# Draft Law Amending and Supplementing the Criminal Code

Complete English translation

Author and submitting party
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Author's proposal for legislative reform under Article 45 of the Constitution of the Republic of Bulgaria and Article 18(1) and (2) of the Law on Normative Acts. The underlying draft is not a bill formally introduced by a person or body entitled to exercise legislative initiative, and it is not enacted or current law.

## Translation note

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The source letter, proposed provisions, Explanatory Memorandum, and references are translated in full. Bulgarian article identifiers retain their original Cyrillic letter suffixes. Source-page markers refer to the Bulgarian PDF; the English pagination is independent.

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TO THE MINISTER OF JUSTICE

TO THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BULGARIA

TO THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA

through the President of the National Assembly

with a request for referral to the Legal Affairs Committee

# PROPOSAL FOR THE IMPROVEMENT OF LEGISLATION

pursuant to Article 45 of the Constitution and Article 18(1) and (2) of the Law on Normative Acts

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Pursuant to Article 45 of the Constitution of the Republic of Bulgaria and Article 18(1) and (2) of the Law on Normative Acts, I submit on my own behalf this draft Law Amending and Supplementing the Criminal Code, together with its Explanatory Memorandum, as a proposal for the improvement of legislation. It forms part of a package of proposals to amend and supplement the Criminal Code, the Criminal Procedure Code, and the Judicial System Act.

I request that the Minister of Justice arrange an expert assessment and, if the proposal is accepted, take the necessary steps to prepare a draft law for consideration by the Council of Ministers.

I request that the Council of Ministers assess the proposal in light of its power under Article 87(1) of the Constitution and, if its assessment is favorable, commission the necessary preparatory work for exercising legislative initiative.

I request that the President of the National Assembly refer the proposal to the Legal Affairs Committee and provide it to the Members of the National Assembly for familiarization, discussion under the established procedure, and consideration of the exercise of legislative initiative.

I request notification of the incoming registration number, referral to the competent authority, and outcome of the consideration through the Secure Electronic Delivery System (SSEV), with an additional notification to the email address stated above.

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Draft

# LAW AMENDING AND SUPPLEMENTING THE CRIMINAL CODE

(Promulgated, State Gazette, No. 26 of 1968; corrected, No. 29 of 1968; amended and supplemented, No. 92 of 1969, Nos. 26 and 27 of 1973, No. 89 of 1974, No. 95 of 1975, No. 3 of 1977, No. 54 of 1978, No. 89 of 1979, No. 28 of 1982; corrected, No. 31 of 1982; amended and supplemented, No. 44 of 1984, Nos. 41 and 79 of 1985; corrected, No. 80 of 1985; amended and supplemented, No. 89 of 1986; corrected, No. 90 of 1986; amended and supplemented, Nos. 37, 91 and 99 of 1989, Nos. 10, 31 and 81 of 1990, Nos. 1 and 86 of 1991; corrected, No. 90 of 1991; amended and supplemented, No. 105 of 1991, No. 54 of 1992, No. 10 of 1993, Nos. 50, 97 and 102 of 1995, No. 107 of 1996, Nos. 62, 85 and 120 of 1997, Nos. 83, 85, 132, 133 and 153 of 1998, Nos. 7, 51 and 81 of 1999, Nos. 21, 51 and 98 of 2000, Nos. 41 and 101 of 2001, Nos. 45 and 92 of 2002, Nos. 26 and 103 of 2004, Nos. 24, 43, 76, 86 and 88 of 2005, Nos. 59, 75 and 102 of 2006, Nos. 38, 57, 64, 85, 89 and 94 of 2007, Nos. 19, 67 and 102 of 2008, Nos. 12, 23, 27, 32, 47, 80, 93 and 102 of 2009, Nos. 26 and 32 of 2010, Nos. 33 and 60 of 2011, Nos. 19, 20 and 60 of 2012, Nos. 17, 61 and 84 of 2013, Nos. 19, 53 and 107 of 2014, Nos. 14, 24, 41, 74, 79 and 102 of 2015, Nos. 32, 47, 83 and 95 of 2016, Nos. 13, 54, 85 and 101 of 2017, No. 55 of 2018, Nos. 1, 7, 16 and 83 of 2019, Nos. 13, 23, 28, 44, 88, 103 and 108 of 2020, Nos. 9 and 84 of 2021, Nos. 53 and 79 of 2022, Nos. 10, 67, 82 and 84 of 2023, Nos. 23, 39, 41 and 42 of 2024, Nos. 49, 50, 54, 60, 61, 64, 65, 87 and 115 of 2025, Nos. 27, 32 and 55 of 2026)

§ 1. In Article 23, paragraph (4) is added:

“(4) When determining the aggregate sentence, the court shall consider the proportionality of its final length or amount to the offenses included in the concurrence, their number and gravity, and the overall nature and extent of the harm caused. The court shall state separate reasons for applying or not applying Article 24.”

§ 2. In Article 38a, paragraph (2) is amended to read:

“(2) Life imprisonment shall be imposed only where it is prescribed for the relevant offense, the particular offense committed is exceptionally grave, and the purposes under Article 36 cannot be achieved through fixed-term imprisonment. The existence of an aggravating element of the offense, including an especially grave case, shall not in itself establish these prerequisites. The court shall state separate reasons for each of them.”

§ 3. In Article 39, paragraph (2) is amended to read:

“(2) By way of exception, imprisonment may be for a term of up to thirty years upon commutation of life imprisonment, in the case of multiple offenses under Articles 24 and 27(1), and in the cases expressly provided for in the Special Part of this Code.”

§ 4. In Article 54, paragraphs (3)-(5) are added:

“(3) In making the assessment under paragraph (1), the court shall consider, in sequence:

1. the nature and extent of the harm caused and of the specific danger created;

2. the form and degree of culpability, the manner of commission, and the perpetrator’s contribution;

3. the mitigating and aggravating circumstances, in compliance with Article 56;

4. the information concerning the perpetrator’s personality, age, health, and conduct after the offense that is relevant to the purposes of punishment, including efforts to limit and remedy the harm.

(4) The court shall identify the circumstances that determine the chosen type and severity of punishment and how it assessed them as a whole. Where the law permits a less severe punishment, the court shall state why it is insufficient to achieve the purposes under Article 36.

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(5) Exercising the right to remain silent, contesting the charge, and lawfully exercising procedural rights shall not be aggravating circumstances. An unproven charge of another offense may not support a finding that the perpetrator poses an increased danger to society.”

§ 5. Article 115 is amended to read:

“Article 115. Any person who intentionally kills another shall be punished for homicide by imprisonment for fifteen to thirty years or life imprisonment.”

