of the aggrieved for crimes under art. 170, para 1 and 4, art. 171, para 1, Art. 172, para 2 and art. 173.

(2) For crimes under art. 167, art. 169a - 169c, Art. 172, para 1 and art. 174 criminal prosecution shall be instituted upon a complaint of the aggrieved to the prosecution and it cannot be terminated at his request.

Chapter four. CRIME AGAINST THE MARRIAGE, FAMILY AND YOUTH

Section I. Crime against the marriage and family

Art. 176. (1) Who, in entering matrimony, deliberately conceals from the registrar's official a legal obstacle for the marriage shall be punished by imprisonment of up to two years.

(2) A registrar's official who officiates a wedding knowing that there is a legal obstacle for the marriage, shall be punished by imprisonment of up to three years, and the court can also rule revoking of a right according to art. 37, item 6.

(3) (Revoked, SG 51/00)

Art. 177. (1) Who compels somebody by violent means to enter matrimony and for this reason the marriage is annulled shall be punished by imprisonment of up to three years.

(2) Who abducts a female person with the purpose of compelling her to enter matrimony shall be punished by imprisonment of up to three years, and if the victim is underage the punishment shall be imprisonment of up to five years.

Art. 178. (1) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) A parent or other relative who receives ransom in order to permit entering matrimony by his daughter or a

relative shall be punished by imprisonment of up to one year or by a fine of one hundred to three hundred levs, as well as by public reprimand.

(2) The same punishment shall be imposed to those who gives or mediates in the giving and receipt of such a ransom.

Art. 179. (1) Who, in the presence of a legal marriage, concludes another, shall be punished for polygamy by imprisonment of up to three years.

(2) The same punishment shall be imposed to those who enter into a marriage with a person of whom he/she knows that he/she is legally married.

(3) If the first marriage is annulled or if it is dissolved on other grounds the punishment shall be imprisonment of up to one year or corrective labour.

Art. 180. (Amend., SG 28/82; revoked SG 1/91)

Art. 181. Who reneges his/her obligation to a spouse, ascendant or descendant, unable to take care of himself, thus putting him in a situation of a serious hardship, unless the act represents a more serious crime, shall be punished by corrective labour, as well as by public reprobation.

Art. 182. (1) A parent or a guardian who leaves a person under parental care or guardianship without supervision and enough care, thus creating a danger for his physical, mental or moral development, shall be punished by imprisonment of up to one year or by corrective labour, as well as by public reprobation.

(2) (New, SG 28/82; amend., SG 10/93; amend., SG 92/02) A parent or another relative who does not fulfil, or in any other way obstructs the fulfilment of a court ruling regarding the exercising of parental rights or regarding personal contacts with a child, shall be punished by corrective labour or by a fine of one hundred to three hundred levs, and in particularly grave cases - by imprisonment of up to six months or by a fine of one hundred to three hundred levs.

(3) (New, SG 28/82) The perpetrator shall not be punished if, after a warning by a respective body of the authority, fulfils the ruling or removes the obstacles for its fulfilment. This provision shall not apply repeatedly.

Art. 182a. (new, SG 26/04) (1) Who, for the purpose of material profit persuades, through a donation, promise, threat or malpractice, to abandon his child or give consent for its adoption, shall be punished by imprisonment of up to one year and a fine of up to two thousand levs.

(2) The punishment under para 1 shall also be imposed to the one who persuades a minor person to give consent for his adoption where the law so requires.

(3) Who, for the purpose of illegal material profit, intercedes between a person and a family wishing to adopt a child, and a parent wishing to abandon his child, or a woman accepting to carry in her womb a child for the purpose of giving it for adoption, shall be punished by imprisonment of up to two years and a fine of up to three thousand levs.

(4) If the act under para 3 is repeated the punishment shall be imprisonment of up to

three years and a fine of up to four thousand levs.

Art. 183. (1) (Amend., SG 95/75; SG 28/82; Amend. SG 92/02, amend. SG 103/04) Who, being convicted to support his/her spouse, ascendant, descendant, brother or sister, does not fulfil his obligation deliberately to the extent of two or more monthly payments, shall be punished by corrective labour.

(2) The same punishment shall be imposed on those who intentionally puts himself in disability of providing support, by either transferring his/her property, by not exercising his/her rights or in any other way.

(3) (New, SG 28/82) The perpetrator shall not be punished if, before the ruling of the verdict by the first instance, he/she fulfils the obligation and other harmful consequences have not occurred for the aggrieved. This provision shall not apply repeatedly.

(4) (Amend. SG 92/02) If the act under para 1 and 2 is committed again the punishment shall be imprisonment of up to two years or probation, as well as public reprobation.

Art. 184. (1) Who deliberately replaces, hides or exposes a young child or in any other way conceals or replaces the civic status of somebody shall be punished by imprisonment of up to two years.

(2) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) If this is accomplished from mercenary motives the punishment shall be imprisonment of up to three years and a fine of one hundred to three hundred levs.

Art. 185. (1) Who unwarrantedly takes in or retains another's child who has not accomplished fourteen years of age and does not inform immediately the authorities or does not return him to his parents or guardian shall be punished by imprisonment of up to one year.

(2) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) If this has been accomplished by force, threat or fraud, or by intention of using the child for mercenary or profligate purposes the punishment shall be imprisonment of up to three years and a fine of one hundred to three hundred levs.

Art. 186. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who takes in an exposed or astray child younger than seven years of age and does not inform about that immediately the authorities, the parents or guardian shall be punished by corrective labour or a fine of one hundred to three hundred levs.

Section II. Crime against the youth

Art. 187. Who tortures a minor or underage person placed under his care or whose bringing up is assigned to him, unless the act represents a more serious crime, shall be punished by imprisonment of up to one year or by corrective labour, as well as by public reprobation.

Art. 188. (1) Who compels a minor or underage person to commit a crime or to prostitute shall be punished by imprisonment of up to five years and by public reprobation.

(2) If harmful consequences have occurred for the physical, mental or moral development of the aggrieved, unless the act represents a more serious crime, the punishment shall be imprisonment of one to six years and public reprobation.

Art. 189. (1) (Amend., SG 10/93; amend., SG 92/02) Who systematically employs for mendicancy a person under his care shall be punished by imprisonment of one year or by a fine of one hundred to three hundred levs.

(2) If the perpetrator is a parent or a guardian of the victim the punishment shall be imprisonment of up to two years or corrective labour, as well as public reprobation.

Art. 190. Who, by abusing his parental power, compels a child of his, who has not accomplished 16 years of age, to live connubial life with another, shall be punished by imprisonment of up to three years or corrective labour and public reprobation.

Art. 191. (Amend. and suppl., SG 28/82) (1) An adult who, without having entered into matrimony, begins a connubial life with a female person who has not accomplished 16 years of age, shall be punished by imprisonment of up to two years or by corrective labour, as well as by public reprobation.

(2) An adult who persuades or facilitates an underage male or female person, who has not accomplished 16 years of age, to lead a connubial life without a marriage, shall be punished by imprisonment of up to two years or by corrective labour.

(3) (Amend., SG 89/86) If the act under the preceding paras has been committed against a person who has not accomplished 14 years of age the punishment shall be imprisonment of two to five years.

(4) In the cases under para 1 the perpetrator shall not be punished and the imposed punishment shall not be served if, until the enactment of the sentence, a marriage between the man and the woman follows.

Art. 192. (1) (Prev. text of art. 192; amend., SG 28/82, SG 10/93; amend., SG 92/02) A parent or another relative who receives a ransom in order to permit to his daughter or relative under 16 years of age to lead a connubial life with another shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs, as well as by public reprobation.

(2) (New, SG 28/82) The same punishment shall be imposed to those who gives or mediates in the giving of such a ransom.

Art. 192a. (new, SG 26/04) (1) Who, without a proper permit, employs a person under 18 years of age shall be punished by imprisonment of up to six months and a fine of five hundred to one thousand levs.

(2) If the act under para 1 has been committed regarding a person under 16 years of age the punishment shall be imprisonment of one year and a fine of one thousand to three thousand levs.

(3) If the act under para 1 is repeated the punishment shall be imprisonment of up to one year and a fine of one thousand to three thousand levs, and under para 2 – imprisonment of up to three years and a fine of two thousand to five thousand levs.

Art. 193. (Amend., SG 28/82; SG 89/86; SG 10/93) (1) (Amend., SG 92/02) Who intoxicates by alcoholic beverages a person under 18 years of age, or an irresponsible imbecile shall be punished by imprisonment of up to six months or by a fine of up to five hundred levs.

(2) (Amend., SG 92/02) Who sells alcoholic beverages to a person under 18 years of age or to an irresponsible imbecile for personal use shall be punished by a fine of up to five hundred levs and by corrective labour, and if he systematically does it - by imprisonment of up to one year and a fine of up to two thousand levs.

Art. 193a. (New, SG 62/97; Amend., SG 92/02; suppl., SG 26/04) Criminal prosecution of general nature shall be instituted upon a complaint of the aggrieved for crimes under art. 182, para 2 and art. 183, filed with the prosecution and it may not be dismissed at his request.

Chapter five. CRIME AGAINST THE PROPERTY (Title, amend., SG 10/93)

Section I. Larceny

Art. 194. (1) (Amend., SG 10/93) Who deforces another's chattel from his possession without his consent in order to misappropriate it shall be punished for larceny by imprisonment of up to eight years.

(2) Larceny shall be qualified even when a part of the chattel belongs to the culprit.

(3) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) In minor cases the punishment shall be imprisonment of up to one year or corrective labour, or a fine of one hundred to three hundred levs.

Art. 195. (1) (Suppl., SG 28/82; amend., SG 10/93) The punishment for larceny shall be imprisonment of one to ten years:

1. if committed at the time of fire, flooding, ship wreck, catastrophe, war or other social calamity;

2. if the stolen chattel is not under permanent supervision;

3. if it has been committed through destruction, damaging or undermining barriers solidly erected for protection of persons or property;

4. if a vehicle, a technical device or special means have been used for the larceny;

5. if it has been committed by two or more persons who have agreed in advance for its fulfilment, when it does not represent a minor case;

6. if the larceny has been committed by an official who has taken advantage of his official status, and

7. in non-minor cases if committed for a second time;

8. if the larceny has been committed from a deceased grave;
 9. (New, SG 62/97) if the larceny has been committed by a person under art. 142, para 2, item 6 and 8.
 10. (new, SG 26/04) if subject of the theft are explosives, firearms or munitions.
- (2) (Amend., SG 28/82; SG 10/93, amend. SG 103/04) The punishment for a grand larceny shall be imprisonment of three to fifteen years, and the court can rule confiscation of up to one second of the property of the culprit.
 - (3) (new, SG 26/04) The punishment under para 2 shall also be imposed for theft of explosives, firearms or munitions from the structural units of the Ministry of Interior, from the Ministry of Defence, from the Bulgarian army and from the structures subordinated to the Minister of Defence, from State Agency "Civil protection" and from State Agency "State reserve and war-time reserves".
 - (4) (Amend., SG 28/82; SG 10/93; amend., SG 92/02; prev. para 3 – SG 26/04) In minor cases according to item 2 and 6 of para 1 the punishment shall be imprisonment of up to one year or corrective labour, or a fine of one hundred to three hundred levs.
 - (5) (prev. para 4 – amend., SG 26/04) The punishment for preparation for larceny under para 1, item 3 and 4 shall be imprisonment of up to three years or corrective labour.

Art. 196. (1) (Amend., SG 10/93) The punishment for larceny representing a dangerous recidivism shall be:

1. in the cases of art. 194, para 1 - imprisonment of two to ten years;
 2. (suppl., SG 26/04) in the cases of art. 195, para 1 and 2 - imprisonment of three to fifteen years, and in the cases under art. 195, para 3 – imprisonment of five to fifteen years.
- (2) (Amend. SG 92/02, amend. SG 103/04) The court can rule a confiscation of up to one half of the property of the culprit.

Art. 196a. (New, SG 89/86; amend., SG 10/93) For a grand larceny, representing a particularly serious case, the punishment shall be imprisonment of ten to thirty years and confiscation of the whole or a part of the property of the culprit.

Art. 197. If, until the conclusion of the court investigation of the first instance court, the chattel is returned or replaced, the punishment shall be:

1. in the cases of art. 194, para 1 - imprisonment of up to five years;
2. (Amend., SG 28/82; SG 10/93; amend., SG 92/02; amend., SG 26/04) in the cases of art. 194, para 3 and art. 195, para 4 - corrective labour or a fine of one hundred to three hundred levs;
3. (Amend., SG 89/86) in the cases of art. 195, para 1, item 2 - 6 - imprisonment of up to eight years;
4. (Amend., SG 89/86) in the cases of art. 195, para 2, in connection with art. 194 or with art. 195, para 1, item 2 - 6 - imprisonment of up to eight years;
5. (New, SG 89/86) in the cases of art. 196a - imprisonment of eight to twenty years.

Art. 197a. (New, SG 89/86; revoked, SG 10/93)

Section II. Robbery

Art. 198. (1) (Amend., SG 10/93) Who deforces chattel from another's possession with an intention of misappropriation, using for that purpose force or threat, shall be punished for robbery by imprisonment of three to ten years.

(2) Understood as threat shall be intimidation by such a direct act which exposes to a serious danger the life, the health, the honour or the property of the threatened person or of some other present person.

(3) Robbery is every larceny where the found at the scene of the crime uses force or threat in order to keep in possession the stolen chattel.

(4) Robbery shall be a fact where, in order to deforce the chattel, the person has been brought to unconsciousness or in a helpless state.

Art. 199. (1) (Amend., SG 28/82; SG 10/93) For robbery of possessions:

1. in large size;
2. committed by two or more persons who have agreed in advance to commit larceny or robbery;

3. accompanied by a serious or average bodily harm;

4. representing a dangerous recidivism, the punishment shall be imprisonment of five to fifteen years, whereas the court can also rule confiscation of up to one second of the property of the culprit, and in the cases of item 4 - it can also rule probation for up to five years;

5. (New, SG 92/02, amend. SG 103/04) committed by a person acting by an order or in fulfilment of a decision of an organised criminal group.

(*) (amend. SG 103/04) the penalty shall be imprisonment from five to fifteen years and the court can order confiscation of up to one half of the property of the culprit.

(2) (Amend. and suppl., SG 89/86; amend., SG 10/93; suppl., SG 50/95) For robbery of chattel:

1. accompanied by a serious or average bodily harm as a result of which death has followed;

2. accompanied by homicide or attempted homicide;

3. in particularly large size, if the perpetrator has been armed,

(Amend., SG 153/98) the punishment shall be imprisonment of fifteen to twenty years, life imprisonment or life imprisonment without an option. The court can also rule confiscation of the whole or a part of the property of the culprit.

Art. 200. The punishment for preparation of robbery under art. 198 shall be imprisonment of up to two years, and under art. 199 - imprisonment of up to three years.

Section III. Misappropriation

Art. 201. (Suppl., SG 28/82; amend., SG 10/93; suppl., SG 50/95: Decision No 19 of the Constitutional Court - SG 97/95) An official who misappropriates another's money, possessions or other valuables, delivered to him as such or entrusted him for keeping or

managing, shall be punished for misappropriation in public office by imprisonment of up to eight years, whereas the court can rule confiscation of up to one second of the property of the culprit and deprive him of rights according to art. 37, item 6 and 7.

Art. 202. (1) The punishment for misappropriation in public office shall be imprisonment of one to ten years:

1. if, in order to facilitate it, another crime has been committed as well, for which the law does not stipulate a more serious punishment;

2. (Amend., SG 28/82) if it has been committed by two or more persons who have conspired in advance.

(2) The punishment for misappropriation in public office shall be imprisonment of three to fifteen years:

1. (Amend., SG 92/02) if it is in large size,

2. (Amend., SG 92/02) if it represents a dangerous recidivism or

3. (New, SG 92/02) if the misappropriated resources are of funds belonging to the European Union or submitted by the European Union to the Bulgarian state.

(3) (Suppl., SG 28/82; Amend., SG 92/02, amend. SG 103/04) In the cases of the preceding paras the court shall deprive the culprit of rights according to art. 37, para 1, items 6 and 7. The court can also rule confiscation under para 1 up to one second, and under para 2 - of a part or of the entire property of the culprit.

Art. 203. (1) (Amend., SG 89/86) The punishment for misappropriation in public office in particularly large size, representing a particularly serious case, shall be imprisonment of ten to thirty years.

(2) (Amend., SG 92/02) The court shall rule confiscation of the whole or a part of the property of the culprit and shall deprive him of rights according to art. 37, para 1 item 6 and 7.

Art. 204. In minor cases of misappropriation in public office the punishment shall be:

a) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) under art. 201 - imprisonment of up to one year or corrective labour, or a fine of one hundred to three hundred levs;

b) under art. 202, para 1 - imprisonment of up to two years or corrective labour.

Art. 205. (1) If the misappropriated money, possessions or valuables are deposited or replaced until the conclusion of the court investigation in the first instance court the punishment shall be:

1. (Amend., SG 28/82) in the cases under art. 201 - imprisonment of up to five years;

2. (Amend., SG 28/82) in the cases under art. 202, para 1 - imprisonment of one to seven years;

3. in the cases under art. 202, para 2 - imprisonment of three to ten years;

4. (Amend., SG 28/82; SG 89/86) in the cases under art. 203 - imprisonment of eight to twenty years;

5. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) in the cases under art. 204, letter "a" - corrective labour or a fine of one hundred to three hundred levs;

6. in the cases under art. 204, letter "b" - imprisonment of up to six months or corrective labour.

(2) (Suppl., SG 28/82) In the cases of item 2, 3 and 4 of the preceding para the court shall also rule revoking of rights according to art. 37, item 6 and 7, as in the cases of item 3 it can rule confiscation of up to one second of the property of the culprit, and in the cases of item 4 it shall rule confiscation of a part or of the whole property.

Art. 206. (1) (Amend., SG 28/82; SG 10/93) Who misappropriates another's chattel, which he possesses or keeps, shall be punished for misappropriation by imprisonment of up to six years.

(2) (Suppl., SG 92/02) Misappropriation shall also exist when a part of the possession belongs to the perpetrator, as well as when the possession belongs to the perpetrator but it is encumbered by a pawn and the perpetrator administers it illegally, without preserving the rights of the pawn creditor, or when the perpetrator pawns another's possession which makes it difficult to indemnify the creditor.

(3) (New, SG 28/82) If the misappropriation is of a large size or represents a dangerous recidivism the punishment shall be imprisonment of three to ten years, and the court shall deprive the culprit from rights according to art. 37, item 6 and 7 and can rule confiscation of a part or of his whole property.

(4) (New, SG 28/82) The punishment for misappropriation of particularly large size, representing a particularly serious case, shall be imprisonment of five to fifteen years, whereas the court shall also rule revoking of rights according to art. 37, item 6 and 7 and confiscation of a part or of the entire property of the culprit.

(5) (Prev. para 3 - amend., SG 28/82; SG 10/93; amend., SG 92/02) In minor cases the punishment shall be imprisonment of up to one year or corrective labour, or a fine of one hundred to three hundred levs.

(6) (Prev. para 4 - amend., SG 28/82) If the misappropriated property is returned or replaced until the conclusion of the court investigation of the first instance court the punishment shall be:

1. under para 1 - imprisonment of up to three years;
2. under para 3 - imprisonment of two to eight years;
3. under para 4 - imprisonment of three to twelve years;
4. (Amnd., SG 10/93; amend., SG 92/02) under para 5 - corrective labour or a fine of one hundred to three hundred levs.

(7) (New, SG 28/82) In the cases of item 2 of the preceding para the court can rule confiscation of up to one second of the property of the culprit and deprive him of rights according to art. 37, item 6 and 7, and in the cases of item 3 - rule confiscation of a part or the whole property of the culprit and revoking of rights according to art. 37, item 6 and 7.

Art. 207. (Amend., SG 28/82; corr., SG 31/82; amend., SG 10/93) (1) (Amend., SG 92/02) Who finds another's chattel and, within a week, he does not inform about it the owner, the authorities or those who have lost it, shall be punished by a fine of one hundred to three hundred levs.

(2) The same punishment shall be imposed to those who misappropriates another's possession which has been found by him accidentally or by mistake.

Art. 208. (Amend., SG 92/02) (1) (Amend., SG 28/82; SG 10/93; amend., SG 92/02;

amend., SG 26/04) Who discovers a treasure and, within two weeks, he does not inform the authorities shall be punished by a fine of five hundred to one thousand levs.

(2) (New, SG 10/93; amend., SG 92/02; amend., SG 26/04) Who, when seeking, discovers a treasure and does not inform the authorities within two weeks shall be punished by imprisonment of up to two years or by a fine of one thousand to five thousand levs.

(3) (Prev. para 2 - amend., SG 10/93; amend., SG 92/02; amend., SG 26/04) If the treasure is of particularly large size the punishment shall be: under para 1 - imprisonment of up to two years or a fine of five thousand to ten thousand levs, and under para 2 - imprisonment of up to five years or a fine of five thousand to ten thousand levs.

(4) (new, SG 26/04) The subject of the crime shall be seized in favour of the state, and if it is missing or alienated, its equivalence shall be adjudged.

Section IV. Fraud

Art. 209. (1) (Amend., SG 28/82; SG 10/93) Who, with the purpose of obtaining for himself or for somebody else property benefit, arises or maintains aberration in somebody, thus causing him or somebody else property damage shall be punished for fraud by imprisonment of up to six years.

(2) (Amend., SG 10/93) Who, with the same purpose, uses the aberration, the lack of experience or lack of information of somebody else, thus causing him or somebody else property damage, shall be punished by imprisonment of up to three years.

(3) In minor cases under the preceding paras the punishment shall be imprisonment of up to one year or corrective labour.

Art. 210. (1) The punishment for fraud shall be imprisonment of one to eight years.

1. if the perpetrator has presented himself as an official or as a person acting by an errand of the authority;

2. (Amend., SG 28/82) if it has been committed by two or more persons who have conspired in advance its committing;

3. (suppl., SG 26/04) if the fraud has been committed by an official or by a proxy within the scope of his competence or authorisation, or by a person who directly carries out, by profession, transactions with foreign currency in cash;

4. if it is repeated in non-minor cases;

5. (New, SG 28/82) if the caused damage is large in size.

(2) (New, SG 28/82) In the cases of item 4 and 5 the court can rule confiscation of up to one second of the property of the culprit.

Art. 211. (Suppl., SG 28/82; SG 10/93, amend. SG 103/04) If the fraud under art. 209, para 1 and 2 and under art. 210 is of a particularly large size, representing a particularly serious case or a dangerous recidivism the punishment shall be imprisonment of three to ten years. The court can rule confiscation of up to one second of the property of the culprit.

Art. 212. (Suppl., SG 95/75; amend., SG 28/82) (1) (Amend., SG 10/93) Who, by using a document of false contents or inauthentic or forged document, obtains without legal

grounds chattel with an intention of misappropriating it, shall be punished by imprisonment of up to eight years.

(2) The punishment under the preceding para shall also be imposed of those who, by preparing a document of false content or of an inauthentic or forged document, deliberately enables another individual to obtain, without legal grounds, such property.

(3) (New, SG 92/02) When the property is of funds belonging to the European Union or submitted by them to the Bulgarian state the punishment shall be imprisonment of three to ten years.

(4) (Prev. para 3 - SG 92/02) If the property under the preceding paras is of a large size or if the act represents a dangerous recidivism the punishment shall be imprisonment of three to fifteen years.

(5) (Prev para 4 - SG 92/02) For documentary fraud of particularly large size, representing a particularly serious case, the punishment shall be imprisonment of ten to twenty years.

(6) (Prev. para 5 - SG 92/02) In minor cases under para 1 and 2 the punishment shall be imprisonment of up to two years or corrective labour.

