

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 two. OFFENCES AGAINST THE PERSON

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.

(...)

Section VIII. Debauchery

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.

(4) 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 leva.

(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 leva to five hundred leva.

(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 leva to one thousand leva.

(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 leva.

(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 leva.

(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 leva.

(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.

(...)

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 leva.

(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 leva.

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 leva.

(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 leva.

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 leva, as the court can also rule confiscation of a part or of the entire property of the offender.

(...)

Chapter four. CRIME AGAINST THE MARRIAGE, FAMILY AND YOUTH

Section I. Crime against the marriage and family

(...)

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.

(...)

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 leva.

(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 leva 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 fulfilment 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.

(...)