§ 6. In Article 116(1), in the text following item 12, the words “for fifteen to twenty years” are replaced with “for twenty to thirty years.”

§ 7. In Article 124, paragraph (5) is added:

“(5) Except in the cases under paragraphs (2) and (4), where the death under paragraph (1) is caused as a result of grievous bodily injury under Article 128(3), Article 131(3), or Article 131a(2), the penalty shall be imprisonment for ten to thirty years or life imprisonment, and where the bodily injury constitutes dangerous recidivism, imprisonment for fifteen to thirty years or life imprisonment.”

§ 8. In Article 128, paragraph (3) is added:

“(3) Where the perpetrator intended to cause any of the injuries under paragraph (2), the penalty shall be imprisonment for five to twenty years or life imprisonment.”

§ 9. In Article 131, paragraph (3) is added:

“(3) Where grievous bodily injury is caused under the conditions of Article 128(3), the penalty shall be:

1. in the cases under paragraph (1), imprisonment for seven to twenty-five years or life imprisonment;

2. in the cases under paragraph (2), imprisonment for ten to thirty years or life imprisonment.”

§ 10. The following additions are made to Article 131a:

1. The existing text becomes paragraph (1).

2. Paragraph (2) is added:

“(2) Where the grievous bodily injury under paragraph (1) is caused under the conditions of Article 128(3), the penalty shall be imprisonment for twelve to thirty years or life imprisonment.”

§ 11. In Article 149, paragraph (6) is added:

“(6) The provisions of this Article shall apply insofar as the act does not constitute an offense under Article 152.”

§ 12. In Article 150, paragraph (5) is added:

“(5) The provisions of this Article shall apply insofar as the act does not constitute an offense under Article 152.”

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§ 13. In Article 151, paragraph (7) is added:

“(7) The provisions of this Article shall apply insofar as the act does not constitute an offense under Article 152.”

§ 14. Article 152 is amended to read:

“Article 152. (1) Any person who engages in sexual penetration with another person without that person’s freely given consent shall be punished for rape by imprisonment for five to twenty years or life imprisonment.

(2) The penalty shall be imprisonment for seven to twenty-five years or life imprisonment where:

1. the victim is under eighteen years of age;

2. the victim is a descendant or adopted child of the perpetrator;

3. the act constitutes a repeat offense.

(3) The penalty shall be imprisonment for ten to thirty years or life imprisonment where:

1. the act is committed by two or more persons;

2. moderate bodily injury is caused;

3. the act results in an attempted suicide;

4. the act is committed for the purpose of involving the victim in subsequent acts of sexual indecency or prostitution;

5. the act constitutes dangerous recidivism.

(4) The penalty shall be imprisonment for fifteen to thirty years or life imprisonment where:

1. the victim is under sixteen years of age;

2. grievous bodily injury is caused;

3. the act results in suicide;

4. the act constitutes an especially grave case.

(5) Sexual penetration within the meaning of this Article shall be:

1. penetration of another person’s vagina, anus, or mouth with a penis;

2. penetration of another person’s vagina or anus with another body part or an object, where the act is sexual in character, as determined by its nature, purpose, and the circumstances of its commission;

3. the performance of an act under item 1 or 2 by the victim upon the perpetrator or a third person as a result of coercion exerted upon the victim.

(6) Consent is freely given where it arises from the free will of a person who understands the nature of the specific act and is able to make a choice, and is expressed in words or unequivocal conduct. It relates to the specific act and may be withdrawn at any time. Silence, the absence of physical resistance, previous sexual relations

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or an existing marital or other intimate relationship shall not in themselves establish consent.

(7) There is no freely given consent where the act is committed through force or threats, where the victim is asleep, unconscious, or, because of their condition, unable to understand the act or express their will, or where the perpetrator uses a relationship of dependence or supervision in a manner that excludes the possibility of free choice.

(8) The rules of Articles 11 and 14 shall apply to the offense under this Article. The absence of consent and its inclusion within the perpetrator's intent must be proven. The victim's age under paragraph (2), item 1, or paragraph (4), item 1, alone shall not give rise to a presumption that the elements of the basic offense under paragraph (1) have been fulfilled. Where the act does not constitute rape, the provisions protecting the sexual integrity of children irrespective of their consent shall remain applicable."

§ 15. At the end of Article 153, the following is added: ", insofar as the act does not constitute an offense under Article 152".

§ 16. In Article 157, paragraph (8) is added:

"(8) The provisions of this Article shall apply insofar as the act does not constitute an offense under Article 152."

§ 17. In Article 195, paragraphs (6)-(8) are added:

"(6) Theft committed by unlawfully entering another person's dwelling shall be punishable by imprisonment for two to fourteen years, unless a more severe penalty is prescribed. Application of this paragraph shall not require the occupant to be present in the dwelling when the act is committed.

(7) Where, when committing theft by unlawfully entering another person's dwelling, the perpetrator carries a firearm, an explosive substance, or another object with the purpose of using it against a person to commit the theft, retain the property taken, or secure their escape, the penalty shall be imprisonment for five to twenty years or life imprisonment, unless a more severe penalty is prescribed.

(8) Where the elements of robbery are fulfilled, the act shall be classified under Article 198 or 199. No separate penalty under paragraph (6) or (7) shall be imposed for the same taking."

§ 18. In Article 196(1), items 3 and 4 are added:

"3. in the cases under Article 195(6), imprisonment for five to twenty years;

4. in the cases under Article 195(7), imprisonment for eight to thirty years or life imprisonment."

§ 19. The following additions are made to Article 196a:

1. The existing text becomes paragraph (1).

2. Paragraph (2) is added:

"(2) Where the theft under paragraph (1) is committed under the conditions of Article 195(7), the penalty shall be imprisonment for ten to thirty years or life imprisonment and confiscation of all or part of the offender's property."

§ 20. The following amendments and additions are made to Article 197:

1. In item 3, after the words "up to eight years," the following is added: ", except in the cases under item 6".

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2. In item 4, after the words “up to eight years,” the following is added: “, except in the cases under item 7”.

3. In item 5, after “Article 196a,” the following is added: “, paragraph (1)”.

4. Items 6 and 7 are added:

“6. in the cases under Article 195(6), other than the cases under Article 195(7) and Articles 196 and 196a, imprisonment for one to ten years;

7. in the cases under Article 195(2), where the theft is committed by unlawfully entering another person’s dwelling, other than the cases under Article 195(7) and Articles 196 and 196a, imprisonment for two to twelve years.”

§ 21. In Article 198(1), the words “for three to ten years” are replaced with “for five to twenty years or life imprisonment.”

§ 22. The following amendments are made to Article 199:

1. In paragraph (1), in the text following item 5, the words “for five to fifteen years” are replaced with “for eight to thirty years or life imprisonment.”