(7) (Prev. para 6 - SG 92/02) In the cases of para 1 the court can rule confiscation of up to one second of the property of the culprit and deprive him of rights according to art. 37, item 6 and 7, and in the cases of para 3 and 4 it shall rule confiscation of a part or of the whole property of the culprit and shall deprive him of rights according to art. 37, item 6 and 7.

Art. 212a. (New, SG 92/02) (1) Who, for the purpose of obtaining for himself or for another benefit, excites or maintains deception in somebody by entering, changing, deleting or obliterating computer information data or uses another's electronic signature, thus causing him or some one else damage, shall be punished for computer fraud by imprisonment from one to six years and a fine of up to six thousand levs.

(2) The same punishment shall be imposed on one who, without having right, enters, changes, deletes or obliterates computer information data in order to obtain something which is not due to him.

Art. 212b. (New, SG 28/82; Prev. art. 212a - SG 92/02) (1) If the property obtained according to art. 212 is returned or replaced until the conclusion of the court investigation of the first instance court the punishment shall be:

1. under para 1 and 2 - imprisonment of up to five years;
2. under para 3 - imprisonment of two to eight years;
3. under para 4 - imprisonment of five to fifteen years;
4. (Amend., SG 10/93; amend., SG 92/02) under para 5 - corrective labour or a fine of one hundred to three hundred levs.

(2) In the cases under item 2 of the preceding para the court can rule confiscation of up to one second of the property of the culprit and deprive him of rights according to art. 37, item 6 and 7, and under item 3 - rule confiscation of a part or of the whole property of the culprit and deprive him of rights according to art. 37, item 6 and 7.

Art. 213. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who demolishes, damages or destroys with a fraudulent purpose his insured property shall be punished by

imprisonment of up to three years and by a fine of one hundred to three hundred levs.

Section V. Extortion

Art. 213a. (New, SG 62/97) (1) Who, with a purpose of forcing another to administer a possession or his right, or undertake proprietary liability, threatens him by violence, divulging defamatory matter, damaging of the property or other illegal act with serious consequences for him or his relatives, shall be punished by imprisonment of one to six years and a fine of one thousand to three thousand levs.

(2) The punishment shall be imprisonment of two to eight years and a fine of three thousand to five thousand levs if the act was:

1. accompanied by a threat of murder or serious bodily harm;
2. accompanied by causing light corporal body;
3. accompanied by seizure, destruction or damaging of property;
4. perpetrated by two or more persons;
5. perpetrated by a person under art. 142, para 2, item 6 and 8;
6. committed by an armed person;
7. repeated in non-minor cases.

(3) The punishment shall be imprisonment of five to fifteen years and a fine of five thousand to ten thousand levs, whereas the court can rule confiscation of up to one second of the property of the perpetrator if:

1. average or light bodily harm has been caused, unless a more serious punishment is stipulated for the committed crime;
2. substantial property damages have been caused;
3. the act has been committed by an organisation or a group or by an order of a person, organisation or group;
4. the act has been accompanied by an explosion or arson;
5. the act has been committed by or with the participation of an official;
6. the act has been committed against an official in connection with his office;
7. the act represents a dangerous recidivism.

(4) (Amend., SG 153/98) The punishment shall be imprisonment of fifteen to twenty years or life imprisonment, or life imprisonment without an option, whereas the court can rule confiscation of a part or of the whole property of the perpetrator if the act was:

1. accompanied by a serious or average bodily harm as a result of which death has followed;
2. accompanied by murder or attempted murder.

Art. 214. (Amend., SG 10/93; amend. and suppl., SG 50/95) (1) (Amend., SG 62/97) Who, with the purpose of obtaining for himself or for somebody else a property benefit compels somebody by force or threat to commit, to miss or sustain something against his will, thus causing him or somebody else a property damage, shall be punished for extortion by imprisonment of one to six years and a fine of one thousand to three thousand levs, whereas the court can impose a confiscation of up to one second of the property of the perpetrator.

(2) (Amend., SG 62/97) The punishment for extortion under the conditions of art. 213a, para 2, 3 and 4 shall be:

1. under para 2 - imprisonment of two to ten years and a fine of four thousand to six thousand levs, whereas the court can rule confiscation of up to one second of the property of the perpetrator;

2. under para 3 - imprisonment of five to fifteen years, a fine of five thousand to ten thousand levs and confiscation of up to one second of the property of the perpetrator;

3. (amend., SG 153/98) (Amend., SG 153/98) under para 4 - imprisonment of fifteen to twenty years, life imprisonment or life imprisonment without an option and confiscation of no less than one second of the property of the perpetrator.

(3) The punishment for extortion shall be from five to fifteen years of imprisonment and a fine of up to five hundred levs, whereas the court can rule confiscation of up to one second part of the property of the culprit if:

1. it has been accompanied by a serious or average bodily harm;
2. the act represents a dangerous recidivism.

Art. 214a. (New, SG 62/97) For preparation of a crime under art. 213a and 214 the punishment shall be imprisonment of one to three years.

Section VI. Constructive Theft

Art. 215. (1) (Suppl., SG 28/82; amend., SG 10/93; suppl., SG 62/97) Who, with the purpose of providing for himself or for somebody else property benefit, receives, acquires or assists the appropriation of another's chattel, for which he knows or supposes that they have been acquired by another by means of a crime or other socially dangerous act, shall be punished by imprisonment of up to five years, but by a punishment which is not more serious than the provided for the crime itself.

(2) (Amend., SG 95/75; SG 28/82; SG 10/93; SG 62/97) The punishment shall be imprisonment of three to ten years and a fine of one thousand to three thousand levs if the constructive theft:

1. is in a large size;
2. concerns possessions under special regime;
3. is committed by profession;
4. is repeated or represents a dangerous recidivism.

Section VII. Destruction and Damaging

Art. 216. (1) (Amend., SG 10/93) Who destroys or damages illegally another's chattel or things real shall be punished by imprisonment of up to five years.

(2) (New, SG 92/02) Who destroys, runs down or damages his mortgaged or pawned property shall be punished by imprisonment of up to five years and a fine of up to two thousand levs.

(3) (New, SG 92/02) Who, by unwarranted access to a computer of importance for an enterprise, corporate body or individual, destroys or damages another's property, shall be punished by imprisonment of one to six years and a fine of up to ten thousand levs.

(4) (Amend., SG 28/82; SG 10/93; Prev. para 2 - SG 92/02) In minor cases the

punishment shall be imprisonment of up to six months or a fine of one hundred to three hundred levs.

(5) (Suppl., SG 62/97; Prev. para 3 - SG 92/02; amend. and suppl., SG 26/04) If substantial damages have been caused or other serious consequences have occurred or if the act has been committed by a person under art. 142, para 2, item 6 and 8, or if the act is related to a destruction or damaging of elements of the telecommunication network, the punishment shall be imprisonment of up to ten years, whereas the court can also rule revoking of rights according to art. 37, para 1, item 6 and 7.

(6) (Amend., SG 10/93; Prev para 4 - amend., SG 92/02) If the act under para 1, 2, 3 and 5 has been committed by negligence the punishment shall be imprisonment of up to two years or a fine of one hundred to three hundred levs.

Art. 216a. (new, SG 26/04) (1) Who, himself or through another, illegally breaks the integrity of facilities or sites of electric transfer or electric distribution network, of gas transport or heat transfer system, of a system for transfer of liquid fuel, or of a water supply or sewage system, thus creating conditions for diverting electric power, natural gas, liquid fuel, heating power or water, or discharge of sewage water, shall be punished by imprisonment of up to three years and a fine of up to fifteen thousand levs.

(2) If the act under para 1 is repeated the punishment shall be imprisonment of one to ten years and a fine of up to twenty thousand levs.

Section VIII. Abuse of Confidence (Title amend., SG 10/93)

Art. 217. (Amend., SG 10/93) (1) (Amend., SG 92/02) Who deliberately damages another's property entrusted to him for keeping or management shall be punished by imprisonment of up to three years or by a fine of one hundred to three hundred levs.

(2) The same punishment shall be awarded to a representative or a proxy who deliberately acts against the legal interests of the represented person.

(3) (New, SG 92/02) The punishment under para 1 shall also be imposed on the one who abuses distressed or pawned possession left with him for keeping.

(4) (Prev. para 3 - SG 92/02; amend., SG 92/02) If, as a result of the above acts, substantial or irreparable damages have occurred the punishment shall be imprisonment of up to five years and a fine of one hundred to three hundred levs.

Art. 218. (Revoked, SG 10/93)

Additional provisions (Title amend., SG 28/82)

Art. 218a. (New, SG 89/79; amend., SG 89/86; revoked SG 10/93)

Art. 218b. (New, SG 28/82) (1) (Amend., SG 10/93; SG 62/97; SG 21/00; Amend., SG 92/02; amend., SG 26/04) For acts under art. 194, para 3, art. 195, para 4, art. 204, letter "a", art. 206, para 1 and 5 and art. 207, as well as for constructive theft related to them, when

the value of the object is up to one hundred and fifty levs, the punishment shall be a fine of one hundred to three hundred levs, imposed through administrative channels, if the subject of the crime is restored or replaced.

(2) The provision of the preceding para shall not apply if:

1. (Amend., SG 10/93; SG 62/97; SG 21/00) the perpetrator, in the course of one year, has committed two or more acts, the total value of their subject exceeds one hundred and fifty levs;

2. the perpetrator has been convicted for such a crime, as well as if he has been awarded administrative punishment for such an act and one year has not elapsed from its commitment;

3. the subject of the act is a firearm, munitions, explosives, poisonous or narcotic substances, combat and other special equipment.

Art. 218c. (New, SG 89/86; amend., SG 10/93; Amend., SG 92/02) For crimes under art. 216, para 1, 4 and 6, Art. 217, para 1 and 2, as well as for theft, misappropriation, fraud and extortion, when subject of the crime is a private property, criminal prosecution shall be instituted upon a complaint lodged by the aggrieved, if he is a spouse, ascendant, descendant or lateral branch of the family up to a second degree of the culprit, or lives with him in one common household, or if the aggrieved is a guardian or trustee of the culprit.

Chapter six. OFFENCE AGAINST THE ECONOMY

Section I. GENERAL PROPERTY OFFENCES

Art. 219. (1) (Amend., SG 28/82; SG 62/97) An official who does not take enough care for the management, administration, handling or preservation of the entrusted property, as well as for the assigned job, thus causing a substantial damage, destruction or squandering of the property or other considerable damages to the enterprise or to the economy shall be punished by imprisonment of up to three years and a fine of up to five thousand levs.

(2) (Amend., SG 95/75; SG 28/82; SG 62/97) Who, despite of his obligations, have not exercised sufficient control over the work of persons to whom the management, the administration or the accounting of the public property is assigned, and this have caused substantial damages to the enterprise or to the economy, shall be punished by imprisonment of up to three years and a fine of up to five thousand levs.

(3) If the act under the preceding paras has been committed deliberately and does not contain the elements of a major offence the punishment shall be imprisonment of up to eight years, whereas the court can rule revoking of right according to art. 37, item 6.

(4) (New, SG 28/82) For offences under the preceding paras to a particularly great extent, representing a particularly grave case the punishment shall be: under para 1 and 2 - imprisonment of one to five years and under para 3 - imprisonment of one to ten years, as in these cases the court shall also rule revoking of rights according to art. 37, item 6 and 7.

Art. 220. (1) An official who deliberately concludes unprofitable transaction, thus causing a substantial damage to the economy or to the establishment, enterprise or

organisation he represents, shall be punished by imprisonment of up to five years, whereas the court can rule revoking of right according to art. 37, item 6.

(2) (New, SG 89/86) In particularly grave cases under the preceding para the punishment shall be imprisonment of one to ten years, whereas the court can also rule revoking of rights according to art. 37, item 6 and 7.

(3) (New, SG 62/97, revoked SG 101/01)

Art. 221. (Amend., SG 28/82; revoked, SG 1/91)

Art. 221a. (New, SG 27/73; amend., SG 28/82; corr., SG 31/82; amend., SG 86/91; corr., SG 90/91; amend. SG 10/93; amend., SG 92/02) (1) Who orders or, in violation of his obligations, admits the taking and using for construction and for other non-agricultural needs not alienated or not submitted by the established order farm land or pastures, shall be punished by imprisonment of up to three years and a fine of one hundred to three hundred levs.

(2) (Amend., SG 92/02) Who continues, orders, or in violation of his duties admits the continuation of the construction of other non-agricultural using of lands under the preceding para, after the construction and the other using have been stopped by the respective authorities by the established order, shall be punished by imprisonment of up to five years and a fine of one hundred to three hundred levs.

Art. 221b. (New, SG 44/84; revoked SG 1/91)

Art. 222. (Revoked SG 1/91)

Art. 223. (1) (Suppl., SG 28/82) Who presents untrue data regarding the quantity, the quality or the type of the produce or of the performed work with the purpose of obtaining property benefit which is not due, unless it represents a more serious case, shall be punished by imprisonment of up to three years or a corrective labour.

(2) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who receives remuneration which is not due for the produced by him or for a performed work, knowing that it has been determined on the grounds of such untrue data, unless it represents a more serious crime, shall be punished by a corrective labour or by a fine of one hundred to three hundred levs.

(3) The acquired by the perpetrator as a result of the offences under the preceding paras shall be returned to the respective organisation.

Art. 224. (1) (Amend., SG 10/93; amend., SG 92/02) Who receives a gift or other property benefit in order to give or has presented to a foreign country, foreign organisation or company, or to a foreign citizen information which have caused or would cause substantial damages to the economy, unless the act represents a more serious crime, the punishment shall be imprisonment of up to five years and a fine of one hundred to three hundred levs.

(2) The same punishment shall also be awarded to those who has provided the gift or the property benefit.

(3) The subject of the crime shall be seized in favour of the state.

Art. 225. (1) (Amend., SG 28/82; Suppl., SG 89/86; amend., SG 81/90; SG 10/93; amend., SG 92/02) Who sells a commodity at a price above the fixed one or before it is fixed or approved by the established order, or receives for a service remuneration larger than the legally admissible, shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs.

(2) (New, SG 26/73; suppl., SG 81/90; amend., SG 10/93; amend., SG 92/02) If the act under the preceding para is committed repeatedly and it is not a minor case, or if the already received sum is considerable, the punishment shall be imprisonment of six months to three years and a fine of one hundred to three hundred levs.

(3) (Revoked, New SG 81/90) Who, after having been punished for offence under art. 3 of the Law for fighting the profiteering, commits the same offence before the expiration of one year from enforcement of the penal provision shall be punished by imprisonment of up to three years.

(4) (Prev., para 2 - SG 26/73; prev., para 5 - SG 89/86) Who deliberately compiles untrue information or presents untrue data for determining a price of commodity or service which have caused or would have caused damages to a state establishment or enterprise, to a public organisation or to citizens shall be punished by imprisonment of up to one year or by corrective labour.

(5) (Revoked, prev. para 7 - SG 81/90) In the cases when, awarding, under the preceding paras, punishment of imprisonment the court can also rule revoking of rights according to art. 37, item 6 and 7.

(6) (New, SG 95/75; amend., SG 28/82; prev., para 7 - SG 89/86; revoked, SG 81/90)

(7) (New, SG 95/75; prev. para 8, SG 89/86; revoked SG 81/90)

Art. 225a. (New, SG 26/73; amend., SG 89/86; revoked SG 1/91)

Art. 225b. (New, SG 28/82) (1) (Amend., SG 10/93; amend., SG 92/02) Who receives property benefit which is not due for performed work or provided service, unless the act represents a more serious crime, shall be punished by imprisonment of up to two years and by a fine of one hundred to three hundred levs.

(2) If the act under the preceding para is committed again or the benefit is large in size the punishment shall be imprisonment of up to three years.

(3) (Amend., SG 10/93; amend., SG 92/02) In minor cases under para 1 the punishment shall be a fine of one hundred to three hundred levs, imposed through administrative channels.

(4) The subject of the crime shall be seized in favour of the state.

Art. 225c. (New, SG 92/02) (1) Who, in fulfilment of a job for a corporate body or sole entrepreneur, requests or receives a gift or whatever benefit which is not due, or accepts an offer or promise for a gift or benefit in order to fulfil or not fulfil an act in violation of his obligations in carrying out trading activity, shall be punished by imprisonment of up to five years or by a fine of up to twenty thousand levs.

(2) Who, in carrying out trading activity, offers or gives a gift or whatever benefit to a person working for a corporate body or sole entrepreneur in order to fulfil or not fulfil an act in violation of his obligations, shall be punished by imprisonment of up to three years or by a

fine of up to fifteen thousand levs.

(3) The punishments under the preceding paras shall also be imposed when, by a consent of the person under para 1, the gift or the benefit has been offered, promised or given to some one else.

(4) (amend., SG 26/04) Who mediates some of the acts under the preceding paras, unless the act does not constitute a more severe crime, shall be punished by imprisonment of up to one year or a fine of up to five thousand levs.

(5) The subject of the crime shall be seized in favour of the state, and if it is missing or expropriated, its equivalence shall be awarded.

Art. 226. (1) (Amend, SG 28/82; SG 10/93) Who, by using state, cooperative or other public organisation, develops a private economic activity in violation of the established provisions, thus obtaining substantial illegal income, shall be punished by imprisonment of up to five years and a fine of up to ten levs.

(2) (Amend., SG 28/82; prev. para 3 - SG 89/86; amend., SG 10/93) Who develops a private enterprise covering under a form of a state, cooperative or other public organisation shall be punished by imprisonment of up to five years and a fine of up to twenty levs.

(3) (Prev. para 2 - amend., SG 89/86) An official of the respective state, cooperative or other public organisation who admits the commitment of the crime under the preceding paras shall be punished by imprisonment of up to three years or by corrective labour.

(4) (New, SG 26/73; amend., SG 28/82; SG 89/86, amend. SG 103/04) For repeated commitment of the crime under the preceding paras, or when the illegal income is of large size, the punishment shall be imprisonment of one to eight years.

(5) Prev. para 4 - amend., SG 26/73; SG 89/86, amend. SG 103/04) If the illegal income under the preceding paras is particularly large and the case is particularly serious the punishment shall be imprisonment of three to twelve years.

Art. 227. (Amend., SG 10/93; SG 50/95; SG 81/99) Who, without the consent of the owner, uses in his trade a trade mark, industrial design or the topology of integrated circuits, shall be punished by imprisonment of up to three years or by a fine of up to 5 thousand levs.

Art. 227a. (New SG 28/82; amend., SG 10/93; amend., SG 92/02) Who sends, exports, registers, concedes, sells or realises acknowledged or not acknowledged inventions, rationalisations or technical documentation abroad or concedes them, delivers or sells to foreign citizens or companies in the country by an order not established, unless this represents a more serious crime, shall be punished by imprisonment of up to three years or by a fine of one hundred to three hundred levs.

Section I. Offences against the creditors (New, SG 107/96)

Art. 227b. (1) (Amend., SG 85/98) An entrepreneur who becomes insolvent and, within 15 days from suspending the payments, does not declare it in court shall be punished by imprisonment of up to three years or by a fine of up to five thousand levs.

(2) The punishment under para 1 shall also be awarded to the persons who manage

and represent the trade company or cooperation if, within 15 days from suspending the payments, they have not requested the court to institute a bankruptcy proceedings.

(3) The punishment under para 1 shall also be awarded to the procurator who has not fulfilled his obligation under art. 626, para 3 of the Commercial Law.

(4) (New, SG 62/97) The punishment under para 1 shall also be awarded to the persons who, being obliged to inform the Bulgarian National Bank about the insolvency of a bank according to the Law for the banks, have not done it.

Art. 227c. (1) An entrepreneur who, after the institution of bankruptcy proceedings:

1. conceals, destroys, damages or alienates ex gratia money, possessions, securities or other valuables which can serve as indemnification of his creditors;

2. alienates money, possessions, securities or other valuables which can serve as indemnification of his creditors, when the given substantially exceeds the received, and it was done in contradiction to the normal practising of the economic activity;

3. absolves or conceals a taking;

4. recognises or undertakes in any way whatsoever, or remedy non-existent liability;

5. takes a loan knowing that he cannot return it;

6. cedes as a credit possessed commodities, money, possessions, securities or other valuables in a way contradicting the normal practising of the economic activity;

7. illegally remedies only one or several creditors or secures them to the detriment of the rest of the creditors;

8. destroys, conceals or forges his trade books or documents or keeps them in violation of the law in a way embarrassing the establishment of the assets and liabilities of his enterprise or trade,

if the above acts have caused substantial damages, shall be punished for deliberate bankruptcy by imprisonment of up to three years.

(2) When an ac under para 1 causes damages of particularly large size, representing a particularly serious case, the punishment shall be imprisonment of three to fifteen years. The court shall also rule revoking of rights according to art. 37, para 1, item 6 and 7.

Art. 227d. The punishments under art. 227c shall also be awarded to the persons who manage and represent the trade company or cooperation if they commit or admit the commitment of the acts according to the same Art., whereas in the cases of para 1 the court can also rule a fine of up to 500 levs, and under para 2 - confiscation of a part or of the whole property of the culprit.

Art. 227e. (1) An entrepreneur who:

1. has not practised his trade with due diligence or has taken part in obviously risky transactions which do not belong in the circle of his usual activity;

2. has made personal, family or other expenditures, obviously uncharacteristic and not related to the activity and not complied with his property status;

3. has failed to work out or has worked out an incorrect annual accountancy report and balance, being obliged to do that;

for which reason he has been declared bankrupt and this has caused damages to the creditors, shall be fined for negligent bankruptcy by imprisonment of up to two years, whereas

the court can also rule revoking of rights according to art. 37, para 1, item 6 and 7.

(2) The punishments under para 1 shall also be awarded to an entrepreneur who is declared bankrupt without having fulfilled his obligations under a preceding recovery plan.

(3) The punishments under para 1 shall also be awarded to persons who manage and represent the trade company or cooperation if they commit or admit the commitment of the acts stipulated by the same para.

(4) The persons under para 1 shall not be punished if, before the ruling of the verdict by the first instance, they indemnify their creditors. This provision shall not be applied a second time.

Art. 227e. (1) An entrepreneur who has liabilities to another entrepreneur for whom bankruptcy proceedings have been instituted, knowing this does not fulfil his obligations within the set term or usual term, shall be punished by imprisonment of up to one year or a fine of up to 200 levs.

(2) An entrepreneur who, by the approval, knowledge or to an interest of his creditor conceals entirely or partially a liability to him, thus causing damage to his creditor, shall be punished by imprisonment of up to two years and a fine of up to 300 levs.

(3) Who, knowing that bankruptcy proceedings have been instituted for an entrepreneur, conceals or destroys by his consent his possessions belonging or which could belong to the bankruptcy estate shall be punished by imprisonment of up to two years and a fine of up to 300 levs.

Section II. Offences against individual economic branches

Art. 228. (1) (Amend., SG 28/82) Who, as a manager (or control body) orders or admits the production of low-quality, non-standard or incomplete industrial products or products not meeting the requirements for quality, type or marks established for them, shall be punished by imprisonment of up to three years or by corrective labour.

(2) Who, in violation of his official duties, marks as standard or does not mark a commodity which does not meet the respective requirements, when this is obligatory, shall be punished by imprisonment of up to one year or by corrective labour.

(3) (Amend., SG 28/82; SG 89/86; SG 10/93; amend., SG 92/02) If the products or commodities under the preceding paras are not in substantial quantities or of substantial value the punishment under para 1 shall be a fine of one hundred to three hundred levs, and under para 2 - a fine of one hundred to three hundred levs imposed through administrative channels.

Art. 229. Who, by accepting agricultural produce for the account of a purchasing or trade organisation, misleads the supplier regarding the quality or the quantity of these products, shall be punished by imprisonment of up to three years or by corrective labour, as well as by public reprobation.

