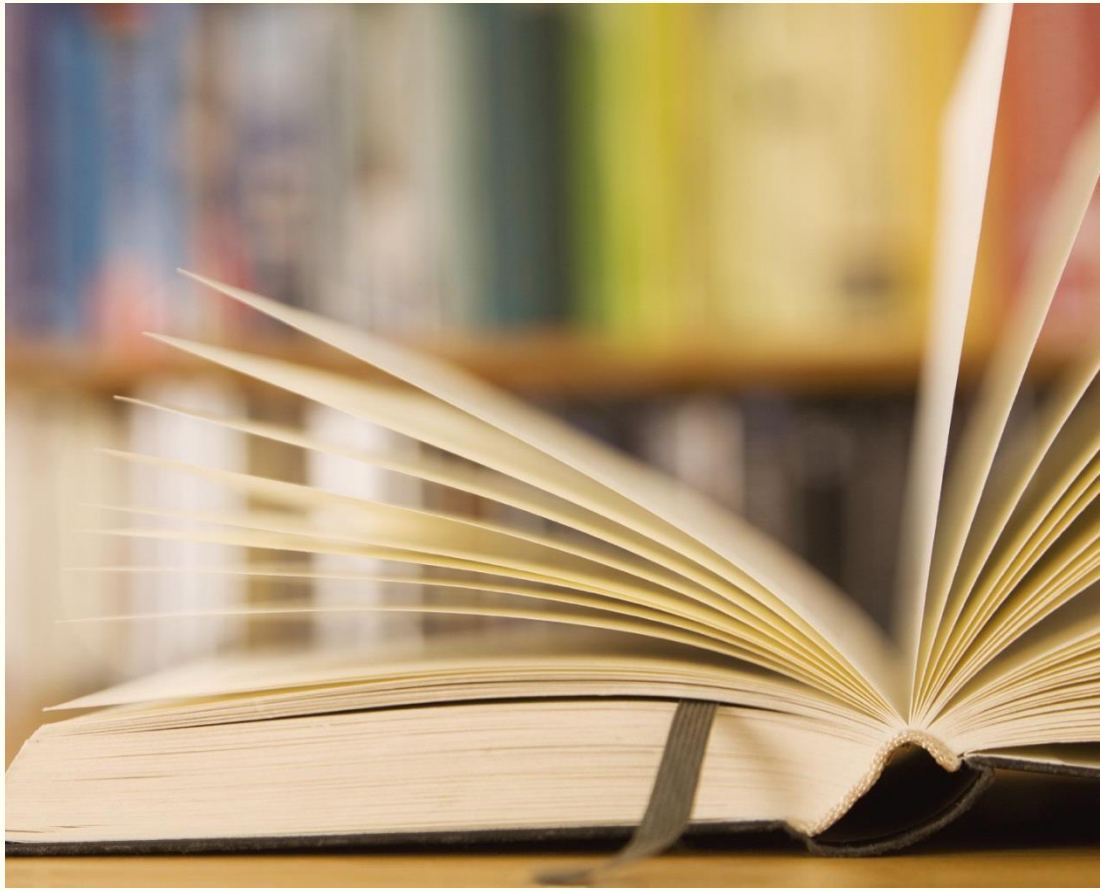
OVERVIEW OF BULGARIAN CRIMINAL LAW

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OVERVIEW OF BULGARIAN CRIMINAL LAW

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- 3. Who can be a subject of a crime?
- 4. Punishment
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1. Introduction

- Criminal law determines crimes and punishments.
- Complete codification of criminal law in the Criminal Code.
- Criminal Code (adopted 1968) is divided into two parts: a General part and a Special part.
- The Special part of the Criminal Code regulates the types of crimes, grouped into 17 chapters.
- No distinction between crimes and misdemeanours, only crimes.