2. In paragraph (2), the words “for fifteen to twenty years” are replaced with “for twenty to thirty years.”

§ 23. The following amendments are made to Article 209:

1. In paragraph (1), the words “for one to six years” are replaced with “for one to ten years.”

2. In paragraph (2), the words “up to five years” are replaced with “up to ten years.”

§ 24. In Article 210(1), the words “for one to eight years” are replaced with “for three to ten years.”

§ 25. In Article 211, the words “for three to ten years” are replaced with “for five to ten years.”

§ 26. The following amendments and additions are made to Article 288:

1. The existing text becomes paragraph (1), and in that paragraph the words “for one to six years” are replaced with “for two to eight years.”

2. Paragraphs (2)-(4) are added:

“(2) The penalty shall be imprisonment for three to ten years and deprivation of the rights under Article 37(1), items 6 and 7, where the act under paragraph (1) is committed by a judge, lay judge, prosecutor, or investigating authority in the exercise of their powers in an inquiry into an offense or in criminal proceedings, or on the instructions of, or in execution of a decision of, an organized criminal group.

(3) Where, as a result of the act under paragraph (1) or (2), criminal prosecution for a serious offense becomes time-barred and the perpetrator foresaw and intended or accepted that consequence, the penalty shall be imprisonment for five to twelve years and deprivation of the rights under Article 37(1), items 6 and 7.

(4) The reversal or amendment of an act, the acquittal of the accused, the termination or suspension of the proceedings, or the expiry of a procedural time limit shall not in themselves establish the commission of an offense under this Article. Criminal liability shall require establishment of the specific breach of an official duty, the intent and the purpose under paragraph (1), and, in the cases under paragraph (3), the causal connection with the expiry of the limitation period.”

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§ 27. Article 288a is added:

“Article 288a. (1) A judge, lay judge, prosecutor, or investigating authority who, in the exercise of their powers, with the purpose of unlawfully causing a person to be charged, convicted, or deprived of liberty, or of shielding another person from the punishment due to them by law:

1. draws up, alters, submits, or uses a document, recording, or other material relevant to the subject matter of proof, knowing that it is inauthentic or altered or falsely certifies the performance of a procedural act or a circumstance relevant to the case;

2. unlawfully destroys, substitutes, or conceals material relevant to the subject matter of proof that has been received or collected in connection with an inquiry into an offense or criminal proceedings;

3. knowingly misrepresents, in an act issued by them, the content of evidentiary material on a matter relevant to the grounds for instituting, refusing to institute, suspending, or terminating proceedings, to the charge, guilt, punishment, or deprivation of liberty;

4. brings or maintains a charge or delivers a conviction, knowing that the person did not commit the act or that the act does not constitute an offense,

shall be punished by imprisonment for three to ten years and deprivation of the rights under Article 37(1), items 6 and 7, unless the conduct constitutes a more serious offense.

(2) Where, as a result of the act under paragraph (1), a person has been unlawfully deprived of liberty for more than six months and the perpetrator foresaw and intended or accepted that consequence, the penalty shall be imprisonment for five to twelve years and deprivation of the rights under Article 37(1), items 6 and 7, unless the conduct constitutes a more serious offense.

(3) A good-faith error in establishing the facts or in interpreting or applying the law shall not constitute an offense under this Article. A different assessment of the credibility or evidentiary significance of the materials shall not be equated with a knowingly false presentation of their content. The reversal or amendment of an act shall not in itself establish the intent and purpose under paragraph (1).

(4) Where the same act fulfills the elements of this Article and of Article 288, the provision prescribing the more severe penalty shall apply. This rule shall not exclude liability for a separately committed offense, including bribery.”

§ 28. The following amendments and additions are made to Article 289:

1. The existing text becomes paragraph (1), and in that paragraph the words “for one to six years” are replaced with “for one to eight years.”

2. Paragraphs (2) and (3) are added:

“(2) Where the act under paragraph (1) is committed through abuse of powers relating to the appointment, promotion, demotion, transfer, temporary assignment or termination of temporary assignment, dismissal or temporary suspension from office, performance evaluation, determination of additional remuneration, disciplinary proceedings against, or official supervision of the person, or on the instructions of, or in execution of a decision of, an organized criminal group,

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the penalty shall be imprisonment for two to ten years, unless the conduct constitutes a more serious offense. Where the perpetrator is an official, the court shall also order deprivation of the rights under Article 37(1), items 6 and 7.

(3) Lawfully making a request, objection, complaint, prosecutorial protest, or legal submission shall not constitute inducement to breach an official duty within the meaning of this Article."

§ 29. The following amendments are made to Article 301:

1. In paragraph (1), the words "up to six years" are replaced with "for one to ten years."

2. In paragraph (2), the words "up to eight years" are replaced with "for two to ten years."

3. In paragraph (3), the words "up to ten years" are replaced with "for three to ten years."

§ 30. The following amendments are made to Article 302:

1. In letter "a," the words "for three to ten years" are replaced with "for five to twelve years."

2. In letter "б," the words "for three to fifteen years" are replaced with "for five to fifteen years."

§ 31. The following amendments are made to Article 304:

1. In paragraph (1), the words "up to six years" are replaced with "for one to ten years."

2. In paragraph (2), the words "up to eight years" are replaced with "for two to ten years."

§ 32. In Article 304a, the words "up to ten years" are replaced with "for three to ten years."

§ 33. The following amendments and additions are made to Article 304б:

1. In paragraph (1), the words "up to six years or a fine" are replaced with "for two to eight years and a fine."

2. In paragraph (2), the words "up to three years or a fine" are replaced with "for one to six years and a fine."

3. Paragraphs (3) and (4) are added:

"(3) Where the act under paragraph (1) or (2) concerns the exercise of influence over a judge, lay judge, prosecutor, or investigating authority in connection with criminal proceedings or an inquiry into an offense, the penalty shall be imprisonment for three to ten years and the fine provided for in the relevant paragraph.

(4) Where the offense under this Article is committed by an official using their official position, the court shall also order deprivation of the rights under Article 37(1), items 6 and 7."

§ 34. The following amendments and additions are made to Article 305a:

1. The existing text becomes paragraph (1), and in that paragraph the words "up to three years" are replaced with "for one to six years."

2. Paragraph (2) is added:

"(2) Where the intermediation under paragraph (1) relates to an act or omission by a judge, lay judge, prosecutor, or investigating authority in criminal proceedings or an inquiry into an offense, the penalty shall be imprisonment for two to eight years and the fine under paragraph (1), unless the conduct constitutes a more serious offense."

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§ 35. The following amendments are made to Article 342:

1. In paragraph (3), letter "в," the words "for ten to twenty years" are replaced with "for fifteen to thirty years," and the words "for fifteen to twenty years" are replaced with "for twenty to thirty years."