Art. 230. (1) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who violates an ordinance issued against the spreading or the occurrence of an infectious disease on domestic animals shall be punished by corrective labour for up to six months or by a fine of one

hundred to three hundred levs.

(2) If infection has followed the punishment shall be imprisonment of up to one year or corrective labour.

(3) If the infectious disease is widely spread the punishment shall be imprisonment of up to three years.

(4) Punished in compliance with the differences under the preceding paras shall also be those who violate an ordinance issued for fighting diseases and pests of the plants.

Art. 231. (Amend. and suppl., SG 28/82) (1) (Amend., SG 62/97) Who offers for sale industrial or farm commodities in substantial quantities or of substantial value, not meeting the requirements under para 1 of art. 228, without having announced in advance these shortcomings, shall be punished by imprisonment of up to two years, by a fine of one thousand to three thousand levs and by revoking of rights according to art. 37, para 1, item 6.

(2) (Amend., SG 10/93; amend., SG 92/02) In minor cases under the preceding para the punishment shall be a fine of one hundred to three hundred levs imposed through administrative channels.

Art. 232. (1) A seller who cheats a buyers in weighing or measuring a commodity or who uses false measures and balances shall be punished by imprisonment of up to two years or by corrective labour.

(2) Punished by the same penalty shall be:

a) who cheats a buyer by mixing alien substances or worsening the quality of the commodity in any other way;

b) who cheats a client regarding the quality of the commodities, materials or services.

(3) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) If one or more acts under the preceding paras have caused a damage of up to 0.01 levs the punishment shall be a fine of one hundred to three hundred levs imposed through administrative channels.

(4) (New, SG 95/75; amend., SG 28/82; SG 10/93; amend., SG 92/02) If the act under the preceding para has been committed after imposing to the person administrative punishment according to the same para, by an enforced writ, and one year has not expired from the first offence, the punishment shall be imprisonment of up to one year or corrective labour, or a fine of one hundred to three hundred levs.

(5) (New, SG 95/75) In the cases when imprisonment is awarded according to the preceding paras the court can also rule revoking of right according to art. 37, item 6 or 7.

Art. 233. (Amend. and suppl., SG 28/82; amend., SG 89/86; amend. and suppl., SG 81/90; revoked SG 10/93; New, SG 102/95; Amend. and Suppl., SG 92/02; amend., SG 26/04) Who carries out foreign trade activity with weapons and commodities and technologies of possible double use, or mediatory activity on transactions with weapons or with such goods or technologies, as well as where such activities are carried out in violation 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 referred to by an act of the Council of Ministers or ensuing from an international agreement party to which is the Republic of Bulgaria, without the respective permit shall be punished by imprisonment of up to six years and a fine of up to two hundred thousand levs.

(2) (Amend., SG 92/02) For particularly serious cases under para 1 the punishment shall be imprisonment of three to 8 years and a fine of up to five hundred thousand levs.

(3) (Amend., SG 92/02) In minor cases under para 1 the punishment shall be a fine of up to twenty thousand levs.

(4) (Amend., SG 92/02; amend., SG 26/04) The weapons and commodities of possible double use, subject to the crime, shall be seized in favour of the state regardless of the fact whose property they are, or if they are missing or alienated, their equivalent shall be awarded, determined according to the foreign trade contract.

Art. 234. (Amend. and suppl., SG 26/73; amend., SG 28/82; SG 89/86; revoked, SG 1/91; New, SG 107/96) (1) (Amend., SG 92/02) Who sells or keeps in store excise commodities without excise band, when such is required by law, in no minor cases, shall be punished by imprisonment of up to three years and a fine of up to the ten-fold amount of the market price of the sold commodities, as well as by revoking rights according to art. 37, item 7.

(2) (Amend., SG 92/02) The punishment shall be imprisonment of up to five years and revoking rights according to art. 37, item 7 if the act:

1. is repeated;
2. has been committed by two or more persons who have conspired in advance;
3. if the subject of the crime is in large size.

(3) The subject of the crime shall be seized in favour of the state.

Art. 234a. (New, SG 62/97) Who carries out foreign trade activity without permit required by the law or by a decree of the Council of Ministers or in violation of such issued permit shall be punished by imprisonment of up to three years, a fine of five to ten thousand levs and revoking of rights according to art. 37, para 1, item 6 and 7.

Art. 234b. (New, SG 92/02) (1) Who buys or carries out trading activity with waste of ferrous or non-ferrous metals without permit required by a normative act, or in its violation, shall be punished by imprisonment of up to three years and a fine of one thousand to twenty thousand levs.

(2) The waste, subject of the act under para 1 shall be seized in favour of the state, and if it is missing or expropriated its equivalence shall be awarded.

Art. 234c. (new, SG 26/04) (1) Who, himself or through another, implements an illegal joining to an electric transfer or electric distribution network, or to a gas transport, heat transfer, water supply or sewage system, a system for transfer of liquid fuel, or illegal interference with the devices for commercial measuring of electric power, natural gas, liquid fuel, heating power or water, or discharged sewage water, thus creating conditions for incorrect reading of the consumed electric power, natural gas, liquid fuel, heating power or water, or of discharged sewage water shall be punished by imprisonment of up to three years and a fine of up to ten thousand levs.

(2) If the act under para 1 is repeated the punishment shall be imprisonment of one to eight years and a fine of up to fifteen thousand levs.

Art. 235. (amend., SG 26/04) (1) Who, without a valid written permit or with a valid permit, but outside the appointed places, terms, quantities and trees, cuts, collects, produces, takes or transports from the state forest fund trees of any kind whatsoever, or a part of them, including cut or fallen, thus causing significant damages, shall be punished by imprisonment of up to six years and by a fine of one thousand to twenty thousand levs.

(2) The punishment under para 1 shall be imposed on those who receive, load, transport, unload, store or process wood illegally obtained by another, when this has caused significant damages.

(3) For a crime under para 1 and 2 the punishment shall be imprisonment from one to eight years and a fine of five thousand to fifteen thousand levs if:

1. it has been committed by two or more persons, upon prior arrangement for it;
2. it has been committed by implication with a forest employee who has availed himself of his official status;
3. it has been committed by using untrue or forged document of a document with untrue contents;
4. has been repeated;
5. the subject of the crime is of large size.

(4) Where the crimes under para 1 – 3 are committed by a person acting by instructions or in fulfillment of a decision of an organized criminal group or represent a dangerous recidivism the punishment shall be imprisonment of three to ten years and a fine of ten thousand to one hundred thousand levs.

(5) When the subject of the crime is of a particularly large size and the case is particularly severe the punishment shall be imprisonment of five to fifteen years and a fine of fifty thousand to five hundred thousand levs.

(6) The subject of the crime shall be seized in favour of the state, and if it is missing or it has been alienated its equivalence shall be adjudged.

Art. 236. (Amend., SG 28/82; SG 86/91; SG 85/97; amend., SG 92/02) Who destroys or damages in any way whatsoever forest trees, coppice, undergrowth, forest culture or forest nursery, thus causing significant damages, shall be punished by imprisonment of up to two years or by corrective labour, as well as by a fine of one hundred to three hundred levs, and in particularly serious cases - by imprisonment of up to five years.

Art. 237. (1) (Amend, SG 28/82; SG 89/86; SG 86/91; SG 85/97; amend., SG 92/02) Who kills or catches without the required permit big game shall be punished by imprisonment of up to one year or by a fine of one hundred to three hundred levs, as well as by revoking of rights according to art. 37, item 7.

(2) (Amend., SG 28/82; SG 89/86; SG 86/91; SG 85/97; amend., SG 92/02) Who, without having hunting licence, kills or catches small game, specially stipulated by the Law for the hunting, as well as those who, although holding a hunting licence, kills or catches such game in time of prohibition, in a prohibited place or by prohibited means, shall be punished by corrective labour for up to six months or by a fine of one hundred to three hundred levs, as well as by revoking of rights according to art. 37, item 7.

(3) The killed or caught game shall be seized in favour of the state, and if it is missing or alienated, its value shall be adjudicated.

Art. 238. (1) (Prev. text of art. 238 - SG 28/82; amend., SG 92/02) Who catches fish:

- a) (suppl., SG 28/82) In fishery waters by explosives, poisonous or stunning substances or in quantities considerably exceeding the norms of sport fishing;
- b) in reserved places or in law waters;
- c) in non-industrial waters during the reproductive period of the fish or
- d) of the kinds threatened by extinction, shall be punished in significant cases by imprisonment of up to one year and by a fine of one hundred to three hundred levs, as well as by revoking of right according to art. 37, item 7.

(2) (New, SG 28/82) The provisions of the preceding para shall also apply for catching crawfish.

Art. 239. (1) (Amend., SG 28/82; amend. and suppl., SG 86/91; amend., SG 85/97; amend., SG 92/02) A head of enterprise, company, establishment, organisation, or other official, who violates or admits violation of the rules established by a special law for preservation of the fish and of the other useful aquatic animals and for the correct development of the fish husbandry in the country, shall be punished by imprisonment of up to three years or by corrective labour, as well as by a fine of one hundred to three hundred levs.

(2) The same punishment shall be awarded to any person who lets in or throws in the fishery waters polluted water or substances which, by their quantity or nature, can harm the fish and the other useful aquatic animals.

Art. 240. (1) A foreign citizen who enters by a vessel the territorial waters of the Republic of Bulgaria in the Black Sea and carries out industrial fishing without permit of the respective border authorities, unless subject to a more serious punishment according to another law, shall be punished by imprisonment of up to three years, regardless of the responsibility according to the Law for the fishing.

(2) If this is carried out by a group of foreign citizens who are armed the punishment shall be imprisonment of up to five years.

(3) The caught fish, the other caught aquatic animals and the devices by which the crime has been committed shall be seized in favour of the state.

Section III. Offences against the customs regime (Title amend., SG 50/95)

Art. 241. (Revoked, SG 50/95)

Art. 242. (1) (Amend., SG 95/75; SG 10/93; amend. and suppl., SG 62/97) Who carries through the border of the country commodities without the knowledge and the permit of the customs, when it is committed:

- a) by persons who systematically carry out such activity;
- b) (amend., SG 26/04) by using a document with untrue contents, another's, false or forged document;
- c) by an official who has a direct contact with the customs office;
- d) (Suppl., SG 92/02; suppl., SG 26/04) by carrying out strongly active or poisonous substances, explosive substances, weapons or munitions, nuclear material, nuclear equipment

or other sources of ionising radiation, components or precursors for them determined by a law or by an act of the Council of Ministers, or

e) commodities and objects for commercial or industrial purposes in large amount;

f) by two or more persons who have conspired in advance,

g) (New, SG 92/02) by a person acting by an errand or in fulfilment of a decision of an organised criminal group

(amend., SG 26/04) shall be punished for aggravated contraband by imprisonment of up to ten years and by a fine from twenty thousand to one hundred thousand levs.

(2) (New, SG 95/75; amend., SG 10/93; SG 62/97; SG 21/00) Who, without a due permit, carries through the border of the country narcotic substances and/or their analogues shall be punished for high-risk narcotic substances by imprisonment of ten to fifteen years and a fine of up to one hundred thousand to two hundred thousand levs and for risky narcotic substances - by imprisonment of three to fifteen years and a fine of ten thousand to one hundred thousand levs.

(Para 3 - new, SG 95/75; amend., SG 89/86; SG 10/93; revoked, SG 50/95)

(3) (New, SG 21/00) Who, without a due permit, carries through the border of the country precursors or equipment and materials for the production of narcotic substances shall be punished by imprisonment of two to ten years and a fine of fifty thousand to one hundred thousand levs.

(4) (New, SG 89/86; amend., SG 10/93; prev. para 4, SG 50/95; amend. and suppl., SG 62/97; prev. para 3 - amend., SG 21/00) If the subject of the contraband under the preceding paras is of a particularly large size and the case is particularly serious, or some of the persons under letter "e" of para 1 is a customs employee the punishment shall be: in the cases under para 1 - imprisonment of five to fifteen years and a fine of fifty thousand to two hundred thousand levs, and in the cases under para 2 and 3 - imprisonment of fifteen to twenty years and a fine of two hundred thousand to three hundred thousand levs.

(5) (Prev. para 2, amend., SG 95/75; suppl., SG 28/82; prev. para 4, amend. SG 89/86; prev. para 5; amend., SG 50/95; prev. para 4 - amend., SG 21/2000, amend. SG 103/04) In the cases under para 1, letter "a", "d" and "e", as well as under para 2, 3 and 4, the court can, instead of fines, impose confiscation of a part or of the whole property of the culprit.

(6) (Prev., para 3; amend., SG 95/75; suppl., SG 28/82; prev. para 5 - SG 89/86; amend., SG 10/93; prev. para 6 - SG 50/95; amend., SG 62/97; prev. para 5 - SG 21/00) In minor cases under para 1, 2 and 3 the punishment shall be a fine of up to one thousand levs imposed through administrative channels.

(7) (Prev., para 4 - SG 95/75; prev. para 6; suppl., SG 89/86; prev. para 7 - SG 50/95; prev., para 6 - SG 21/00) The subject of the contraband shall be seized in favour of the state regardless of whose property it is, and if it is missing or alienated, its equivalent at respective state retail prices shall be awarded.

(8) (Prev. para 5 - SG 95/75; prev. para 7 - amend., SG 89/86; prev. para 8 - SG 50/95; prev. para 7 - SG 21/00) The transport or carrying vehicle which has served the transportation or carrying of the commodities subject of the contraband shall be seized in favour of the state, even if it is not property of the perpetrator, unless its value obviously does not correspond to the burden of the offence.

(9) (New, SG 41/85; prev. para 8 - amend., SG 89/86; prev. para 9 - amend., SG 50/95; prev. para 8 - amend., SG 21/00) For preparations related to para 2, 3 and 4 the punishment shall be imprisonment of up to five years. Para 7 shall apply in these cases.

Art. 242a. (New, SG 21/00; suppl., SG 26/04) Who carries through the state border a commodity accompanied by documents for transit passing and in violation of the established order unloads the commodity on the territory of the country shall be punished by imprisonment of up to six years and a fine of fifty thousand to five hundred thousand levs. The commodity and the vehicle which has served its carrying shall be seized in favour of the state regardless of the ownership.

Section IV. Offences against the monetary and credit system

Art. 243. (1) Who issues false or forges genuine currency having exchange rate in the country or abroad shall be punished for forgery of currency by imprisonment of five to fifteen years.

(2) The same punishment shall be imposed to those who forges:

1. revenue or post stamps and
2. bonds issued by the state or other state securities;
3. (New, SG 62/97) credit or payment card which are not securities.

Art. 244. (1) (Prev. text of art. 244 - amend., SG 62/97, amend. SG 24/22 Mar 2005) Who lets in circulation forged currency or other notes according to the preceding Art., acquires or uses such, knowing that they are forged, or transfers to through the borders of the country such notes, shall be punished by imprisonment of up to eight years.

(2) (New, SG 62/97) The punishment under the preceding para shall also be imposed on a person who keeps such notes in large quantities.

Art. 244a. (new – SG 24/05) (1) Who in violation of the established order prepares pecuniary notes with exchange rate in the country or abroad shall be punished with imprisonment from five to fifteen years.

(2) Who conscientiously introduces in circulation such banknotes, shall be punished with imprisonment up to five years.

Art. 245. (Amend., SG 28/82; SG 10/93; SG 62/97) Who accepts forged currency or other note according to art. 243 and, upon understanding its nature, deliberately lets it in circulation as genuine, shall be punished by imprisonment of one to three years and by a fine of up to one thousand levs.

Art. 246. (1) (amend., SG 26/04) Preparation for committing a crime according to art. 243 or associating for such a purpose or for circulation of forged currency or other notes according to the same Art. shall be punished by imprisonment of up to six years.

(2) (amend. SG 24/05) Not punished shall be this accomplice in the association who, before the forgery (if the association has been formed for such a purpose), or before the finishing of the preparation of the preparation of the resources o para 3 or before the beginning of the circulation of the forged notes (if the association has been formed for such a purpose), desists from the act and informs the authorities.

(3) (amend. SG 24/05) Who works out, acquires, keeps or harbours objects, computer

software or elements for protection of banknotes, materials or instruments which he knows to be designated or which have served forgery of currency or other notes according to art. 243 shall be punished by imprisonment of up to six years.

Art. 247. (Amend., SG 28/82; corr., SG 31/82; amend., SG 10/93; amend., SG 92/02) Who uses repeatedly revenue or post stamps by deleting or covering those signs on them which show that they have already been used shall be punished by corrective labour or by a fine of one hundred to three hundred levs.

Art. 248. (1) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who is aware that a crime is being committed according to art. 243 and 244, and does not inform the authorities about that, shall be fined by corrective labour or by a fine of one hundred to three hundred levs.

(2) The preceding para shall not be applied regarding the spouse, the descendants, the ascendants, the brothers and the sisters of the perpetrator and their spouses.

Art. 249. (Amend., SG 92/02) (1) Who uses a payment instrument, regardless of its type, issuer, carrier of information, method of authorisation and payment, terminal device, connection of the payment instrument with the bank account, issued in the Republic of Bulgaria or abroad, or data of a payment instrument, such as number of the instrument, personal identification number of the holder and others, without the consent of the holder, shall be punished by imprisonment of up to five years and a fine of up to the double size of the obtained sum.

(2) Who uses a payment instrument issued in the Republic of Bulgaria or abroad, without a coverage of the sum for which the instrument has been used, shall be punished by imprisonment of up to two years and by a fine up to the double size of the obtained sum.

(3) When the acts under para 1 and 2 have caused someone else considerable damages or considerable illegal income has been obtained the punishment shall be imprisonment of five to ten years and a fine of up to fifty thousand levs, and the court may rule confiscation of a part or of the entire property of the perpetrator.

Art. 250. (1) (Amend., SG 95/75; amend. and suppl., SG 28/82; SG 89/86; revoked SG 10/93; New, SG 50/95; prev. text of art. 250 - SG 21/00) Who transfers sums outside the country through a bank, using false, forged document or a document of untrue contents, shall be punished by imprisonment of one to ten years and a fine of up to the amount of the double sum of the transfer.

(2) (New, SG 21/00) The punishment shall be imprisonment of five to fifteen years and a fine of up to the double amount of the sum of the transfer if the perpetrator has known that the sums have been acquired through illegal traffic of narcotic substances and/or their analogues, and/or precursors.

Art. 251. (Revoked - SG 10/93; New, SG 50/95) (1) Who violates a provision of a law, of an act of the Council of Ministers or of a promulgated act of the Bulgarian National Bank regarding the regime of transactions, import, export or other activities with currency

valuables or the obligations for their declaring and the value of the subject of crime is of a particularly large size shall be punished by imprisonment of up to six years or a fine amounting to the double sum of the subject of crime.

(2) The subject of the crime shall be seized in favour of the state, and if it is missing or alienated its equivalence shall be adjudicated.

Art. 252. (Amend., SG 28/82; revoked, SG 10/93; New SG 50/95) (1) (Amend., SG 62/97) Who, without the due permit, carries out by profession banking, insurance or other financial transactions for which a permit is required, shall be punished by imprisonment of three to five years and by a confiscation of up to one second of the property of the perpetrator.

(2) (Amend., SG 62/97) If the activity under para 1 has caused another person substantial damages or substantial illegal income has been obtained the punishment shall be imprisonment of five to ten years and a fine of five thousand to ten thousand levs, whereas the court can also rule confiscation of a part or of the whole property of the perpetrator.

(3) The punishment under para 2 shall also be imposed to those who, in carrying out the banking activity by permit, uses resources obtained in violation of the established provisions.

Chapter seven. OFFENCES AGAINST THE FINANCIAL, TAX AND INSURANCE SYSTEMS (Title amend., SG 62/97; SG 51/00; Revoked, SG 10/93; New, SG 62/97)

Art. 253. (Amend., SG 28/82; revoked, SG 10/93; New, SG 62/97) (1) (Amend., SG 85/98; amend., SG 26/04) Who carries out a financial operation or a transaction with a property, or hides the origin, location, movement or actual rights on a property about which he knows or suspects that they have been acquired through a crime, shall be punished for money laundering by imprisonment of one to six years and a fine of three thousand to five thousand levs.

(2) The punishment under para 1 shall also be imposed to those who acquire, receive, keep, use, transform or contribute in any way for the transformation of a property for which he knows or suspects by the moment of its receipt that it has been acquired through a crime.

(3) (prev. para 2 – amend., SG 26/04) The punishment shall be imprisonment of one to eight years and a fine of five to twenty thousand levs if the act under para 1 and 2 has been committed:

1. (amend., SG 26/04) by two or more persons who have conspired in advance, or by a person acting on an errand or in fulfillment of a decision of an organized criminal group;
2. two or more times;
3. by an official within the scope of his office;
4. (new, SG 26/04) by opening and maintaining an account in a financial institution under a fictitious name or under the name of a person who has not given consent for that.

(4) (New, SG 21/2000; prev. para 3 amend., SG 26/04) The punishment shall be imprisonment of ten to thirty years and a fine of twenty thousand to two hundred levs if the act under para 1 and 2 has been committed by means or property about which the perpetrator has known or supposed that they have been acquired through illegal traffic of narcotic substances and/or their analogues, and/or precursors.

(5) (New, SG 85/98; prev. para 3, SG 21/00; prev. para 4 – amend., SG 26/04) If the means or the property are of particularly large size and the case is particularly serious the punishment shall be imprisonment of three to twenty years and a fine of ten to thirty thousand levs, whereas the court shall deprive the culprit of rights according to art. 37, para 1, item 6 and 7.

(6) (New, SG 85/98; prev. para 4, SG 21/00; prev. para 5) The subject of the crime or the property into which it has been transformed shall be seized in favour of the state, and if it is missing or alienated, its equivalence shall be adjudged.

(7) (new, SG 26/04) The provisions of para 1 – 6 shall also apply when the crime through which the property has been acquired does not fall under the criminal jurisdiction of the Republic of Bulgaria.

Art. 253a. (new, SG 26/04) (1) The preparation of money laundering or the association for this purpose shall be punished by imprisonment of up to two years or by a fine of five thousand to ten thousand levs.

(2) The same punishment shall also be imposed on those who instigates another to money laundering.

(3) The property meant for money laundering shall be seized in favour of the state, and if it is missing or alienated, its equivalence shall be adjudged.

(4) Participant in the association under para 1 shall not be punished when, before the completion of money laundering, he terminates his participation in the association and informs the authority about it.

Art. 253b. (New, SG 85/98; prev. art. 253a, amend., SG 26/04) An official who violates or does not fulfil the provisions of the Law for the measures against money laundering, if the act does not represent a more serious offence, shall be punished in serious cases by imprisonment of up to three years and a fine of one thousand to three thousand levs.

Art. 254. (Amend., SG 28/82; revoked SG 10/93; new SG 62/97) (1) Who, in order to obtain relieved terms of crediting, presents untrue information shall be punished by imprisonment of up to one year and a fine of one thousand to three thousand levs.

(2) (new – SG 24/05) The same penalty shall be imposed to the one, who concedes untrue data or conceals data in violation of obligation to present such in order to receive resources from funds belonging to the European Union or conceded by the European Union to the Bulgarian state.

(3) (prev. (2), amend. SG 24/05) If the act under the preceding paras has been committed by a head of a corporate body or by an entrepreneur the punishment shall be imprisonment of up to three years and a fine of two thousand to five thousand levs.

(4) (prev. (3), amend. SG 24/05) The punishment under para 3 shall also be imposed on the official who has permitted the credit or granted the resources of para 2 should he have known that the presented information is untrue.

Art. 254a. (New, SG 51/00) (1) An official who, in violation of a budget law or by-law act for its implementation, administers budget resources or expedient resources not according to their purpose, shall be punished by imprisonment of up to three years and

revoking of rights according to art. 37, para 1, item 6.