1. Introduction

The 17 chapters of the Special part of the Criminal Code:

Crimes against the Republic

Terrorism

Crimes against the Person

Crimes against the Rights of Citizens

Crimes against Marriage, Family and Youth

Crimes against Property

Crimes against the Economy

Crimes against the Financial, Tax and Social Security System

Crimes against the Activity of State Bodies and Public Organizations

Sport crimes

Document-related Crimes

Computer crimes

Crimes against Public Order and Peace

Generally Dangerous Crimes

Crimes against the Defense Capability of the Republic

Military Crimes

Crimes against peace and humanity

2. WHAT IS CRIME?

2.1. Definition of a crime

A crime is:

- Socially dangerous act;
- Unlawful;
- Punishable;
- Committed culpably

- A crime is always some form of an act – action or omission.
- Culpability refers to the mental attitude of the perpetrator toward the act committed and its consequences.
- Culpability has two forms – intent and negligence.
- Most white-collar crimes are committed intentionally, but there’re examples of negligent white-collar crimes too – such is mismanagement of property under Article 219 of the Criminal Code

2.1. Definition of a crime

- **Art. 255 of the Criminal Code – tax evasion:**

A person who avoids the establishment or payment of tax liabilities in large amounts by: failing to submit a declaration; confirming untrue information or concealing the truth in a submitted declaration; failing to issue an invoice or another accounting document; or other unlawful conduct shall be punished with imprisonment from one to six years and a fine of up to 2 000 BGN/1 022.58 EUR.

- **Art. 93, item 14 of the Criminal code:**

“Tax liabilities in large amounts" shall be those exceeding 3 000 BGN/1 533.88 EUR.

- **Art. 219 of the Criminal Code – mismanagement of property:**

An official who fails to exercise sufficient care in the management, administration, custody, or preservation of property entrusted to them, or in the performance of the work assigned to them, and as a result significant damage, destruction, or dissipation of the property occurs, or other substantial damage is caused to the enterprise or the economy, shall be punished with imprisonment of up to six years and a fine of up to 5 000 BGN/2 556.46 EUR.

2.2. Types of crimes

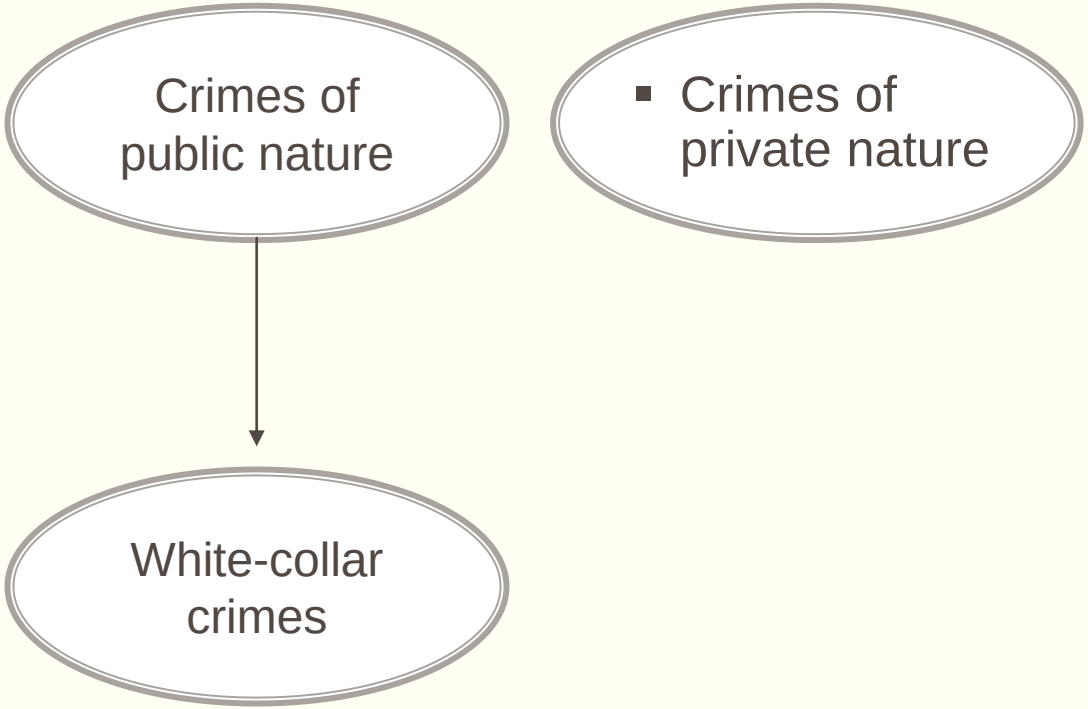
- Crimes according to their generic protected legal interest .
- Crimes according to the manner of initiating criminal prosecution.
- White-collar crimes:

    I. Official (or office-related) crimes

    II. Financial and tax crimes

    III. Bribery

    IV. Fraud



2.3. Preparation and Attempt in White-Collar Crimes

preparation – attempt – completed crime

- **Preparation**:

- creating the conditions necessary for committing the crime;

- punishable only in cases specifically provided by law;

- Art. 253a of the Criminal Code: Preparation for money laundering or association for this purpose is punishable by imprisonment of up to two years or a fine of 5 000 BGN/2 556.46EUR to 10 000 BGN /5 112.92 EUR.