2. In paragraph (4), letter "в," the words "for twelve to twenty years" are replaced with "for eighteen to thirty years," and the words "for thirteen to twenty years" are replaced with "for twenty to thirty years."

§ 36. In Article 343, paragraph (6) is added:

"(6) Where death is caused while operating a motor vehicle, the act constitutes an especially grave case, and the perpetrator foresaw the possibility of causing death but believed they would prevent it, the penalty shall be imprisonment for fifteen to thirty years or life imprisonment if the death was caused as a result of any of the following violations:

1. exceeding the permitted speed by more than fifty kilometers per hour in a populated area or by more than eighty kilometers per hour outside a populated area;

2. participating in an unauthorized race on a road open to public use;

3. intentionally traveling in the direction opposite to that permitted on a motorway or expressway.

Application of this paragraph shall require establishment of a causal connection between the specific violation and the resulting death. Refusal to undergo testing for alcohol or narcotic substances shall not in itself establish either the violation or the form of culpability under this paragraph. Where death is caused intentionally, the provisions governing the relevant intentional offense shall apply. Where the circumstances under paragraph (3) or (4) are also present, paragraph (5) shall also apply."

§ 37. In Article 343а, paragraph (3) is added:

"(3) In the cases under Article 343(6), if the perpetrator has done everything within their power to assist the victim or victims, the penalty shall be imprisonment for ten to twenty-five years."

§ 38. In Article 343г, paragraph (3) is added:

"(3) Where life imprisonment is imposed for an offense under Article 343(6), deprivation of the right to operate a motor vehicle shall be ordered for a term of thirty-one to thirty-five years. The term shall begin when the conviction becomes final. Irrespective of the expiry of that term, the convicted person may not exercise that right while serving the life imprisonment or the imprisonment to which it has been commuted. Articles 49(4) and 59(4) shall apply accordingly."

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# TRANSITIONAL AND FINAL PROVISIONS

§ 39. The following additions are made to Article 35(2) of the Criminal Procedure Code (promulgated, State Gazette, No. 86 of 2005; amended and supplemented, Nos. 46 and 109 of 2007, Nos. 69 and 109 of 2008, Nos. 12, 27, 32 and 33 of 2009, Nos. 15, 32 and 101 of 2010, Nos. 13, 33, 60, 61 and 93 of 2011, Nos. 19, 20, 25 and 60 of 2012, Nos. 17, 52, 70 and 71 of 2013, No. 21 of 2014, Nos. 14, 24, 41, 42, 60, 74 and 79 of 2015, Nos. 32, 39, 62, 81 and 95 of 2016, Nos. 13, 63 and 101 of 2017, Nos. 7, 44, 87 and 96 of 2018, Nos. 7, 16 and 83 of 2019, Nos. 98, 103 and 110 of 2020, Nos. 9, 16, 20, 41, 80 and 85 of 2021, Nos. 32 and 62 of 2022, Nos. 48, 69, 84 and 86 of 2023, Nos. 18, 36 and 39 of 2024, Nos. 61, 65 and 97 of 2025, Nos. 16, 32, 51 and 59 of 2026):

1. After “287a,” the following is added: “288, 288a, 289,”.

2. After the words “Article 343(1), letter ‘в,’ paragraph (3), letter ‘б,’ and paragraph (4),” the following is added: “, Article 343a(3)”.

3. A second sentence is added: “The provincial court shall also have jurisdiction at first instance over all other cases concerning offenses for which the Special Part of the Criminal Code prescribes life imprisonment or life imprisonment without commutation, subject to paragraphs (4) and (5) and the special rules of Chapter Thirty-One.”

§ 40. For acts committed before the entry into force of this Law, the applicable criminal law shall be determined in accordance with Article 2 of the Criminal Code. Provisions establishing an offense or prescribing a more severe penalty shall not have retroactive effect. Court proceedings instituted before the entry into force of the Law shall be completed under the previous rules on jurisdiction.

§ 41. Within three years of the entry into force of the Law, the Ministry of Justice shall carry out an ex post impact assessment and publish the results. The assessment shall cover the sentences imposed and actually served, the application of Articles 55, 58a and 63, judgments reversed or amended on grounds of manifest injustice, recidivism, the application of Articles 288, 288a, 289, 302, 304б and 305a, the duration and outcomes of proceedings concerning those offenses, and the costs of enforcing the penalties. The data shall be processed and published in aggregate form, without identifying natural persons.

§ 42. This Law shall enter into force six months after its promulgation in the State Gazette.

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# EXPLANATORY MEMORANDUM

to the draft Law Amending and Supplementing the Criminal Code

## 1. Reasons necessitating adoption

The draft law combines higher penalties for certain serious offenses with express requirements for proportionality and reasoned sentencing, and with additional criminal-law protection against the intentional obstruction and corruption of criminal justice. Its subject matter comprises homicide, purposefully inflicted grievous bodily injury, rape, robbery, theft involving entry into a dwelling, fraud, bribery, trading in influence, criminal interference with justice, and especially grave cases of causing death while operating a motor vehicle.

The sentencing ranges must allow the penalty to correspond to the gravity of the particular offense. A higher maximum broadens the available response to exceptionally grave cases; a higher minimum expresses a legislative assessment of the typical gravity of the relevant offense. These choices preserve the need for individualized judicial sentencing. An increase in penalties does not itself empirically establish that crime will decrease and does not justify a promise of any particular magnitude of such an effect.

The increases for the basic offenses require coordination with their aggravated and mitigated forms. Accordingly, the amendments also cover Articles 116, 124, 131, 131a, 196, 196a, 197, 199, 210, 211, 302, 304a and 342. Without this connection, the more serious form of an offense could carry a lower maximum or an unjustifiably lower minimum, while the return of the property taken or the provision of assistance to the victim could lack a consistently regulated consequence.

Lawful criminal prosecution may be obstructed through the deliberate failure to perform official duties, concealment of materials, misrepresentation of evidentiary content, and unlawful influence over officials. The same methods may also be used to prosecute an innocent person. The existing offenses of official misconduct, false accusation, falsification of recordings, obstruction of criminal prosecution, and bribery protect individual aspects of this public interest. More specific regulation of the official forms of such conduct and coordination of the severity of their penalties are proposed.

The intervention targets intentional unlawful conduct where the elements of an offense have been established. It does not assume that a refusal to institute proceedings, a suspension, a termination, or an acquittal is inherently unlawful. Such acts are mandatory where the statutory prerequisites are present. Criminal-law protection should deter both the unlawful shielding of a person from liability and the knowing prosecution and conviction of an innocent person.