(2) If the act under para 1 has caused harmful consequences for the state or the municipality the punishment shall be imprisonment of up to five years and revoking of rights according to art. 27, para 1, item 6.

(3) In minor cases under para 1 the punishment shall be a fine amounting to 10 percent of the illegally spent resources imposed through administrative channels.

(4) In the cases under para 1 and 3 the perpetrator shall not be punished if, until the conclusion of the court investigation in the first instance court the illegal administering act is revoked and the illegally spent resources are restored in full. This provision shall not apply for a second time.

(Title of the Special Part revoked - SG 51/00)

Art. 254b. (new – SG 24/05) (1) Who uses not for their designation received financial resources from funds. belonging to the European Union or granted by the European Union to the Bulgarian state shall be punished with imprisonment up to five years.

(2) If an official orders to be accomplished the action of the previous para the penalty shall imprisonment up to six years, the court being able to deprive the guilty person from rights under 37, para 1, items 6 and 7.

Art. 255. (Amend., SG 28/82; SG 89/86; revoked, SG 10/93; new, SG 62/97, in force from November 5, 97) (1) Who avoids the payment of tax liabilities in large amount by not presenting declaration required by virtue of a law, or confirms untruth or conceals a truth in a filed declaration, shall be punished by imprisonment of up to three years and a fine of up to five hundred levs.

(2) If, until the conclusion of the court investigation in the first instance court the tax liability which is not declared and not paid, together with the due interest, is paid to the budget the punishment shall be a fine of up to two thousand levs.

Art. 256. (Revoked, SG 10/93; New, SG 62/97) Who, with the purpose of frustrating the establishment of tax liabilities of particularly large size, keeps accountancy or uses accountancy documents of untrue contents, shall be punished by imprisonment of one to five years and a fine of one thousand to five thousand levs.

Art. 257. (Revoked, SG 10/93; New, SG 62/97; in force from November 5, 97) (1) If the acts under art. 255 and 256 have concealed tax liabilities of particularly large size or if they have been committed with the participation of an official of the tax administration or of a certified expert accountant the punishment shall be imprisonment of two to ten years and a fine of five thousand to twenty thousand levs.

(2) In minor cases under art. 255 and 256 the punishment shall be a fine of the double amount of the concealed tax liabilities, imposed through administrative channels.

(3) If, until the conclusion of the court investigation in the first instance court the tax liability which has not been declared and paid, together with the due interest, are paid to the budget the punishment shall be imprisonment of up to three years and a fine of up to ten thousand levs.

Art. 258. (Amend., SG 28/82; revoked SG 10/93; new, SG 62/97) (1) Who unlawfully obstructs a tax body to fulfil his legal obligation shall be punished by imprisonment of up to three years and a fine of one thousand to two thousand levs.

(2) If the act under para 1 has been committed by using force or threat the punishment shall be imprisonment of one to six years and a fine of two thousand to five thousand levs.

Art. 259. (Amend., SG 28/82; revoked SG 10/93; new, SG 62/97) Who founds a non-profit corporate body or a foundation which does not carry out or colourable activity declared at the time of its registration and a purpose of obtaining credits under its cover, to be exempt from taxes, to obtain tax relief or to obtain other property benefit, as well as carry out prohibited activity shall be punished by imprisonment of up to three years, a fine of three to five thousand levs and revoking of rights according to art. 37, para 1, item 6 and 7.

Art. 259a. (New, SG 51/00) (1) An official who permits the payment of remuneration without having installed all due obligatory insurance deposits, if the unpaid sum is of large amount, shall be punished by imprisonment of up to three years.

(2) In the cases under para 1 the perpetrator shall not be punished if, until the conclusion of the court investigation in the first instance court, he redeems in full his liability together with the due interest.

Art. 260. (Amend., SG 95/75; SG 28/82; revoked, SG 10/93; New, SG 62/97) (1) A licensed assessor who presents untrue assessment or conclusion for the value of the assessed property, thus causing damage in serious cases, shall be punished by imprisonment of up to three years and revoking of rights according to art. 37, para 1, item 6 and 7.

(2) An certified accountant who endorses untrue annual accountancy report of an entrepreneur, being aware of this, shall be punished by imprisonment of up to one year and a fine of up to five hundred levs, as well as by revoking of rights according to art. 37, para 1, item 6 and 7.

Art. 261 - 268. (Revoked, SG 10/93)

Chapter eight. OFFENCES AGAINST THE ACTIVITY OF STATE BODIES, PUBLIC ORGANISATIONS AND PERSONS PERFORMING PUBLIC DUTIES (Title amend. SG 43/05, in Force from 1st of September 2005)

Section I. Offences against the order governing

Art. 269. (1) Who uses force or threat with the purpose of compelling a body of the authority to fulfil or miss something by criminal breach of thrust shall be punished by imprisonment of up to three years or by corrective labour.

(2) (Amend. SG 43/05, in Force from 1st of September 2005) The same punishment

shall also be imposed for an act under the preceding para committed against a representative of the public, private bailiff or deputy bailiff.

(3) If the offence under the preceding paras has been committed by participants in a mob the abettors and the leaders shall be punished by imprisonment of one to eight years.

Art. 270. (1) (Amend., SG 28/82; SG 10/93; prev. text of art. 270 - SG 21/00; amend., SG 92/02, Amend. SG 43/05, in Force from 1st of September 2005) Who illegally obstructs a body of the authority, private bailiff or deputy bailiff to fulfil his duties shall be punished by imprisonment of three months or a fine of one hundred to three hundred levs.

(2) (New, SG 21/00) If the obligations under the preceding para are related to a control over the traffic of narcotic substances, analogues or precursors the punishment shall be imprisonment of up to two years and a fine of ten thousand to fifty thousand levs.

Art. 270a. (New, SG 26/73; revoked, SG 89/86)

Art. 271. (Amend., SG 92/69; SG 28/82; revoked, SG 99/89)

Art. 272. (Amend., SG 28/82) (1) (amend. SG 103/04) Who unwarrantedly leaves a populated area despite of the prohibition imposed through the due administrative channels shall be punished by imprisonment of up to six months or probation.

(2) Who, after the respective warning, continues to violate systematically the legally established measures of administrative supervision regarding him shall be punished by probation for a period of up to one year.

Art. 273. (Suppl., SG 28/82; corr., SG 31/82; suppl., SG 41/85; revoked SG 91/89)

Art. 274. (1) Who unwarrantedly commits an act within the scope of the office of an official which he does not occupy or of which he has been deprived shall be punished by imprisonment of up to one year or by corrective labour.

(2) The same punishment shall be imposed to those who unwarrantedly commits an act within the scope of the function of a public representative which has not been assigned to him or of which he has been deprived, thus affecting illegally public or personal interests.

(3) Who, without being entitled, wears uniform clothes or an official sign, shall be punished by imprisonment of up to one year or by corrective labour, as well as by public reprobation.

Art. 274a. (New, SG 92/02) (1) Who keeps or wears a uniform, official signs or insignia in violation of the Law of the Ministry of Interior shall be punished by imprisonment of up to two years and a fine of up to five hundred levs.

(2) If the act under para 1 has been committed with the purpose of committing another crime the punishment shall be imprisonment of up to five years and a fine of up to two thousand levs.

Art. 275. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) (1) Who, being obliged by law to render assistance to a body of the authority, private bailiff or deputy bailiff, does not oblige after being duly invited, shall be punished by corrective labour or by a fine of one hundred to three hundred levs.

(2) Who, after being invited by the respective official in a case dangerous for the life, health or property of somebody, refuses to come to the assistance which he can give without any danger for himself or for another, shall be punished by corrective labour or by a fine of one hundred to three hundred levs.

Art. 276. (1) Who forges or lets in circulation forged official certifying signs, such as seals, signs for the quality of precious metals, entry tickets, transportation tickets and the like shall be punished by imprisonment of up to two years or by corrective labour.

(2) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who deliberately uses such a forged sign shall be punished by a fine of one hundred to three hundred levs.

(3) Who illegally misappropriates, destroys or hides official certifying signs used for establishing, payment or accounting of values, unless the act represents a more serious offence, shall be punished by imprisonment of up to two years or by corrective labour.

(4) Who, without due permit, works out a seal of a state or public organisation, shall be punished by imprisonment of up to one year or by corrective labour.

(5) The same punishment shall be imposed to those who misappropriates a seal of a state or public organisation with the purpose of using it illegally.

Art. 277. (Amend., SG 28/82; SG 10/93) (1) (Amend., SG 92/02, Amend. SG 43/05, in Force from 1st of September 2005) Who deliberately obliterates or damages a seal affixed on legal grounds by a body of the authority, private bailiff or deputy bailiff, on chattel or real object as a sign that the access to or administration with it are restricted, shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs.

(2) (Amend., SG 92/02) The same punishment shall be imposed on the one who administers a possession under constraint and left to him for keeping.

Art. 278. (1) (Amend., SG 28/82; SG 10/93; amend., SG 92/02; amend., SG 26/04) Who destroys, demolishes or damages a cultural monument, or an archive material included in the state archives, unless the act represents a more serious crime, shall be punished by imprisonment of up to three years or by a fine of five hundred to one thousand levs, as well as by public reprobation.

(2) (New, SG 10/93; amend., SG 26/04) An official who, in violation of the law, gives permit for destruction, demolition, damaging or change of the appearance or for export of a cultural monument shall be punished by imprisonment of up to five years or by a fine of one thousand to five thousand levs.

(3) (Prev. para 2; amend., SG 10/93; amend., SG 26/04) Who, without a due permit, takes out through the borders of the country a cultural monument or an archive material included in the state archives, shall be punished by imprisonment of up to five years or by a fine of one thousand to five thousand levs. The subject of the crime, if available, shall be seized in favour of the state according to art. 53, para 1, letter "b".

(4) (Prev. para 3 - amend., SG 10/93; amend., SG 26/04) Who alienates a possession

according to the preceding para, knowing that it might be taken out of the country, shall be punished by imprisonment of up to two years or by a fine of one thousand to five thousand levs, as the subject of the crime shall be seized in favour of the state according to art. 53, para 1, letter "b".

(5) (Suppl., SG 28/82; prev. para 4 - amend., SG 10/93; amend., SG 26/04) The punishment for particularly serious cases shall be: under para 1 - imprisonment of one to five years and a fine of five thousand to ten thousand levs; under para 2 and 3 - imprisonment of two to six years and a fine of five thousand to ten thousand levs; under para 4 - imprisonment of one to three years and a fine of five thousand to ten thousand levs. The court can also rule revoking of rights under art. 37, para 1, item 6 and 7. The subject of the crime shall be sized in favour of the state according to art. 53, para 1, letter "b".

Art. 278a. (New, SG 10/93; amend., SG 92/02) (1) (amend., SG 26/04) Who finds a cultural monument or other valuable historical find and, in the course of two weeks, deliberately does not inform the authorities, shall be punished by imprisonment of up to one year or by a fine of five hundred to one thousand levs.

(2) (amend., SG 26/04) If the cultural monument is of particularly high scientific or artistic value the punishment shall be imprisonment of up to two years or a fine of one thousand to five thousand levs.

Art. 278b. (New, SG 10/93; amend., SG 92/02; amend., SG 26/04) (1) Who, without a due permit, carries out or orders archaeological excavations, geo-physical and underwater research or digging on the territory of archaeological cultural monuments and/or in their guarded zone, unless the act represents a more serious offence, shall be punished by imprisonment of up to six years and by a fine of two thousand to twenty thousand levs.

(2) If, in carrying out the activities under para 1 are used technical devices and/or motor vehicles the punishment shall be imprisonment of three to six months and a fine of five thousand to fifteen thousand levs.

(3) Who, without a due permit exchanges or offers for exchange, sells or offers for sale archaeological finds or archaeological movable cultural monuments shall be punished by imprisonment of up to three years and by a fine of one thousand to ten thousand levs.

(4) The subject of the crime shall be seized in favour of the state when it belongs to the offender, and if it is missing or alienated its equivalence shall be adjudged.

Art. 278c. (New, SG 28/82; amend. and suppl., SG 86/91; prev. art. 278a - amend., SG 10/93; SG 85/97; amend., SG 92/02) (1) (Amend., SG 133/98) Who destroys or damages a protected territory or a sample of a protected plant or animal kind shall be punished by imprisonment of up to two years or by corrective labour, as well as by a fine of one hundred to three hundred levs.

(2) For minor offences under the preceding para the punishment shall be a fine of one hundred to three hundred levs imposed through administrative channels.

(3) (Amend., SG 133/98) Who destroys or damages exceptionally valuable single and irrecoverable earth and rock forms, caves, samples of European or world-wide endangered wild plants and animals declared protected shall be punished by imprisonment of up to three years or by a fine of two hundred to two thousand levs, as well as by public reprobation.

(4) If the act under the preceding para has been committed by negligence the punishment shall be corrective labour or a fine of one hundred to three hundred levs.

Art. 279. (1) (Amend., SG 10/93; amend., SG 92/02(amend. SG 103/04)) Who enters or exits through the state border without permit of the respective bodies of the authority or, though by a permit, however not at the places determined for that purpose, shall be punished by imprisonment of up to five years and by a fine of one hundred to three hundred levs.

(2) (New, SG 28/82; amend., SG 10/93; amend., SG 92/02, amend. SG 103/04) If the act under para 1 is committed again the punishment shall be imprisonment of one to six years and a fine of one hundred to three hundred levs.

(3) (Prev. para 2 - amend., SG 28/82) In the cases under the preceding paras the court, instead of a fine, can rule confiscation of a part or of the whole property of the culprit.

(4) (Prev. para 3 - amend., SG 28/82) Preparation for a crime according to para 1 and 2 shall be punished by imprisonment of up to two years or by corrective labour.

(5) (Prev. para 4 - amend., SG 28/82) Not punished shall be those who enter the country in order to avail themselves of the right to asylum according to the Constitution.

Art. 280. (Amend. and suppl., SG 28/82; revoked SG 37/89; New SG 62/97) (1) Who takes across the border of the country individuals or groups of people without permit of the respective bodies of the authority or, though by a permit but not at the places determined for that purpose, shall be punished by imprisonment of one to six years and a fine of five hundred to one thousand levs.

(2) The punishment shall be imprisonment of one to ten years, a fine of one thousand to three thousand levs and a confiscation of a part or the whole property of the perpetrator if:

1. a person who has not accomplished 16 years of age has been taken across the border;

2. the transfer has taken place without the consent of the person;

3. the person transferred across the border is not a Bulgarian citizen;

4. motor, air or other vehicle has been used;

5. the transfer has been organised by a group or organisation or has been fulfilled with the participation of an official who has used his official status.

(3) In the cases of para 2, item 4 the vehicle shall be seized in favour of the state if it has been owned by the perpetrator.

Art. 281. (Amend., SG 28/82; revoked SG 37/89)

Section II. Criminal Breach of Trust

Art. 282. (1) (Amend., SG 28/82) An official who violates or does not fulfil his official duties, or exceeds his authority or rights with the purpose of obtaining for himself or for another benefit or to cause somebody else damage which can cause major harmful damages, shall be punished by imprisonment of up to five years, whereas the court can also rule revoking of rights according to art. 37, item 6, or corrective labour.

(2) (Amend. and suppl., SG 89/86) If the act has caused substantial consequences or it

has been committed by a person who occupies an important official position the punishment shall be imprisonment of one to eight years, whereas the court can also rule revoking of rights according to art. 37, item 6.

(3) (New, SG 89/86) The punishment for particularly grave cases under the preceding para shall be imprisonment of three to ten years, whereas the court shall also rule revoking of right according to art. 37, item 6.

(4) (New, SG 62/97) The punishment under para 3 shall also be imposed to an official who has committed the offence with the participation of a person according to art. 142, para 2, item 6 and 8.

(5) (New, SG 21/00) If the act under the preceding paras is related to exercising control over the production, processing, storing, trade in the country, the import, export, transit and accountancy of narcotic substances and precursors the punishment shall be imprisonment of up to ten years under para 1 and three to fifteen years under para 2.

Art. 282a. (New, SG 62/97) An official who, in the presence of the conditions stipulated by a normative act, necessary for issuance of special permit for carrying out certain activity, refuses or delays its issuance beyond the law determined terms shall be punished by imprisonment of up to three years, a fine of up to five hundred levs and revoking of right according to art. 37, para 1, item 7.

Art. 283. (Amend., SG 26/73, SG 28/82) An official who uses his official position in order to provide for himself or for somebody else unlawful benefit shall be punished by imprisonment of up to three years.

Art. 283a. (New, SG 62/97) If the offences under art. 282 and 283 are related to the privatisation, sale, renting or leasing, as well as the inclusion in trade companies of state, municipal and cooperative property, as well as property of corporate bodies the punishment shall be:

1. under art. 282 - imprisonment of three to ten years, a fine of three to five thousand levs and revoking rights according to art. 37, para 1, item 6 and 7;

2. under art. 283 - imprisonment of one to three years, a fine of one thousand to three thousand levs and revoking rights according to art. 37, para 1, item 6 and 7.

Art. 283b. (New, SG 62/97; Suppl., SG 92/02) An official who obstructs or frustrates the exercising by the owners of their rights restored according to the Law for restoration of the ownership of expropriated real estates, according to the Law for restoration of the ownership of some expropriated real estates according to the Law for the territorial and urban development, the Law for planned building of populated areas, the Law for the urban development of populated areas, the Law for the state real estates and the Law for the ownership, and according to the Law for the ownership and tenure of agricultural lands and the Law for indemnification of owners of expropriated real estates, the Law of privatisation and post-privatisation control or through enforced judicial acts related to another law shall be punished by imprisonment of two to six years.

Art. 284. (amend., SG 26/04) (1) An official who, to detriment of the state, an enterprise, an organisation or an individual, announces to another or promulgates information entrusted to him or accessible by virtue of office, and for which he knows that they represent official secret, shall be punished by imprisonment of up to two years or by corrective labour.

(2) The punishment for an act under para 1 shall also be imposed on a non-official working in a state establishment, enterprise or public organisation, to whom, in connection with his work, has become known certain information representing official secret.

(3) If the act under para 1 has been committed by an expert, translator or interpreter regarding information having become known to him in connection with the assigned task, and which he is obliged to keep secret, the punishment shall be imprisonment of up to two years or corrective labour.

Art. 284a. (New, SG 41/01; Revoked, SG 45/02)

Art. 284b. (New, SG 41/01; revoked, SG 26/04)

Art. 285. An official who deliberately admits commitment by a person subordinated to him of a crime related to his office or work shall be punished by the penalty stipulated for the committed crime.

Section III. Offences against the Justice

Art. 286. (1) (Amend., SG 62/97) Who, before a respective body of the authority, charges somebody with a crime, knowing that he is innocent, or presents false evidence against him shall be punished for false accusation by imprisonment of one to six years and by public reprobation.

(2) (Revoked, prev. para 3 - amend., SG 62/97) If the falsely accused person is criminally indicted the punishment shall be imprisonment of one to ten years.

Art. 287. (amend., SG 26/04) A body of the authority who, within the scope of his duties, alone or through another, uses illegal compulsory means, in order to extort from an suspect, incriminated, accused, witness or expert a confession, testimony or conclusion or information shall be punished by imprisonment of three to ten years and by divesting of right according to art. 37, para 1, item 6 and 7.

Art. 287a. (New, SG 62/97) Who, for the purpose of misleading a body of the judiciary authority:

1. works out false technical records or forges genuine ones;
 2. destroys a record or a part of it, gather or arrange the data of the record, thus creating false impression about the substantial circumstance;
 3. uses forged technical records;
 4. uses unlawfully the information acquired by special intelligence devices,
- shall be punished by imprisonment of one to five years and a fine of five hundred to

one thousand levs.

Art. 288. (Amend., SG 50/95) A body of the authority who fails to fulfil in due time the functions required by the office regarding the criminal proceedings, or in any other way frustrates such proceedings with the purpose of releasing another from a punishment due for him by a law shall be punished by imprisonment of one to six years and by revoking of right according to art. 37, item 6.

Art. 289. (Amend., SG 62/97) Who persuades an official of the bodies of the preliminary proceedings or of the prosecution or the judiciary bodies to violate his official duty related to the jurisdiction shall be punished by imprisonment of up to five years or by corrective labour or by public reprobation.

Art. 290. (1) Who, before a court or other respective body of the authority, as a witness, verbally or in writing, deliberately confirms a falsehood or conceals the truth shall be punished for perjury by imprisonment of up to five years.

(2) The same punishment shall also be imposed to a translator or interpreter who, before a court or other respective body of the authority, verbally or in writing, deliberately presents untrue translation or interpretation.

Art. 290a. (New, SG 28/82) Who confirms a falsehood or conceals a truth in a written declaration, presented to a court, shall be punished by imprisonment of up to three years.

Art. 291. (1) Who, as an expert before a court or other respective body of the authority, verbally or in writing, presents untrue conclusion shall be punished by imprisonment of one to five years and by revoking of right according to art. 37, item 7.

(2) If the act under the preceding para has been committed by negligence the punishment shall be imprisonment of up to one year or corrective labour. The court can also rule revoking of the right according to art. 37, item 7.

Art. 292. (1) For a crime under art. 290 and 291 the indictability shall be dropped:

1. if the person, if he tells the truth, would charge himself with a crime and
2. if the person renounces before the respective body his perjury, translation, interpretation or conclusion until the enactment of the sentence or the decision and before institution criminal proceedings against him for that act.

(2) (New, SG 89/86) The provision of item 2 of the preceding para shall also apply in the cases of art. 290a when the person withdraws his declaration before a decision is passed on the case with respect to which it has been presented.

Art. 293. (1) (Prev. text of art. 293; suppl., SG 89/86) Who abets another in crime under art. 290, 290a and 291 shall be punished by imprisonment of up to one year or by corrective labour.

(2) (New, SG 89/86) If two or more persons are abetted and the case is particularly

severe the punishment shall be imprisonment of up to three years.

Art. 293a. (New, SG 62/97) Who, after being convicted to oblige a pecuniary liability by an enforced judicial act, and during a period of one year from the enactment of the decision he does not fulfil his obligation to the creditor despite of the presence of pecuniary resources or property for that, shall be punished by imprisonment of up to three years.

Art. 294. (1) (Amend., SG 62/97) Who helps a person who has committed a crime to escape or frustrate criminal proceedings against him, or it remains unpunished, without having had agreement with that person before the commitment of the crime itself, shall be punished for harbouring by imprisonment of up to five years, however by a punishment no more severe than the stipulated for absconding.

(2) If this is committed for the purpose of a property benefit the punishment shall be imprisonment of up to five years, however by a punishment no more severe than the stipulated for absconding.

(3) The above provisions shall not apply regarding the spouses, the descendants, the ascendants, the brother and the sisters of the absconding person, as well as their spouses.

(4) (New, SG 62/97) If the perpetrator is a judge, prosecutor, investigator or a person from the Ministry of Interior the punishment shall be imprisonment of two to eight years.

Art. 295. (Amend., SG 50/95) A body of the authority who, with the purpose of saving another from punishment or to delay the fulfilment of the punishment, fails to fulfil an enacted conviction, if by virtue of his office he has been obliged to do the necessary for the enforcement of the sentence, shall be punished by imprisonment of up to six years, whereas the court can deprive him of the right according to art. 37, item 6 or by corrective labour.

Art. 296. (Amend., SG 92/02) (1) Who obstructs or frustrates, in any way whatsoever, the enforcement of a court decision shall be punished by imprisonment of up to three years or a fine of up to five thousand levs.

(2) Who, for the purpose of obstructing or frustrating the enforcement of a court decision, destroys, damages, receives or alienates a possession concerned by this decision, shall be punished by imprisonment of up to three years or a fine of one thousand to ten thousand levs, unless the act does not constitute a more severe crime.