- **Attempt:**

- the initiated execution of an intentional crime that, however, has not been completed or has not produced the intended consequences;

- always punishable;

- perpetrator will not be punished only if they voluntarily abandoned the completion of the crime on their own initiative or prevented the occurrence of the criminal consequences.

3. WHO CAN BE A SUBJECT OF A CRIME?

3.1. Personal criminal liability

- Personal criminal liability.
- Subject of a crime – only sane individuals who have reached a certain age and who have committed crimes in a state of sanity.
- Legal age requirement – 18 years old/between 14 and 18 years old if they were able to understand the nature and significance of their act and to control their behavior.
- Persons under 14 years of age and insane persons are not criminally liable.
- Animals and legal entities are not criminally liable, too.

Fun fact: In 1880 there was a case, in which a dog was sentenced to death for killing 19 goats and lambs (case № 123/1880; the judge was the well-known Bulgarian poet and writer Ivan Vazov).

Another fun fact: Ivan Vazov, besides being a famous writer renowned for his literary , was also an academician in the Bulgarian Academy of Sciences.

3.2. Why there is no corporate criminal liability?

- Legal entities do not meet the definition of a subject of a crime.
- Crime is solely an act that constitutes an outwardly expressed intentional act carried out under the control of consciousness and committed culpably – legal entities cannot control their actions.
- The aims of punishment are not applicable to legal entities.
- **Bulgarian alternative to corporate criminal liability** – sanctions for legal entities that have become enriched, or would have become enriched, as a result of certain crimes, committed by a natural person who has a specific relationship with the corporation.
- Legal framework – Administrative Offences and Penalties Act and the Criminal Procedure Code.

3.2. Why there is no corporate criminal liability?

- Enrichment of the legal entity – when there is a positive increase in the company's assets or negative decrease in its assets is avoided (tax evasion under Art. 255 of the Criminal Code).
- Sanctions for enriched legal entities - pecuniary and non-pecuniary.
- Non-pecuniary sanctions include prohibitions on participation in public procurement procedures, concession procedures, or procedures for obtaining funds from the European Union, as well as the public disclosure of the decision imposing the sanction.
- Sanctions against legal entities are imposed within the course of the criminal proceedings against the perpetrator of the crime.

4. PUNISHMENT

4. Punishment

- Punishment – a measure of state coercion that affects the rights of the convicted person.
- Aims of punishment - to reform and rehabilitate the convicted offender; to limit the possibility of the commission of new crimes and to exert an educational and deterrent effect on all citizens.
- For most white-collar crimes, two cumulative punishments are usually prescribed – imprisonment for a certain period of time and a fine.

Types of punishment:

life imprisonment

custodial sentences

non-custodial sentences

4. Punishment

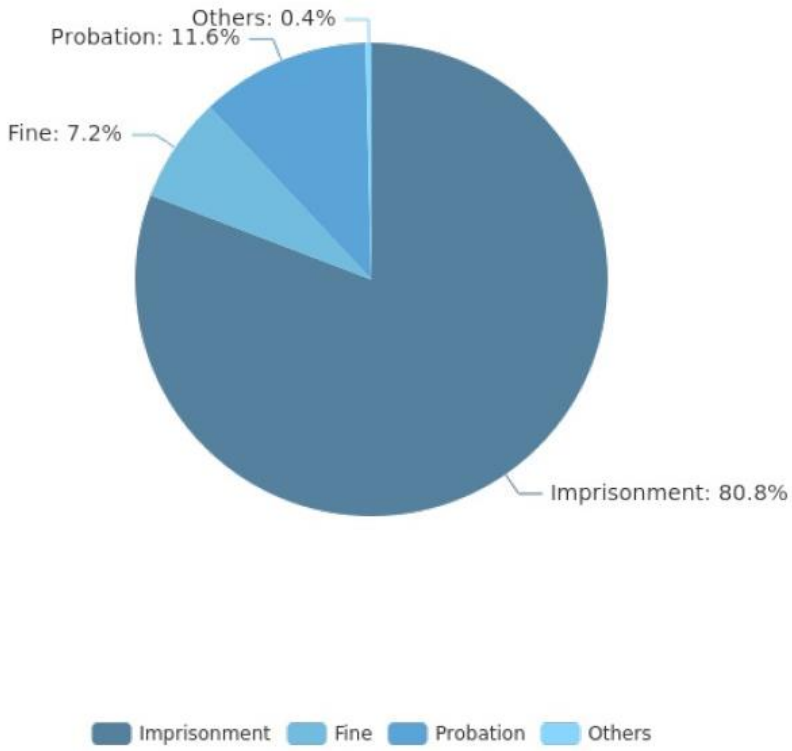
According to data from the National Statistical Institute for 2024, persons sentenced to imprisonment account for the largest share – **17,623 or 80.8%** of the total number of convicted persons, with the largest group being those sentenced to imprisonment for a term of up to six months (45.7% of all persons sentenced to imprisonment).

Probation was imposed on **2,524 persons (11.6%** of all convicted persons), a fine on **1,578 persons (7.2%),** and public reprimand on 91 persons.

Five persons were sentenced to life imprisonment.

https://www.nsi.bg/en/press-release/crimes-accused-and-convicted-persons-7911

Figure 4. Structure of persons convicted by type of penalties imposed in 2024



5. SUSPENDED SENTENCES AND EXEMPTION FROM CRIMINAL LIABILITY

5. Suspended Sentences and Exemption from Criminal Liability

- In 2024, the number of accused persons was 26,930, of whom:

9,195 persons (34.1% of the total number of accused) were convicted with an effective custodial sentence;

12,626 persons (46.9%) received <u>suspended sentences</u>;

4,164 persons (15.5%) were exempted from criminal liability;

678 persons (2.5%) were acquitted;

proceedings against 267 persons (1.0%) were discontinued.

- Prerequisites for a **<u>suspended sentence</u>**:

1. the court must have imposed a custodial sentence of up to three years;

2. the offender must not have been previously sentenced to imprisonment for a crime of public nature; and

3. it must be assessed that serving the sentence is not necessary to achieve the purposes of punishment and to rehabilitate the offender.

5. Suspended Sentences and Exemption from Criminal Liability

- Prerequisites for **exemption from criminal liability with the imposition of an administrative penalty** (Article 78a of the Criminal Code):

- the crime must be of low social danger (the prescribed punishment is imprisonment of up to three years or a lesser punishment for intentional crimes, and up to five years for negligent crimes);

- any property damage caused must be remedied;

- the person must not have previously been convicted of a crime of public nature and must not have previously been exempted from criminal liability.

6. STATUTE OF LIMITATIONS

6. Statute of Limitations

- A period of time after which the state loses the right to convict a person for a committed crime or loses the right to enforce a previously imposed sentence.
- Two types - limitation that bars criminal prosecution, the duration of which is linked to the punishment for the crime prescribed by law. The second type is the limitation for the enforcement of an imposed sentence, where the duration depends on the punishment already determined by the court.
- The statute of limitations applies to all types of crimes, except those against peace and humanity.

6. Statute of Limitations

Example

- Art. 253 of the Criminal Code: “Whoever carries out a financial transaction or deal with property, or conceals the origin, location, movement, or actual rights over property that they know or suspect to have been acquired through a crime or other socially dangerous act, shall be punished for **money laundering** with imprisonment from one to six years and a fine ranging from 3 000 BGN/1 533.88 EUR to 5 000 BGN/2 556.46 EUR”.

⇨ The statute of limitations for prosecution is ten years.

⇨ The statute of limitations for enforcement of the sentence depends on the court’s imposed punishment:

If the offender is sentenced to two years of imprisonment – the enforcement limitation period will be five years.

If the imposed punishment is the maximum prescribed by law (six years of imprisonment) – the enforcement limitation period will be ten years.

THANK YOU FOR THE ATTENTION

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