The draft is a targeted reform of the specified legal institutions. It is not a complete recodification of the Criminal Code (CC) and is not based on a claim that every incorrect application of the law is criminal. Effective review of specific procedural acts also requires corresponding procedural safeguards; increased penalties do not replace them.

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# 2. Objectives and principal legislative solutions

## 2.1. Individualized sentencing, aggregate sentences, and life imprisonment

The addition to Article 23 confines the assessment to the offenses included in the concurrence. The aggregate sentence may not be increased on account of presumed other criminal activity. Separate reasons are required for applying or not applying Article 24, but no automatic increase or mechanical addition of sentences is introduced. The limits under Article 24 are retained: up to one-half above the most severe sentence selected as the aggregate sentence, without exceeding either the sum of the individual sentences or the maximum for the relevant type of punishment. Article 27 continues to regulate separately the joining of sentences where an offense is committed after a previous conviction.

Article 54 is supplemented by a sequence for the court’s assessment and a requirement to explain the connection between the established facts and the chosen type and severity of punishment. The existing prohibition in Article 56 on double-counting elements of the offense is retained. Exercising the right to remain silent, contesting the charge, and conducting a lawful defense may not increase the punishment. Another unproven charge may not replace established information concerning the perpetrator’s danger to society.

Life imprisonment is provided for as a possible ultimate penalty for additional offenses. This is a statutory maximum, not a typical, presumed, or mandatory punishment. Under Article 38a(2), the court must separately establish the exceptional gravity of the particular offense and why even the permissible fixed-term imprisonment would not achieve the purposes under Article 36. The classification as an “especially grave case” or the existence of another aggravating element does not replace that assessment. No new cases of life imprisonment without commutation are created.

Commutation under Article 38a(3) to thirty years’ imprisonment after no less than twenty years have been served is retained, with credit for time served under paragraph (5). The convicted person has an independent right to apply to the court under Article 449 of the Criminal Procedure Code (CPC); the decision is subject to review under Article 450 CPC, and, following a refusal, a new application is admissible under the statutory conditions. Commutation is not automatic release. The actual accessibility of review and the conditions for rehabilitation are essential safeguards whenever the expanded penalty is applied.

The amendment to Article 39(2) permits terms exceeding twenty years only in expressly established cases. It is also necessary for the new aggravated negligent transport offense, since the current exception for offenses in the Special Part is limited to intentional offenses. The expansion is coordinated with the specific penalties proposed and does not confer a general power to exceed statutory maxima.

## 2.2. Life and bodily integrity

Under Article 115, the current ten to twenty years are replaced with fifteen to thirty years and the alternative of life imprisonment. The increase takes account of the irreversible intentional taking of life. The minimum for aggravated homicide under Article 116(1) is increased to twenty years and the fixed-term maximum to thirty, while retaining the existing most severe alternatives. This maintains the distinction between the basic and aggravated offenses and coordinates paragraph (1) with the existing range under paragraph (2). Mitigated forms of homicide are not

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equated with these offenses. In every case, the specific sentence is determined under Articles 54-58, insofar as the relevant prerequisites are present.

The new Article 128(3) covers direct intent to cause grievous injury. It requires proof that the perpetrator intended to cause an injury of a kind listed in paragraph (2); the occurrence of a grave result does not itself prove such intent. The aggravated bodily-injury offenses, dangerous recidivism, and negligently caused death resulting from that intentional injury are coordinated. Where there is intent to cause death, the homicide provisions apply.

For grievous bodily injury that is directly intended, the range of five to twenty years reflects both the lasting harm to health and the proven direction of the perpetrator's will toward that result. The minima of seven, ten, and twelve years under Article 131(3) and Article 131a(2) graduate the additional gravity of the aggravating elements and dangerous recidivism. Where negligently caused death follows, Article 124(5) raises the range to ten-thirty years, and, in cases of dangerous recidivism, to fifteen-thirty years. The mitigating treatment under Article 124(2) and (4) is expressly retained. The alternative of life imprisonment for each of these offenses requires independent application of Article 38a, rather than a conclusion based solely on the type of injury.

## 2.3. Sexual freedom and integrity

Rape is given a general offense definition applicable irrespective of the sex of the victim and the perpetrator. The specific forms of penetration are stated, including penetration of the body of the perpetrator or a third person actually performed by the victim as a result of coercion. The completed offense is distinguished from an attempt under the general rules. Penetration with other body parts or objects requires the act to be sexual in character, determined by its nature, purpose, and circumstances. Anatomical similarity alone does not allow medical activity to be brought within this offense.

The protected interest is the free decision concerning the specific act. Consent relates to a particular act and may be withdrawn; silence, lack of physical resistance, and previous relations do not establish it by themselves. The victim is not required to prove that physical resistance was offered. The burden of proving the absence of consent and its inclusion within the perpetrator's intent remains with the prosecution. The general rules on culpability and mistake of fact apply; strict criminal liability is not introduced.

This approach corresponds to the obligation to provide effective protection of sexual autonomy under Articles 3 and 8 of the European Convention on Human Rights (ECHR), as explained in the judgment in M. C. v. Bulgaria of December 4, 2003, application No. 39272/98, §§ 153 and 166. The judgment does not determine the specific proposed penalties; they represent an independent legislative assessment. The graduation from five-twenty through seven-twenty-five and ten-thirty to fifteen-thirty years takes account of the victim's age and dependence, commission by a group, recidivism, and additional grave consequences. The alternative of life imprisonment provides protection against exceptionally grave individual offenses, subject to the limitation under Article 38a.

An age below sixteen aggravates proven rape but does not itself replace the elements of the basic offense. Consent that does not exclude application of the special age-based offenses does not automatically become an absence of consent for the purposes of rape. The protection of children under the other applicable provisions is retained. The subsidiary rules in Articles 149, 150, 151, 153 and 157 govern the overlap in respect of the same act and do not preclude liability for separate, independent acts.

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## 2.4. Property and fraud

Theft involving entry into a dwelling affects both property and security within one’s personal space. The aggravated classification covers unlawful entry even when the occupant is temporarily absent. The armed form requires a proven purpose to use the weapon or object against a person to commit the theft, retain the property taken, or escape. Possession of an object without that purpose is insufficient. The range of two to fourteen years for unarmed entry reflects the additional infringement of the inviolability of the home. Where readiness to use a weapon or object against a person is proven, the minimum becomes five years and the fixed-term maximum twenty. The alternative of life imprisonment is not justified merely by carrying a weapon: all the additional prerequisites under Article 38a are necessary, including an assessment of the specific danger to people.

The corresponding cases of dangerous recidivism and exceptionally large amounts are regulated. Separate punishment of the same taking as both theft and robbery is excluded. Where the elements of robbery are fulfilled, Article 198 or 199 applies.