Art. 297. (1) A prisoner who escapes shall be punished by imprisonment of up to three years.

(2) If the prisoner has used for his escape undermining, demolition, tearing of walls, doors, windows and other the punishment shall be imprisonment of up to five years.

(3) Prisoner is every restrained in custody by the order established by the law.

Art. 298. (1) Prisoners who have conspired to escape through joint efforts shall be punished by imprisonment of up to two years.

(2) If the prisoners begin the fulfilment of the planned escape the punishment shall be imprisonment of up to five years.

Art. 299. An official who, without authorisation, releases or lets a prisoner to escape shall be punished by imprisonment of up to five years, whereas the court can deprive the culprit from the right according to art. 37, item 6.

Art. 300. (revoked – SG 103/04)

Section IV. Bribery

Art. 301. (1) (Amend., SG 51/00; Amend., SG 92/02) An official who requests or accepts a gift or any other benefit whatsoever, which is not due, in order to perform or not an act on business or because he has or has not performed such an activity shall be punished for bribery by imprisonment of up to six years and a fine of up to five thousand levs.

(2) (Amend., SG 51/00; Amend., SG 92/02) If the official has committed some of the acts under para 1 in order to offend or because he has offended his office, if this offence does not represent a crime, the punishment shall be imprisonment of up to eight years and a fine of up to ten thousand levs.

(3) (Amend., SG 95/75; SG 51/00; Amend., SG 92/02) If the official has committed some of the acts under para 1 in order to commit or because he has committed another crime related to his office, the punishment shall be imprisonment of up to ten years and a fine of up to fifteen thousand levs.

(4) (Amend., SG 89/86) In the cases under the preceding paras the court shall also rule revoking of right according to art. 37, item 6 and 7.

(5) (New, SG 92/02) The punishment under para 1 shall also be imposed on a foreign official who requests or accepts bribery or accepts an offer or a promise for bribery.

Art. 302. For a bribery made:

1. (Suppl., SG 92/02) by a person who occupies a responsible official position, including a judge, member of the jury, prosecutor or investigator;

2. through extortion through embezzlement;

3. (amend., SG 28/82) repeatedly and

4. in large size, the punishment shall be:

a) (suppl., SG 89/86; amend., SG 51/00; Suppl., SG 92/02) in the cases of art. 301, para 1 and 2 - imprisonment of three to ten years, a fine of up to twenty thousand levs and revoking of rights according to art. 37, item 6 and 7;

b) (amend., SG 89/86; Suppl., SG 92/02) in the cases of art. 301, para 3 - imprisonment of three to fifteen years, a fine of up to twenty five thousand levs and confiscation of up to one seconds of the property of the culprit, whereas the court shall also rule revoking of rights according to art. 37, item 6 and 7.

Art. 302a. (New, SG 89/86; Suppl., SG 92/02) For a bribe of particularly large size, representing a particularly serious case, the punishment shall be imprisonment of ten to thirty years, a fine of up to thirty thousand levs, confiscation of the whole or a part of the property of the culprit and revoking of rights according to art. 37, item 6 and 7.

Art. 303. (Amend., SG 92/02) According to the differences under the preceding Art.s the official and the foreign official shall also be punished when the gift or the benefit has been offered, promised or given to another by his consent.

Art. 304. (Amend., SG 92/02) (1) Who offers, promises or gives a gift or any other benefit whatsoever to an official in order to fulfil or not an activity related to his office, or because he has fulfilled or not such activity, shall be punished by imprisonment of up to six years and a fine of up to five thousand levs.

(2) If, in connection with the bribery, the official has violated his official obligations the punishment shall be imprisonment of up to eight years and a fine of up to seven thousand levs, where this offence does not constitute a more severe crime.

(3) The punishment under para 1 shall also be imposed to those who offer, promise or give a bribe to a foreign official.

Art. 304a. (New, SG 51/00; Amend., SG 92/02) Who offers, promises or gives a bribe to an official occupying a responsible position, including to a judge, a member of the jury, a prosecutor or an investigator shall be punished by imprisonment of up to ten years and a fine of up to fifteen thousand levs.

Art. 304b. (New, SG 92/02) (1) Who requests or accepts a gift or whatever benefit which is not due, or accepts an offer or a promise of a gift or benefit, in order to exert influence in taking a decision by an official or by a foreign official related to his office, shall be punished by imprisonment of up to six years or a fine of up to five thousand levs.

(2) Who offers, promises or gives a gift or whatever benefit which is not due to a person maintaining that he can exert influence according to para 1 shall be punished by imprisonment of up to three years or a fine of up to three thousand levs.

Art. 305. (Amend., SG 92/02) (1) The punishments for bribery under the preceding Art.s shall also be imposed on an arbitrator or an expert, appointed by a court, establishment, enterprise or organisation, if he commits such acts in connection with his assigned task, as well as on those who offers, promises or gives such a bribe.

(2) The punishments for bribery under the preceding Art.s shall also be imposed on a defender or a client when they commit such acts in order to help settlement in favour of the opposite party or to the detriment of the client a criminal or civil case, as well as on the one who offers, promises and gives such a bribe.

Art. 305a. (New, SG 28/82; Amend., SG 92/02) Who mediates the commitment of some of the acts under the preceding paras, unless the act represents a more severe crime, shall be punished by imprisonment of up to three years and a fine of up to five thousand levs.

Art. 306. (Amend., SG 92/02) Not punished shall be the one who has offered, promised or given a bribe if he has been blackmailed by the official, the arbitrator or by the expert to do that or if he has informed the authorities immediately and voluntarily.

Art. 307. (Amend., SG 51/00) Who intentionally creates circumstances or conditions in order to provoke offering, giving or receiving of a bribe with a purpose of doing harm to those who gives or receives the bribe shall be punished for provoking a bribe by imprisonment of up to three years.

Art. 307a. (New, SG 28/82; Amend., SG 92/02) The subject of the crime under this section shall be seized in favour of the state, and if it is missing its equivalence shall be adjudicated.

Chapter nine. DOCUMENTARY OFFENCES

Art. 308. (1) Who draws an untrue official document or forges the contents of an official document with the purpose of being used shall be punished for forging a document by imprisonment of up to three years.

(2) (new, SG 26/04) When subject of the act under para 1 are Bulgarian or foreign identification documents, documents for degree of education or for acquired qualification, certificates for driving vehicles, certificates for registration of vehicles, visa stickers or other documents certifying legal capacity, personal or registration data the punishment shall be imprisonment of up to eight years.

(3) (new, SG 26/04) Where the act under para 2 has been committed with a purpose of material benefit the punishment shall be imprisonment of up to ten years. The material benefit, if such is obtained, shall be seized in favour of the state, and if it is missing or alienated its equivalence shall be adjudged.

(4) (New, SG 28/82, prev. para 2 amend., SG 26/04) In minor cases the punishment shall be:

1. under para 1 – imprisonment of up to six months or corrective labour;
2. under para 2 – imprisonment of up to two years;
3. under para 3 – imprisonment of up to three years.

(5) (new, SG 26/04) For preparation of crime under para 1 the punishment shall be imprisonment of up to one year. For preparation of a crime under para 2 and 3 or for association for the purpose of committing one of the crimes defined by them the punishment shall be imprisonment of up to six years.

(6) (new, SG 26/04) Not punished shall be the participant in the association who, before the completion of a false official document or forging the contents of an official document (if the association was formed for this purpose) or before the beginning of the distribution of false or forged documents (if the association was formed for that purpose) gives up the act and informs the authorities about it.

(7) (new, SG 26/04) Who works out, keeps or hides objects, materials or instruments for which he knows or suspects that they are designated for or have been used for making or forging a document under para 2 and 3, shall be punished by imprisonment of up to six years.

Art. 309. (1) Who alone or through another draws an untrue private document or forges the contents of a private document and uses it in order to prove the existence or non-existence, or termination or amendment of a certain right or obligation or some legal relation shall be punished for document forgery by imprisonment of up to two years.

(2) If the crime has as a subject securities the punishment shall be imprisonment of up to three years.

(3) (Amend., SG 10/93) In minor cases under the preceding paras the punishment shall be corrective labour or a fine of up to one lev.

Art. 310. (1) (amend. and suppl., SG 26/04) If the crime under art. 308, para 1 and art. 309, para 1 and 2 has been committed by an official within the scope of his duties the punishment shall be imprisonment of up to five years, and in the cases of art. 308, para 2 and 3 – imprisonment of up to twelve years, whereas the court can also rule revoking of right according to art. 37, para 1, item 6.

(2) (New, SG 28/82) In minor cases the punishment shall be imprisonment of up to one year or corrective labour.

Art. 311. (1) An official who, within the scope of his duties, draws an official document certifying untrue circumstances or statements with the purpose of using this document as a proof of these circumstances or statements shall be punished by imprisonment of up to five years, whereas the court can also rule revoking of right according to art. 37, item 6.

(2) In minor cases the punishment shall be imprisonment of up to one year or corrective labour.

Art. 312. (1) A physician who provides somebody with a false certificate for the status of his health when he is not acting as an official shall be punished by imprisonment of up to two years or by corrective labour.

(2) Under the same circumstances a veterinarian who issues a document of untrue contents for the health status of an animal shall be punished by imprisonment of up to one year or by corrective labour.

Art. 313. (Amend., SG 28/82) (1) (Amend., SG 10/93; Amend. and Suppl., SG 92/02; amend., SG 92/02) Who confirms a falsehood or conceals a truth in a written declaration or an announcement sent by electronic means which, by virtue of a law, edict or decree of the Council of Ministers, is presented to a body of the authority for certifying the genuineness of certain circumstances shall be punished by imprisonment of up to three years or by a fine of one hundred to three hundred levs.

(2) (New, SG 10/93; amend., SG 50/95) If the act under para 1 has been committed with the purpose of evading payment of due taxes the punishment shall be imprisonment of one to six years or a fine of twenty to two hundred and fifty levs.

(3) (Prev., para 2 - Amend., SG 10/93; Amend. and Suppl. SG 92/02) The punishment under para 1 shall also be imposed on those who confirm a falsehood or conceals a truth in a private document or an announcement sent by electronic means which, by an explicit provision of a law, edict or decree of the Council of Ministers, is specially obliged to certify the truth, and he uses this document as a proof of falsely certified circumstances or statements.

(4) (New, SG 62/97) Who, in connection with public offering of securities by a prospectus or a survey of the economic status uses untrue favouring data or withholds unfavourable ones, which are of substantial importance for taking a decision for acquiring

securities, shall be punished by imprisonment of up to three years and a fine of up to five hundred levs.

Art. 313a. (New, SG 89/86; amend., SG 99/89; revoked., prev. Art. 313b, New SG 54/92 - SG 10/93) (1) Who, in a declaration under art. 4, para 2 of the Law for the property of the Bulgarian Communist Party, the Bulgarian Agrarian People's Union, the Fatherland Front, the Dimitrov Communist Youth Union, the Union of the active fighters against fascism and capitalism and the Bulgarian Trade Unions confirms a falsehood or conceals a truth with the purpose of frustrating entirely or partially the seizing of the illegally possessed state property shall be punished by imprisonment of three to eight years.

(2) Who, upon request, refuses to present a declaration according to art. 4, para 2 of the law under para 1 shall be punished by imprisonment of two to six years.

(3) In the cases under para 1 and 2 the court can also rule revoking of rights according to art. 37, para 1, item 6 and 7.

(4) The perpetrator under para 1 and 2 shall not be punished if, while discovering the truth would accuse himself of a crime, or his spouse, the descendants, ascendants, brothers or sisters.

Art. 313b. (New, SG 41/01; Revoked, SG 45/02)

Art. 314. Who deliberately becomes an instrument of introducing false circumstances or statements in an official document drawn by the established order on the grounds of a declaration of an individual shall be punished by imprisonment of up to two years or by corrective labour.

Art. 315. (1) Who draws a document by filling out a list bearing the signature of the issuer, with contents which do not coincide with the will of the signed, shall be punished according to the differences under art. 308 and 309.

(2) Punished, in compliance with the same differences, shall be those who through a fraud persuades another to sign a document with contents which do not coincide with the will of the signed.

Art. 316. The punishment stipulated by the preceding Art.s of the present chapter shall also be imposed on those who deliberately avails himself of false or forged document, of a document with untrue contents or of a document under the preceding Art. if he cannot be charged with criminal liability for the drawing itself.

Art. 317. Who illegally avails himself of a document, knowing that the issuer has signed it without an intention of taking responsibility by it, shall be punished by imprisonment of up to two years or by corrective labour.

Art. 318. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who illegally uses an official document, issued to another person, with the purpose of misleading a body of the

authority or a representative of the public shall be punished by imprisonment of up to two years or by corrective labour or by a fine of one hundred to three hundred levs.

Art. 319. Who destroys, conceals or damages a document of another or not belonging to him explicitly with the purpose of causing a damage to another or to provide for himself or for another a benefit shall be punished by imprisonment of up to three years or by corrective labour.

Chapter nine. "A" COMPUTER CRIMES(New, SG 92/02)

Art. 319a. (New, SG 92/02) (1) Who fulfils unwarranted access to the resources of a computer, copies or uses computer data without permit, when required, shall be punished by a fine of up to three thousand levs.

(2) If the act under para 1 has been committed by two or more persons having arranged in advance such an act the punishment shall be imprisonment of up to one year or a fine of up to three thousand levs.

(3) If the act under para 1 has been committed repeatedly the punishment shall be imprisonment of up to three years or a fine of up to five thousand levs.

(4) (amend., SG 26/04) If the acts under para 1 - 3 have been committed regarding information constituting a state secret the punishment shall be from one to three years of imprisonment unless being subject to a more severe punishment.

(5) If the act under para 4 has caused severe consequences the punishment shall be from one to eight years.

Art. 319b. (New, SG 92/02) (1) Who, without the permit of the person who administers or uses a computer, adds, changes, deletes or destroys a computer programme or data, in significant cases, shall be punished by imprisonment of up to one year or a fine of up to two thousand levs.

(2) If the act under para 1 has caused significant damages or other severe consequences have occurred the punishment shall be imprisonment of up to two years and a fine of up to three thousand levs.

(3) If the act under para 1 has been committed with the purpose of proprietary benefit the punishment shall be imprisonment of one to three years and a fine of up to five thousand levs.

Art. 319c. (New, SG 92/02) (1) Who commits an act under art. 319b regarding data provided by virtue of a law, by electronic means or on magnetic carrier, shall be punished by imprisonment of up to two years and a fine of up to three thousand levs.

(2) If the act under para 1 has a purpose of frustrating fulfilment of an obligation the punishment shall be imprisonment of up to three years and a fine of up to five thousand levs.

Art. 319d. (New, SG 92/02) (1) Who introduces a computer virus in a computer or in an information network shall be fined by up to three thousand levs.

(2) If the act under para 1 has caused considerable damages or it has been repeated

the punishment shall be imprisonment of up to three years and a fine of up to one thousand levs.

Art. 319e. (New, SG 92/02) (1) (amend., SG 26/04) Who circulates computer or system passwords thus causing disclosure of personal data or an information representing a state secret shall be punished by imprisonment of up to one year.

(2) For an act under para 1 committed from mercenary motives, or if it has caused considerable damages the punishment shall be imprisonment of up to three years.

Art. 319f. (New, SG 92/02) Who, on providing information services, violates the provisions of art. 6, para 2, item 5 of the Law for the electronic document and electronic signature, shall be punished by a fine of up to five thousand levs, unless subject to a more severe punishment.

Chapter ten. OFFENCES AGAINST THE ORDER AND THE PUBLIC PEACE

Art. 320. (1) (Prev. text of art. 320 - SG 92/02) Who obviously abets in a crime by reading a sermon before a multitude of people, through circulation of publications or in other similar way shall be punished by imprisonment of up to three years, but by a punishment no more severe than the one stipulated for the crime itself.

(2) (New, SG 92/02) The punishment for an obvious instigation of a crime under art. 108, para 1 shall be imprisonment of up to six years.

Art. 320a. (New, SG 41/85; Suppl., SG 92/02, amend. SG 103/04) Who threatens to commit a crime according to art. 108a, para 1, art. 330, 333, 334, 340, 341a, 341b, 342, para 3, 344, 349, 350 or 352, para 1 and this threat would excite a justified apprehension of its fulfilment shall be punished by imprisonment of up to two years.

Art. 321. (1) (Amend., SG 92/02) Who forms or leads an organised criminal group shall be punished by imprisonment of three to ten years.

(2) (Amend., SG 92/02) Who participates in such a group shall be punished by imprisonment of one to six years.

(3) (New, SG 62/97; amend., SG 21/00; Amend., SG 92/02) If the group is armed, or formed for the purpose of committing crime under art. 243, 244, 253, 280, 337, art. 339, para 1 - 4, art. 354a, para 1 and 2, art. 354b, para 1 - 4 and art. 354c, para 1 or an official participates in it the punishment shall be:

1. under para 1 - imprisonment of five to fifteen years;
2. under para 2 - imprisonment of three to ten years.

(4) (New, SG 62/97) Not punished shall be a participant in the group who voluntarily delivers himself up to the bodies of the authority and discloses everything he knows about the group, before a crime is committed by him or by it.

(5) (New, SG 62/97) A participant in the group who voluntarily delivers himself up to

the bodies of the authority, discloses everything he knows about the group, thus substantially facilitating the discovery and the proving of crime committed by it shall be punished under the conditions of art. 55.

(6) (New, SG 92/02) Who arranges with one or more persons to commit crimes in the country or abroad, provided for which is a punishment of imprisonment of more than three years, and which aim at obtaining proprietary benefit or exercising illegal influence on the activity of a body of the authority or of the local independent government shall be punished by imprisonment of up to six years.

Art. 321a. (New, SG 62/97) (1) Who participates in the leadership of an organisation or a group which, by using force or exciting fear, concludes transactions or profit benefit, shall be punished by imprisonment of three to eight years.

(2) Who participates in such an organisation or a group shall be punished by imprisonment of up to five years.

(3) The property acquired as a result of this activity by the organisation, by the group or by their participants shall be seized in favour of the state if the persons from whom it has been acquired or their successors are unknown.

(4) Applied in the cases under the preceding paras shall be the provision of art. 321, para 4 and 5.

Art. 322. Who does not prevent the commitment of an obviously major crime, if he could have done it without a substantial difficulty and without a danger for himself or for another shall be punished by imprisonment of up to one year or by corrective labour.

Art. 323. (1) (Amend., SG 28/82; SG 10/93; amend. and suppl., SG 62/97) Who, without being authorised, and beyond the order established by the law, exercises his or another's real or presumed right contested by another shall be punished in serious cases by imprisonment of up to five years and a fine of up to one thousand levs.

(2) (Amend., SG 28/82; SG 10/93; SG 62/97) Who, without authorisation occupies a real estate whose possession has been removed by the due order, shall be punished by imprisonment of up to three years and a fine of five hundred levs.

(3) The perpetrator shall not be punished if, upon a warning by the respective state body, he immediately restores the initial actual status.

(4) The provision of the preceding para shall not apply if the perpetrator, after the restoration, commits the same act again.

(5) (New, SG 50/95) If the act under para 1 has been committed by force or threat the punishment shall be imprisonment of up to 6 years.

Art. 323a. (New, SG 27/73; amend., SG 28/82; corr., SG 31/82; amend., SG 10/93; amend., SG 92/02) (1) Who constructs a building on a cultivated land used by a socialist organisation, or on a pasture, without being entitled, shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs.

(2) For a repeated crime under the preceding para, as well as for continuation of the construction, after having been stopped by the due authorities, the punishment shall be imprisonment of up to three years or a fine of one hundred to three hundred levs, as well as

public reprobation.

Art. 324. (Amend. and suppl., SG 28/82; SG 89/96; amend. SG 1/91; SG 10/ 93; amend., SG 92/02) (1) Who practices a profession or a craft without the respective capacity shall be punished by imprisonment of up to one year or by a fine of one hundred to three hundred levs.

(2) (Suppl., SG 83/98) If the profession or the craft are elated to the health care for the population the punishment shall be imprisonment of up to three years and a fine of one hundred to three hundred levs. The same punishment shall be imposed to a physician or a dentist who practice their profession in violation of the established order.

(3) If the act under the preceding para is committed again the punishment shall be imprisonment of one to five years and a fine of one hundred to three hundred levs, whereas the court can also rule revoking of rights according to art. 37, item 6 and 7.

Art. 325. (1) Who commits an indecent act, grossly violating the public order and expressing obvious disrespect of the society, shall be punished for hooliganism by imprisonment of up to two years or by corrective labour, as well as by public reprobation.

(2) If the act is accompanied by a resistance against a body of the authority or a representative of the public carrying out an obligation of protecting the public order, or it is distinguished, by its contents, by an exceptional cynicism or impertinence the punishment shall be imprisonment of up to five years.

(3) (New, SG 28/82, amend. SG 103/04) If the act under the preceding paras is committed again the punishment shall be: under para 1 - imprisonment of up to three years; under para 2 - imprisonment of one to five years.

(4) (Prev. para 3; amend., SG 28/82; Amend., SG 92/02, amend. SG 103/04) If the act under para 1 and 2 represents a dangerous recidivism the punishment shall be imprisonment of one to six years.

Art. 326. (Amend., SG 28/82; SG 41/85; amend SG 92/02, amend. SG 103/04) Who transmits by a radio, telephone or in any other way false calls or misleading signs for help, accident or alarm shall be punished by imprisonment of up to two years.

Art. 327. (Amend. and suppl., SG 28/82; amend., SG 10/93; amend., SG 92/02) (1) Who, without the respective permit, organises a gambling game, shall be punished by imprisonment of up to three years or by a fine of one hundred to three hundred levs.

(2) The same punishment shall be imposed to those who organises a gambling game by the respective permit but at places not determined for that.

(3) If the act under the preceding paras has been committed again the punishment shall be imprisonment of one to three years and a fine of ten to one hundred and fifty levs, and in particularly severe cases - imprisonment of one to five years and a fine of fifty to five hundred levs.

(4) Who systematically participates in gambling games, knowing that they are organised without permit, shall be punished by imprisonment of up to one year or by a fine of one hundred to three hundred levs.

(5) The money and the objects subject to the gambling game shall be seized in favour

of the state, and if they are missing, their equivalence shall be adjudicated.

Art. 328. (Amend SG 92/02) (1) (Amend., SG 28/82; SG 10/93) Who leads a nomadic life in a group shall be punished by probation for up to two years or a fine of up to three levs.

(2) (amend. SG 103/04) Who organises or leads such a group shall be punished by imprisonment of up to one year or by probation.

(3) Who leads a nomadic life, not settling at a permanent place of residence and does not practice a socially useful labour shall be punished by probation for a period of up to two years.

Art. 329. (1) (Amend., SG 95/75, amend. SG 103/04) An able-bodied person of age, who continuously does not practice a socially useful labour, receiving unearned income in unwarranted or immoral way, shall be punished by imprisonment of up to two years or by probation.

(2) Who systematically practices begging shall be punished by probation for a period of up to two years.

Chapter eleven. GENERALLY DANGEROUS CRIME

Section I. Offences committed in a generally dangerous way or by generally dangerous means

Art. 330. (1) Who sets on fire a building, a stock, agricultural or other products, a forest, machines, a mine or other property of substantial importance shall be punished for arson by imprisonment of one to eight years.

(2) The punishment shall be imprisonment of three to ten years:

1. if the fire has been dangerous for the life of somebody;
2. if there has been a danger of its spreading over other property, such as the above;
3. if the property set on fire is of historic, scientific or artistic value or if the premises set on fire kept objects of historic, scientific or artistic value.

4. (New, SG 92/02) if the arson has been an act of a person acting by an order or in fulfilment of a decision of an organisation or a group under art. 321a or an organised criminal group.