Returning or replacing the property remains a ground for mitigated treatment of unarmed theft involving entry into a dwelling: one to ten years under Article 197, item 6, and, for large amounts, two to twelve years under item 7. The express exceptions in items 3 and 4 remove the overlap with the existing penalty of up to eight years where entry also involves breaking through a barrier, use of a technical device, or another of the listed elements. The new items 6 and 7 expressly exclude the armed form, dangerous recidivism, and the cases under Article 196a. The existing mitigating treatment under item 5 is retained solely for Article 196a(1).

For basic robbery, the combination of coercion and an offense against property justifies the proposed increase from three-ten to five-twenty years; under Article 199(1), the aggravating elements warrant eight-thirty years, and under paragraph (2), the fixed-term range is raised to twenty-thirty years. The life-imprisonment alternatives apply subject to the independent limitations in the General Part. For fraud, a common maximum of ten years is proposed, with graduated minima: one year under Article 209(1), the general minimum under Article 39(1) for Article 209(2), three years under Article 210, and five years under Article 211. The lower minimum for exploiting an existing misconception distinguishes that form from actively creating it. The higher minima for aggravated fraud take account of the particular method, repeat commission, amount, or dangerous recidivism. Minor cases under Article 209(3) and the special offenses for particular types of fraud are retained.

## 2.5. Exceptionally dangerous driving resulting in death

The new Article 343(6) does not apply to every fatal road traffic accident. An especially grave case, a specifically listed violation, a causal connection with the death, and foresight of the possibility of death coupled with an overconfident reliance on preventing it are all required. The quantitative speed thresholds and the exhaustive list of violations aim to ensure foreseeability. Life imprisonment here also presupposes the additional assessment under Article 38a(2).

The proposed fifteen-thirty years and the alternative of life imprisonment constitute a substantial change in sentencing policy in relation to a negligent result. The justification is the combination of an especially grave case, precisely defined extremely dangerous conduct, and actual foresight of death. Conscious negligence is not equated with

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intent: the specific circumstances on which the perpetrator relied in order to prevent death must be established. Life imprisonment additionally requires separate proof of exceptional gravity under Article 38a and reasons explaining the insufficiency of the fixed-term penalty. Neither the fatal result nor speeding alone provides a basis for such punishment.

Article 342 is coordinated to avoid a lower fixed-term penalty for intentionally caused death in a transport offense. Under paragraph (3), letter “в,” fifteen-thirty years are proposed, and, in an especially grave case, twenty-thirty years or life imprisonment. Under the aggravated offense in paragraph (4), letter “в,” the minimum is eighteen years and, in an especially grave case, twenty years, with the same fixed-term maximum and the retained alternative of life imprisonment. Thus, in comparable especially grave cases, the minimum for intentionally causing death is higher than that for conscious negligence. The amendment does not change the elements or scope of the offenses under Article 342.

Providing all possible assistance results in a separate, lower range of ten to twenty-five years. The incentive to save life is retained. Refusal to undergo testing for alcohol or narcotic substances does not itself prove the special prerequisites. Where death is caused intentionally, the provisions governing the relevant intentional offense apply. Where circumstances under Article 343(3) or (4) are also present, application of the current paragraph (5) concerning forfeiture and the equivalent value is retained; the new aggravated classification does not remove that consequence.

The term of the cumulative deprivation of the right to operate a motor vehicle is expressly regulated where life imprisonment is actually imposed under the new Article 343(6). The range of thirty-one to thirty-five years is coordinated with the thirty-year term upon commutation under Article 38a(3) and the additional term of one to five years under Article 343г(2). Individualization, reduction, and crediting under the general rules are retained. Expiry of the term does not permit exercise of the right during life imprisonment or the imprisonment substituted for it. Where fixed-term imprisonment is imposed in the original judgment, including following application of Article 55, 58a or 63, paragraph (2) remains applicable.

## 2.6. Intentional obstruction of criminal prosecution

The amendments to Article 288 retain the specific purpose of shielding a person from the punishment due to them by law. The basic penalty is increased from one to six years to two to eight years. A range of three to ten years is provided where the act is committed by a judge, lay judge, prosecutor, or investigating authority in the exercise of the relevant powers, or on the instructions of, or in execution of a decision of, an organized criminal group. Inquiries into offenses preceding the institution of criminal proceedings are expressly included.

The aggravated case of causing criminal prosecution for a serious offense to become time-barred is punishable by imprisonment for five to twelve years. A specific act constituting the offense, a causal connection, and intent as to that consequence are required. An official’s participation in lengthy proceedings is not sufficient in itself. Their contribution to the obstruction that fulfills the elements of the offense must be established.

Limitation periods, insignificance, and the other statutory grounds for not instituting or for terminating proceedings retain their purpose. The new aggravated classification penalizes

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the intentional unlawful causation of the time-bar and does not reverse an extinction that has already occurred. It does not revive a time-barred prosecution or create retroactive effect for a less favorable law. Higher maxima for individual offenses may change the limitation periods applicable to future acts under the general rules, which must be taken into account in the impact assessment. The absolute limitation period under Article 81(3) also applies, and, for offenses against victims under the age of majority, account is taken of the special starting point under Article 80(4) within its statutory scope. The new aggravated classification may not be used to circumvent these rules. Application of the more favorable law is assessed in accordance with Article 2, without combining separate unfavorable and favorable parts of different versions into a nonexistent law.

Raising the maximum above five years is also relevant to the concept of a “serious offense” under Article 93, item 7, including in relation to Article 304б(2) and Article 305a. It may change the applicability of exemption from criminal liability under Article 78a. A suspended sentence under Article 66 is assessed by reference to the sentence actually imposed and the other statutory conditions, not solely by reference to the abstract maximum. These consequences are part of the scope of the reform and should not be presented as a purely editorial effect.

## 2.7. Intentional corruption of the evidentiary basis and prosecution of a person known to be innocent

The new Article 288a defines specific acts constituting the offense: drawing up, altering, submitting, or using material that is inauthentic, altered, or falsely certifying; unlawfully destroying, substituting, or concealing relevant materials; knowingly misrepresenting evidentiary content in an act; bringing charges against or convicting a person with knowledge that the person did not commit the act or that the act does not constitute an offense. The common prerequisites are the exercise of the relevant official powers and a specific purpose of unlawful prosecution, conviction, or deprivation of liberty, or of shielding another person from the punishment due to them.

The protection also covers materials received or collected during an earlier inquiry into an offense. Their deliberate substitution or concealment outside formally instituted proceedings may also give rise to liability. The fact that material has not been admitted as a means of evidence does not justify its unlawful destruction for the stated specific purpose.

Knowingly misrepresenting the content of material is distinguished from assessing its credibility and evidentiary weight. A different assessment of the same material by a higher reviewing instance does not turn the first assessment into an offense. Liability is not introduced merely for incomplete reasons, a reversed act, a missed time limit, an acquittal, or a legal interpretation that was not preferred. The offense also covers knowing prosecution or conviction for an act that is not an offense, but still requires proven knowledge and a specific unlawful purpose. Disagreement with a legal conclusion does not replace proof of those elements. All objective and subjective elements must be proven under the general procedure.

The basic range of three to ten years under Article 288a reflects the combination of abuse of a judicial function, deliberate corruption, and a specific unlawful purpose. Where unlawful deprivation of liberty for more than six months is caused, five-twelve years are provided because of the prolonged direct interference with personal liberty.

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The six-month threshold distinguishes the aggravated offense, without a shorter deprivation of liberty excluding the basic offense. Both the unlawfulness and duration of the deprivation of liberty and the causal connection and intent as to that consequence must be proven. The revocation of a measure securing the accused's appearance does not by itself prove any of these elements.

Subsidiarity and coordination with Article 288 are provided for where the same act constitutes the offense. Liability for separately committed bribery or another independent offense is retained. The provision does not automatically invalidate acts in the underlying case. Their amendment or reversal requires the proper procedural route; a charge brought against the official is not guilt established by a final conviction.

## 2.8. Pressure on the administration of justice, bribery, trading in influence, and intermediation

The basic penalty under Article 289 is increased to one to eight years. The aggravated offense, carrying a penalty of two to ten years, covers inducement through abuse of specifically identified powers concerning personnel, performance evaluation, discipline, and management, as well as acts performed on the instructions of, or in execution of a decision of, an organized criminal group. Lawful requests, objections, complaints, prosecutorial protests, and legal submissions do not constitute inducement to breach an official duty.

For the basic forms of passive and active bribery, the maximum becomes ten years, with minima of one, two, or three years depending on the breach of official duties and the connection with another offense. The increase takes account of the sale of public authority and the impairment of lawful decision-making. A position of official responsibility, extortion, repeat commission, or a large amount warrants five-twelve years under Article 302, letter "a," and the connection with a committed official offense under letter "б" warrants five-fifteen years. The most severe range under Article 302a is retained. The existing cumulative financial penalties, confiscation, and deprivation of rights are not removed, nor are the prerequisites under Article 306 for exemption from punishment in cases of extortion and immediate voluntary reporting.

Under Article 304б, two-eight years are proposed for the person receiving an advantage with the purpose of exercising influence, and one-six years for the person providing the advantage, with a cumulative fine. The difference reflects the separate roles of the participants. Where the influence targets criminal justice, the common aggravated range is three-ten years because of the immediate risk to the establishment of offenses and to personal liberty. Intermediation under Article 305a is punishable by one-six years, and the special connection with an act or omission of a judicial authority by two-eight years. The retained subsidiarity prevents the intermediation offense from being used as a less severe substitute for proven more serious participation in an offense.

The constituent elements concerning an improper advantage, the relevant conduct, and its specific purpose are retained. Lawful professional representation and defense are not equated with trading in influence. Deprivation of rights is linked to the established abuse of office and is individualized in accordance with the General Part.

## 2.9. Jurisdiction, temporal effect, and preparation for implementation

The accompanying addition to Article 35(2) CPC ensures that all new offenses for which life imprisonment is permissible are heard by a provincial court at first instance, while preserving special jurisdiction. It also expressly includes the new mitigated offense under Article 343a,

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paragraph (3), and the offenses under Articles 288, 288a and 289. The applicable special rules for cases against members of the judiciary and military jurisdiction are retained. Court proceedings already instituted are completed under the previous rules on jurisdiction.

The more severe penalties and the new offenses apply prospectively. Article 2 CC is observed for acts committed before the Law enters into force. The six-month deferral of entry into force permits preparation by the authorities applying the law and preparation for enforcement of the penalties. The accompanying amendments to jurisdiction are included in the draft itself; accordingly, its adoption is not made dependent on adoption of the separate draft on procedural reform.

## 2.10. Pressure through personnel powers and coordination of the three laws

The aggravated offense under Article 289(2) expressly covers the principal personnel and financial instruments of improper influence, including temporary assignment and recall. This allows equal protection regardless of whether the power is exercised by an administrative head or a member of a collective personnel body. Liability remains personal: the specific inducement to breach an official duty in connection with the administration of justice, the abuse of power, and intent must be proven. Membership of the Supreme Judicial Council, participation in a vote, or a lawful personnel decision does not itself establish an offense.

Manipulation of information trails, destruction of documents, and obstruction of judicial decisions may already fall within the existing offenses under Articles 282-285, 295-296, 308-311, 316, 319, 319б and 319в, depending on the specific facts and the elements of the relevant offense. Parallel general offenses with undefined content are not created. The proposals concerning the CPC and the Judicial System Act (JSA) provide for preservation of trails, judicial review, recusal where a conflict exists, reasoned personnel decisions, and follow-up on established violations. These safeguards are necessary for the application of substantive criminal law; increased penalties alone do not guarantee the detection and punishment of every abuse.

## 3. Financial and other resources necessary for implementation

Longer periods of imprisonment actually served and the broader availability of life imprisonment may increase the costs of prison capacity, security, healthcare, psychological work, and social reintegration. The draft cannot reasonably be presented as budget-neutral.

A quantitative calculation requires the annual number of convictions for the offenses being amended, the distribution of the terms imposed, the expected change in the sentences actually served, reductions, suspended sentences and early release, the marginal cost of an additional day in prison, available capacity, and the necessary investment. For life sentences, the short-term budgetary effect must be distinguished from accumulating long-term costs.

The new and amended offenses against justice require training to distinguish an error subject to appellate review from intentional criminal conduct. Resources are needed to collect and verify electronic trails, versions of acts, official communications, and the movement of evidentiary materials. Account should also be taken of the possible change in the workload of investigating authorities, the prosecution service, and provincial courts, and of the costs of expert assistance. No new state authority is created.

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The financial effect has not been quantified at this stage. There are insufficient data to state a specific total amount in good faith or to assert that existing budgets will necessarily be adequate. If the proposal is accepted, the Ministry of Justice should make the assessment more specific with the participation of the competent authorities and the relevant budget administrators, under the applicable procedure for preparing and introducing a draft law. The necessary funds should be planned through the applicable budgetary procedure.

The six-month period before entry into force permits training of members of the judiciary and investigating authorities, preparation of methodological materials on the new rape offense and the offenses against justice, and planning for enforcement of the more severe penalties.