5. (new, SG 26/04) if the burning forest or other property of significant value is located in a protected territory.

(3) If in the cases under the preceding para substantial damages have occurred the punishment shall be imprisonment of three to twelve years, and if a dead has been caused to somebody, when the perpetrator has not wanted or expected that, the punishment shall be imprisonment of five to fifteen years.

Art. 331. (1) Who, by negligence sets on fire another's property according to the preceding Art. shall be punished by imprisonment of up to three years.

(2) (New, SG 92/02) Who sets on fire stubble, thus causing fire in the forest fund, shall be punished by imprisonment of up to three years and a fine of five hundred to five thousand levs.

(3) (Prev. para 2 - SG 92/02) If death or substantial damages have been caused the punishment shall be imprisonment of up to five years.

Art. 332. The perpetrator shall not be punished for arson if, by his own conviction, he has extinguished the fire immediately, before the occurrence of substantial damages.

Art. 333. If the objects under art. 330 have been damaged or destroyed by an explosion the punishments stipulated by this Art. shall respectively be applied.

Art. 334. (1) Who causes flooding, thus exposing to danger the life or the property of another, shall be punished by imprisonment of three to twelve years.

(2) If substantial damages have been caused in these cases the punishment shall be imprisonment of five to fifteen years, and if a death of somebody has followed, if the perpetrator has not intended and expected that, the punishment shall be imprisonment of ten to fifteen years.

Art. 335. (1) Who causes flooding by negligence, thus exposing to danger the life and the property of another, shall be punished by imprisonment of up to three years.

(2) If death or substantial damages have occurred the punishment shall be imprisonment of up to five years.

Art. 336. (Revoked, SG 41/85)

Art. 337. (Amend., SG 41/85) (1) (Prev. text of art. 337 - amend, SG 50/95; Suppl., SG 92/02) Who manufactures, processes, repairs, works out, stores, trades, carries, imports or exports explosives, firearms, chemical, biological or nuclear weapons or munitions without having the right according to a law or a permit by the respective body of the authority, or does not carry it out according to the given permit, shall be punished by imprisonment of one to six years.

(2) (New, SG 50/95) The punishment shall be imprisonment of two to eight years if the act has been committed:

1. by an official who has misused his official status;
2. repeatedly in major cases.

(3) (New, SG 50/95) If the subject of the crime is of large size the punishment shall be imprisonment of three to ten years.

(4) (New, SG 50/95) If the subject of the crime is of particularly large size and the case is particularly serious the punishment shall be imprisonment of five to fifteen years.

(5) (new, SG 26/04) For preparation of a crime under para 1 – 4 the punishment shall be imprisonment of up to two years.

Art. 338. (1) (Amend., SG 10/93; amend., SG 92/02) Who, by keeping, carrying, sending or working with explosives, firearms or munitions does not take the necessary safety precautions and especially the measures stipulated by the respective regulations, ordinances or instructions shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs.

(2) If an explosion occurs as a result of this activity and average or severe bodily injury or death, or a substantial damages of a property is caused to one or more persons the punishment shall be imprisonment of two to eight years, and in particularly serious cases the punishment shall be imprisonment of five to fifteen years.

Art. 339. (Amend., SG 28/82; SG 41/85) (1) (Amend., SG 28/82; SG 41/85; SG 50/95; Suppl., SG 92/02) Who acquires, in any way whatsoever, keeps or submits to another explosives, firearms, chemical, biological or nuclear weapons or munitions without having due permit shall be punished by imprisonment of up to six years.

(2) (Amend., SG 28/82; Suppl., SG 92/02) If the case is regarding explosives, firearms chemical, biological or nuclear weapons or munitions in large quantities the punishment shall be imprisonment of three to eight years.

(3) (Amend., SG 28/82; SG 41/88; SG 50/95; Suppl., SG 92/02) Who alienates or submits explosives or firearms chemical, biological or nuclear weapons to a person who has no permit for their acquisition shall be punished by imprisonment of up to six years.

(4) The punishment under the preceding para shall also be imposed to those who alienate or submit to another munitions without permit for the latter to carry the respective weapon.

(5) (New, SG 62/97; Suppl., SG 92/02) The punishment under para 1 shall also be imposed on a person who, without the respective permit, takes a found explosive, firearm chemical, biological or nuclear weapons or munitions.

Art. 339a. (New, SG 62/97) (1) Who, without due permit required by a law, produces, uses, sells or keeps special technical devices for secret collection of information shall be punished by imprisonment of up to three years.

(2) The special technical device shall be seized in favour of the state.

(3) If the act under the preceding para is committed by an official in connection with his office the punishment shall be imprisonment of one to five years.

Art. 339b. (new, SG 26/04) Who produces, transports, keeps, acquires or passes on to another goods or technologies with possible double use determined by a law or by an act of the Council of Ministers for the purpose of being used for carrying out transactions in violation 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 ensuing from an international agreement party to which is the Republic of Bulgaria, shall be punished by imprisonment of up to six years and a fine of up to two hundred thousand levs.

Section II. Offences against the transport and communications

Art. 340. (1) (Amend., SG 95/75) Who damages a railway rolling stock or a railway, an aircraft, an automobile, an electric transport vehicle (trolley bus, tram and the like, designated for public transportation) or installations or their appliances, a tunnel, a bridge or support wall along the roads, or damages or allows damaging, strand or sink a ship, thus creating danger for the life of another or for substantial damaging of another's property, shall be punished by imprisonment of five to fifteen years.

(2) (New, SG 95/75) Who destroys an aircraft being in operation, or causes a damage rendering it unfit for flying or it is of a nature endangering its flight safety shall be punished by imprisonment of five to twenty years.

(3) (Prev. para 2 - amend., SG 95/75) If in the cases under the preceding paras follows:

1. average or severe bodily injury to one or more persons the punishment shall be imprisonment of eight to fifteen years;

2. (Suppl., SG 50/95; amend., SG 153/98) death of one or more persons, regardless of whether the consequences under letter "a" have occurred, the punishment shall be imprisonment of ten to twenty years, life imprisonment or life imprisonment without an option.

Art. 341. (Amend., SG 95/75) If the act under art. 340, para 1 and 2 has been committed by negligence and it has caused:

a) substantial property damages;

b) average or severe bodily injury to one or more persons, regardless of whether consequences under the preceding letter have occurred;

c) death of one or more persons regardless of whether consequences under letter "a" and "b" have occurred,

the punishment shall be: under letter "a" - imprisonment of up to three years; under letter "b" - imprisonment of up to six years; under letter "c" - imprisonment of one to ten years.

Art. 341a. (New, SG 95/75) (1) Who places in an aircraft a device or a substance which can destroy it or cause it a damage rendering it unfit for flying or creating danger for its flight safety, unless subject to a more severe punishment, shall be punished by imprisonment of three to ten years.

(2) Who endangers the safety of an aircraft in flight by:

a) destroying or damaging an installation or a facility for air traffic control;

b) announcing information or giving a signal being aware that they are false, placing a false sign or removes or moves a sign designated for providing the traffic safety, shall be punished by imprisonment of three to fifteen years.

(3) Who commits violence regarding a person on board of an aircraft in flight, if the act has a nature of endangering the safety of this aircraft and does not constitute a more serious crime, shall be punished by imprisonment of five to ten years.

(4) If, in the cases under the preceding paras, average or severe bodily injury or death of one or more persons has followed the punishments stipulated by art. 340, para 3 shall apply respectively.

(5) If the act under para 1 has been committed by negligence and consequences have occurred according to art. 341 the punishments stipulated by this Art. shall apply respectively.

Art. 341b. (New, SG 95/75) (1) Who adversely occupies an aircraft on the ground or during flight, or establishes control over such an aircraft shall be punished by imprisonment of up to ten years.

(2) If the act under the preceding para has been committed by force or threat the punishment shall be imprisonment of three to twelve years.

(3) If the act under the preceding paras has incurred:

- a) considerable damage to the aircraft;
- b) average or severe bodily injury to one or more persons, regardless of whether the consequences under the preceding letter have occurred;
- c) death of one or more persons, regardless of whether the consequences under letter "a" and "b" have occurred,

(amend., SG 153/98) the punishment shall be: under letter "a" and "b" - imprisonment of five to fifteen years, and under letter "c" - imprisonment of ten to twenty years or life imprisonment without an option, whereas the court can also rule revoking of rights under art. 37, item 6 - 10.

Art. 341c. (New, SG 95/75; revoked, SG 41/85)

Art. 342. (1) (Amend., SG 95/75; SG 28/82) Who, in driving a railway rolling stock, an aircraft, a motor vehicle, a vessel, combat or special vehicle, violates the traffic rules by admitting the causing of bodily injury or death to another shall be punished by imprisonment of up to two years or by corrective labour.

(2) (New, SG 28/82) The same punishment shall be imposed on a worker or employee of the transport who violates the rules for operation or the requirements for good quality of the repair of the rolling stock, of the roads or of the installations, admitting the causing of average bodily injury or death to another.

(3) (Prev. para 2 - SG 28/82) If acts under the preceding paras deliberately cause death, bodily injury or substantial property damage to another the punishment shall be:

- a) for causing substantial property damages - imprisonment of one to ten years;
- b) for causing average or severe bodily injury to one or more persons, with or without property damages - by three to twelve years;
- c) (amend., SG 85/98) for causing death to one or more persons, with or without consequences under letter "a" and "b" - imprisonment of ten to twenty years, and in particularly severe cases - from fifteen to twenty years or life imprisonment.

(4) (Prev. para 3; amend., SG 28/82; SG 89/86) In the cases under para 3, letter "a" and "b" the court shall deprive the culprit of the rights according to art. 37, item 6 and 7. In the cases under letter "c" the revoking of these rights shall be for good and all.

Art. 343. (Corr., SG 29/68; amend., SG 95/75; SG 54/78; SG 28/82) (1) When acts under the preceding Art. have caused by negligence:

- a) substantial property damages the punishment shall be imprisonment of one year or corrective labour;
- b) severe or average bodily injury, regardless of whether the circumstances under letter "a" have occurred, the punishment shall be imprisonment of up to four years for a severe bodily injury and up to three years or corrective labour for an average bodily injury;

c) death, regardless of whether the circumstances under letter "a" have occurred, the punishment shall be imprisonment of up to six years.

(2) (New, SG 92/02) For crimes under para 1, letter "a" and "b" the perpetrator shall not be punished should the aggrieved so wish.

(3) (Suppl., SG 21/00; Prev. para 2 - SG 92/02) If the act is committed in a state of intoxication or after using narcotic substances and/or their analogues or it has caused a bodily injury or death to more than one person, or the perpetrator has escaped from the scene of the accident the punishment shall be:

a) for severe or average bodily injury - imprisonment of up to five years, and in particularly severe cases - up to eight years;

b) for death - imprisonment of three to ten years, and in particularly severe cases - imprisonment of five to fifteen years.

(4) (Prev. para 3 - SG 92/02) The punishment under letter "b" of the preceding para shall also be imposed when death has been caused to one or more persons and bodily injury to one or more persons.

Art. 343a. (New, SG 28/82) (1) (Prev. text of art. 343a - SG 92/02) If the perpetrator, after the act under the preceding Art., has done everything depending on him to render assistance to the injured the punishment shall be:

a) under para 1, letter "b" - imprisonment of up to three years for severe bodily injury and imprisonment of up to two years or corrective labour for average bodily injury;

b) under para 1, letter "c" - imprisonment of up to four years;

c) under para 2, letter "a", when an average or a severe bodily injury has been caused to more than one person - imprisonment of up to four years, and in particularly severe cases - up to six years;

d) under para 2, letter "b", for the death of more than one person - imprisonment of two to ten years, and in particularly severe cases - from three to twelve years.

(2) (New, SG 92/02) For a crime under para 1, letter "a" the perpetrator shall not be punished should the aggrieved so wish.

Art. 343b. (New, SG 28/82; amend., SG 50/95) (1) Who drives a motor vehicle with alcohol concentration in his blood of over 1.2 per mil, established by the respective order, shall be punished by imprisonment of up to one year.

(2) (Amend., SG 92/02) Who drives a motor vehicle with an alcohol concentration in his blood of over 0.5 per mil, established by the respective order, after having been convicted by an enacted sentence for the act under para 1, shall be punished by imprisonment of up to two years and by a fine of one hundred to three hundred levs.

(3) (New, SG 21/00) Who drives a motor vehicle after using narcotic substances or their analogues shall be punished by imprisonment of up to two years.

Art. 343c. (New, SG 50/95) (1) Who drives a motor vehicle during the term of incurring the punishment of revoking right to drive a motor vehicle, after being punished for the same act through administrative channels, shall be punished by imprisonment of up to two years.

(2) The same punishment shall also be imposed to those who within a period of one

year from his being punished through administrative channels for driving a motor vehicle without the respective driving licence commits such an act.

Art. 343d. (New, SG 50/95) In all cases of art. 343, 343a, 343b and art. 343c, para 1 the court shall also rule revoking of right according to art. 37, item 7, as well as according to item 6.

Art. 344. (1) (Amend., SG 95/75) Who removes or moves a sign or a signal used for providing the traffic safety of the railway and water transport, as well as of the electric transport, places such a false sign or gives a false signal, thus exposing to danger the life or the property of somebody, shall be punished by imprisonment of up to five years.

(2) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) The punishment for the act under para 1 regarding signs of the automobile transport shall be imprisonment of up to two years or a fine of one hundred to three hundred levs.

Art. 345. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who uses control signs issued for another motor vehicle or signs not issued by the respective bodies shall be punished by imprisonment of up to one year or by a fine of one hundred to three hundred levs.

Art. 345a. (New, SG 21/00) (1) Who, in violation of the established order deletes or counterfeits an identification number of a motor vehicle shall be punished by imprisonment of three to ten years and by a fine of five thousand to ten thousand levs.

(2) If the act under the preceding para is repeated the punishment shall be imprisonment of three to twelve years and a fine of five thousand to fifteen thousand levs.

(3) The punishment shall be imprisonment of up to three years or a fine of up to three thousand levs if numbers of parts of a motor vehicle have been counterfeited.

Art. 346. (1) (Amend., SG 107/96; SG 62/97) Who takes another's vehicle illegally, possessed by another without his consent, with an intention of using it, shall be punished by imprisonment of one to eight years.

(2) (Amend., SG 89/86; corr., SG 90/86; amend., SG 107/96; SG 62/97) The punishment shall be imprisonment of one to ten years if:

1. damage of the vehicle has followed or it has been abandoned without supervision,
or

2. the act has been committed in a state of intoxication or more than twice, or

3. the misappropriation has been committed under the conditions of art. 195, para 1, item 1 - 6.

4. (new, SG 26/04) the misappropriation has been committed for the purpose of a material benefit from the return of the motor vehicle.

(3) (new, SG 26/04) The punishment under para 2 shall also be imposed on a person offering assistance for returning the misappropriated vehicle against a material benefit.

(4) (New, SG 28/82; amend., SG 62/97; prev. para 3 – SG 26/04) In the cases of the preceding paras the court shall rule revoking of a right to drive motor vehicle.

(5) (Prev., para 3 - SG 28/82; amend., SG 62/97; prev. para 4 – SG 26/04) If, for the

purpose of misappropriation of the vehicle or for preservation of its ownership force or threat have been used, the punishment shall be imprisonment of three to twelve years and revoking of right to drive a motor vehicle, whereas the court shall also rule confiscation of no less than 1/2 of the property of the perpetrator.

(6) (New, SG 62/97; prev. para 5 – SG 26/04) The punishment under the preceding para shall also be imposed when the act has been committed by a person under art. 142, para 2, item 6 and 8, or by assignment of an organisation or a group, or when an attempt has been made to export the motor vehicle through the border of the country or when its serial and registration numbers have been changed.

Art. 346a. (new, SG 26/04) If, until the conclusion of the court investigation in the first-instance court, the misappropriated motor vehicle is returned the punishment shall be:

1. in the cases under art. 346, para 1 – imprisonment of up to five years;
2. in the cases under art. 346, para 2, item 4, if the returning took place before obtaining the material benefit – imprisonment of up to eight years.

Art. 346b. (New, SG 21/00; prev. art. 346a – SG 26/04) Who illegally enters another's motor vehicle without the consent of the owner shall be punished by imprisonment of up to three years or by a fine of up to three thousand levs.

Art. 347. (1) Who damages a telegraph, telephone or teletype installation or line, television or radio installation or electrification installation, thus disconnecting or frustrating the communications, shall be punished by imprisonment of up to five years.

(2) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) If the act has been committed by negligence the punishment shall be imprisonment of up to one year or corrective labour, or a fine of one hundred to three hundred levs.

Art. 348. (Amend., SG 10/93) Who:

a) builds, keeps or uses a radio device which broadcasts in the ether without a written permit;

b) uses a radio device which broadcasts in the ether without prior registration with full positioning data or uses it for purposes not allowed by the permit;

c) without prior written permit changes without authorisation the registered data of the radio device which broadcasts in the ether;

d) (Amend., SG 92/02) obstructs or interferes the activity of a radio communication, radio broadcasting, television or radio repeater station or radio relaying centre, shall be punished by imprisonment of up to five years and a fine of one hundred to three hundred levs, whereas the radio device shall be seized in favour of the state.

Art. 348a. (new, SG 26/04) (1) Who, through a fraud or in another illegal way, uses a telecommunication network, facility or service in order to generate or divert, in his or another's interest, a directed transfer of signals, written text, images, sound, data or communications of any kind, through a conductor, radio waves, optic or other transfer medium, shall be punished by imprisonment of up to six years and a fine of up to ten thousand

levs.

(2) Where the act under para 1 is committed:

1. by two or more persons, having conspired in advance for its fulfillment, where it is no minor case;

2. by using unregistered telecommunication device;

3. repeatedly,

the punishment shall be imprisonment of up to eight years and a fine of one thousand to five thousand lev.

(3) In minor cases under para 1 the punishment shall be imprisonment of up to one year or corrective labour.

Art. 348b. (New, SG 28/82; prev. art. 348a – SG 26/04) If the property damages and the bodily injury under art. 343 have been caused by a spouse, ascendant, descendant, brother or sister the criminal proceedings shall be instituted against a complaint of the aggrieved. In these cases the perpetrator can be deprived through administrative channels of a right to drive a motor vehicle even if a complaint has not been filed or the filed complaints have been withdrawn.

Section III. Offences against the national health and the environment (title suppl., SG 26/04)

Art. 349. (1) Who deliberately places or admits an object dangerous for the life or the health in a well, spring, water pipe or in other appliance designated for general use, where or by which drinking water is drawn shall be punished by imprisonment of two to eight years.

(2) (Suppl., SG 50/95; amend., SG 153/98) If the act has caused a severe bodily injury the punishment shall be imprisonment of three to ten years, and if death has followed the punishment shall be imprisonment of ten to twenty years, life imprisonment or life imprisonment without an option.

(3) (Amend., SG 41/85) In compliance with the differences under the preceding paras shall also be punished those who, with the purpose of contaminating people spread agents of an epidemic disease.

Art. 349a. (New, SG 62/97) (1) Who violates rules established for taking and submitting human organs or tissues for transplantation shall be punished by imprisonment of one to three years.

(2) The punishment shall be imprisonment of three to five years if the act has been committed from mercenary motives.

Art. 350. (amend., SG 26/04) (1) Who prepares foodstuff or beverages for general use in such a way that they create or contain substances dangerous for the health, as well as those who sell, offer for sale or in any other way circulates such foodstuff or beverages shall be punished by imprisonment of up to five years.

(2) Who violates rules regulating the obtaining, production, processing, storing or trade with animals, raw materials, foodstuffs or beverages for general use, thus exposing to

danger the health or the life of another, shall be punished by imprisonment of up to three years.

(3) If the act under para 1 and 2 has caused an average bodily injury to another the punishment shall be imprisonment of up to six years, and if a severe bodily injury has been caused to another - imprisonment of one to eight years, and if death has followed - imprisonment of three to fifteen years.

Art. 350a. (new, SG 26/04) Who, in violation of a law, produces or offers on the market foodstuffs, animal food or veterinary products, or beverages, thus exposing to danger the life or the health of another, shall be punished by imprisonment of up to three years.

Art. 351. (1) The punishment for acts under art. 349 and 350, committed by negligence, the punishment shall be imprisonment of up to two years or corrective labour.

(2) If in this case the death of somebody has followed the punishment shall be imprisonment of up to five years.

Art. 352. (1) (Amend., SG 95/75; SG 86/91; SG 85/97; amend., SG 26/04) Who pollutes or admits pollution of water streams, basins, underground waters or the territorial and internal sea waters, the soil and the air, thus rendering them dangerous for the people, the animals and the plants or unfit for using for cultural and household, health, agricultural and other economic needs shall be punished by imprisonment of up to five years and by a fine of one hundred levs to five thousand levs.

(2) (amend., SG 26/04) The same punishment shall be imposed to an official who has admitted in designing, construction or operation of draining or irrigation systems not to take the necessary precautions for preventing dangerous pollution of the water supply zones for drinking water supply or the raising of the level of the underground waters in the populated and resort areas.

(3) (Amend., SG 10/93; amend., SG 92/02) If the act under the preceding paras has been committed by negligence the punishment shall be corrective labour or a fine of one hundred to three hundred levs.

(4) (New, SG 95/75; amend., SG 28/82; SG 10/93; amend., SG 92/02) In minor cases under para 1 and 2 the punishment shall be a fine of one hundred to three hundred levs, and under para 3 - from three to ten levs imposed through administrative channels.

Art. 352a. (New, SG 95/75) (1) (Amend., SG 86/91; SG 85/97) Who pollutes or admits the pollution by petrol products or derivatives territorial or internal sea waters or sea waters in zones determined by an international agreement party to which is the Republic of Bulgaria, shall be punished by imprisonment of one to five years and by a fine of up to twenty thousand levs.

(2) (Amend., SG 10/93) If the act under the preceding para has been committed by negligence the punishment shall be imprisonment of up to three years and a fine of up to five hundred levs.

(3) (Suppl., SG 28/82; amend., SG 10/93; amend., SG 92/02) In minor cases under the preceding paras the punishment shall be a fine of one hundred to three hundred levs imposed through administrative channels.

(4) (Amend., SG 10/93) A captain of a ship or of another vessel who does not announce immediately, at the closest port, about throwing out in waters, according to para 1, of petrol products or derivatives, or of other substances dangerous for the people, the animals or the plants, shall be punished by a fine of up to five hundred levs.

(5) (Suppl., SG 28/82; amend., SG 10/93; amend., SG 92/02) A captain or another person from the commandment of a ship, who does not fulfil an obligation for entry in the ship documents of an operation with substances dangerous for the people, animals or plants, or enters in them false information for such operations, or refuses to present these documents to the respective officials, shall be punished by a fine of one hundred to three hundred imposed through administrative channels.

Art. 353. (1) (Amend., SG 95/75; SG 86/91; amend., SG 92/02) An official who commissions or orders the commissioning of an enterprise or a heat power station before fitting and activating the necessary purification installations shall be punished by imprisonment of up to three years and by a fine of one hundred to three hundred levs.

(2) The same punishment shall also be imposed to an official who does not fulfil his obligations for building purification installations, as well as for providing the fitness and the continuous correct operation of such installations, for which reason they were unable to operate in full or partially or have discontinued the operation.

(3) (Amend., SG 10/93; amend., SG 92/02) If the act under the preceding paras has been committed by negligence the punishment shall be corrective labour or a fine of one hundred to three hundred levs.

(4) (New, SG 95/75; amend. and suppl., SG 28/82; amend., SG 10/93; amend., SG 92/02) In minor cases the punishment shall be: under para 1 and 2 - a fine of one hundred to three hundred levs, and under para 3 - a fine of one hundred to three hundred levs imposed through administrative channels.

Art. 353a. (New, SG 86/91; amend., SG 85/97) An official who, within the scope of his official duties, conceals or announces untrue information about the condition of the environment and its components - air, water, soil, sea areas, thus causing significant damages to the environment, the life and the human health shall be punished by imprisonment of up to five years and a fine of one hundred to one thousand levs.

Art. 353b. (New, SG 62/97; Suppl., SG 92/02) Who, in violation of international agreements party to which is the Republic of Bulgaria, carries through the border of the country dangerous waste, toxic chemical substances, biological agents, toxins and radioactive substances, shall be punished by imprisonment of one to five years and a fine of one thousand to three thousand levs.

Art. 353c. (New, SG 62/97) An official who violates or does not fulfil his duties related to the collection, storing, transportation and rendering harmless of dangerous waste shall be punished by imprisonment of up to one year.

Art. 353d. (new, SG 26/04) Who, in violation of a law, constructs a water intake

facility or a facility for using surface or underground waters, shall be punished by imprisonment of up to two years and a fine of five thousand to fifteen thousand levs.

Art. 353e. (new, SG 26/04) Who, in violation of a law, uses mineral water for economic activity, shall be punished by imprisonment of up to one year and a fine of up to five thousand levs.

Art. 354. (Amend., SG 92/02) (1) (Amend., SG 95/75; SG 28/82; SG 10/93) Who, without due permit acquires, keeps, alienates or submits to another strongly active or poisonous substance, not being a narcotic substance, placed under a permit regime, shall be punished by imprisonment of up to two years or by a fine of one hundred to three hundred levs.

(2) (Amend., SG 10/93) If the offence under para 1 is committed systematically the punishment shall be imprisonment of up to three years and a fine of one hundred to three hundred levs.

(3) The subject of the crime shall be seized in favour of the state.

(4) (New, SG 95/75; amend., SG 10/93) Who violates rules established for production, acquiring, keeping, accounting, dispensing, transporting or carrying substances under para 1 shall be punished by imprisonment of up to two years or by corrective labour or by a fine of one hundred to three hundred levs.

Art. 354a. (New, SG 95/75) (1) (Amend., SG 10/93; SG 62/97; SG 21/00) Who, without due permit produces, processes, acquires, distributes, stores, keeps, transport or carries narcotic substances or their analogues shall be punished for high-risk narcotic substances by imprisonment of ten to fifteen years and a fine of one hundred thousand to two hundred thousand, and for risky narcotic substances - by imprisonment of three to fifteen years and a fine of ten thousand to one hundred thousand levs. If the subject of the crime are precursors or installations and material for the production of narcotic substances the punishment shall be imprisonment of three to fifteen years and a fine of fifty thousand to one hundred and fifty thousand levs.

(2) (Amend., SG 28/82; SG 10/93; SG 62/97; SG 21/00) If the act under the preceding para:

1. has a subject of substances in large amount;
2. has been committed by two or more persons who have conspired in advance;
3. regards substances distributed among more than two persons or in a public place, or in the vicinity of an educational establishment, hostel or barracks at a distance of up to 250 m from their adherent terrain;
4. has been committed by a physician, pharmacist, tutor, teacher, head of educational establishment or official in the places of imprisonment;
5. has been repeated, the punishment shall be imprisonment of fifteen to twenty years and a fine of two hundred thousand to three hundred thousand levs for high-risk narcotic substances and imprisonment of ten to twenty years and a fine of fifty thousand to one hundred and fifty thousand levs - for risky narcotic substances.

(3) (Amend., SG 21/00; revoked, SG 26/04)

(4) (Revoked, SG 21/00)

(5) (Amend., SG 62/97) Who violates rules established for the production, acquisition, keeping, accounting, dispensing, transportation or carrying narcotic substances shall be punished by imprisonment of up to five years and a fine of one thousand to five thousand levs, whereas the court can also rule revoking of rights according to art. 37, item 6 and 7.

(6) (Amend., SG 21/00) In the cases under para 1 to 3 the subject of the crime shall be seized in favour of the state.

Art. 354b. (New, SG 95/75) (1) (Amend., SG 62/97; SG 21/00) Who persuades or assists another to using narcotic substances and/or their analogues shall be punished by imprisonment of one to ten years and a fine of five thousand to ten thousand levs.

(2) (Amend., SG 62/97; SG 21/00) If the act under para 1 has been committed:

1. regarding an underage, minor or insane person;
2. regarding two or more persons;
3. by a physician, pharmacist, tutor, head of an educational establishment or official in the places of imprisonment;
4. by an owner or lessee of a hotel, restaurant, discotheque or other public establishment;
5. through the mass media or in any other way in a public place;
6. repeatedly, the punishment shall be imprisonment of five to fifteen years and a fine of fifty thousand to one hundred thousand levs, whereas the court, in the cases under item 3 and 4, shall also rule revoking of right according to art. 37, item 6 and 7.

(3) (New, SG 21/00) Who gives another a narcotic substance and/or its analogue in quantities which can cause death or such follows shall be punished by imprisonment of ten to thirty years and a fine of three hundred thousand to five hundred thousand levs.

(4) (Amend., SG 10/93; SG 62/97; prev. para 3 - SG 21/00) Who systematically submits premises to various persons for the purpose of using narcotic substances or organises the using of such substances shall be punished by imprisonment of five to twelve years and a fine of five thousand to twenty thousand levs.

(5) (Amend., SG 10/93; SG 62/97; prev. para 4 - SG 21/00) A physician who, without being necessary, deliberately prescribes to another narcotic substances or medicines containing such substances, shall be punished by imprisonment of up to five years and by a fine of up to three thousand levs, whereas the court can also rule revoking of rights according to art. 37, item 6 and 7.

(6) (Prev. para 5 - SG 21/00; amend., SG 26/04) If the act under the preceding para has been repeated the punishment shall be imprisonment of one to six years and revoking of rights according to art. 37, para 1, item 6 and 7.

Art. 354c. (New, SG 95/75; amend., SG 62/97; SG 21/00) (1) Who plants or grows plants of opium poppy, cocaine bush or plants of the kind of cannabis in violation of the rules established by the Law for control over the narcotic substances and precursors, shall be punished by imprisonment of three to five years and by a fine of five thousand to ten thousand levs.

(2) Who organises, leads and/or finances a criminal group growing plants according to the preceding para, or obtaining, producing, preparing, working out or processing narcotic substances shall be punished by imprisonment of twenty to thirty years or by life

imprisonment and a fine of three hundred thousand to five hundred thousand leva.

(3) Who participates in a criminal group according to the preceding para shall be punished by imprisonment of three to ten years and a fine of five thousand to ten thousand leva.

(4) Not punished shall be a participant in a criminal group who voluntarily has announced to the authorities all known to him facts and circumstances regarding the activity of the criminal group.

(5) In minor cases under para 1 the punishment shall be imprisonment of up to one year and a fine of up to one thousand leva.

Art. 355. (Amend., SG 28/82; SG 10/93) (1) (Amend., SG 10/93; amend., SG 92/02) Who violates an ordinance issued against the spreading or occurrence of infection disease among the people shall be punished by corrective labour or by a fine of one hundred to three hundred leva.

(2) If the act is committed at a time of epidemics related to death cases the punishment shall be imprisonment of up to one year or corrective labour.

(3) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who violates an ordinance issued for prevention of food poisoning shall be punished by corrective labour or by a fine of one hundred to three hundred leva.

Art. 356. (1) Who violates the established construction, sanitary or fire safety rules in designing, managing or fulfilment of construction, thus exposing to danger the life of another, shall be punished by imprisonment of up to two years.

(2) If the violation of the rules under the preceding para has been committed by negligence the punishment shall be imprisonment of up to one year or corrective labour.

Section IV. Other generally dangerous offences (New, SG 41/85)

Art. 356a. (Amend., SG 21/00; suppl., SG 26/04) For preparation of a crime according to art. 330, 333, 334, 340, 341a, 341b, art. 342, para 3, art. 344, 349, 350, art. 352, para 1, art. 353d, 353e, art. 354, 354a and 354c, unless the act represents a more severe crime, the punishment shall be imprisonment of three to eight years, but no more than the punishment stipulated for the respective crime.

Art. 356b. (1) A foreign citizen who. on the territory of the Republic of Bulgaria prepares an act to be committed abroad according to art. 242, para 2 and 3 or some of the acts under art. 356a shall be punished by imprisonment of up to five years, but no longer than the punishment stipulated for the respective crime.

(2) If an organisation or a group is founded for the same purpose the punishment shall be imprisonment of one to six years, and for the organisers and leaders - imprisonment of three to eight years, but no longer than the punishment stipulated for the respective crime.

Art. 356c. (Revoked, SG 21/00)

Section V. Offences against the using of nuclear power for peaceful purposes (New, SG 79/85; corr., SG 80/95)

Art. 356d. (1) (Amend., SG 10/93; amend., SG 92/02) An official who orders or admits the commencement or fulfilment of activity, without an issued or before the issuance of permit stipulated by the Law for using the nuclear power for peaceful purposes, or in violation of the permit, shall be punished by imprisonment of up to two years or by corrective labour or by a fine of one hundred to three hundred levs.

(2) If the act under the preceding para is repeated or immediate danger has been created for the life or the health of another the punishment shall be imprisonment of up to three years.

Art. 356e. (Amend., SG 10/93; amend., SG 92/02) An official who assigns or admits to operations with nuclear materials, nuclear installations or other sources of ionising radiation a person without the necessary qualification shall be punished by imprisonment of up to one year or by corrective labour or by a fine of one hundred to three hundred levs.

Art. 356f. (1) Who damages a nuclear material, a nuclear installation or another source of ionising radiation, thus causing a substantial property damage or damage to the environment or creates a danger for the life and the health of another shall be punished by imprisonment of five to fifteen years.

(2) If as a result of the cases under the preceding para has followed:

a) an average or severe bodily injury to one or more persons the punishment shall be imprisonment of eight to fifteen years;

b) (Suppl., SG 50/95; amend., SG 153/98) death of one or more persons, with or without the consequences under letter "a" the punishment shall be imprisonment of ten to twenty years, life imprisonment or life imprisonment without an option.

Art. 356g. If the act under the preceding para has caused by negligence:

a) substantial property damages;

b) an average 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 letter "a" and "b",

the punishment shall be: under letter "a" - imprisonment of up to five years; under letter "b" - imprisonment of up to eight years; under letter "c" - imprisonment of three to fifteen years.

Art. 356h. (1) Who violates the rules for the nuclear or radiation safety knowing that a bodily injury or death can occur for another shall be punished by imprisonment of up to three years.

(2) Who violates the rules for the nuclear or radiation safety and deliberately causes substantial property damages, bodily injuries or death to another shall be punished:

a) for causing substantial property damages - by imprisonment of five to fifteen years;

b) for causing average or severe bodily injury to one or more persons, with or without the consequences under letter "a" - by imprisonment of five to twenty years;

c) (Suppl., SG 50/95; amend., SG 153/98) for causing death to one or more persons, with or without the consequences under letter "a" and "b" - by imprisonment of ten to twenty years, life imprisonment or life imprisonment without an option.

Art. 356i. If an act under the preceding Art. has caused by negligence:

a) substantial property damages;

b) an average 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 letter "a" and "b",

the punishment shall be: under letter "a" - imprisonment of up to five years; under letter "b" - imprisonment of up to eight years; under letter "c" - imprisonment of up to fifteen years.

Art. 356j. In the cases under art. 356f, para 2, art. 356g, letter "b" and "c", art. 356h, para 2 and art. 356I, letter "b" and "c" the court shall deprive the culprit of rights according to art. 37, item 6 and 7.

Art. 356k. (new, SG 26/04) (1) Who, without a due permit, acquires, keeps, transports or carries nuclear material, sources of ionizing radiation or components for them, shall be punished by imprisonment of one to six years.

(2) If, as a consequence, the cases of para 1 result in:

1. danger for the life or health of another the punishment shall be imprisonment of two to eight years;

2. average or serious bodily injury to one or more persons, where the offender did not wish or admit that, the punishment shall be imprisonment of five to ten years;

3. death of one or more persons, when the offender did not wish and admitted that, the punishment shall be imprisonment of eight to fifteen years and a fine of ten thousand to twenty thousand levs.

Chapter twelve. OFFENCES AGAINST THE DEFENSIVE CAPACITY OF THE REPUBLIC, THE INFORMATION REPRESENTING A STATE SECRET AND AGAINST THE FOREIGN CLASSIFIED INFORMATION (title suppl., SG 26/04)

Section I. Offences against the information representing a state secret and against the foreign classified information (title, amend. SG 26/04)

Art. 357. (1) (Revoked prev. para 2; amend. SG 95/75; amend., SG 26/04) Who divulges information representing a state secret, entrusted or having become known by office

or job, as well as those who divulges such information, being aware that this can ensue damages to the interest of the Republic of Bulgaria, unless subject to a more severe punishment, shall be punished by imprisonment of up to five years.

(2) (Prev. para 3 - SG 95/75) If, as a result of the act, occurrence or possible occurrence of particularly severe consequences for the security of the state happens, the punishment shall be imprisonment of three to ten years.

(3) (new, SG 26/04) The punishment under para 1 and 2 shall also be imposed on those who divulge foreign classified information obtained pursuant to an international agreement party to which is the Republic of Bulgaria.

Art. 357a. (New, SG 10/93; revoked, SG 26/04)

Art. 357b. (New, SG 41/01; revoked, SG 26/04)

Art. 358. (1) (amend., SG 26/04) Who loses documents, publications or materials containing information representing a state secret or a foreign classified information obtained pursuant to an international agreement party to which is the Republic of Bulgaria shall be punished by imprisonment of up to two years or by corrective labour.

(2) If the act has caused or would have caused particularly severe consequences the punishment shall be imprisonment of up to five years.

Art. 359. (1) (amend., SG 26/04) Who gives occasion for disclosing information representing a state secret or a foreign classified information obtained pursuant to an international agreement party to which is the Republic of Bulgaria by negligence shall be punished by imprisonment of up to two years or by corrective labour.

(2) (amend., SG 26/04) If this has happened due to non-observance of the normative requirements for protection of the classified information the punishment shall be imprisonment of up to three years.

Art. 360. Who divulges information of military, economic or other nature, which are not state secret, but whose divulging is prohibited by a law, order or other administrative regulation, shall be punished by imprisonment of up to one year or by corrective labour.

Section II. Offences against the military service

Art. 361. (1) A Bulgarian citizen who evades military service shall be punished by imprisonment of up to three years.

(2) A reservist who does not appear in due time for a training, control or practice muster shall be punished by imprisonment of up to three years or by corrective labour.

Art. 362. Who, by mutilation or in any other way, deliberately renders himself or another unable to fulfil military service shall be punished by imprisonment of up to five years.

Art. 363. Who resorts to contrivance or fraud for the purpose of releasing or hiding himself or another from military service shall be punished by imprisonment of up to three years.

Art. 364. (1) Who, at the time of mobilisation, evades military service shall be punished by imprisonment of one to five years.

(2) If the above is committed with the intention of the perpetrator to evade generally his obligation with regard of the military service the punishment shall be imprisonment of three to ten years.

(3) (Amend., SG 153/98) If the act under para 2 is committed in war-time the punishment shall be imprisonment of five to twenty years or life imprisonment without an option.

Art. 365. An official who presents false information about the marital status or health status of a young man eligible for military service, or works out incomplete or incorrect lists, or admits a replacement of a young man eligible for military service by another shall be punished by imprisonment of up to two years or by corrective labour.

Art. 366. (Amend., SG 28/82; SG 10/93; amend., SG 92/02) Who violates his obligations regarding the military account of people, animals, vehicles or other accoutrements, other than the cases stipulates by the special laws for the military account, shall be punished by imprisonment of up to two years and by a fine of one hundred to three hundred levs unless the act represents a more severe crime, and in war-time - by imprisonment of three to ten years and by a fine of one hundred to three hundred levs.

Art. 367. (1) Who does not fulfil the orders related to the preparation and carrying out of mobilisation, or obstructs its normal fulfilment, shall be punished by imprisonment of one to eight years, and in particularly severe cases - by imprisonment of five to fifteen years.

(2) (Amend., SG 28/82; SG 10/93; amend., SG 92/02) If the act under the preceding para is committed by negligence the punishment shall be corrective labour or a fine of one hundred to three hundred levs.

Art. 368. Who deliberately violates his obligations related to the medical certification of military men, reservists or conscript men, to inspection of technical devices, vehicles or of animals and accoutrements in connection with the military account shall be punished by imprisonment of up to eight years, and in war-time - by imprisonment of five to fifteen years.

Section II. Offences against the peace-time alternative service (New, SG 132/98)

Art. 368a. A Bulgarian citizen who evades a peace-time alternative service shall be punished by imprisonment of up to three years.

Art. 368b. Who, by mutilation or in any other way deliberately renders himself or another unable to fulfil peace-time alternative service shall be punished by imprisonment of up to five years.

Art. 368c. Who resorts to contrivance or fraud for the purpose of releasing or hiding himself or another from peace-time alternative service shall be punished by imprisonment of up to three years.

Art. 368d. Who, without permit leaves the place of fulfilment of the peace-time alternative service or does not appear at the place of the service for appointment, commission or from a leave for a period longer than three days and nights, shall be punished by imprisonment of up to three years.

Art. 368e. Who evades for the purpose of avoiding forever the fulfilment of the obligation to the peace-time alternative service shall be punished by imprisonment of one to eight years.

Art. 368f. Who evades a fulfilment of an obligation related to the peace-time alternative service by simulating a disease, forgery of a document or by any other fraudulent way, unless the act represents a more severe crime, shall be punished by imprisonment of one to five years.

Art. 368g. Who refuses to fulfil obligations related to the peace-time alternative service or systematically evades their fulfilment shall be punished by imprisonment of up to five years.

Section III. Other offences

Art. 369. (1) Who, at war-time, does not fulfil his obligations related to the anti-aircraft, anti-nuclear and anti-chemical defence shall be punished by imprisonment of up to two years.

(2) If the act has caused severe consequences the punishment shall be imprisonment of up to eight years.

Art. 370. Who, at the time of war, being mobilised for labour service, evades or does not fulfil his obligations related to the assigned work shall be punished by imprisonment of up to five years.

Chapter thirteen. MILITARY OFFENCES

Art. 371. (Amend., SG 28/82) Responsible for offences under this chapter shall be born by:

- a) the military men;
- b) the persons from the soldier, sergeant and officer staff of the outfits of the Ministry of Interior;
- c) the reservists during a training, control or practice muster;
- d) the persons not included in this Art. for accomplice in military offences.

Section I. Offences against the subordination and the military honour

Art. 372. (1) Who does not fulfil or refuses to fulfil an order of his superior shall be punished by imprisonment of up to two years.

(2) If the above is committed by a group of persons or in front of the formation, or in a demonstrative way the punishment shall be imprisonment of one to five years.

(3) For offences under the preceding paras, in particularly severe cases, the punishment shall be imprisonment of three to ten years.

Art. 373. The punishment under the respective paras of the preceding Art. shall also be imposed for a failure to fulfil or refusal to fulfil lawful request of a military official in fulfilment of a duty related to the military service.

Art. 374. Who openly expresses discontent against an order or instruction of his superior shall be punished by imprisonment of up to one year.

Art. 375. Who threatens his superior or a military official, carrying out his duty related to the military service, by a bodily injury or by murder, shall be punished by imprisonment of up to three years.

Art. 376. (1) Who opposes his superior or a military official carrying out duties related to the military service shall be punished by imprisonment of up to five years.

(2) The same punishment shall also be imposed on those who compels such a person to violation of his obligations.

(3) If the act under the preceding paras is committed by a weapon or by a group of persons the punishment shall be imprisonment of two to eight years, and in particularly severe cases - imprisonment of three to fifteen years.

Art. 377. (1) (Amend., SG 28/82) Who commits a violent act against his superior, as well as against a military official during or on occasion of fulfilment of an obligation related to the military service shall be punished by imprisonment of one to ten years.

(2) If the act has cause severe consequences the punishment shall be imprisonment of three to fifteen years.

Art. 378. (Amend., SG 28/82) (1) Who insults or slanders a person under art. 371, letter "a", "b" and "c" shall be punished by imprisonment of up to one year and by public reprimand.

(2) If the act under the preceding para is committed by a subordinate against a superior, by a superior against a subordinate, as well as by a military official or to a military official during or on occasion of fulfilment of a duty related to the military service the punishment shall be imprisonment of up to three years and public reprimand.

(3) The punishment under para 2 shall also be imposed on those who, in the absence of his superior, says or commits something of a nature derogating his honour or dignity.

Art. 379. (Amend., SG 28/82) (1) Who causes a light bodily injury to a person under art. 371, letter "a", "b" and "c", unless the act represents a more severe crime, shall be punished by imprisonment of up to one year.

(2) For causing light bodily injury by a superior to a subordinate, by a military official, during or on occasion of fulfilment of a duty related to the military service, or to more than one person, the punishment shall be imprisonment of up to three years.

Art. 379a. (New, SG 28/82) Who commits a violent or indecent act grossly violating the army order and expressing open disrespect to the military honour and dignity of a military man, unless the act represents a more severe crime, shall be punished by imprisonment of one to six years.

Section II. Evading military service

Art. (Amend., SG 28/82) (1) Who, without permit leaves the unit or the place of his service or does not report for duty for appointment, transfer, commissioning, from leave, medical or corrective establishment for a period of one to three days and nights shall be punished for evading military service by imprisonment of up to two years.

(2) The punishment under the preceding para shall also be imposed on those who evade service for a period less than one day and one night if the act has been repeatedly committed, or by a group or if the person has been convicted for evading military service.

Art. 381. (Amend., SG 28/82) Who evades military service for a period longer than three days and nights, or if the act under para 1 of the preceding Art. has been committed systematically, repeatedly or by a group, shall be punished by imprisonment of up to five years.

Art. 382. Who evades service with an intention of avoiding for good the fulfilment of his obligation to the military service shall be punished by imprisonment of one to eight years.

Art. 383. (1) (Amend., SG 28/82) Who evades an obligation to the military service by simulating a disease, forgery of a document or in any other fraudulent way, unless the act represents a more severe crime, shall be punished by imprisonment of one to five years.

(2) Who evades an obligation to the military service by causing health disorder shall be punished by imprisonment of one to eight years.

(3) If the act under the preceding paras represents a particularly severe case the

punishment shall be imprisonment of three to ten years.

Art. 384. (Revoked, SG 28/82)

Art. 385. Who refuses to fulfil obligations to the military service or systematically evades their fulfilment shall be punished by imprisonment of up to five years.

Art. 386. (1) (New, SG 89/86) Who evades military service with an intention to leave the country without permit by the respective bodies shall be punished by imprisonment of one to eight years.

(2) (Prev., para 1 - SG 89/86) Who evades military service by leaving the country without permit by the respective bodies or does not return to it within the fixed term, unless the act represents a more severe crime, shall be punished by imprisonment of three to ten years.

(3) (Prev., para 2 - suppl., SG 28/82; amend., SG 89/86) For preparation with respect to the preceding paras the punishment shall be imprisonment of up to five years.

Section III. Misdemeanour in office

Art. 387. (1) Who abuses power or his official status, does not fulfil his official duties or stretches his authority, thus causing harmful consequences, shall be punished by imprisonment of up to three years.

(2) (Amend., SG 28/82) If the act has caused major consequences or it has been committed systematically by a superior regarding his subordinate the punishment shall be imprisonment of one to eight years.

(3) (New, SG 89/86) If the act under the preceding paras has been committed for the purpose of acquiring by the perpetrator for himself or for another property benefit or to cause damage to another the punishment shall be imprisonment of one to five years under para 1, from three to eight years under para 2, and in particularly major cases - from three to ten years, whereas the court shall also rule revoking of right according to art. 37, item 6.