# 4. Expected results of implementation, including financial results, and ex post assessment

The expected results are the availability of more severe penalties for proven serious offenses, a more consistent relationship between basic and aggravated offenses, equal protection against rape, and more readily reviewable reasons for individualized sentencing. The additions concerning justice create a more specific statutory basis for liability for proven intentional obstruction, manipulation of materials, prosecution of a person known to be innocent, and unlawful influence over officials.

These expectations do not mean that adoption of the Law will itself eliminate corruption, procedural abuses, or all incorrect acts. The actual outcome depends on establishing the offenses, their independent investigation, effective judicial review, and enforcement of penalties. No particular percentage reduction in crime is promised.

Articles 55, 58a and 63 remain applicable only where the relevant substantive and procedural prerequisites are met. The prohibition under Article 369a CPC on an abbreviated judicial investigation under Article 371, item 2, in cases of intentionally causing death is not amended. Consequently, the increased minima are not an unconditional lower limit in all proceedings, but the reduction under Article 58a is not universally available for every offense either. Life imprisonment is not imposed on juveniles: the substitution under Article 63 applies. Providing it as an alternative may, however, increase the applicable fixed-term range under that Article, and this effect must be separately assessed, including by age group and with regard to the rehabilitative purpose under Article 60.

A positive financial result cannot be quantified in advance. A potential reduction in criminal harm does not automatically constitute savings to the state budget. Additional revenue from fines and forfeiture likewise cannot be assumed in advance to be sufficient to cover the costs of investigation, court proceedings, and enforcement of penalties.

The contemplated three-year ex post assessment should cover the sentences imposed and actually served, the application of Articles 55, 58a and 63, judgments reversed or amended on grounds of manifest injustice, recidivism, and enforcement costs. For offenses against justice, the number, duration, and outcome of proceedings, the grounds for termination and acquittal, the proven methods of commission, and the application of deprivation of rights should be monitored. An increase in the number of instituted

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proceedings should not itself be regarded as proof of effectiveness. The data are published in aggregate form with protection of personal data.

## 5. Analysis of compliance with European Union law, the Constitution, and international obligations

The draft has been developed with regard to the principle of legality, personal and fault-based liability, equality, proportionality, and the presumption of innocence. The new offenses require proof of every objective and subjective element. The more severe penalties apply prospectively, in compliance with Article 2 CC, Article 5(3) of the Constitution, and Article 7 of the European Convention on Human Rights.

Proposing higher penalties is an exercise of legislative judgment constrained by Articles 4(1), 30 and 31 of the Constitution and Article 35(3) CC. Constitutional Court Decision No. 8 of July 17, 2025, in constitutional case No. 15/2024 confirms the competence to determine criminal policy and the requirement that criminal provisions be clear and foreseeable. Decision No. 4 of April 30, 2025, in constitutional case No. 29/2024, rendered in an administrative-penalty matter, is relevant to the general requirement of genuine individualization and proportionality. Neither decision certifies in advance the constitutionality of the specific ranges proposed. That depends on justified legislative differentiation and effective safeguards in application.

The rights under Articles 47-49 of the Charter of Fundamental Rights of the European Union are relevant within its scope under Article 51. The prescribed ranges preserve individualized judicial sentencing, and the new offenses against justice are confined to specifically defined intentional conduct. Increasing penalties does not remove the requirement that the severity of the particular punishment be proportionate to the offense.

Directive 2011/93/EU is relevant to the protection of children, and Directive 2012/29/EU to the rights and protection of victims. The draft does not lower age-based protection or shift to the victim the burden of proving the absence of consent. Directive (EU) 2017/1371 is relevant to fraud and corruption offenses affecting the Union’s financial interests; the corresponding special offenses are retained. This draft is not presented as a full transposition of those instruments.

For offenses connected with the exercise of judicial power, Articles 117(2) and 132(1) of the Constitution are decisive. Independence in applying the law is combined with liability for an intentional offense subject to public prosecution. Good-faith error, a different assessment of evidence, and the reversal of an act itself do not replace the conduct constituting the offense, intent, and specific purpose. No general criminal liability is created for an unfavorable outcome in a case or disagreement with the legal opinion of a member of the judiciary.

Protection against knowingly prosecuting an innocent person and manipulating evidence corresponds to the requirements of personal liberty and a fair trial under Articles 5 and 6 ECHR. It does not derogate from res judicata or allow a final act to be invalidated outside the prescribed procedural remedies. The accused official’s right of defense and the presumption of their innocence remain fully applicable.

The expansion of life imprisonment is combined with retention of the legal possibility of review and commutation. The existing regime of life imprisonment without commutation is not extended to new

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offenses. The European Court of Human Rights judgment of July 8, 2014, in Harakchiev and Tolumov v. Bulgaria, applications Nos. 15018/11 and 61199/12, §§ 246 and 264, links compliance with Article 3 ECHR to a genuine prospect of review and a real opportunity for rehabilitation. The formal existence of a legal mechanism is insufficient without effective implementation. Retaining commutation does not remove the obligation to provide conditions for genuine social reintegration.

The draft and its Explanatory Memorandum constitute a proposal under Article 18 of the Law on Normative Acts. During the subsequent development and introduction of a draft law, the competent authorities carry out the applicable impact assessment, public consultations, and interinstitutional consultation. When a draft is submitted for consideration by the Council of Ministers, the statement under Article 28(3) of the Law on Normative Acts concerning compliance with the ECHR and the case law of the European Court of Human Rights is also prepared. This analysis does not replace that institutional procedure.

## Legislative sources and case law

The review was carried out using the officially published texts as of September 25, 2026. For the CC, the consolidated version with the latest reflected amendment in State Gazette, No. 55 of June 16, 2026, was used, and for the CPC, the version with the latest reflected amendment in State Gazette, No. 59 of June 30, 2026.

1. Criminal Code - Ministry of Justice.

2. Criminal Procedure Code - Ministry of Justice.

3. Constitution of the Republic of Bulgaria - Ministry of Justice.

4. Law on Normative Acts - Ministry of Justice.

5. European Convention on Human Rights - official Bulgarian text.

6. Charter of Fundamental Rights of the European Union - EUR-Lex.

7. Directive 2011/93/EU - EUR-Lex.

8. Directive 2012/29/EU - EUR-Lex.

9. Directive (EU) 2017/1371 - EUR-Lex.

10. European Court of Human Rights, Harakchiev and Tolumov v. Bulgaria, judgment of July 8, 2014, applications Nos. 15018/11 and 61199/12 - HUDOC.

11. European Court of Human Rights, M. C. v. Bulgaria, judgment of December 4, 2003, application No. 39272/98, §§ 153 and 166 - HUDOC.

12. Constitutional Court, Decision No. 4 of April 30, 2025, in constitutional case No. 29/2024.

13. Constitutional Court, Decision No. 8 of July 17, 2025, in constitutional case No. 15/2024.

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