(4) (New, SG 28/82; prev. para 3 - SG 89/86) If the harmful consequences have been caused by negligence the punishment shall be: under para 1 - imprisonment of up to two years, under para 2 - imprisonment of up to five years.

Art. 388. (Amend., and suppl., SG 28/82) (1) Who, by negligence, violates or does not fulfil his official duties, thus causing harmful consequences, unless the act represents a more severe crime, shall be punished by imprisonment of up to two years.

(2) If the act has caused major consequences the punishment shall be imprisonment of up to five years.

Section IV. Offences against the sentinel, guard, patrol, internal and border service

Art. 389. (1) Who deliberately or by negligence violates the statute rules of the sentinel, guard or patrol service or the orders issues on the grounds of these rules shall be punished by imprisonment of up to one year.

(2) If the offence has been committed at a site of particularly significant state or military importance the punishment shall be imprisonment of up to three years.

(3) If the offence is accompanied by harmful consequences, for the prevention of which the sentinel, guard or patrol has been settled, the punishment shall be imprisonment of one to eight years.

(4) If the act under para 2 and 3 represents a particularly severe case the punishment shall be imprisonment of three to ten years.

Art. 390. The punishment according to the respective paras of the preceding Art. shall also be imposed to detail person who violates the established rules for the observation or announcement in connection with the provision of the anti-aircraft, anti-nuclear, anti-chemical or sanitary defence, as well as the defence of the water area.

Art. 391. (1) A person of the round-the-clock detail who deliberately or by negligence violates the established rules of the internal service shall be punished in serious cases by imprisonment of up to six months.

(2) If the offence is accompanied by occurrence of harmful consequences for the prevention of which the detail has been settled the punishment shall be imprisonment of up to two years.

(3) If the act represents a particularly severe case the punishment shall be imprisonment of up to three years.

Art. 392. (1) A person of the staff of the border detail who deliberately or by negligence violates the rules of the protection of the state border shall be punished by imprisonment of up to three years.

(2) If the act has been an expression of unauthorised abandoning or not attending the guarded site or section of the state border the punishment shall be imprisonment of one to eight years.

(3) The punishment for the offences under the preceding paras, in particularly severe cases shall be imprisonment of three to fifteen years.

Section V. Other military offences

Art. 393. (amend., SG 26/04) Who divulges, in any way whatsoever, information of military nature representing a state secret, or foreign classified information obtained pursuant to an international agreement party to which is the Republic of Bulgaria shall be punished by imprisonment of three to ten years.

Art. 394. (Revoked - SG 28/82)

Art. 395. Who abandons or loses objects given to him for personal use with respect of his duties shall be punished, in major cases by imprisonment of up to one year.

Section VI. Military offences committed in time of war or in a tactical situation

Art. 396. (Amend., and suppl., SG 28/82) The punishment for military offences committed in time of war shall be:

1. under art. 387, para 3, first sentence, art. 388, para 1 and art. 391 - imprisonment of up to five years;

2. under art. 372, para 1, art. 373, in connection with art. 372, para 1, art. 374, 375, 380 and art. 387, para 3, second sentence, art. 388, para 2 - imprisonment of up to eight years;

3. under art. 381, 385, art. 386, para 2, art. 387, para 1 - imprisonment of three to ten years;

4. under art. 373, in connection with art. 372, para 2 and 3, art. 387, para 2, art. 389, para 2 and 3 and art. 390 - imprisonment of three to fifteen years.

Art. 397. (1) (Amend., SG 153/98) The punishment for the offences under art. 372, para 2 and 3, art. 376, art. 377, para 2, art. 382, art. 383, para 3, committed in time of war or in a tactical situation, shall be imprisonment of five to twenty years or life imprisonment without an option.

(2) (Amend., SG 28/82; SG 153/98) The punishment for the offence under art. 101, para 2 and art. 386, para 1, committed in time of war or in a tactical situation, shall be imprisonment of twenty years or life imprisonment without an option.

Art. 397a. (New, SG 28/82) (1) Who, in time of war or in a tactical situation, leaves without authorisation the place of his duty or does not appear for duty for no longer than one day and night shall be punished by imprisonment of up to five years.

(2) Who, in time of war or in a tactical situation, does not appear for duty for a time longer than one day and night by negligence shall be punished by imprisonment of up to five years.

Section VII. Offences in connection with military operations

Art. 398. (1) A superior who:

a) does not destroy or does not render unfit assigned to him combat means or does not take the due measures for their destruction or rendering unfit when they are threatened by an immediate danger of being seized by the enemy, or

b) even though he had not received orders for military operation, but being necessary to act, he has not duly called forth the issuance of such an order or he has not acted on his own initiative in urgent circumstances shall be punished by imprisonment of three to fifteen years, unless the act represents a more severe crime.

(2) If the act has been committed by negligence the punishment shall be

imprisonment of up to five years.

Art. 399. (Amend., SG 153/98) A commander of a perishing warship who, without having fulfilled completely his official duty, leaves the ship, as well as a person of the ship crew who leaves the ship without the order of his commander shall be punished by imprisonment of ten to twenty years or by life imprisonment without an option.

Art. 400. (Amend., SG 28/82; SG 153/98) Who leaves without authorisation the battlefield during a fight or yields himself prisoner due to fear or cowardice, or refuse during a fight to use weapon shall be punished by imprisonment of twenty years or life imprisonment without an option.

Art. 401. Who, while in captivity, voluntarily participates in operations of immediate military importance, unless the act represents a more severe crime, shall be punished by imprisonment of two to eight years.

Art. 402. Who, while in captivity, as a superior regards with cruelty another prisoner of war, shall be punished by imprisonment of two to eight years.

Art. 403. Who, while in captivity, commits acts to the detriment of another prisoner of war in order to procure for himself benefit or ensure condescending attitude by the enemy shall be punished by imprisonment of one to five years.

Art. 404. Who robs, steals, misappropriates, damages, destroys or illegally seizes possessions of a population in the region of the military operations, unless the act represents a more severe crime, shall be punished by imprisonment of three to fifteen years, and in particularly severe cases - by imprisonment of ten to fifteen years.

Art. 405. Who, on the battlefield, seizes possessions of a wounded, prisoner of war or killed, with the purpose of misappropriation, unless the act represents a more severe crime, shall be punished for marauding by imprisonment of three to fifteen years, and in particularly severe cases - by imprisonment of ten to fifteen years.

Additional provisions

Art. 406. (1) (Amend., SG 153/98) For the offences under this chapter, stipulated for which is a punishment of imprisonment of more than ten years or life imprisonment without an option the court shall also rule revoking of rights according to art. 37, item 6, 7, 9 and 10.

(2) For the offences under art. 386 and 393 the court can rule revoking of rights according to art. 37, item 9 and 10.

(3) (Revoked, prev. para 4; amend., SG 28/82) For the acts under art. 372, para 1, art. 373, in connection with art. 372, para 1, art. 374, 375, 378, 379, 380, art. 387, para 1 and 3, first sentence, art. 388, para 1, art. 389, para 1 and 2, art. 390, in connection with art. 389, para

1 and 2, art. 391, para 1 and 2, art. 392, para 1 and art. 395, unless the act does not affect substantially the military discipline, the body under art. 399, para 1 of the Penal Procedure Code, the prosecutor or the court can release the perpetrator from criminal responsibility. In these cases extra-legal penalty shall be imposed on the perpetrator or his act shall be examined by the respective court of honour or by a comrades' court of the conscript men. If arrest penalty is imposed on the conscript man release from criminal responsibility, it can be an arrest of up to thirty days.

(4) (New, SG 28/82) The extra-legal penalty under the preceding para and the referral to a comrades' court shall also apply regarding the conscript men in releasing from criminal responsibility under art. 78a.

Chapter fourteen. OUTRAGE ON PEACE AND HUMANITY

Section I. Outrage on peace

Art. 407. Who carries out, in any way whatsoever, propaganda of war shall be punished by imprisonment of up to eight years.

Art. 408. Who, directly or indirectly, through publications, speeches, radio or in any other way aims at provoking armed attack by one country to another shall be punished for war instigation by imprisonment of three to ten years.

Art. 409. (Amend., SG 153/98) Who plans, prepares or wages aggressive war shall be punished by imprisonment of fifteen to twenty years or by life imprisonment without an option.

Section II. Outrage on the laws and the practice of waging war

Art. 410. Who, in violation of the international law for waging war:

a) commits or order the commitment against wounded, sick, shipwrecked or sanitary personnel homicide, torture or inhuman treatment, including biological experiments, or orders the infliction on such persons severe suffering, mutilation or other damages to the health;

b) commits or orders the commitment of substantial destruction or misappropriation of sanitary materials or installations;

(Amend., SG 153/98) shall be punished by imprisonment of five to twenty years or by life imprisonment without an option.

Art. 411. Who, in violation of the rules of the international law for waging war:

a) commits or orders the commitment regarding prisoners of war homicide, tortures or inhuman treatment, including biological experiments, inflicts or orders the inflicting to such persons severe suffering, mutilation or other damages to the health;

b) compels a prisoner of war to serve in the armed forces of the hostile country or

c) deprives a war prisoner of his right to be litigated in a regular court and under regular proceedings,

(Amend., SG 153/98) shall be punished by imprisonment of five to twenty years or by life imprisonment without an option.

Art. 412. Who, in violation of the rules of the international law for waging war:

a) commits or orders commitment against the civil society of homicide, torture, inhuman treatment, including biological experiments, inflicts or orders the inflicting of severe suffering, mutilation or other serious damages to the health;

b) takes or orders the taking of hostages;

c) commits or orders the commitment of illegal deportation, persecution or detention;

d) compels a civilian to serve in the armed forces of a hostile country;

e) deprives a civilian of his right to be litigated in a regular court and under the regular proceedings;

f) illegally or arbitrarily commits or order the commitment of destruction or misappropriation of possessions in large size,

(Amend., SG 153/98) shall be punished by imprisonment of five to twenty years or by life imprisonment without an option.

Art. 413. Who, without having right, bears the badge of the Red Cross or of the Red Crescent, or who misuses a flag or a sign of the Red Cross or of the Red Crescent, or of the colour determined for vehicles for sanitary evacuation, shall be punished by imprisonment of up to two years.

Art. 414. (1) Who, in violation of the rules of the international rule for waging war, destroys, damages or renders unfit cultural or historic monuments and objects, works of art, buildings and installations of cultural, scientific or other humanitarian importance shall be punished by imprisonment of one to ten years.

(2) The same punishment shall also be imposed on those who steal, misappropriate or conceals objects under the preceding para, or impose contribution or confiscation regarding such objects.

Art. 415. (1) (Suppl., SG 62/97; Amend. and Suppl., SG 92/02) Who, in violation of the rules of the international law for waging war uses or orders the using of nuclear, chemical, bacteriological, biological or toxic weapons or prohibited means and ways of waging war shall be punished by imprisonment of three to ten years.

(2) (Amend., SG 153/98) If the above causes particularly severe consequences the punishment shall be imprisonment of ten to twenty years or life imprisonment without an option.

Art. 415a. (New, SG 92/02) Who undertakes military preparations for using nuclear, chemical, bacteriological, biological or toxic weapons as a method of waging war shall be punished by imprisonment of one to six years.

Section III. Genocide and apartheid against groups of the population (Title amend., SG 95/75)

Art. 416. (1) Who, with the purpose of annihilating entirely or partially a definite national, ethnic, racial or religious group:

a) causes death, severe bodily injury or permanent mental disorder to a person belonging to such a group;

b) places the group in such living conditions which lead to its complete or partial physical extermination;

c) undertakes measures aimed at the obstruction of the childbirth in such a group;

d) forcibly transfers children from one group to another,

(Amend., SG 153/98) shall be punished for genocide by imprisonment of ten to twenty years or by life imprisonment without an option.

(2) (Prev. text of art. 147 - SG 95/75) Who carries out preparation for a genocide shall be punished by imprisonment of two to eight years.

(3) (Prev. text of art. 418 - SG 95/75) Who apparently and directly instigates genocide shall be punished by imprisonment of one to eight years.

Art. 417. (New, SG 95/75) Who, with the purpose of establishing or maintaining domination or systematic oppression of one racial group of people over another racial group of people:

a) causes death and severe bodily injury to one or more persons of this group of people or

b) imposes living conditions of a nature causing complete or partial physical extermination of a racial group of people,

(Amend., SG 153/98) shall be punished for apartheid by imprisonment of ten to twenty years or life imprisonment without an option.

Art. 418. (New, SG 95/75) Who, for the purposes under the preceding Art.:

a) illegally imprisons members of a racial group of people or subjects them to a compulsory labour;

b) enacts measures for obstructing the participation of a racial group of people in the political, social, economic and cultural life of the country and for premeditated creation of conditions obstructing the full development of such a group of people, in particular, by depriving its members of the basic freedoms and rights of the citizens;

c) enacts measures for division of the population by racial element by creating reservations and ghettos, by prohibition of intermarriages between members of different racial groups or by expropriation of possessed land property;

d) revokes basic rights and freedoms of organisations or persons for reasons of opposing the apartheid, shall be punished by imprisonment of five to fifteen years.

Additional provisions

Art. 419. In compliance with the differences of the preceding Art.s punished shall be

those who deliberately admits his subordinate to commit the crime stipulated by this chapter.

Temporary and concluding provisions

Art. 420. This code shall enter into force on May 1, 1968 and it revokes:

1. The Penal Code of 1951;
2. The Law for protection of the peace of 1951;
3. The edict for strengthening the fight against the persons evading socially useful labour and leading anti-social parasitic way of living.

Art. 421. The persons sentenced to deprivation of right to be electorate or elected or of the right to a definite pension (art. 28, item 1 and 4 of the Penal Code of 1951) shall be release of this punishment on the day of enactment of this Code.

Art. 422. The death penalty for persons sentenced for offences for which such a penalty is not stipulated by this Code shall be replaced by imprisonment for a period of twenty years. This provision shall enter into force on the day of promulgation of this code.

Art. 423. The measures imposed until the enactment of this code according to the Edict for strengthening the fight against the persons evading socially useful labour and leading anti-social parasitic way of living shall be fulfilled by the order established by it, as the maximal term of this measures under art. 1, para 1, letter "b" shall be reduced to three years.

Art. 424. (Amend., SG 92/69; SG 95/75; SG 3/77; suppl., SG 89/79; amend. and suppl., SG 28/82; SG 89/86) (1) (Amend., SG 10/93; suppl., SG 62/97; SG 51/00) Applied for the acts under art. 135, para 5, art. 218b, art. 225b, para 3, art. 228, para 3, art. 231, para 2, art. 232, para 3, art. 242, para 6, art. 254a, para 3, art. 257, para 2, art. 277, para 2, art. 278, para 2, art. 352, para 4, art. 352a, para 3 and 5 and art. 353, para 4 shall be the provisions of the Law for the administrative offences and penalties.

(2) (Amend., SG 1/91; SG 10/93; SG 62/97) The penal decrees shall be issued:

- a) Under art. 135, para 5 - by the Minister of Health;
- b) under art. 225b, para 3 and under art. 257, para 2 - by the Minister of Commerce and by the Minister of Finance; under art. 228, para 3 and art. 231, para 2 - by the Minister of Commerce or by the Chairman of the Committee of standardisation and metrology;
- c) under art. 232, para 3 - by the Minister of Commerce, by the Minister of Finance or by the Chairman of the Committee of standardisation and metrology;
- d) (Suppl., SG 51/00) under art. 242, para 6 and under art. 254a, para 3 - by the Minister of Finance;
- e) under art. 278c, para 2, art. 352, para 4, art. 352a, para 3 and 5 and art. 353, para 4 - by the Minister of Environment, and if the offence is related to the pollution of the sea waters - by the Minister of Environment or by the Minister of Transport.

(3) In the cases of the preceding para the penal decrees can also be issued by officials appointed by the heads of the respective administrative bodies.

(4) The administrative sanction fine according to art. 277, para 2 shall be imposed by

one regional judge, without being necessary to issue an act according to art. 36 of the Law for the administrative offences and sanctions. The ruling of the judge shall not be subject to appeal, but only to review under the conditions of art. 65 - 69 of the Law for the administrative offences and sanctions.

(5) (Amend., SG 10/93) The administrative sanction fine according to art. 218b shall be imposed by a penal decree of the mayor on the grounds of materials sent o him by the prosecutor, or an act of the administration of the enterprise, establishment or of the control bodies. If the offence has been established by the bodies of the Ministry of Interior the penal decree shall be issued by the Minister of Interior or by a person authorised by him.

(6) Regarding the officers and re-engaged sergeant-majors and sergeants, as well as persons from the officers, sergeants or rankers staff of the Ministry of Interior the administrative sanctions stipulated by this code shall be imposed by the superior under art. 399, para 1 of the Penal Procedure Code. In this case the appeal against the penal decrees shall be examined by the military tribunal.

(7) Regarding military conscript men the administrative sanctions stipulated by this Code shall be replaced by punishment imposed by disciplinary order by the superior under art. 399, para 1 of the Penal Procedure Code.

(8) (Amend., SG 10/93; amend., SG 92/02) In minor cases of offences according to art. 225b, para 3 established when committed the authorised control bodies can impose on the spot a fine of one hundred to three hundred levs by the order of art. 39, para 2 of Law for the administrative offences and sanctions.

Art. 425. (New, SG 10/93; revoked SG 51/99)

Art. 426. (New, SG 50/95) The persons who, pursuant to the previous art. 343b, second sentence, have been deprived of the right to drive motor vehicles for good can restore their right not earlier than three years from serving the term of imprisonment and upon passing an examination for acquiring right to drive a motor vehicle.

§ 1. In the Law for the Bulgarian citizenship:

In Art. 26 the words "and in particularly important cases - by imprisonment" are deleted.

§ 2. In the Law for the forests:

1. In art. 42, para 1, after the words "cut or fallen" are added the words "when the size of the damage is under one hundred levs".

Para 2 of the same Art. is revoked.

2. In art. 43 the words "para 1" and the words at the end "and in the cases of para 2 of the same Art. - by imprisonment of up to three years or by corrective labour" are deleted.

3. In art. 45, para 1, after the words "forest nursery" are added the words "if the size of the damage is under one hundred levs".

4. In art. 52, para 2 the words "by imprisonment of up to three years or by corrective labour" are replaced by the words "by a fine of up to five hundred levs".

§ 3. In the Law for protection of the plants against diseases and pests:

In art. 10, para 1, after the words "quarantine of the plants" are added the words "inasmuch as the act does not represent a crime", and the words "by imprisonment of up to five years, and in minor cases" are deleted.

§ 4. In the Law for the customs:

1. In art. 51, para 1, after the words "by the established order" are added the words "inasmuch as the act does not represent a crime".

2. Para 2 of art. 51 is amended as follows:

"The commodities subject of contraband, as well as the vehicles and carriers having served mainly for their transportation or carrying through the border, regardless of whose property they are, shall be seized in favour of the state, and if they are missing or alienated their equivalence shall be adjudicated according to the respective retail prices."

3. In art. 52, 53, 54 and 59 the words "shall be confiscated" are replaced by the words "shall be seized in favour of the state", and in art. 61 the words "to confiscation" are replaced by the words "to seizing in favour of the state".

4. Art. 55 and 57 are revoked.

§ 5. In the Law for the transactions with currency valuables and currency control:

1. In art. 37 and 38, para 2 the words "according to art. 240" are replaced by the words "according to art. 250".

"For the acts under art. 250, para 3 of the Penal Code shall apply the provisions of Chapter Twenty Eight of the Penal Procedure Code.

The penal decrees shall be issued by the Minister of Finance or by officials authorised by him.

If the value of the subject of the act is up to twenty levs imposed shall be a double amount fine by the body which has established the offence or by another duly authorised person. The imposing of the fine shall be subject to appeal before the Ministry of Finance."

§ 6. In the Law for the rents:

In art. 37 the words "by imprisonment of up to one year or" are deleted.

§ 7. In the Law for protection of the air, waters and soil against pollution:

Art.s 18 and 19 are revoked.

§ 8. In the Law for planned building up of populated areas:

In art. 67, para 1 the words "by imprisonment of up to one year" are replaced by the words "by a fine of up to one thousand levs".

§ 9. In the Law for the hunting:

"Who kills or catches without due permit big game, such as deer, hind, wild goat, stag of a fallow deer, roe, bear, boar shall be punished according to art. 237, para 1 of the Penal Code.

Who, without holding a hunting licence, kills or catches hare, marten, beech marten,

wood-grouse, pheasant, partridge or quail, as well as those who, though holding a hunting licence, kills or catches such game in a prohibited period, in prohibited area or by prohibited devices shall be punished according to art. 237, para 2 of the Penal Code.

Who without holding a hunting licence kills or catches wild goose, wild duck, bustard, hazel-hen, squirrel, pigeon, turtle-dove and quail, as well as all the other kinds of useful game subject of hunting, shall be punished by a fine of up to fifty levs.

Punished by the penalty under the preceding para shall also be those who, though holding a hunting licence, kill or catch such game during prohibited period, in prohibited place or by prohibited devices.

The killed or caught game shall be seized in favour of the state, and if it is missing or alienated, its equivalence shall be paid".

§ 10. In the Law for the fishing:

1. Para 2 of art. 23 is revoked.
2. Art.s 24 and 35 are revoked.

§ 11. In the Law for control over the explosives, weapons and munitions:

In art. 14 the words "imprisonment" are deleted.

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

Temporary and concluding provisions to the Law for amendment and supplement of the Penal Code (SG 28/82)

§ 151. For the offences which, according to this law, are prosecuted upon a complaint of the aggrieved, the terms under art. 84, para 1 and 2 shall start from the enactment of the law. The pending cases shall be concluded by the previous order.

§ 43. Everywhere in the text of the Penal Code the words "People's Republic of Bulgaria" are replaced by "Republic of Bulgaria", the words "the People's Republic" are replaced by "the republic", the words "the People's Militia" are replaced by "the police", the words "the socialist economy" and "the people's economy" are replaced by "the economy", the words "the rules of the socialist community" are replaced by "the good morals" and the words "the State Council" are replaced by "the President".

Temporary and concluding provisions to the Law for amendment and supplement of the Penal Code (SG 62/97)

§ 75. The provisions of art. 255 and 257 shall enter into force three months after the promulgation of this Law in the State Gazette. If, within this period, the not announced and unpaid tax liabilities, together with the due interest are deposited to the state budget preliminary proceedings shall not be instituted.

Temporary and concluding provisions to the Law for amendment and supplement of the Penal Code (SG 21/00)

§ 26. The pending proceedings by the date of enactment of the law for offences under art. 146 - 148a shall be concluded by the previous order if, within three months from the enactment of the Law the aggrieved so requests.

Temporary provisions (SG 92/02)

§ 89. (amend., SG 26/04 – in force from January 1, 2004) The amendments of art. 23, para 2, art. 37, para 1, art. 42a, art. 48, art. 49, para 1, art. 50, para 2, art. 55, para 1, item 2, art. 59, para 1 regarding the punishment of probation, art. 62, item 1a, art. 63, para 1, art. 66, art. 67, art. 68, para 3, art. 70, para 4, 5 and 6, art. 72, art. 86, para 1, item 2, art. 87, para 3, art. 202, para 3, art. 203, para 2 shall enter into force on January 1, 2005.

§ 90. The recidivists convicted by enforced sentence under the conditions of art. 26 (in force from August 8, 1997) before the enactment of this law, shall incur punishment for every conviction, but no more than the size for the most severe of the crimes for which they have been convicted, stipulated by the law.

§ 91. Pending proceedings by the day of enactment of the law for crimes under art. 172, para 2, art. 182, para 2 and art. 183 shall be concluded by the previous order if, within three months from the enactment of the law, the aggrieved requests this.